

Colorado Register



44 CR 17

Volume 44 , No. 17

September 10, 2021

Introduction

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

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

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

For questions regarding the content and application of a particular rule, please contact the state agency responsible for promulgating the rule. For questions about this publication, please contact the Administrative Rules Program at rules@sos.state.co.us.

Notice of Proposed Rulemaking

Tracking number

2021-00521

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-10

Rule title

VEHICLE SERVICES SECTION

Rulemaking Hearing**Date**

09/30/2021

Time

02:00 PM

Location

Virtual Hearing

Subjects and issues involved

The following purpose of this rule is to clarify that an application and renewal form created pursuant to section 42-3-204, C.R.S., is required for the issuance, renewal, and replacement of a person with disabilities parking privileges license plate and/or placard.

There is now a separate form being added for business entities to apply for issuance, renewal, and replacement of a person with disabilities parking privileges license plate and/or placard.

Statutory authority

42-1-204 and 42-3-204, C.R.S

Contact information**Name**

Dylan Ikenouye

Title

Administrative Services Manager

Telephone

(720)248-7372

Email

dylan.ikenouye@state.co.us

DEPARTMENT OF REVENUE

Division of Motor Vehicles – ~~Title and Registration~~ Vehicle Services Section

1 CCR 204-10

RULE 25. PERSONS WITH DISABILITIES PARKING PRIVILEGES

Basis: The statutory bases for this ~~regulation rule~~ are 42-1-204 and 42-3-204, C.R.S.

Purpose: The ~~following rule is promulgated~~ purpose of this rule is to clarify that an application and renewal form created pursuant to section 42-3-204, C.R.S., is required for the issuance, renewal, and replacement of a person with disabilities parking privileges license plate and/or placard.

1.0 Form Required

- 1.1 A person applying for the issuance or renewal of a person with disabilities parking privileges license plate and/or placard shall file with the Department a current form DR 2219 Parking Privileges Application.
- 1.2 A business entity (i.e., nursing home, care facility, etc.) that transports people with disabilities shall file with the County Motor Vehicle office where the business entity is located a DR 2218 Business Entity Permanent Disability Placard Application.

Notice of Proposed Rulemaking

Tracking number

2021-00538

Department

200 - Department of Revenue

Agency

204 - Division of Motor Vehicles

CCR number

1 CCR 204-30

Rule title

DRIVER'S LICENSE-DRIVER CONTROL

Rulemaking Hearing

Date

09/30/2021

Time

11:00 AM

Location

Virtual Hearing

Subjects and issues involved

Effective February 7, 2022, each applicant must complete ELDT prior to taking any applicable skills or knowledge tests including those applying to:

● Obtain a Class A or Class B CDL for the first time;

● Upgrade an existing Class B CDL to a Class A CDL; or

● Obtain a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time.

The ELDT regulations are not retroactive; the entry-level driver training requirements do not apply to individuals holding a valid CDL or an S, P, or H endorsement issued prior to February 7, 2022. If an applicant who obtains a CLP prior to February 7, 2022, obtains a CDL before the CLP or renewed CLP expires, the applicant is not subject to the ELDT requirements. Any individual who meets one of the exceptions for taking a skills test in 49 CFR Part 383 is also exempt from the ELDT requirements.

Statutory authority

24-4-103, 42-2-111(1)(b), 42-2-114.5, 42-2-403, 42-2-406 (3 through 7), and 42-2-407(8),
C.R.S.

Contact information**Name**

Robert Baker

Title

Administrative Services Manager

Telephone

303-205-8391

Email

robertm.baker@state.co.us

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

A. BASIS, PURPOSE, AND STATUTORY AUTHORITY

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

B. INCORPORATION BY REFERENCE OF FEDERAL RULES

- (1) Adoption: The Department incorporates by reference the Federal Motor Carrier Safety Regulations ("FMCSR"), 49 CFR parts 171, 172, and 300-399, Qualifications and Disqualification of Drivers, 26 USC Section 501(c) (2015), and the Colorado Department of Public Safety, Colorado State Patrol, Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles at 8 CCR 1507.1.
- (2) "49 CFR", when referenced in this rule, means the Federal Regulations published in the Code of Federal Regulations ("CFR"), Title 49, parts 171, 172, and 300-399 (October 1, 2016) by the National Archives and Records Administration's Office of the Federal Register and Government Publishing Office, and available at the original issuing agencies the Federal Motor Carrier Safety Administration and National Highway and Traffic Safety Administration, both located at 1200 New Jersey Avenue SE, Washington, D.C., 20590. The Federal rules and regulations referenced or incorporated in this rule, and 8 CCR 1507-1, are on file and available for inspection by contacting the Driver License Section of the Department of Revenue in person at, 1881 Pierce Street, Room 128, Lakewood, Colorado, 80214, or by telephone at 303-205-5600, and copies of the materials may be examined at any state publication depository library.

C. DEFINITIONS

- (1) AAMVA: American Association of Motor Vehicle Administrators is a voluntary, nonprofit, tax exempt, educational unit that represents state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws CODE OF COLORADO REGULATIONS 1 CCR 204-30 Division of Motor Vehicles
- (2) CDL: "Commercial Driver's License" as defined in section 42-2-402(1), C.R.S.
- (3) CDL Compliance Unit: The administrative unit contained within the Department charged with the oversight and regulation of CDL third party testing units and testers on AAMVA's CDL skills testing.

- (4) CDL Passenger Vehicle: A passenger vehicle designed to transport 16 or more passengers, including the driver.
- (5) CDL Skills Test: "Driving tests" as referenced in section 42-2-402, C.R.S. and consists of the Vehicle Inspection, Basic Control Skills, and the Road Test.
- (6) CDL Vehicle Class: A group or type of vehicle as defined in Part B of this Rule.
- (7) CLP – Commercial Learners Permit: The permit issued by the Department entitling the driver, while having such permit in his/her immediate possession, to drive a commercial motor vehicle of certain classes and/or endorsement(s), and/or restriction(s) upon the highways with a driver that possesses a CDL with the same class and/or endorsements or higher, as the CLP holder.
- (8) CMV: "Commercial Motor Vehicle" as defined in section 42-2-402(4), C.R.S.
- (9) C.R.S.: Colorado Revised Statutes.
- (10) CSTIMS - Commercial Skills Test Information Management System: Web-based system used by states to manage the CDL Skills Test portion of the CDL licensing process.
- (11) Disqualifications: The suspension, revocation, cancellation, or any other withdrawal by the Department of a person's privilege to drive a CMV or a determination by the FMCSA under the rules of practice for motor carrier safety contained in 49 CFR, that a person is no longer qualified to operate a CMV under 49 CFR; or the loss of qualification that automatically follows conviction of an offense listed in 49 CFR.(12)
- (12) Designed to Transport: The manufacturer's original rated capacity for the vehicle.
- (13) Endorsements: The letter indicators below added to a CDL and/or CLP indicate successful completion of the appropriate knowledge, and if applicable, the CDL Skills Test, and allow the operation of a special configuration of vehicle(s):
 - a) T = Double/triple trailers (not allowed on a CLP per 49 CFR)
 - b) P = CDL Passenger vehicle
 - c) N = Tank vehicles
 - d) H = Hazardous materials (Not allowed on a CLP per 49 CFR)
 - e) S = School buses
 - f) X = Combination of tank vehicle and hazardous materials (Not allowed on a CLP per 49 CFR)
 - g) M = Motorcycle (not allowed on a CLP per 49 CFR)
 - h) 3 = Three wheel motorcycle (not allowed on a CLP per 49 CFR)

- (14) Exemptions: Regulatory relief given to a person or class of persons normally subject to regulations.
- (15) FMCSA: Federal Motor Carrier Safety Administration is an agency within the USDOT.
- (16) FMCSR: Federal Motor Carrier Safety Regulations (49 CFR).
- (17) GCWR: Gross Combination Weight Rating is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle.
- (18) Government agency: A state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof organized pursuant to law and any separate entity created by intergovernmental contract cooperation only between or among the state, county, city and county, municipality, school district, special improvement district, and every other kind of district, agency, instrumentality, or political subdivision thereof.
- (19) Intrastate Driver: A driver with a CDL restricted to operating a CMV within the boundaries of Colorado, and not authorized to transport items of interstate commerce or hazardous materials.
- (20) Interstate Commerce: Trade, traffic, or transportation in the United States between a place in a state and a place outside of such state (including a place outside of the United States), or between two places in a state through another state or a place outside of the United States, or between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States.
- (21) Interstate Driver: A CDL holder authorized to cross state lines and transport interstate commerce while operating a CMV.
- (22) Intrastate Commerce: Trade, traffic, or transportation in any state that is not described in the term "interstate commerce."
- (23) Knowledge Test: A written test that meets the federal standards contained in 49 CFR.
- (24) Non-Profit: An organization filing with the United States Code 26 USC Section 501(c).
- (25) Paved Area: A paved area is a surface made up of materials and adhesive compounds of a sufficient depth and strength that the area provides a durable, solid, smooth surface upon which an applicant may demonstrate basic vehicle control skills.
- (26) Public Transportation Entity: A mass transit district or mass transit authority authorized under the laws of this state to provide transportation services to the general public.
- (27) Restrictions: Prohibits the operation of certain types of vehicles or restricts operating a CMV to within designated boundaries:
 - a) L = No Air Brake equipped CMV

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

(28) Self Certification Choice:

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

(29) USDOT: United States Department of Transportation.

(30) ELDT: Entry Level Driver Training **FMCSA's Entry Level Driver Training (ELDT) regulations set the baseline for training requirements for entry-level drivers. This includes those applying to obtain a Class A or Class B CDL for the first time, upgrade an existing Class B CDL to a Class A CDL or obtain a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time.**

(31) TPR: Training Provider Registry - The Training Provider Registry supports FMCSA's goal of ensuring that only qualified drivers are behind the wheel of commercial motor vehicles (CMVs). The Registry will connect entry-level drivers with training providers who can equip them with the knowledge to safely operate CMVs for which a commercial learner's permit (CLP) or commercial driver's license (CDL) is required.

(32) Shadow Skills Test: Administered skills tests required of the new examiner candidate

D. DRIVER LICENSING REQUIREMENTS

- (1) Each applicant applying for a CDL or CLP must be a resident of Colorado, at least 18 years of age, and comply with the testing and licensing requirements of the Department.
 - a) The CDL and CLP will indicate the class of license, any endorsements, and any restrictions for that individual. The CDL is valid for the operation of a non-CMV including a motorcycle with the appropriate motorcycle endorsement on the license.
 - b) A Colorado CDL may be issued upon surrender of a valid CDL from another state without additional testing except that an applicant must test for a hazardous material endorsement.
 - c) An applicant with an out-of-state CLP cannot transfer that CLP to Colorado but must apply for a Colorado CLP and take all applicable CDL knowledge tests (49 CFR).
- (2) Each applicant applying is required to make one of the following applicable self-certifications for the type of commercial driving the individual intends to do (49 CFR):
 - **Non-excepted interstate.**
 - **Excepted interstate.**
 - **Non-excepted intrastate.**
 - **Excepted intrastate.**
- (3) Each applicant must meet the medical and physical qualifications under 49 CFR. Each applicant must submit their medical examiner's certificate and, if applicable, any federal variance or state medical waiver or Skills Performance Evaluation to a Driver License Office (49 CFR).
- (4) Each initial applicant for a Class A CDL who has attended a commercial driving school certified for approval by the Private Occupational Schools Division of the Department of Higher Education must affirm on an affidavit provided by the Department, to the testing unit that the initial applicant successfully passed training on the recognition, prevention, and reporting of human trafficking prior to taking the CDL skills test.

- (5) Effective February 7, 2022, each applicant must complete ELDT prior to taking any applicable skills or knowledge tests including those applying to:

- Obtain a Class A or Class B CDL for the first time;
- Upgrade an existing Class B CDL to a Class A CDL; or
- Obtain a school bus (S), passenger (P), or hazardous materials (H) endorsement for the first time.

The ELDT regulations are not retroactive; the entry-level driver training requirements do not apply to individuals holding a valid CDL or an S, P, or H endorsement issued prior to February 7, 2022. If an applicant who obtains a CLP prior to February 7, 2022, obtains a CDL before the CLP or renewed CLP expires, the applicant is not subject to the ELDT requirements. Any individual who meets one of the exceptions for taking a skills test in 49 CFR Part 383 is also exempt from the ELDT requirements.

E. ENDORSEMENTS

- (1) T-Double/Triple Trailers: Required to operate a CMV used for drawing two or more vehicles or trailers with a GCWR that is 26,001 lbs. or more and combined GVWR of the vehicles being towed is ~~in excess of more than~~ 10,000 lbs.
- (2) P-Passenger: Required to operate a vehicle designed by the manufacturer to transport 16 or more passengers, including the driver.
- (3) N-Tank Vehicles: Required to operate a vehicle that hauls liquid or liquid gas in a permanently mounted cargo tank rated at 119 gallons or more or a portable tank rated at 1,000 gallons or more.
- (4) H-Hazardous Materials: Required to transport materials that require the motor vehicle to display a placard pursuant to the hazardous materials regulations.
- (5) S-School Buses: Required to operate a school bus as defined in section 42-1-102(88), C.R.S.
- (6) X-Combination Tank/Hazmat: Required to operate vehicles that meet the definition of (3) and (4) above.

F. RESTRICTIONS

- (1) Intrastate: The letter “K” is added to the CDL of a driver between the ages of 18 through 20, to an individual who has been issued a valid medical waiver from the Colorado State Patrol (8 CCR 1507-1)* or who self- certifies to excepted or not excepted intrastate driving (49 CFR). Under this CDL restriction, the driver must not:
- a) Operate a CMV outside Colorado state boundaries; or
 - b) Transport interstate commerce as defined in 49 CFR.

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

- (2) Air brake: The letter "L" is added to the CDL/CLP of an individual restricted from operating vehicles equipped with air brakes.
 - a) An individual may apply for removal of the "L" restriction after having successfully completed the air brake knowledge test and the CDL Skills Test in a vehicle equipped with air brakes that is representative of the CDL vehicle class.
 - b) When taking the CDL Skills Test in a vehicle equipped with air brakes, the applicant must have in his/her immediate possession a CLP without the "L" restriction.
- (3) Transmission: The letter "E" is added to the CDL of an individual restricted from operating vehicles equipped with a standard transmission.
 - a) An individual may apply for removal of the "E" restriction after having successfully completed the CDL Skills Test in a vehicle equipped with a standard transmission that is representative of the CDL vehicle class.
 - b) When taking the CDL Skills Test in a vehicle equipped with a standard transmission, the applicant must have in his/her immediate possession a CLP without the "E" restriction.
- (4) Class **A B** Bus: The letter "M" is added to the CDL of an individual restricted from operating a Class A Passenger vehicle (49 CFR).
 - a) An individual may apply for removal of the "M" restriction after having successfully completed the CDL Skills Test in a Class A Passenger vehicle.
 - b) Before taking the CDL Skills Test in a Class A Passenger vehicle, the applicant must have in his/her immediate possession a CLP without the "M" restriction.
- (5) Class **B C** Bus: The letter "N" is added to the CDL of an individual restricted from operating a Class B Passenger vehicle (49 CFR).
 - a) An individual may apply for removal of the "N" restriction after having successfully completed the CDL Skills Test in a Class B Passenger vehicle.
 - b) Before taking the CDL Skills Test in a Class B Passenger vehicle, the applicant must have in his/her immediate possession a CLP without the "N" restriction.
- (6) No Tractor-Trailer: The letter "O" is added to the CDL of an individual restricted from operating a vehicle equipped with a 5th wheel type coupling system (49 CFR).

- a) An individual may apply for removal of the "O" restriction after having completed the CDL Skills Test in a tractor/semi-trailer combination vehicle equipped with a 5th wheel type coupling system.
 - b) When taking the CDL Skills Test in a tractor/semi-trailer combination vehicle equipped with a 5th wheel type coupling system, the applicant must have in his/her immediate possession a CLP without the "O" restriction.
- (7) No Passengers: The letter "P" is added to the CLP of an individual restricted from operating a Passenger vehicle with Passengers.
- a) The "P" restriction is removed by successfully completing the CDL Skills Test in a Passenger vehicle.
- (8) No Cargo in a Tank Vehicle: The letter "X" is added to the CLP of an individual restricted from operating a Tank vehicle containing liquid or gas.
- a) An individual may apply to have the "X" restriction removed after having successfully completed the CDL Skills Test.
- (9) Medical, Variance/Skills Performance Evaluation: The letter "V" will be added to any CLP or CDL for individuals who have been issued a federal medical variance (49 CFR).
- (10) Air brake: The letter "Z" is added to the CDL/CLP of an individual restricted from operating vehicles equipped with full air brakes.
- a) The "Z" restriction is removed by successfully completing the air brake knowledge test and the CDL Skills Test in a vehicle equipped with air brakes that is representative of the CDL vehicle class.
 - b) When taking the CDL Skills Test in a vehicle equipped with air brakes, the applicant must have in his/her immediate possession a CLP without the "Z" restriction.

G. EXEMPTIONS

- (1) FMCSR 49 CFR Applicability: Authorizes the state to grant certain groups exceptions from the CDL requirements.
- a) FMCSR – 49 CFR: Exception for individuals who operate CMVs for military purposes.
 - b) FMCSR – 49 CFR: Exception for operators of farm vehicles, as defined at section 42-2-402(4)(b)(III), C.R.S. and firefighters and other persons who operate CMVs that are necessary to the preservation of life or property, or the execution of emergency governmental functions, or that are equipped with audible and visual signals and are not subject to normal traffic regulation.

- c) FMCSR – 49 CFR: Exception for drivers employed by an eligible unit of local government, operating a commercial motor vehicle within the boundaries of that unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, if the properly licensed employee who ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle or if the employing governmental entity determines that a snow or ice emergency exists that requires additional assistance.
 - d) FMCSR – 49 CFR: Restricted CDL for certain drivers in farm-related service industries.
- (2) FMCSR 49 CFR specifies the exceptions to the physical qualifications for individuals engaged in custom harvesting operations.

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

- (1) The Department may authorize a testing unit to administer the CDL Skills Test on behalf of the Department if such training and testing is equal to the training and testing of the Department.
- (2) A CDL Testing Unit must enter into a written contract with the Department and agree to:
- a) Maintain an established place of business in Colorado with a vehicle fleet of no less than three CMVs owned, leased or registered to the testing unit, the business owner, or an employee of the business;
 - b) Maintain an adult education occupational business license with the Division of Private Occupational Schools, a division of the Colorado Department of Higher Education **and be listed in the TPR**; or
 - c) Be a government agency, public school district, private or parochial school, or other type of pre- primary, primary, or secondary school transporting students from home to school or from school to home.

I. CDL TESTING UNIT REQUIREMENTS

- (1) An entity must apply for and receive a CDL testing unit license from the Department in order to administer CDL Skills Tests. The CDL testing unit and each driving tester license expires on June 30th of each year. The licenses for both the testing unit and driving tester(s) must be displayed in the place of business.
- a) Testing unit and driving tester license fees are waived for non-commercial testing units and driving testers that only provide public transportation, and that do not test outside of their unit.
 - b) Public transportation entities that test outside of their unit or that do not provide public transportation only, must submit the appropriate fees.

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

- (13) The testing unit is responsible for ensuring that driving testers attend all mandated training provided by the CDL Compliance Unit. Failure of driving testers to attend scheduled training may result in the suspension of testing privileges for the testing unit and the tester.
- (14) The testing unit must schedule all tests utilizing CSTIMS. The testing unit or driving tester must notify the CDL Compliance Unit of all canceled tests via CSTIMS as soon as the testing unit or driving tester is aware of the cancellation. The testing unit or driving tester must notify the Department of all tests scheduled or schedule changes via CSTIMS at least three (3) days in advance of the test. Tests not administered due to weather conditions or a vehicle failure may be rescheduled with approval from a CDL Compliance Unit.
 - a) The testing unit is not permitted to schedule an applicant more than once within any three (3) day period.
 - b) Testing units must identify the applicant in Scheduled Comments in CSTIMS as Public, Employee, or Student.
 - c) The test must begin within 15 minutes before and no later than 15 minutes after its scheduled time. The test begins when the driving tester reads the Vehicle Inspection Overview to the applicant.
- (15) The testing unit must ensure that:
 - a) The driving tester enters into CSTIMS all test results immediately after the completion of the test;
 - b) The test results entered into CSTIMS match the Class, Endorsements, and Restrictions of the vehicle in which the applicant has successfully completed the CDL Skills Test; and
 - c) The driving tester uploads the correct score forms into CSTIMS.
 - d) The driving tester obtains a copy of the completed affidavit reflecting successful completion of training on the recognition, prevention, and reporting of human trafficking from each initial applicant for a Class A CDL who has attended a commercial driving school certified for approval by the Private Occupational Schools Division in the Department of Higher Education, and that the driving tester uploads a copy of the completed affidavit into CSTIMS.
- (16) The testing unit must administer CDL Skills Tests only on Department approved testing areas and routes.
- (17) The testing unit must ensure all three portions of the CDL Skills Test are conducted during daylight.

- (18) The testing unit must ensure the vehicle being used for testing does not have any labels or markings that indicate which components are to be inspected by an applicant during the Vehicle Inspection portion of the CDL Skills Test. Manufacturer labels and/or markings are permitted.
- (19) The testing unit must enter into an agreement with the Department containing, at a minimum, provisions that:
- a) allow the FMCSA, the Department, and their representatives to conduct random inspections and audits without prior notice;
 - b) allow the Department to conduct on-site inspections at least annually and as needed;
 - c) require all driving testers to meet the same training and qualifications as state examiners, to the extent necessary to conduct CDL Skills Tests in compliance with these rules and regulations;
 - d) at least annually, allow the Department at its discretion to take the tests administered by the testing unit as if the Department employee was an applicant, or test an applicant who was tested by the testing unit to compare pass-fail results; and
 - e) reserve to the Department the right to take prompt and appropriate action against any testing unit or driving tester when they such driving tester fails to comply with Department or federal standards or any other provisions in the contract or the rules and regulations.
- (20) A driving tester and a testing unit shall charge fees only in accordance with section 42-2-406, C.R.S. and this rule. A driving tester and a testing unit shall only charge for tests administered.
- a) Except as otherwise provided in paragraph (b) of this subsection (20), the maximum total fee, including but not limited to any administrative fee, for administering a CDL Skills Test or retest to an applicant is two hundred seventy-five dollars (\$275.00).
 - b) The maximum total fee, including but not limited to any administrative fee, for administering a CDL Skills Test or retest to an employee or volunteer of a nonprofit organization that provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services is one hundred twenty-five dollars (\$125.00).
- (21) The testing unit must make all CDL testing records available for inspection during normal business hours.
- (22) The testing unit must hold the state harmless from liability resulting from the administration of the CDL program.

- (23) The testing unit must make **an** annual application for renewal of the unit's testing license and individual driving tester license(s) before the license expires on June 30th of each year.
- (24) **The Testing Unit must ensure that each driver to be tested has met all applicable requirements with regard to ELDT.**

J. DRIVING TESTER REQUIREMENTS

- (1) The driving tester must possess a valid USDOT medical card and a valid CDL with the appropriate class and endorsement(s) to operate the vehicle(s) in which the CDL Skills Test is administered.
- (2) The driving tester must conduct the full CDL Skills Test in accordance with Department procedures and must use the Colorado CDL Skill Test Score Form.
- (3) The driving tester must complete all CDL Third Party Testing forms correctly.
- (4) The driving tester must administer all portions of the CDL Skills Test in English.
- (5) Interpreters are not allowed for any portion of the CDL Skills Test.
- (6) The driving tester agrees to hold the State harmless from any liability arising from or in connection with a CDL Skills Test.
- (7) The driving tester must only test if the driving tester has a valid tester license issued by the Department.
- (8) The driving tester must test in the CDL class of vehicle or endorsement(s) group authorized by the Department.
- (9) Prior to administering the CDL Skills Test, the driving tester must ensure that the driver has in his/her immediate possession, a valid USDOT medical card, and a valid CLP for operating the class and endorsement(s), and/or restriction(s) of the vehicle being used for testing.
 - a) The driving tester must ensure that the instruction permit has been held by the applicant for at least fourteen (14) days prior to taking the skills test.
 - b) The driving tester must also ensure the applicant has in his/her immediate possession a valid Driver's License and must compare the photo on the license to the applicant to verify identity.
 - c) The driving tester must obtain a copy of the completed affidavit reflecting successful completion of training on the recognition, prevention, and reporting of human trafficking from each initial applicant for a Class A CDL who has attended a commercial driving school certified for approval by the Private Occupational Schools Division in the Department of Higher Education.

- (10) The driving tester must administer the CDL Skills Test to applicants in a vehicle equal to or lower in class and/or endorsement(s), and/or restriction(s) than the applicant has on his or her CLP.
- (11) The driving tester must administer the CDL Skills Test only on Department approved testing areas and routes.
- (12) The driving tester must administer all three portions of the CDL Skills Test during daylight.
- (13) The driving tester must ensure that the vehicle in which the CDL Skills Test will be administered is in proper working and mechanical order.
- (14) The vehicle inspection, the basic vehicle control skills, and the on-road driving test must be administered by the same driving tester in sequential order with no more than a 15-minute break between each portion of the CDL Skills Test. CDL Skills Test must be scheduled to avoid a lunch break.
- (15) The Department may issue a driving tester license to a driving tester candidate upon the successful completion of the following requirements:
 - a) A testing unit must submit an application requesting that the driving tester candidate be granted a driving tester license;
 - b) The driving tester candidate must be an employee of the testing unit submitting the application;
 - c) The driving tester candidate must successfully complete the 5 8 day new CDL third party tester's training course;
 - d) Within 30 days following the date the driving tester candidate completes the 5 8 day new CDL third party tester's training course, the driving tester candidate must:
 - 1. Administer two (2) **shadow skills** tests while accompanied by a licensed driving tester who shall monitor the test and compare pass-fail results with those of the new driving tester candidate; and
 - 2. Complete the application for the fingerprint/background check.
 - e) All licensing fees must be received by the Department.
- (16) The driving tester must inform the applicant that he/she may be randomly selected for a retest as mandated by 49 CFR.
- (17) The driving tester may administer CDL Skills Test as an employee of, and on behalf of, the licensed testing unit. The driving tester may administer tests for more than one unit. However the driving tester must be licensed under each unit to conduct testing on its behalf. The driving tester must keep all CDL records separate for each testing unit.

- (18) If an applicant fails any portion(s) of the CDL Skills Test, he or she must return on a different day and perform all three (3) portions of the CDL Skills Test over again.
- (19) In order to qualify for renewal, the driving tester must administer a minimum of ten (10) CDL Skills Tests with different applicants within the twelve-month period preceding the application for renewal from the Department.
- (20) The driving tester must:
- a) Enter into CSTIMS all test results immediately after the completion of the test;
 - b) Ensure that the test results entered into CSTIMS match the Class, Endorsements, and Restrictions of vehicle in which the applicant has successfully completed the CDL Skills Test; and
 - c) Upload the **original** correct score forms into CSTIMS.
 - d) Upload into CSTIMS the completed affidavit reflecting successful completion of training on the recognition, prevention, and reporting of human trafficking from each initial applicant for a Class A CDL who has attended a commercial driving school certified for approval by the Private Occupational Schools Division in the Department of Higher Education.
- (21) Upon leaving a testing unit, the driving tester's license may be transferred to another testing unit within three (3) months. If the driving tester is not employed as a driving tester at a licensed testing unit within three (3) months, the tester will be required to attend a new tester training class in order to be licensed by the Department. All training and license fees will apply and are the responsibility of the tester.
- (22) The driving tester cannot administer the CDL Skills Test to an applicant with whom he/she has conducted in- vehicle skills training.

(23) The driving tester must ensure that each driver to be tested has met all applicable requirements with regard to ELDT

K. COURSE AND ROUTE REQUIREMENTS

- (1) A testing unit **must should** have a paved area **or a flat hard surface** for the CDL vehicle inspection and for the **entire** basic control skills **exercise area exercises** that contain:
- a) Solid painted lines **that are at least 4 inches in width** and traffic cones marking the testing boundaries in accordance with Department standards.
 - (i) Traffic cones, used to mark the painted testing boundaries, must be a minimum of **twelve eighteen** inches in height, and the same size traffic cones must be

used for each exercise. Traffic cones must be replaced when they no longer retain their original shape and color.

- b) Boundary lines and cones clearly visible in the basic control skill exercise testing area.
 - (i) The testing area boundaries must be cleared of snow, debris, and vehicles that would obstruct the applicant's view during the basic control skill exercise.

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

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

L. RIGHTS

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

M. RECORDING AND AUDITING REQUIREMENTS

- (1) The testing unit must maintain all pass/fail records for three years. These must include the CDL Skills Testing records for each applicant tested, the dates of the testing, the applicant's identification information, a copy of the completed affidavit reflecting successful completion of training on the recognition, prevention, and reporting of human trafficking from each initial applicant for a Class A CDL who has attended a commercial driving school certified for approval by the Private Occupational Schools Division in the Department of Higher Education, the vehicle information and the name and state assigned driving tester number for the driving tester who administered the test, documentation that each driver subject to ELDT requirements has met those requirements. If a testing unit is no longer licensed, the unit must return all testing records to the Department within 30 days.
 - a) After three years, testing units may must destroy all pass/fail records (shred, burn).
- (2) A testing unit must enter all (pass and fail) CDL Skills Test results into CSTIMS immediately after the test including the upload of the score form and, for each initial applicant for a Class A CDL who has attended a commercial driving school certified for approval by the Private Occupational Schools Division in the Department of Higher Education, a copy of the completed affidavit reflecting successful completion of training on the recognition, prevention, and reporting of human trafficking.

- (3) During CDL compliance audits and/or inspections, driving testers must cooperate with the Department and/or FMCSA by allowing access to testing areas and routes, furnishing CDL Skills Testing records and results, and providing other items pertinent to the mandated audit and/or inspection. The driving tester must surrender testing records upon request. The driving tester may make copies and retain copies of such records.
- (4) If the testing unit provided the vehicle for the CDL Skills Test, the testing unit will furnish the vehicle for an applicant driver selected for a retest. No fees, including any vehicle rental fees required for testing, will be collected for this mandatory evaluation. The Department is not liable during retests for any damage, injury, or expense incurred.
- (5) If the applicant tested in his/her own vehicle, the applicant will supply the vehicle for any CDL Skills Retest.

N. BOND

- (1) A testing unit that is not an agency of government, or a Colorado school district, must maintain a bond in the amount of \$20,000.00 with the Department pursuant 49 CFR. A surety company authorized to do business within the State of Colorado must execute the bond.
 - a) The bond must be for the use and benefit of the Department in the event of a monetary loss suffered by the Department that falls within the limitations of the bond, attributable to the willful, intentional, or negligent conduct of the testing unit or its agent(s) or employee(s).
 - b) If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the testing unit cannot test outside their unit.
 - c) The Department must be named on the bond as the beneficiary or the bond must be held in the name of the Department.
- (2) A testing unit that is an agency of government, or any Colorado school district, that will administer CDL driving tests outside of their unit, must maintain a bond in the amount of \$5,000.00 with the Department. A surety company authorized to do business within the State of Colorado must execute the bond.
 - a) The bond must be for the use and benefit of the Department in the event of a monetary loss within the limitations of the bond, attributable to the willful, intentional or negligent conduct of the testing unit or its agent(s) or employee(s).
 - b) If the amount of the bond is decreased or terminated, or if there is a final judgment outstanding on the bond, the testing unit cannot test outside their unit.
 - c) The Department must be named on the bond as the beneficiary or the bond must be held in the name of the Department.

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

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

Notice of Proposed Rulemaking

Tracking number

2021-00511

Department

300 - Department of Education

Agency

301 - Colorado State Board of Education

CCR number

1 CCR 301-14

Rule title

RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL TRANSPORTATION FUND

Rulemaking Hearing**Date**

10/13/2021

Time

09:00 AM

Location

201 E. Colfax, State Board Room or Webinar

Subjects and issues involved

The basis for these rules is found in Article 51 of Title 22, CRS. The state board has the responsibility to establish rules and regulations to implement the provisions of this article.
The purpose of these rules is to:

-Establish regulations and procedures for administration of the public school transportation fund.
-Establish regulations and procedures regarding determination of current operating expenditures, mileage count and revenues received by districts for providing pupil transportation.

Statutory authority

The rulemaking authority for these rules is pursuant to Sections 22-51-105, C.R.S. The purpose of the proposed rule change is to reflect statutory amendments from S.B. 21-268 Public School Finance and other technical fixes as recommended by the Attorney Generals Office.

Contact information**Name**

Angela Maramba

Title

Director of State Board Relations

Telephone

720-822-4803

Email

Maramba_A@cde.state.co.us

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL TRANSPORTATION

FUND 1 CCR 301-14

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

0.00 Statement of Basis and Purpose.

The basis for these rules is found in Article 51 of Title 22, CRS. The state board has the responsibility to establish rules and regulations to implement the provisions of this article.

The purpose of these rules is to:

- Establish regulations and procedures for administration of the public school transportation fund.
- Establish regulations and procedures regarding determination of current operating expenditures, mileage count and revenues received by districts for providing pupil transportation.

1.00 Definition of Terms

- 1.01 "Capital Outlay" means an expenditure in excess of \$1000 and with a useful life of more than one year, for pupil transportation vehicles or facilities.
- 1.02 "Department" means the Colorado Department of Education.
- 1.03 "District" means any public school district organized under the laws of Colorado, except a junior college district.
- 1.04 "Local Board of Education" means the board of education of a district.
- 1.05 "Pupil" means a person under age 21 as of the official mileage count date who has not met the graduation requirements of his/her district as of the official mileage count date.
- 1.06 "Pupil Transportation Vehicle" means any vehicle used in whole or in part for the purpose of providing pupil transportation.
- 1.07 "State Board" means the Colorado State Board of Education.

2.00 General

- 2.01 The Department shall prepare necessary forms and appropriate directions related thereto, which a district shall use to provide the data required by the Department to meet its responsibilities relating to the administration of the public school transportation fund.

2.01(1) A district annually shall submit a form CDE-40 no later than September 15 to be eligible to receive reimbursement from the Public School Transportation Fund for prior year's pupil transportation costs.

3.00 Official Mileage Count Date

- 3.01 The official mileage count date shall be the same as the pupil enrollment count date, as defined in section 22-54-103 (10.5) (a), C.R.S. 3.02 Determination of the official mileage count date shall not be

affected by a district's decision to not have a school day on the official mileage count date as defined above.

4.00 Current Operating Expenditures

The term "current operating expenditures" means actual expenditures, not including encumbrances, incurred during the entitlement period by a district in transporting pupils from home to school, school to school, and school to home, both in state and to and from an adjoining state. 4.01(1) A district shall include employment costs of pupil transportation vehicle drivers including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(2) A district shall include employment costs of personnel paid exclusively for pupil transportation supervision and support services, including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(3) A district shall include a percentage of employment costs of personnel with non-pupil transportation responsibilities as well as specific pupil transportation responsibilities, including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(4) A district shall include expenditures for professional development directly related to pupil transportation.

4.01(4)(a) A district may include expenditures directly related to the cost of attending annual state or national school transportation workshops or conferences, including registration fees and related travel expenses.

4.01(4)(b) A district shall not include expenditures for awards banquets or ceremonies or other types of employee recognition.

4.01(4)(c) A district shall not include expenditures for workshops or conferences related to advertising or other non-pupil transportation topics.

4.01(5) A district shall include insurance premiums related to pupil transportation and prorated insurance pool contributions equivalent to commercial insurance premiums. In addition, a district may include the equivalent commercial insurance premium value of a self-insurance program contribution prorated to reflect the pupil transportation insurance costs. A district may include the net cost of self-insured repairs and self-insured replacement.

4.01(6) If a school district contracts to furnish transportation for another school district, the district furnishing the transportation shall include operation expenses.

4.01(7) A district shall include costs of contracts with independent contractors providing pupil transportation less a calculated amount for capital outlay.

4.01(7)(a) The department shall base its calculation of the capital outlay amount on the contractor's acquisition cost of pupil transportation vehicles less than ten years old and on the percentage of total vehicle use attributable to the district.

4.01(8) A district shall include costs of contracts with commercial transportation carriers subject to the cost of federal regulations, title 49, parts 390 to 397, or successor regulations thereto to provide pupil transportation pursuant to section 22-51-104(c), CRS.

4.01(8)(a) The department shall calculate the portion of this contract to be included in the current operating expenditures pursuant to section 22-51-104(1)(c).

4.01(9) A district shall include reimbursements to pupils who use public transportation services pursuant to section 22-51-102(1)(a), CRS.

-
- 4.01(10) A district shall include payments to other school districts for the purpose of furnishing pupil transportation.
- 4.01(11) A district shall include payments to district-approved persons for providing pupil transportation due to the absence of a district-approved established bus route. The total reimbursement entitlement attributable to district approved persons shall not exceed the amount actually paid to district-approved persons.
- 4.01(11)(a) A district-approved person shall not be considered an independent contractor if he/she transports only him/herself or members of his/her immediate family to or from school, or between schools.
- 4.01(12) A district shall include fuel and oil for pupil transportation vehicles.
- 4.01(13) A district shall include costs of supplies, materials, and other expendable non- capital outlay items utilized by the district in direct support of pupil transportation services.
- 4.01(14) A district shall include repair and maintenance costs of a pupil transportation vehicle only to the extent of restoration to original condition and/or mandatory condition.
- 4.01(15) A district shall include repair and maintenance costs of equipment and facilities used for pupil transportation only to the extent of restoration to original condition.
- 4.01(16) A district shall include the cost of the following types of additions or alterations to pupil transportation vehicles.
1. manual transmission to automatic transmission
 2. gas engine to diesel engine or alternative fuel
 3. reflective tape on the outside of vehicle
 4. electro-magnetic or hydraulic retarder
 5. heated mirrors
 6. engine compartment noise reduction package (diesel engine in front engine transit only)
 7. driver seat belt to current standards (locking retractor type)
 8. air brake drying system
 9. mirror system to provide a seated driver an unobstructed view of the front and front sides of a bus
 10. wheelchair lifts and other special modifications which are necessary to equip a school bus in order to transport children with disabilities
 11. automatic tire chains
 12. video surveillance cameras
 13. other additions or alterations with prior written approval by the department which increase efficiency and safety or are necessary to meet minimum standards.
- 4.01(16)(a) A district shall own any pupil transportation vehicle to be added to or altered for a minimum of three years in order for the costs of additions or alterations to be reimbursable.
- 4.01(16)(b) A district shall request and receive from the department prior written approval of additions or alterations to a pupil transportation vehicle not specifically listed in rule 4.01(16) in order for the cost to be reimbursable. The Department may request necessary information from the district for

use in making a determination for approval or disapproval.

- 4.01(16)(c) The Department shall inform a district in writing of approvals and disapprovals of reimbursable additions and alterations to vehicles.
- 4.01(16)(d) A district shall retain the written approval provided by the Department for a specific addition or alteration to a pupil transportation vehicle with the other records substantiating the reimbursement claim of the district for five years or until an audit by the department, whichever occurs first.
- 4.01(17) A district shall not include expenditures, including rent, lease or lease purchase, for all capital outlay items except those additions and alterations to vehicles specifically listed in rule 4.01(16).
- 4.01(18) A district shall not include expenditures for school field trips, extracurricular trips, or athletic trips.
- 4.01(19) A district shall not include liability claims incurred and paid by the district associated with providing pupil transportation.
- 4.01(20) A district shall not include expenditures relating to any district vehicle not used for the specific purpose of pupil transportation.
- 4.01(20)(a) A district shall not include expenditures relating to elderly transportation services.
- 4.01(20)(b) A district shall not include expenditures relating to recreational district transportation services.
- 4.01(20)(c) A district shall not include expenditures relating to advertising.
- 4.01(21) A district shall not include any other expenditure not specifically identified above in 4.01.

5.00 Revenues Received Through the Operation of the Pupil Transportation Program

- 5.01 A district shall reduce its reported current operating expenditures by the amount of summer school and pre-school program revenues received for pupil transportation.
- 5.02 A district shall reduce its reported current operating expenditures by the amount of revenues received from other school districts through contracts to furnish pupil transportation.
- 5.03 A district shall reduce its reported current operating expenditures by the amount of revenues received from federal sources for pupil transportation.

- 5.04 Since a district does not include expenditures resulting from non-pupil transportation activities per rule 4.01(20), a district shall not reduce its reported current operating expenditures by the amount of revenues received for non-pupil transportation activities.
- 5.04(1) A district shall not reduce its reported current operating expenditures by the amount of revenues received from the elderly for transportation services.
- 5.04(2) A district shall not reduce its reported current operating expenditures by the amount of revenues received from recreational districts for transportation services.
- 5.04(3) A district shall not reduce its reported current operating expenditures by the amount of revenues received for advertising on any transportation vehicles.
- 5.05 A district shall not reduce its reported current operating expenditures by the amount of revenues received from the state public school transportation fund.
- 5.06 A district shall not reduce its reported current operating expenditures by the amount of revenues received from fees imposed and collected for pupil transportation pursuant to a resolution adopted by a local board of education in accordance with the provisions of section 22-32-113(5), CRS.
- 5.07 A district shall not reduce its reported current operating expenditures by the amount of revenues received from a transportation levy approved at an election for the purpose of recovering excess pupil transportation costs pursuant to 22-40-102(1.7), CRS.

6.00 Mileage Count Reporting

- 6.01 A district shall report its total mileage scheduled to be traveled by pupil transportation vehicles on the official mileage count date in transporting all pupils enrolled in its schools.
- 6.01(1) A district shall report scheduled mileage to and from a pupil's legal residence and school in which the pupil is enrolled, both in-state and to and from an adjoining state.
- 6.01(2) A district shall report scheduled mileage to and from a pupil's legal residence and school in which the pupil is enrolled, including mileage for loaded and unloaded pupil transportation vehicles.
- 6.01(3) A district shall report scheduled mileage between two or more schools in which pupils are regularly enrolled and which pupils are required to attend as a part of their scheduled programs.
- 6.01(4) A district shall report actual mileage traveled by a district approved person due to the absence of a district-approved established bus route, if the district reimburses said district-approved person for such pupil transportation services.
- 6.02 A district shall report its total scheduled miles as defined above if the district operates a year-round school calendar at a school or schools within the district. The mileage count for year-round schools shall include only unique routes that are traveled specifically for the year-round program.
- 6.03 A district paying another district for pupil transportation services shall report miles traveled by the district providing the pupil transportation services.
- 6.04 A district shall not include in its reported scheduled mileage miles traveled for the purpose of providing pupil transportation for the pupils of another district.

- 6.05 A district shall not include in its reported scheduled mileage miles traveled for school field trips, extracurricular trips, or athletic trips.
- 6.06 A district shall not include in its reported scheduled mileage miles traveled in trips which are not for the purpose of transporting pupils from home to school, school to school, or school to home.
- 6.06(1) A district shall not include in its reported scheduled mileage miles traveled for transportation services for the elderly.
- 6.06(2) A district shall not include in its reported scheduled mileage miles traveled for transportation services for recreational districts.
- 6.07 A district shall not include in its reported scheduled mileage miles traveled by pupil transportation support and service vehicles.

7.00 Certifications by Local Boards of Education

- 7.01 A district desiring reimbursement under the Public School Transportation Fund for any entitlement period shall report to the department all required information.
- 7.01(1) A district shall report current operating expenditures as defined in 2251-R-4.00 and 2251- R-5.00 of these rules.
- 7.01(2) A district shall report total scheduled mileage as defined in 2251-R-6.00 of these rules. 7.01(3) A district shall report the number of days of school that pupils are actually transported. 7.01(4) A district shall report the number of days of school that pupils are actually transported for year-round school programs.
- 7.01(5) A district shall report the number of days for which a boarding allowance is paid for pupils in lieu of transportation.
- 7.01(6) A district shall report the number of pupils scheduled to be transported on the official mileage count date.
- 7.01(7) A district shall report the total cost of a contract pursuant to rule 4.01(7) for the purposes of providing pupil transportation.
- 7.01(8) A district shall report the total cost of a contract with a commercial transportation carrier pursuant to rule 4.01(8) for the purposes of providing pupil transportation.
- 7.01(9)(a) A district shall report the comparable district cost of providing pupil transportation in the absence of a contract with a commercial transportation carrier.
- 7.01(09) A district shall report the total actual miles traveled for school field trips, extracurricular trips, and athletic trips by pupil transportation vehicles.
- 7.01(10) A district shall report the total actual miles traveled for any purpose by all pupil transportation vehicles.
- 7.01(11) A district shall report that the data reported is accurate and that the pupil transportation program has been operated in compliance with all applicable rules of the state board.

7.01(12) A district shall report other data as deemed necessary by the department.

8.00 Documentation

- 8.01 A district shall maintain and retain appropriate records pertaining to its application for reimbursement for five years or until an audit by the Department has been completed, whichever occurs first.
- 8.02 Documentation shall include appropriate mileage reports and route descriptions as of the official mileage count date which clearly define the routes and show mileage.
- 8.03 Documentation shall include appropriate financial records of the district.
- 8.04 Documentation shall support the number of actual miles traveled on the official mileage count date by persons who are reimbursed by the district for furnishing their own district approved transportation.
- 8.05 Documentation shall include the odometer reading taken at the beginning of the entitlement period and taken at the end of the entitlement period and total miles traveled for each pupil transportation vehicle operated during the entitlement period.
- 8.06 Documentation shall include time sheets, work schedules, or other auditable documentation used to support the transportation claim as well as documentation to support allocation methods used to determine the amount of the claim.
- 8.07 Documentation shall include information from independent contractors showing the acquisition cost of vehicles used for pupil transportation and less than ten years old and showing the total value of such contracts.
- 8.08 Documentation shall support total expenditures for public transportation contracts.
- 8.09 Documentation shall support total expenditures for commercial transportation carrier contracts.
- 8.010 Documentation shall support the amount of revenues from sources pursuant to 5.00 of these rules, such as election ballot and board resolution.
- 8.011 Documentation shall include a list of named pupils scheduled to be transported on the official mileage count date and shall be attached to each route description.

Editor's Notes

History

Entire rule eff. 01/14/2013.

Rule 2.02(1) eff.

07/30/2020.

Annotations

Rule 2251-R-2.02(1) (adopted 06/10/2020) was not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL TRANSPORTATION

FUND 1 CCR 301-14

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

~~2251-R-~~

0.00 Statement of Basis and Purpose.

The basis for these rules is found in Article 51 of Title 22, CRS. The state board has the responsibility to establish rules and regulations to implement the provisions of this article.

The purpose of these rules is to:

- Establish regulations and procedures for administration of the public school transportation fund.
- Establish regulations and procedures regarding determination of current operating expenditures, mileage count and revenues received by districts for providing pupil transportation.

1.00 Definition of Terms

- 1.01 "Capital Outlay" means an expenditure in excess of \$1000 and with a useful life of more than one year, for pupil transportation vehicles or facilities.
- 1.02 "Department" means the Colorado Department of Education.
- 1.03 "District" means any public school district organized under the laws of Colorado, except a junior college district.
- 1.04 "Local Board of Education" means the board of education of a district.
- 1.05 "Pupil" means a person under age 21 as of the official mileage count date who has not met the graduation requirements of his/her district as of the official mileage count date.
- 1.06 "Pupil Transportation Vehicle" means any vehicle used in whole or in part for the purpose of providing pupil transportation.
- 1.07 "State Board" means the Colorado State Board of Education.

~~2251-R-~~**2.00**

General

- 2.0~~12~~ The Department shall prepare necessary forms and appropriate directions related thereto, which a district shall use to provide the data required by the Department to meet its responsibilities relating to the administration of the public school transportation fund.

2.0~~12~~(1) ~~[Expired 05/15/2021 per Senate Bill 21-152]~~ A district annually shall submit a form CDE-40 no later than September 15 to be eligible to receive reimbursement from the Public School Transportation Fund for prior year's pupil transportation costs.

~~2251-R-~~**3.00**

Official Mileage Count Date

- 3.01 The official mileage count date shall be the same as the pupil enrollment count date, as defined in section 22-54-103 (10.5) (a), C.R.S.3.02 Determination of the official mileage count date shall not be

affected by a district's decision to not have a school day on the official mileage count date as defined above.

~~2251-R~~ 4.00

Current Operating Expenditures

~~4.01~~—The term “current operating expenditures” means actual expenditures, not including encumbrances, incurred during the entitlement period by a district in transporting pupils from home to school, school to school, and school to home, both in state and to and from an adjoining state.

4.01(1) A district shall include employment costs of pupil transportation vehicle drivers including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(2) A district shall include employment costs of personnel paid exclusively for pupil transportation supervision and support services, including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(3) A district shall include a percentage of employment costs of personnel with non-pupil transportation responsibilities as well as specific pupil transportation responsibilities, including Public Employee's Retirement Association (PERA) and/or other retirement plan costs, and health and other fringe benefits.

4.01(4) A district shall include expenditures for professional development directly related to pupil transportation.

4.01(4)(a) A district may include expenditures directly related to the cost of attending annual state or national school transportation workshops or conferences, including registration fees and related travel expenses.

4.01(4)(b) A district shall not include expenditures for awards banquets or ceremonies or other types of employee recognition.

4.01(4)(c) A district shall not include expenditures for workshops or conferences related to advertising or other non-pupil transportation topics.

4.01(5) A district shall include insurance premiums related to pupil transportation and prorated insurance pool contributions equivalent to commercial insurance premiums. In addition, a district may include the equivalent commercial insurance premium value of a self- insurance program contribution prorated to reflect the pupil transportation insurance costs. A district may include the net cost of self-insured repairs and self-insured replacement.

4.01(6) If a school district contracts to furnish transportation for another school district, the district furnishing the transportation shall include operation expenses.

4.01(7) A district shall include costs of contracts with independent contractors providing pupil transportation less a calculated amount for capital outlay.

4.01(7)(a) The department shall base its calculation of the capital outlay amount on the contractor's acquisition cost of pupil transportation vehicles less than ten years old and on the percentage of total vehicle use attributable to the district.

4.01(8) A district shall include costs of contracts with commercial transportation carriers subject to the cost of federal regulations, title 49, parts 390 to 397, or successor regulations thereto to provide pupil transportation pursuant to section 22-51-104(c), CRS.

4.01(8)(a) The department shall calculate the portion of this contract to be included in the current operating expenditures pursuant to section 22-51-104(1)(c).

4.01(9) A district shall include reimbursements to pupils who use public transportation services pursuant to section 22-51-102(1)(a), CRS.

- 4.01(10) A district shall include payments to other school districts for the purpose of furnishing pupil transportation.
- 4.01(11) A district shall include payments to district-approved persons for providing pupil transportation due to the absence of a district-approved established bus route. The total reimbursement entitlement attributable to district approved persons shall not exceed the amount actually paid to district-approved persons.
- 4.01(11)(a) A district-approved person shall not be considered an independent contractor if he/she transports only him/herself or members of his/her immediate family to or from school, or between schools.
- 4.01(12) A district shall include fuel and oil for pupil transportation vehicles.
- 4.01(13) A district shall include costs of supplies, materials, and other expendable non- capital outlay items utilized by the district in direct support of pupil transportation services.
- 4.01(14) A district shall include repair and maintenance costs of a pupil transportation vehicle only to the extent of restoration to original condition and/or mandatory condition.
- 4.01(15) A district shall include repair and maintenance costs of equipment and facilities used for pupil transportation only to the extent of restoration to original condition.
- 4.01(16) A district shall include the cost of the following types of additions or alterations to pupil transportation vehicles.
1. manual transmission to automatic transmission
 2. gas engine to diesel engine or alternative fuel
 3. reflective tape on the outside of vehicle
 4. electro-magnetic or hydraulic retarder
 5. heated mirrors
 6. engine compartment noise reduction package (diesel engine in front engine transit only)
 7. driver seat belt to current standards (locking retractor type)
 8. air brake drying system
 9. mirror system to provide a seated driver an unobstructed view of the front and front sides of a bus
 10. wheelchair lifts and other special modifications which are necessary to equip a school bus in order to transport children with disabilities
 11. automatic tire chains
 12. video surveillance cameras
 13. other additions or alterations with prior written approval by the department which increase efficiency and safety or are necessary to meet minimum standards.

- 4.01(16)(a) A district shall own any pupil transportation vehicle to be added to or altered for a minimum of three years in order for the costs of additions or alterations to be reimbursable.
- 4.01(16)(b) A district shall request and receive from the department prior written approval of additions or alterations to a pupil transportation vehicle not specifically listed in rule 4.01(16) in order for the cost to be reimbursable. The Department may request necessary information from the district for use in making a determination for approval or disapproval.
- 4.01(16)(c) The Department shall inform a district in writing of approvals and disapprovals of reimbursable additions and alterations to vehicles.
- 4.01(16)(d) A district shall retain the written approval provided by the Department for a specific addition or alteration to a pupil transportation vehicle with the other records substantiating the reimbursement claim of the district for five years or until an audit by the department, whichever occurs first.
- 4.01(17) A district shall not include expenditures, including rent, lease or lease purchase, for all capital outlay items except those additions and alterations to vehicles specifically listed in rule 4.01(16).
- 4.01(18) A district shall not include expenditures for school field trips, extracurricular trips, or athletic trips.
- 4.01(19) A district shall not include liability claims incurred and paid by the district associated with providing pupil transportation.
- 4.01(20) A district shall not include expenditures relating to any district vehicle not used for the specific purpose of pupil transportation.
- 4.01(20)(a) A district shall not include expenditures relating to elderly transportation services.
- 4.01(20)(b) A district shall not include expenditures relating to recreational district transportation services.
- 4.01(20)(c) A district shall not include expenditures relating to advertising.
- 4.01(21) A district shall not include any other expenditure not specifically identified above in 4.01.

~~2251-R~~-5.00 Revenues Received Through the Operation of the Pupil Transportation Program

- 5.01 A district shall reduce its reported current operating expenditures by the amount of summer school and pre-school program revenues received for pupil transportation.
- 5.02 A district shall reduce its reported current operating expenditures by the amount of revenues received from other school districts through contracts to furnish pupil transportation.
- 5.03 A district shall reduce its reported current operating expenditures by the amount of revenues received from federal sources for pupil transportation.

- 5.04 Since a district does not include expenditures resulting from non-pupil transportation activities per rule 4.01(20), a district shall not reduce its reported current operating expenditures by the amount of revenues received for non-pupil transportation activities.
- 5.04(1) A district shall not reduce its reported current operating expenditures by the amount of revenues received from the elderly for transportation services.
- 5.04(2) A district shall not reduce its reported current operating expenditures by the amount of revenues received from recreational districts for transportation services.
- 5.04(3) A district shall not reduce its reported current operating expenditures by the amount of revenues received for advertising on any transportation vehicles.
- 5.05 A district shall not reduce its reported current operating expenditures by the amount of revenues received from the state public school transportation fund.
- 5.06 A district shall not reduce its reported current operating expenditures by the amount of revenues received from fees imposed and collected for pupil transportation pursuant to a resolution adopted by a local board of education in accordance with the provisions of section 22-32-113(5), CRS.
- 5.07 A district shall not reduce its reported current operating expenditures by the amount of revenues received from a transportation levy approved at an election for the purpose of recovering excess pupil transportation costs pursuant to 22-40-102(1.7), CRS.

~~2254-R~~-6.00 Mileage Count Reporting

- 6.01 A district shall report its total mileage scheduled to be traveled by pupil transportation vehicles on the official mileage count date in transporting all pupils enrolled in its schools.
- 6.01(1) A district shall report scheduled mileage to and from a pupil's legal residence and school in which the pupil is enrolled, both in-state and to and from an adjoining state.
- 6.01(2) A district shall report scheduled mileage to and from a pupil's legal residence and school in which the pupil is enrolled, including mileage for loaded and unloaded pupil transportation vehicles.
- 6.01(3) A district shall report scheduled mileage between two or more schools in which pupils are regularly enrolled and which pupils are required to attend as a part of their scheduled programs.
- 6.01(4) A district shall report actual mileage traveled by a district approved person due to the absence of a district-approved established bus route, if the district reimburses said district-approved person for such pupil transportation services.
- 6.02 A district shall report its total scheduled miles as defined above if the district operates a year-round school calendar at a school or schools within the district. The mileage count for year-round schools shall include only unique routes that are traveled specifically for the year-round program.
- 6.03 A district paying another district for pupil transportation services shall report miles traveled by the district providing the pupil transportation services.
- 6.04 A district shall not include in its reported scheduled mileage miles traveled for the purpose of providing pupil transportation for the pupils of another district.

- 6.05 A district shall not include in its reported scheduled mileage miles traveled for school field trips, extracurricular trips, or athletic trips.
- 6.06 A district shall not include in its reported scheduled mileage miles traveled in trips which are not for the purpose of transporting pupils from home to school, school to school, or school to home.
- 6.06(1) A district shall not include in its reported scheduled mileage miles traveled for transportation services for the elderly.
- 6.06(2) A district shall not include in its reported scheduled mileage miles traveled for transportation services for recreational districts.
- 6.07 A district shall not include in its reported scheduled mileage miles traveled by pupil transportation support and service vehicles.

~~2251-R~~-7.00 Certifications by Local Boards of Education

- 7.01 A district desiring reimbursement under the Public School Transportation Fund for any entitlement period shall report to the department all required information.
- 7.01(1) A district shall report current operating expenditures as defined in 2251-R-4.00 and 2251- R-5.00 of these rules.
- 7.01(2) A district shall report total scheduled mileage as defined in 2251-R-6.00 of these rules. 7.01(3) A district shall report the number of days of school that pupils are actually transported. 7.01(4) A district shall report the number of days of school that pupils are actually transported for year-round school programs.
- 7.01(5) A district shall report the number of days for which a boarding allowance is paid for pupils in lieu of transportation.
- 7.01(6) A district shall report the number of pupils scheduled to be transported on the official mileage count date.
- 7.01(7) A district shall report the total cost of a contract pursuant to rule 4.01(7) for the purposes of providing pupil transportation.
- 7.01(8) A district shall report the total cost of a contract with a commercial transportation carrier pursuant to rule 4.01(8) for the purposes of providing pupil transportation.
- 7.01(9)(a) A district shall report the comparable district cost of providing pupil transportation in the absence of a contract with a commercial transportation carrier.
- 7.01(09) A district shall report the total actual miles traveled for school field trips, extracurricular trips, and athletic trips by pupil transportation vehicles.
- 7.01(10) A district shall report the total actual miles traveled for any purpose by all pupil transportation vehicles.
- 7.01(11) A district shall report that the data reported is accurate and that the pupil transportation program has been operated in compliance with all applicable rules of the state board.

7.01(12) A district shall report other data as deemed necessary by the department.

~~2251-R-8.00~~ Documentation

- 8.01 A district shall maintain and retain appropriate records pertaining to its application for reimbursement for five years or until an audit by the Department has been completed, whichever occurs first.
- 8.02 Documentation shall include appropriate mileage reports and route descriptions as of the official mileage count date which clearly define the routes and show mileage.
- 8.03 Documentation shall include appropriate financial records of the district.
- 8.04 Documentation shall support the number of actual miles traveled on the official mileage count date by persons who are reimbursed by the district for furnishing their own district approved transportation.
- 8.05 Documentation shall include the odometer reading taken at the beginning of the entitlement period and taken at the end of the entitlement period and total miles traveled for each pupil transportation vehicle operated during the entitlement period.
- 8.06 Documentation shall include time sheets, work schedules, or other auditable documentation used to support the transportation claim as well as documentation to support allocation methods used to determine the amount of the claim.
- 8.07 Documentation shall include information from independent contractors showing the acquisition cost of vehicles used for pupil transportation and less than ten years old and showing the total value of such contracts.
- 8.08 Documentation shall support total expenditures for public transportation contracts.
- 8.09 Documentation shall support total expenditures for commercial transportation carrier contracts.
- 8.010 Documentation shall support the amount of revenues from sources pursuant to 5.00 of these rules, such as election ballot and board resolution.
- 8.011 Documentation shall include a list of named pupils scheduled to be transported on the official mileage count date and shall be attached to each route description.

~~2251-R-9.00 Statement of Basis and Purpose.~~

~~The basis for these rules is found in Article 51 of Title 22, CRS. The state board has the responsibility to establish rules and regulations to implement the provisions of this article.~~

~~The purpose of these rules is to:~~

~~Establish regulations and procedures for administration of the public school transportation fund.~~

~~Establish regulations and procedures regarding determination of current operating expenditures, mileage count and revenues received by districts for providing pupil transportation.~~

~~Revisions to section 2251-R-3.00 of these rules are made to incorporate new statutory requirements established by H.B. 12-1090 (concerning the annual count date for establishing total pupil enrollment of each public school) in section 22-54-103 (10.5) (a), C.R.S., and to eliminate the requirements related to summer migrant mileage under section 2251-R-7.00 and 8.00 as no legal authority was found to support such requirements.~~

Editor's Notes

History

Entire rule eff. 01/14/2013.

Rule 2.02(1) eff.

07/30/2020.

Annotations

Rule 2251-R-2.02(1) (adopted 06/10/2020) was not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

Notice of Proposed Rulemaking

Tracking number

2021-00513

Department

300 - Department of Education

Agency

301 - Colorado State Board of Education

CCR number

1 CCR 301-26

Rule title

COLORADO RULES FOR THE OPERATION, MAINTENANCE AND INSPECTION OF SCHOOL TRANSPORTATION VEHICLES

Rulemaking Hearing**Date**

10/13/2021

Time

09:00 AM

Location

201 E. Colfax, State Board Room or Webinar

Subjects and issues involved

The purpose of these rules is to adopt and enforce regulations governing the reasonable and adequate standards of safety for the operation, maintenance and inspection of school transportation vehicles that promote the welfare of the students and afford reasonable protection to the public. These rules are designed to align with federal standards, reflect current industry practices, and incorporate recommendations from school district, charter school, and service provider transportation professionals.

Statutory authority

Colorado law provides for the State Board of Education to adopt and enforce regulations governing the safe operation of school buses used for the transportation of students pursuant to Sections 22-51-108 and 42-4-1904, C.R.S.

Contact information**Name**

Angela Maramba

Title

Director of State Board Relations

Telephone

720-822-4803

Email

Maramba_A@cde.state.co.us

COLORADO RULES FOR THE OPERATION, MAINTENANCE, AND INSPECTION OF SCHOOL TRANSPORTATION VEHICLES

1 CCR 301-26

~~4204-R-1.00~~ Statement of Basis and Purpose

- 1.01 Colorado law provides for the State Board of Education to adopt and enforce regulations governing the safe operation of school buses used for the transportation of students pursuant to Sections 22-51-108 and 42-4-1904, C.R.S.
- 1.02 The purpose of these rules is to adopt and enforce regulations governing the reasonable and adequate standards of safety for the operation, maintenance and inspection of school transportation vehicles that promote the welfare of the students and afford reasonable protection to the public. These rules are designed to align with federal standards, reflect current industry practices, and incorporate recommendations from school district, charter school, and service provider transportation professionals.
- 1.03 The Commissioner, or designee, may provide an exemption to the Rules for the Operation, Maintenance and Inspection of School Transportation Vehicles to the extent the Commissioner finds an exemption to be appropriate.

~~1.04 These rules shall become effective January 1, 2018 for all student transportation.~~

~~4204-R-2.00~~ Applicability of Rules

- 2.01 These rules and regulations apply to the operation, maintenance and inspection of all public-school transportation conducted by:
 - 2.01(a) A school district, ~~or~~ charter school, or service provider for routes (home to school, school to school, and school to home); and
 - 2.01(b) A school district, ~~or~~ charter school, or service provider for activity trips (school related events);
 - 2.01 (c) ~~A company or individual hired by a district or charter school (service provider) for routes (home to school, school to school, and school to home).~~ As used in these Rules, "service provider" means a company or individual hired by a school district or charter school.
- 2.02 These rules are not intended to include:
 - 2.02(a) Private motor vehicles used exclusively to carry members of the owner's household; or
 - 2.02(b) Transportation arrangements not authorized by the school district, charter school, or service provider, including but not limited to sharing of actual gasoline expense or participation in a car pool; ~~or~~

- 2.02(c) The operations of vehicles in bona fide emergency situations consistent with policies of the local board of education; ~~or~~
- 2.02(d) Transportation conducted by a company or individual for activity trips (school related events), including service providers, parent volunteers, and coaches or teachers using a private motor vehicle; or
- 2.02(e) ~~Route + T~~ Transportation provided by a company or individual as part of their operation as a common carrier, or transportation network company operating pursuant to Section 40-10.1-602, C.R.S., under the jurisdiction of the US Department of Transportation or the Public Utilities Commission. ~~including RTD, taxi cab services, Uber services, and Lyft services..~~
- 2.03 These rules shall not preclude a school district, charter school, or service provider from establishing a more rigid standard or policy when deemed necessary by the local board of education or service provider.

~~4204-R-3.00~~ Non-Compliance

- 3.01 CDE will perform periodic School Transportation Advisory Reviews (STAR) of school districts, charter schools and service providers to evaluate and assist with compliance of these rules.
- 3.01(a) CDE will provide school districts, charter schools and service providers written notification of the STAR findings.
- 3.01(b) Upon receipt of the written notification of STAR findings, school districts, charter schools ~~or~~ and service providers shall respond in writing to outline corrective actions if necessary.
- 3.02 CDE shall revoke or suspend the certificate for a school transportation annual inspector, school transportation annual inspector hands-on tester, school transportation entry level driver instructor, or inspection site under the following circumstances:
- 3.02(a) A school transportation annual inspector, school transportation annual inspector hands-on tester, school transportation entry level driver instructor, or inspection site does not meet the requirements outlined in these rules; or
- 3.02(b) School transportation annual inspections, school transportation entry level driver instruction, or hands-on tests have not been properly conducted.

~~4204-R-4.00~~ School District, Charter School and Service Provider Employment Responsibilities

- 4.01 School districts, charter schools and service providers shall outline job responsibilities and develop job qualification standards for each school transportation vehicle operator and school transportation paraprofessionals, annual inspector, and school transportation entry level driver instructor, consistent with federal and state regulations. A copy of these requirements shall be provided to each school transportation vehicle operator, annual inspector, school transportation

entry level driver instructor, and paraprofessional upon employment. A copy shall also be maintained in the applicable qualification file.

- 4.02 School districts, charter schools and service providers shall maintain separate files for each school transportation vehicle operator, school transportation paraprofessional, school transportation entry level driver instructor, and school transportation annual inspector with written documentation evidencing all listed requirements indicated in Rule 5.00, Rule 6.00 and Rule 7.00, as applicable. Training documentation shall include the trainer name, date of the training, description of the training, duration of each topic covered and the signature of all attendees.

4.02(a) If a school transportation vehicle operator, school transportation paraprofessional, or school transportation annual inspector works for more than one school district, charter school, service provider, or operator of an inspection site, each employer shall maintain a file with documentation in accordance with this rule.

- 4.03 Pursuant to 49 CFR, Part 382, Subpart G, School districts, charter schools, and service providers shall ensure that all employees required to possess a commercial driver's license (CDL) are enrolled in the Federal Motor Carrier Administration Drug and Alcohol Clearinghouse and shall be in a US DOT- approved substance abuse testing program.

- 4.04 School districts, charter schools and service providers shall not permit a school transportation vehicle operator to transport students, while the operator's ability or alertness is so impaired, through fatigue, illness or any other cause, as to make it unsafe for the operator to transport students.

- 4.05 School districts, charter schools and service providers shall have written emergency procedures and/or contingency plans to be followed in the event of a traffic accident, vehicle breakdown, unexpected school closing, unforeseen route change, or relocation of a student stop in an emergency.

- 4.06 School districts, charter schools and service providers shall ensure that documentation outlining transportation related services and requirements, including required use of Child Safety Restraint Systems and medical and behavioral information as it relates to student transportation, is available to applicable school transportation vehicle operators and paraprofessionals prior to providing transportation services.

- 4.07 Pursuant to 49 CFR, Part 380, Subpart F, 380.601, effective February 7, 2022, school districts, charter schools, and service providers shall ensure that all entry level school transportation operators required to possess a commercial driver's license (CDL) receive pre-service training in compliance with the FMCSA theory and behind-the-wheel training curricula via an entity listed on the FMCSA training provider registry (TPR).

~~4204-R-5.00~~ School Transportation Vehicle Operator Requirements

- 5.01 School transportation vehicle operators ~~(transporting students to and from school or from school to school)~~ driving ~~a School Bus~~ any vehicle with the capacity of 16 or greater passengers (counting the driver) ~~and school transportation vehicle operators, other than route operators,~~

~~driving vehicles with the capacity of 16 or greater passengers (counting the driver), including a School bus, Multifunction Bus and Motor Coach Bus,~~ shall meet or exceed the following requirements:

5.01(a) The operator shall possess a valid commercial driver's license (CDL) with the proper class and endorsements for size and type of vehicle(s) to be driven and the associated Medical Examination Report required pursuant to the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43. ~~(2021) (2015) (update). Only the Federal Motor Carrier Safety Regulations adopted as of October 1, 2015 (update) apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.~~

5.01(b) The operator shall be a minimum of 18 years of age.

5.01(c) ~~The district~~ School districts, charter schools, or and service providers shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.

5.01(d) The operator shall be given and/or have access to the CDE School Bus/Multifunction Bus/Motor Coach Bus Operator Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.

5.01(e) The operator shall receive a minimum of six hours of in-service training annually, ~~which may include required training in 1 CCR 301-26-R-5.00.~~ A portion of this annual in-service requirement may occur during the school year.

5.01(f) The operator shall successfully pass a CDE School Bus/Multifunction Bus/Motor Coach Bus Operator written test for the current school year prior to transporting students and annually thereafter.

5.01(g) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students and annually thereafter. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. ~~School d~~Districts, charter schools, and service providers have the option to re-test at their discretion.

5.01(h) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, mountain and adverse weather training pursuant to C.R.S. 42-4-1902, and ~~in~~ student confidentiality requirements prior to transporting students.

5.01(i) The operator shall have written documentation evidencing that they have received first aid training, including cardiopulmonary resuscitation and universal precautions within 90 calendar days after initial employment. If the operator holds a current first aid and cardiopulmonary resuscitation certificate it will meet the requirements of this section.

Operators shall receive first aid training and/or re-certification every two (2) years thereafter.

- 5.01(j) The operator shall receive training regarding the proper use and maintenance of Child Safety Restraint Systems (CSRS) and proper wheelchair securement, when the operator is engaged in transportation involving these systems and devices, prior to transporting students.

5.01(k) Effective February 7, 2022, entry level commercial operators shall have a copy of their training certificate, and training syllabus from a training provider listed on the FMCSA Training Provider Registry (TPR) placed in their qualification file, indicating that they have passed all required FMCSA pre-service training.

- 5.02 School transportation vehicle route operators (transporting students to and from school or from school to school) driving vehicles with the capacity of 15 or fewer passengers (counting the driver), including Type A Multifunction Bus and Small Vehicle, shall meet or exceed the following requirements:

5.02(a) The operator shall possess a valid driver's license.

5.02(b) The operator shall be a minimum of 18 years of age.

5.02(c) The operator shall have a current physical examination (not to exceed two years) consistent with the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43. ~~(2015). Only the Federal Motor Carrier Safety Regulations adopted as of October 1, 2015 (update) apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.~~

5.02(d) ~~The district School~~ districts, charter schools, and ~~or~~ service providers shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.

5.02(e) The operator shall be given and/or have access to the CDE Type A Multifunction Bus /Small Vehicle Route Driver Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.

5.02(f) The operator shall receive a minimum of six hours of in-service training annually. ~~which may include required training in 1 CCR 301-26 R 5.00.~~ A portion of this annual in-service requirement may occur during the school year.

5.02(g) The operator shall successfully pass a CDE Type A Multifunction Bus/Small Vehicle Route Operator written test for the current school year prior to transporting students and annually thereafter.

- 5.02(h) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students and annually thereafter. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. School districts, charter schools and service providers have the option to re-test at their discretion.
- 5.02(i) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, mountain and adverse weather training pursuant to C.R.S. 42-4-1902, and ~~in~~ student confidentiality requirements prior to transporting students.
- 5.02(j) The operator shall have written documentation evidencing that they have received first aid training, including cardiopulmonary resuscitation and universal precautions within 90 calendar days after initial employment. If the operator holds a current first aid and cardiopulmonary resuscitation certificate it will meet the requirements of this section. Operators shall receive first aid training and/or re-certification every two (2) years thereafter.
- 5.02(k) The operator shall receive training regarding the proper use and maintenance of Child Safety Restraint Systems (CSRS) and proper wheelchair securement, when the operator is engaged in transportation involving these systems and devices prior to transporting students.
- 5.03 School transportation vehicle operators, other than route operators, driving vehicles with the capacity of 15 or fewer passengers (counting the driver), including Type A Multifunction Bus and Small Vehicle, shall meet or exceed the following requirements:
- 5.03(a) The operator shall possess a valid driver's license.
- 5.03(b) The operator shall be a minimum of 18 years of age.
- 5.03(c) ~~The district~~ School districts, charter schools, and service providers shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.
- 5.03(d) The operator shall be given and/or have access to the CDE Type A Multifunction Bus /Small Vehicle Operator Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.
- 5.03(e) The operator shall successfully pass a Type A CDE Multifunction Bus/Small Vehicle Operator written test for the current school year prior to transporting students and annually thereafter.
- 5.03(f) The operator shall annually complete the CDE Multifunction/Small Vehicle Operators Medical Information Form (STU-17). Any yes annotations shall require a doctor's release.
- 5.03(g) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, mountain and adverse weather training

pursuant to C.R.S 42-4-1902, and ~~in~~ student confidentiality requirements prior to transporting students.

- 5.03(h) The operator shall be given and/or have access to first aid information, including cardiopulmonary resuscitation and universal precautions.
- 5.03(i) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. School districts, charter schools, and service providers have the option to re-test in subsequent years at their discretion.
- 5.03(j) Prior to driving a school transportation vehicle pursuant to 1 CCR 301-26-R-~~12,13.11~~ operators shall receive training on towing a trailer.
- 5.04 A ~~S~~ school transportation paraprofessional is a person assigned to assist a school transportation vehicle operator to ~~the~~ control the behavior of students in the bus and/or ensure the safety of students getting on and off the school transportation vehicle.
 - 5.04(a) The school transportation paraprofessional shall receive pre-service training for the type of duties they may be required to perform prior to assisting with transporting students.
- 5.05 School transportation vehicle operators and school transportation paraprofessionals are required to be able to perform all essential functions including emergency evacuations when transporting students as determined by the school district, charter school, or service provider job qualification standards.
 - 5.05(a) The employing school district, charter school, or service provider has the authority to require at any time a medical evaluation of a school transportation vehicle operator or school transportation paraprofessional for any condition that could impair the employee's ability to operate a vehicle safely, assist student(s) as required by their position, and/or perform other required job duties, and may take appropriate action on the outcome of such evaluation.
 - 5.05(b) School transportation vehicle operators and school transportation paraprofessionals that have medical conditions which result in temporary loss of performance abilities shall provide return-to-work documentation from their physician, and any other requirements per school district, charter school, or service provider policy to the employing school district/service provider, prior to returning to their assigned duties.

4204-R-6.00 School Transportation Entry Level Driver Instructor Requirements

- 6.01 A CDE school transportation entry level driver instructor is a person qualified to teach either the theory and/or the behind-the-wheel curriculum, pursuant to 49 CFR, Part 380, Appendix B, C and D.
- 6.02 Pursuant to 49 CFR, Part 380.605, the CDE school transportation entry level theory instructor shall (1) possess a valid Colorado commercial driver's license with the Class B (or higher), School

Bus, and Passenger endorsements; and (2) have two years of verifiable experience operating a school transportation vehicle requiring a commercial operator's license with the Class B (or higher), School Bus, and Passenger endorsement in the State of Colorado.

6.02(a) Exception: A theory instructor is not required to hold a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in this section.

6.03 The CDE school transportation entry level driver theory instructor shall successfully complete the CDE entry level theory instructor program initially, and every three years thereafter pass the CDE School Transportation Entry Level Theory Instructor Recertification Written Test.

6.04 Pursuant to 49 CFR, Part 380.605, the CDE school transportation entry level behind the wheel instructor shall (1) possess a valid Colorado commercial driver's license with the Class B (or higher), School Bus, and Passenger endorsements; and (2) have two years of verifiable experience operating a school transportation vehicle requiring a commercial operator's license with the Class B (or higher), School Bus, and Passenger endorsement in the State of Colorado.

6.04(a) Exception: A behind the wheel instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided, as long as the instructor previously held a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided and complies with the other requirements set forth in this section.

6.05 The CDE school transportation entry level driver behind the wheel instructor shall successfully complete the CDE entry level behind the wheel instructor program initially, and every three years thereafter pass the CDE School Transportation Entry Level Behind the Wheel Instructor Recertification Written Test.

6.06 If any of the above requirements become invalid, the school transportation entry level driver theory, and/or behind the wheel instructor certificate is invalid until the requirement(s) is made valid.

6.07 An entity on the Training Provider Registry shall submit the CDE Entry Level School Transportation Instructor Recertification Form (STU-11) to CDE, verifying that all applicable instructor requirements have been satisfied. CDE will then re-issue the applicable Instructor Certificate.

6.08 If a school transportation entry level driver instructor has an expired certificate, the certificate can be recertified as follows:

6.08(a) If the certificate has been expired less than six months, then the applicable CDE School Transportation Entry Level Driver Instructor Recertification Written Test(s) is required.

6.08(b) If the certificate has been expired between six and 12 months, then the applicable CDE School Transportation Entry Level Driver Instructor Program Written Test(s) is required.

6.08(c) If the certificate has been expired for more than one year, then the instructor must retake and pass the applicable CDE school transportation entry level driver instructor program(s).

~~4204-R-67.00~~ School Transportation Annual Inspector Requirements

~~67.01~~ A school transportation annual inspector is a person qualified to perform annual inspections on a school transportation vehicle to confirm the vehicle complies with CDE regulations.

~~67.02~~ School transportation annual inspectors shall meet or exceed the following requirements:

~~67.02(a)~~ The school transportation annual inspector shall possess a valid driver's license with the proper class and endorsements for the size and type of vehicle(s) to be inspected.

~~67.02(b)~~ The school transportation annual inspector shall provide to the school district, charter school, or service provider a Brake Inspector Qualification Certificate meeting the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 396.25. ~~(2015-) (2021)(update). Only the Federal Motor Carrier Safety Regulations adopted as of October 1, 2015 (update) apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.~~

~~67.02(c)~~ The school transportation annual inspector shall have at least two years verifiable experience in the maintenance of light, medium, or heavy-duty vehicles.

~~67.02(d)~~ The school transportation annual inspector shall successfully pass the CDE initial hands-on performance test. proctored by a certified school transportation annual inspector hands-on-tester.

~~6.02(d)(1) A certified school transportation annual inspector hands-on tester must proctor the hands-on performance test.~~

~~67.02(e)~~ The school transportation annual inspector shall successfully pass the CDE annual inspector qualification written test initially, and every three years thereafter pass the CDE annual inspector recertification written test.

~~67.02(e)(1)~~ A representative of the school district, charter school, or service provider, other than a school transportation annual inspector candidate, shall grade the written test.

~~67.03~~ A school district, charter school, service provider or operator of an inspection site may submit a CDE Application for CDE Annual Inspector Qualification or Recertification Form (STU-20) to CDE verifying that the above requirements have been satisfied. CDE will then issue an Annual Inspector Certificate.

~~67.04~~ If any of the above requirements become invalid, the annual inspector certificate is invalid until

the requirement(s) is made valid.

~~67~~.05 If a school transportation annual inspector has an expired certificate, the certificate can be recertified as follows:

~~67~~.05(a) If the certificate has been expired less than six months, then the CDE Annual Inspector Recertification Written Test is required.

~~67~~.05(b) If the certificate has been expired between six and 12 months, then the CDE Annual Inspector Qualification Written Test is required.

~~67~~.05(c) If the certificate has been expired for more than one year, then both the CDE Annual Inspector Qualification Written Test and the CDE hands-on performance test are required.

~~4204-R-78.00~~ Annual Inspector Hands-On Tester

~~78~~.01 ~~A~~~~S~~chool transportation annual inspector hands-on tester is a person qualified to proctor hands-on tests to annual inspector candidates.

~~78~~.02 School transportation annual inspector hands-on testers shall meet or exceed the following requirements:

~~78~~.02(a) The school transportation annual inspector hands-on tester shall have maintained a CDE Annual Inspector certificate for a minimum of two years.

~~78~~.02(b) The school transportation annual inspector hands-on tester shall have satisfactorily completed a ~~four-hour~~ CDE school transportation annual inspector hands-on tester training.

~~78~~.02 (c) The school transportation annual inspector hands-on testers shall have completed a minimum of four hours verifiable medium/heavy brake system training ~~four-hour brake training~~ in the last three years or have maintained an ASE School Bus or Medium/Heavy Duty Truck or Transit Bus Brake Certification.

~~78~~.02(d) The school transportation annual inspector hands-on tester candidate shall submit a CDE Application for Certification or Recertification of CDE Annual Inspector Hands-On Tester Form (STU-30) verifying that the above criteria have been satisfied. CDE will then issue an Annual Inspector Hands-On Tester Certificate.

~~78~~.02(e) The school transportation annual inspector hands-on tester shall conduct at least two hands-on tests every three years or attend a CDE school transportation annual inspector hands-on recertification training to recertify as a school transportation annual inspector hands-on tester.

~~78~~.03 If any of the above requirements become invalid, the hands-on tester certificate is invalid until the requirement(s) is made valid, by retaking the tester training class in rule 8.02(b).

~~4204-R-89.00~~ Pre-trip/Post-trip Vehicle Inspections

- ~~89.01~~** Each school transportation vehicle shall have a daily pre-trip and post-trip inspection performed and documented by the school transportation vehicle operator or other transportation employee authorized by the school a district, charter school, or service provider. ~~authorized transportation employee.~~ A daily pre-trip inspection shall be completed prior to a vehicle being placed in service. A daily post-trip inspection shall be completed at the end of daily operation of each vehicle.
- ~~89.02~~** The pre-trip and post-trip inspection requirements for school transportation vehicles, other than small vehicles, shall include at a minimum all items listed on the CDE School Transportation Vehicle (School Bus/Multifunction Bus/Motor Coach Bus) – Pre-Trip and Post Trip Requirements Form (STU-9).
- ~~89.03~~** The pre-trip and post-trip inspection requirements for school transportation small vehicles shall include at a minimum all items listed on the CDE School Transportation Vehicle (Small Vehicle) – Pre-Trip and Post Trip Requirements Form (STU-8).
- ~~89.04~~** School districts, charter schools, and service providers shall have a procedure in place to verify that students are not left on an unattended school transportation vehicle.

~~4204-R-910.00~~ Inspection Site Certification

- ~~910.01~~** A CDE Inspection Site Certificate is required at each facility/location where annual inspections for school transportation vehicles are performed.
- ~~910.02~~** The inspection site shall meet or exceed the following criteria to acquire and maintain an inspection site certificate:
- ~~910.02(a)~~** The inspection site shall be large enough to accommodate the vehicle, equipment, and tools necessary to perform the inspection.
- ~~910.02(b)~~** The inspection site shall have a floor surface or pad adequate to safely support the maximum weight of the largest vehicle to be inspected.
- ~~910.02(c)~~** The inspection site shall have adequate lighting and ventilation.
- ~~910.02(d)~~** The inspection site or inspector shall, at the time of inspection, have the equipment and tools necessary to properly complete the annual inspection.
- ~~910.02(e)~~** The inspection site or inspector shall have tools designed and calibrated to take accurate readings of appropriate measurements, such as brakes and tires.
- ~~910.03~~** The operator of an inspection site shall submit a request for an inspection site certificate on the CDE Application for Inspecting Site Certification Form (STU-22) that the above criteria have been satisfied.
- ~~910.04~~** The operator of an inspection site shall post the CDE Inspection Site Certificate at the inspection site.

~~4204-R-1011.00~~ Annual Inspection

~~1011.01~~ School districts, charter schools and service providers shall ensure all school transportation vehicles and trailers pursuant to 1 CCR 301-26-R-~~1213~~.11 have a CDE annual inspection conducted by a CDE certified annual inspector prior to transporting students and annually thereafter.

~~1011.01(a)~~ Recently purchased school transportation vehicles shall successfully pass a CDE annual inspection prior to transporting students, and then annually thereafter.

~~1011.02~~ Annual inspection results shall be documented on the CDE Affidavit of Annual Inspection for School Transportation Vehicles Form (STU-25).

~~1011.02(a)~~ A copy of the current Affidavit must be is maintained inside the vehicle and a copy must be is placed in the vehicle file.

~~1011.03~~ All annual inspection criteria of school transportation vehicles must meet or exceed manufacturer's specifications. The annual inspection shall be documented and shall include at a minimum, all fields listed on the CDE Annual Inspection and Preventive Maintenance Requirements Form (STU-26).

~~1011.04~~ All annual inspection criteria of trailers must meet or exceed manufacturer's specifications, and shall include at a minimum, all fields listed on the CDE Trailer Annual Inspection and Preventive Maintenance Requirements Form (STU-27).

~~1011.05~~ During the annual inspection, all four wheels shall be pulled for full inspection of the foundation brake system. The three exceptions are:

~~1011.05(a)~~ School transportation vehicles with less than 4,000 miles since the previous annual inspection shall have two wheels (one front and one rear) pulled different than those pulled for the previous inspection.

~~1011.05(b)~~ School transportation vehicles equipped with a retarder meeting the specifications outlined in 1 CCR 301-25-R-33.00, shall have two wheels (one front and one rear) pulled which are different than those pulled for the previous inspection.

~~1011.05(c)~~ Trailers, pursuant to 1 CCR 301-26-R-~~1213~~.11, shall have 50 percent of the wheels pulled different than those pulled for the previous inspection.

~~4204-R-1112.00~~ Maintenance and Repair

~~1112.01~~ School districts, charter schools and service providers must ensure all school transportation vehicles are systematically inspected, maintained and repaired to ensure that school transportation vehicles are in safe and proper operating condition.

~~1112.02~~ School districts, charter schools and service providers shall have a system to document

preventative maintenance, reported defects and repairs made to school transportation vehicles.

- ~~1112~~.03 School districts, charter schools and service providers shall maintain separate files for each school transportation vehicle with documentation of all annual inspections, all preventative maintenance and all reported damage, defects or deficiencies and the corresponding repair and maintenance performed.
- ~~1112~~.04 Any identified damage, defect or deficiency of a school transportation vehicle must be reported to the school district, charter schools or service provider, ~~if it~~ which:
- ~~1112~~.04(a) Could affect the safety of operation of the school transportation vehicle; ~~or~~
- ~~1112~~.04(b) Could result in a mechanical breakdown of the school transportation vehicle; ~~or~~
- ~~1112~~.04(c) Results in noncompliance with Colorado Minimum Standards Governing School Transportation Vehicles (1 CCR 301-25) and/or manufacturer's specifications.
- ~~1112~~.05 Documentation for reported defects must include all ~~of~~ the following:
- ~~1112~~.05(a) The name of the school district, charter school or service provider; ~~and~~
- ~~1112~~.05(b) Date and time the report was submitted; ~~and~~
- ~~1112~~.05(c) All damage, defects or deficiencies of the school transportation vehicle; ~~and~~
- ~~1112~~.05(d) The name of the individual who prepared the report.
- ~~1112~~.06 Following a reported damage, defect, ~~or~~ deficiency of a school transportation vehicle, school districts, charter schools and service providers or a representative agent must repair the reported damage, defects or deficiencies, or document that no repair is necessary, ensuring that the vehicle is in safe and proper operating condition prior to transporting students.
- ~~1112~~.07 School districts, charter schools and service providers shall not transport students in a school transportation vehicle which is not in safe and proper operating condition. A school transportation vehicle shall be designated as "out-of-service" by a school district, charter schools or service provider, a school transportation annual inspector or the CDE School Transportation Unit.
- ~~1112~~.07(a) ~~Exemption~~— Any school transportation vehicle discovered to be in an unsafe condition while being operated on the highway, roadway, ~~or~~ private road may be continued in operation only to the nearest place where repairs can safely be affected. Such operation shall be conducted only if it is less hazardous to the public than to permit the vehicle to remain on the highway, roadway, ~~or~~ private road.
- ~~1112~~.08 Following a school transportation vehicle being placed "out-of-service", a school district, charter school, service provider or a representative agent must make required repairs, ensuring that the vehicle is in safe and proper operating condition prior to transporting students. In the event of being placed "out-of-service" during an annual inspection, the school

transportation vehicle must successfully pass a CDE annual inspection prior to transporting students.

~~1112~~.09 The preventative maintenance inspection on air drum brake systems shall include, at a minimum, that the brake rod travel has been measured and documented. The applied pressure method shall be used.

~~1112~~.09(a) The inspection-interval shall not exceed 4,000 miles for buses equipped with a manual slack adjuster air brake system.

~~1112~~.09(b) The inspection-interval shall not exceed 6,000 miles for buses equipped with an automatic slack adjuster air brake system.

~~1112~~.10 The preventive maintenance inspection interval on air disc brake systems shall not exceed 6,000 miles and shall include, at a minimum; inspection and documentation of:

~~1112~~.10(a) ~~Inspect~~ ~~t~~ The pad thickness by checking the mechanical wear indicators.

~~1112~~.10(b) ~~Inspect~~ ~~t~~ The visible part of the rotors for cracks, excessive wear, damage, etc.

~~1112~~.10(c) ~~Inspect~~ The running clearance. If the caliper has no movement or appears to move greater than the distances indicated by the manufacturer, then a full wheel removal inspection will be necessary.

~~1112~~.11 The preventive maintenance inspection interval for hydraulic brake systems shall not exceed 6,000 miles and shall include, at a minimum, inspection and documentation of:

~~1112~~.11(a) Proper parking brake operation~~;~~;

~~1112~~.11(b) Proper brake fluid level and clarity~~;~~;

~~1112~~.11(c) Adequate pedal reserve~~;~~;

~~1112~~.11(d) Proper hydraulic/vacuum assist operation~~;~~;~~and~~

~~1112~~.11(e) Visual inspection for brake fluid leakage.

~~1112~~.12 If brake adjustment or repair is needed, the work shall be completed by or supervised by a DOT or equivalent qualified brake inspector meeting the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 396.25 (2015). ~~Only the Federal Motor Carrier Safety Regulations adopted as of October 1, 2015 apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.~~

~~4204 R-1213.00~~ Operation of a School Transportation Vehicle

- ~~1213.01~~ A school transportation vehicle shall not be operated in a manner which is unsafe, or likely to cause an accident, or likely to damage ~~of~~ the vehicle.
- ~~1213.02~~ A school transportation vehicle shall not be placed in motion on a roadway, highway or private road with the passenger entry door/service door open.
- ~~1213.03~~ A school transportation vehicle's headlights or daytime running headlights shall be activated while the vehicle is in operation.
- ~~1213.04~~ A school transportation vehicle shall not be fueled while students are on board, except in instances when unloading the students would present a greater hazard or peril to their safety.
- ~~1213.05~~ Use of tobacco products as defined in Section 18-13-121(5), C.R.S., use or possession of illegal controlled substances, use or possession of alcohol and use or possession of marijuana or cannabinoid product, except as otherwise allowed by law, aboard any school transportation vehicle shall be prohibited at all times.
- ~~1213.06~~ A school transportation vehicle operator shall not consume food unless the vehicle is stopped at a safe location with the park/emergency brake set.
- ~~1213.07~~ When a school transportation vehicle is equipped with a roof mounted strobe lamp, the use of the strobe lamp is permitted only when the vehicle presents a hazard to other motorists, such as loading or unloading students in inclement weather or to enhance visibility of the vehicle when barriers inhibit such visibility.
- ~~1213.08~~ A school transportation vehicle operator may use the strobe, in addition to the four-way hazard lamps, to warn other motorists that the vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less.
- ~~1213.09~~ The school transportation vehicle operator shall use extreme caution when backing. Before backing on a roadway, highway or private property, the horn or audible warning device shall be sounded and four-way hazard lamps actuated or there shall be a person outside the vehicle giving direction.
- ~~1213.09(a)~~ Backing a school transportation vehicle when students are outside of the vehicle at a student stop is prohibited.
- ~~1213.10~~ ~~School transportation vehicles including-~~ A Type A, B, C, and D School Bus, Multifunction Bus and Motor Coach Bus shall not be operated with a trailer or other vehicle attached while students are being transported.
- ~~1213.11~~ School transportation small vehicles, with the capacity of 15 or fewer passengers (counting the driver), may tow trailers while students are being transported to the extent that trailering is a necessary component of a school district or charter school sponsored program.

~~4204-R-1314.00~~ Authorized Passengers

- ~~1314.01~~ Only school district, ~~or~~ charter school, or service provider personnel; ~~students enrolled in a school district or charter school;~~ or law enforcement officials; or individuals that have received prior authorization from the school district, charter schools or service provider may be passengers on any school transportation vehicle.
- ~~1314.02~~ The number of passengers transported on any school transportation vehicle shall not exceed the maximum seating capacity of the vehicle. Small vehicle capacity shall not exceed the number of safety belts as designed by the vehicle manufacturer.
- ~~1314.03~~ Passengers shall not be permitted to stand in any school transportation vehicle while the vehicle is in motion. This does not preclude authorized persons (such as school transportation paraprofessionals) from completing their duties as required.
- ~~1314.04~~ School districts, charter schools, and service providers shall consider the size of the passengers when determining the number of passengers that can safely occupy a school transportation vehicle seat.

~~4204-R-1415.00~~ Safety Restraints

- ~~1415.01~~ A school transportation vehicle operator shall have the safety belt fastened, worn correctly and properly adjusted prior to the school transportation vehicle being placed in motion.
- ~~1415.02~~ All passengers in a school transportation vehicle under 10,000 lbs. GVWR shall have their safety belts fastened, worn correctly and properly adjusted prior to the school transportation vehicle being placed in motion.

~~4204-R-1516.00~~ Transportation of Miscellaneous Items

- ~~1516.01~~ A school transportation vehicle operator shall ensure-make-a-reasonable-and-prudent determination that all carry-on items are properly handled in order to minimize the danger to all others.
- ~~1516.02~~ All baggage, articles, equipment or medical supplies (except those not held by individual passengers) shall be secured in a manner which assures unrestricted access to all exits by occupants, does not restrict the driver's ability to operate the bus and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders meet this standard if they are both medically necessary and secured to a wheelchair, shall be considered to be in compliance with this subsection, provided they do not impede access to any exit. School districts, charter schools, and service providers shall use reasonable care in determining the number of cylinders that may be safely transported at one time.
- ~~1516.03~~ All chemicals and cleaning supplies carried on a school transportation vehicle must meet the following precautions:
- ~~1516.03(a)~~ Container is non-breakable; or

~~1516~~.03(b) Container is labeled with contents;~~;~~

~~1516~~.03(c) Pressurized aerosols are prohibited;~~;~~

~~1516~~.03(d) Container is secured in a bracket, or in a closed compartment in the driver's area or a compartment on the exterior of the bus; ~~and~~

~~1516~~.03(e) Containers and quantities of products ~~are must be~~ no more than 32 ounces in size.

~~1516~~.04 Interior-decorations shall not be located within the driver's area (~~which includ~~~~ing~~-es the space in front of the front barriers, ~~including~~ the step-well, dash, walls and ceiling, the windshield, the entry door, the driver's side window, and all windows in front of the front barrier), the first two passenger windows on both sides of the vehicle ~~and or~~ all windows on the rear of the vehicle. Other decorations within the passenger compartment shall not;~~;~~

~~1516~~.04(a) Cover any required lettering;~~;~~

~~1516~~.04(b) Impede the aisle or any emergency exit;~~;~~

~~1516~~.04(c) Hang from the walls and/or ceiling.

~~4204 R-1617.00~~ Maximum Driving Time for School Transportation Vehicle Operators

~~1617~~.01 ~~The s~~ School transportation vehicle operators~~s~~, including small vehicle operators, shall not drive (nor shall the school districts~~s~~, charter schools, or service providers~~s~~ permit or require ~~an~~ operators~~s~~ to drive);

~~1617~~.01(a) In excess of 10 hours or after being on-duty 14 hours until completing 10 hours off-duty. This would include on-duty time for all employers. Ten hours off-duty may be consecutive or accumulated in two or more periods of off-duty time with one period having a minimum of ~~6~~six consecutive hours off-duty.

~~1617~~.01(b) After being on-duty for more than 70 hours in any seven consecutive days.

~~1617~~.01(c) In case of emergency, an operator may complete the trip without being in violation if such trip reasonably could have been completed absent the emergency.

~~1617~~.02 In ~~lieu place~~ of section ~~1617~~.00 of these rules, ~~the a~~ school district, charter school, or service provider may comply with the Federal Motor Carrier Safety Regulations, 49 CFR section 395.1.43 (2015). ~~Only the Federal Motor Carrier Safety Regulations adopted as of October 1, 2015 apply to this rule; later amendments do not apply. The federal regulations incorporated by reference in this rule are available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80209. In addition, these regulations are available at <https://www.ecfr.gov/>.~~

~~1617~~.03 Definitions:

~~16.03(a) Adverse driving conditions—In case of emergency, an operator may complete the trip~~

~~without being in violation if such trip reasonably could have been completed absent the emergency.~~

~~1617.03~~(~~ba~~) Day - Means any 24-consecutive hour period beginning at the time designated by the school district, charter school, or service provider.

~~1617.03~~(~~eb~~) On-duty time - Includes all time worked for ~~any and~~ all employers, including all driving and non-driving duties.

~~1617.03~~(~~ec~~) Off-duty time - School transportation vehicle operators may consider waiting time (whether compensated time or not) at special events, meal stops, and school related events as off-duty if the following criteria are met: ~~(Compensated waiting time does not necessitate on-duty time.)~~

~~1617.03~~(~~ec~~)(1) The operator shall be relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and students, and

~~1617.03~~(~~ec~~)(2) The operator shall be at liberty to pursue activities of his/her choice, including leaving the premises on which the bus is located.

~~1617.04~~ All school transportation vehicle operators shall document that they are in compliance with this section, hours of service.

~~1617.04~~(a) An operator's daily log, or equivalent, shall be completed for the trip in the operator's own handwriting when the trip requires a scheduled or unscheduled overnight stay away from the work reporting location.

~~4204-R-1718.00~~ **Route Planning – Student Loading and Discharge**

~~1718.01~~ School transportation small vehicles, Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and School Buses (Types A, B, C, and D) may be used to transport students to and from school. Multifunction Buses Type B, C, ~~and~~ D, and Motor Coach Buses shall not be used to transport students to and from school.

~~1718.02~~ The location of student stops shall consider factors including:

~~1718.02~~(a) Ages of the students;

~~1718.02~~(b) Visibility;

~~1718.02~~(c) Lateral clearance;

~~1718.02~~(d) Student access; and

~~1718.02~~(e) Control of other motorists.

~~1718.02~~(e)(1) Student stops for Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and school transportation small vehicles

should be located off of the roadway whenever possible.

~~1718.03~~ School transportation vehicle operators shall stop at least 10 feet away from students at each designated stop. The school transportation vehicle operator shall apply the parking brake and shift the vehicle into neutral or park prior to opening the service door of a bus or the passenger door(s) of a small vehicle.

~~1718.04~~ The school transportation vehicle operator shall stop as far to the right of the roadway, highway or private road as possible before discharging or loading passengers, allowing sufficient area to the right and front of the vehicle but close enough to the right to prevent traffic from passing on the right so that students may clear the vehicle safely while in sight of the operator.

~~1718.04(a)~~ Exception: The school transportation vehicle operator may block the lane of traffic when passengers being received or discharged are required to cross the roadway.

~~1718.05~~ Student stops shall not be located on the side of any major thoroughfare whenever access to the destination of the passenger is possible by ~~the use of~~ a road or street which is adjacent to the major thoroughfare.

~~1718.06~~ ~~School districts, charter schools and service providers shall ensure that if~~ if students are required to cross a roadway, highway or private road on which a student stop is being performed, they are prohibited from crossing a roadway, highway or private road constructed or designed to permit three or more separate lanes of vehicular traffic in either direction or with a median separating multiple lanes of traffic. ~~This does not include crossing the roadway, highway or private road with the assistance of a traffic controls signal or with the assistance of a crossing guard.~~

~~1718.07~~ Four-way hazard lamps shall be used on private property such as parking lots.

~~1718.08~~ Alternating flashing red warning signal lamps shall not be activated within 200 feet of an intersection if the intersection is controlled by a traffic control signal.

~~1718.09~~ Routes shall be planned as to:

~~1718.09(a)~~ Eliminate, when practical, railroad crossings; and

~~1718.09(b)~~ Have stops be a minimum of 200 feet apart (since alternating flashing amber warning signal lamps must be activated a minimum of 200 feet in advance of the stop).

~~1718.09(b)(1)~~ Exception: In ~~Student stops located in~~ areas where wildlife may create a high risk of threat to students' safety while they are waiting and/or walking to a student stop, designated stops may be ~~may designate student stops~~ less than 200 feet apart upon detailed written approval by the school district board of education or governing body of a charter school ~~and/(or the board's their designee)~~. A copy of the written approval shall be kept in the school transportation office and route

operators shall be given written notice of the exception and have it indicated on route sheets.

- ~~1718~~.10 In determining the length of routes, school districts, charter schools and service providers must make an effort to minimize student ride times while considering student educational needs, ~~and the~~ geographic boundaries, terrain, traffic congestion, and financial resources within the district. A local board of education, or the governing body of a charter school, may establish a maximum student ride time.
- ~~1718~~.11 Pursuant to Section 42-4-1903(2), C.R.S., school transportation vehicle operators are not required to actuate the alternating flashing red warning signal lamps on a school bus (1) when the student stop is at a location where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary and (2) when discharging or loading passengers who require the assistance of a lift device and no passenger is required to cross the roadway. Further, Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and school transportation small vehicles do not have the functionality to control traffic. In these instances, the school transportation vehicle operator shall stop as far to the right off the roadway as possible to reduce obstruction to traffic, activate the four-way hazard warning lamps a minimum of 200 feet prior to the student stop, continue to display the four-way hazard warning lamps until the process of discharging or loading passengers has been completed, and deactivate the four-way hazard lamps before resuming motion. Students are prohibited from crossing any lanes of traffic to access the student stop or after disembarking.
- ~~1718~~.12 School transportation vehicle operators shall not relocate a student stop without approval of the school district, charter school, or service provider.
- ~~1718~~.13 Pursuant to 42-4-707 C.R.S., School transportation vehicle operators of School Buses, Multifunction Buses and Motor Coach Buses, whether transporting students or not, shall apply the following procedures during the process of approaching, stopping and crossing railroad tracks:
- ~~1718~~.13(a) Activate the four-way hazard lamps not less than 200 feet from the railroad crossing to alert other motorists of the pending stop for the crossing;~~;~~
- ~~1718~~.13(b) Stop the bus within 50 feet but not less than 15 feet from the nearest rail~~;~~
- ~~1718~~.13(c) When stopped, the bus ~~should~~ shall be as far to the right of the roadway as possible and ~~should~~ shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic;~~;~~ and
- ~~1718~~.13(d) Use a prearranged signal to alert students to the need for quiet aboard the bus when approaching railroad tracks. Turn off all noise making equipment (fans, heater, radio, etc.)
- ~~1718~~.14 After quietness aboard the stopped bus has been achieved, bus operators shall open the service door and operator window. The bus operator shall listen and look in both directions along the track(s) for any approaching train(s) and for signals indicating the approach of a train.

~~1718~~.14(a) If the tracks are clear, the bus operator shall close the service door and may then proceed in a gear low enough to permit crossing the tracks without having to manually shift gears. The bus operator shall cancel the four-way hazard lamps after the bus has cleared the tracks.

~~1718~~.14(b) When two or more tracks are to be crossed, the bus operator shall not stop a second time unless the bus is completely clear of the first crossing, ~~with and has~~ at least 15 feet clearance in front and at least 15 feet clearance to the rear.

~~1718~~.14(c) Before crossing the tracks, the bus operator shall verify that there is enough space after the tracks for the bus plus 15 feet if it is necessary to stop after crossing the tracks.

~~1718~~.15 School transportation vehicle operators of School Buses, Multifunction Buses and Motor Coach Buses are not required to stop at crossings ~~only~~ controlled ~~only~~ by a red, amber, green traffic control signal when it is in the green position, or when the crossing is controlled by a police officer or human flag person, or when the crossing is marked with an official “exempt” sign placed on the railroad crossing light post or cross bucks post.

~~4204-R-1819.00~~ **Emergency Evacuation Drills**

~~1819~~.01 Emergency evacuation drills shall be conducted with students by all school transportation vehicle operators and school transportation paraprofessionals at least twice during each school year.

~~1819~~.01(a) One drill shall be conducted in the fall and the second drill conducted in the spring.

~~1819~~.01(b) Substitute and Multifunction operators of 16 or greater ~~vehicle~~ capacity (counting the driver) ~~vehicles~~ shall be trained how to conduct the emergency evacuation drills.

~~1819~~.02 Students on school related events shall receive emergency evacuation instruction prior to departure.

~~1819~~.03 School districts, charter schools, and service providers shall maintain records documenting that the required evacuation drills were conducted and/or evacuation instruction was given.

20.0 Incorporation by Reference

The foregoing rules incorporate by reference several sections and appendices from the Federal Motor Carrier Safety Regulations, 49 CFR, Parts 380, 382, 391, 395, and 396 (as codified as of April 19, 2021). The foregoing rules do not incorporate by reference any later amendment or editions to the Federal Motor Carrier Safety Regulations.

The Federal Motor Carrier Safety Regulations are available at <https://www.ecfr.gov/>. They are also available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80203.

COLORADO RULES FOR THE OPERATION, MAINTENANCE, AND INSPECTION OF SCHOOL TRANSPORTATION VEHICLES

1 CCR 301-26

1.0 Statement of Basis and Purpose

- 1.01 Colorado law provides for the State Board of Education to adopt and enforce regulations governing the safe operation of school buses used for the transportation of students pursuant to Sections 22-51-108 and 42-4-1904, C.R.S.
- 1.02 The purpose of these rules is to adopt and enforce regulations governing the reasonable and adequate standards of safety for the operation, maintenance and inspection of school transportation vehicles that promote the welfare of the students and afford reasonable protection to the public. These rules are designed to align with federal standards, reflect current industry practices, and incorporate recommendations from school district, charter school, and service provider transportation professionals.
- 1.03 The Commissioner, or designee, may provide an exemption to the Rules for the Operation, Maintenance and Inspection of School Transportation Vehicles to the extent the Commissioner finds an exemption to be appropriate.

2.0 Applicability of Rules

- 2.01 These rules and regulations apply to the operation, maintenance and inspection of all public-school transportation conducted by:
 - 2.01(a) A school district, charter school, or service provider for routes (home to school, school to school, and school to home); and
 - 2.01(b) A school district, charter school, or service provider for activity trips (school related events);
 - 2.01 (c) As used in these Rules, “service provider” means a company or individual hired by a school district or charter school.
- 2.02 These rules are not intended to include:
 - 2.02(a) Private motor vehicles used exclusively to carry members of the owner's household;
 - 2.02(b) Transportation arrangements not authorized by the school district, charter school, or service provider, including but not limited to sharing of actual gasoline expense or participation in a car pool;
 - 2.02(c) The operations of vehicles in bona fide emergency situations consistent with policies of the local board of education;
 - 2.02(d) Transportation conducted by a company or individual for activity trips (school related events),

including service providers, parent volunteers, and coaches or teachers using a private motor vehicle; or

2.02(e) Transportation provided by a company or individual as part of their operation as a common carrier, or transportation network company operating pursuant to Section 40-10.1-602, C.R.S., under the jurisdiction of the US Department of Transportation or the Public Utilities Commission.

2.03 These rules shall not preclude a school district, charter school, or service provider from establishing a more rigid standard or policy when deemed necessary by the local board of education or service provider.

3.0 Non-Compliance

3.01 CDE will perform periodic School Transportation Advisory Reviews (STAR) of school districts, charter schools and service providers to evaluate and assist with compliance of these rules.

3.01(a) CDE will provide school districts, charter schools and service providers written notification of the STAR findings.

3.01(b) Upon receipt of the written notification of STAR findings, school districts, charter schools and service providers shall respond in writing to outline corrective actions if necessary.

3.02 CDE shall revoke or suspend the certificate for a school transportation annual inspector, school transportation annual inspector hands-on tester, school transportation entry level driver instructor, or inspection site under the following circumstances:

3.02(a) A school transportation annual inspector, school transportation annual inspector hands-on tester, school transportation entry level driver instructor, or inspection site does not meet the requirements outlined in these rules; or

3.02(b) School transportation annual inspections, school transportation entry level driver instruction, or hands-on tests have not been properly conducted.

4.0 School District, Charter School and Service Provider Employment Responsibilities

4.01 School districts, charter schools and service providers shall outline job responsibilities and develop job qualification standards for each school transportation vehicle operator and school transportation paraprofessionals, annual inspector, and school transportation entry level driver instructor, consistent with federal and state regulations. A copy of these requirements shall be provided to each school transportation vehicle operator, annual inspector, school transportation entry level driver instructor, and paraprofessional upon employment. A copy shall also be maintained in the applicable qualification file.

4.02 School districts, charter schools and service providers shall maintain separate files for each school transportation vehicle operator, school transportation paraprofessional, school transportation entry level driver instructor, and school transportation annual inspector with

written documentation evidencing all listed requirements indicated in Rule 5.00, Rule 6.00 and Rule 7.00, as applicable. Training documentation shall include the trainer name, date of the training, description of the training, duration of each topic covered and the signature of all attendees.

- 4.02(a) If a school transportation vehicle operator, school transportation paraprofessional, or school transportation annual inspector works for more than one school district, charter school, service provider, or operator of an inspection site, each employer shall maintain a file with documentation in accordance with this rule.
- 4.03 Pursuant to 49 CFR, Part 382, Subpart G, school districts, charter schools, and service providers shall ensure that all employees required to possess a commercial driver's license (CDL) are enrolled in the Federal Motor Carrier Administration Drug and Alcohol Clearinghouse and in a US DOT- approved substance abuse testing program.
- 4.04 School districts, charter schools and service providers shall not permit a school transportation vehicle operator to transport students, while the operator's ability or alertness is so impaired, through fatigue, illness or any other cause, as to make it unsafe for the operator to transport students.
- 4.05 School districts, charter schools and service providers shall have written emergency procedures and/or contingency plans to be followed in the event of a traffic accident, vehicle breakdown, unexpected school closing, unforeseen route change, or relocation of a student stop in an emergency.
- 4.06 School districts, charter schools and service providers shall ensure that documentation outlining transportation related services and requirements, including required use of Child Safety Restraint Systems and medical and behavioral information as it relates to student transportation, is available to applicable school transportation vehicle operators and paraprofessionals prior to providing transportation services.
- 4.07 Pursuant to 49 CFR, Part 380, Subpart F, 380.601, effective February 7, 2022, school districts, charter schools, and service providers shall ensure that all entry level school transportation operators required to possess a commercial driver's license (CDL) receive pre-service training in compliance with the FMCSA theory and behind-the-wheel training curricula via an entity listed on the FMCSA training provider registry (TPR).

5.0 School Transportation Vehicle Operator Requirements

- 5.01 School transportation vehicle operators driving any vehicle with the capacity of 16 or greater passengers (counting the driver) shall meet or exceed the following requirements:
- 5.01(a) The operator shall possess a valid commercial driver's license (CDL) with the proper class and endorsements for size and type of vehicle(s) to be driven and the associated Medical Examination Report required pursuant to the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43.
- 5.01(b) The operator shall be a minimum of 18 years of age.

- 5.01(c) School districts, charter schools, and service providers shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.
 - 5.01(d) The operator shall be given and/or have access to the CDE School Bus/Multifunction Bus/Motor Coach Bus Operator Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.
 - 5.01(e) The operator shall receive a minimum of six hours of in-service training annually. A portion of this annual in-service requirement may occur during the school year.
 - 5.01(f) The operator shall successfully pass a CDE School Bus/Multifunction Bus/Motor Coach Bus Operator written test for the current school year prior to transporting students and annually thereafter.
 - 5.01(g) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students and annually thereafter. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. School districts, charter schools, and service providers have the option to re-test at their discretion.
 - 5.01(h) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, mountain and adverse weather training pursuant to C.R.S. 42-4-1902, and student confidentiality requirements prior to transporting students.
 - 5.01(i) The operator shall have written documentation evidencing that they have received first aid training, including cardiopulmonary resuscitation and universal precautions within 90 calendar days after initial employment. If the operator holds a current first aid and cardiopulmonary resuscitation certificate it will meet the requirements of this section. Operators shall receive first aid training and/or re-certification every two (2) years thereafter.
 - 5.01(j) The operator shall receive training regarding the proper use and maintenance of Child Safety Restraint Systems (CSRS) and proper wheelchair securement when the operator is engaged in transportation involving these systems and devices, prior to transporting students.
 - 5.01(k) Effective February 7, 2022, entry level commercial operators shall have a copy of their training certificate, and training syllabus from a training provider listed on the FMCSA Training Provider Registry (TPR) placed in their qualification file, indicating that they have passed all required FMCSA pre-service training.
- 5.02 School transportation vehicle route operators (transporting students to and from school or from school to school) driving vehicles with the capacity of 15 or fewer passengers (counting the driver), including Type A Multifunction Bus and Small Vehicle, shall meet or exceed the following requirements:

- 5.02(a) The operator shall possess a valid driver's license.
- 5.02(b) The operator shall be a minimum of 18 years of age.
- 5.02(c) The operator shall have a current physical examination (not to exceed two years) consistent with the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 391.43.
- 5.02(d) School districts, charter schools, and service providers shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.
- 5.02(e) The operator shall be given and/or have access to the CDE Type A Multifunction Bus/ Small Vehicle Route Driver Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.
- 5.02(f) The operator shall receive a minimum of six hours of in-service training annually. A portion of this annual in-service requirement may occur during the school year.
- 5.02(g) The operator shall successfully pass a CDE Type A Multifunction Bus/Small Vehicle Route Operator written test for the current school year prior to transporting students and annually thereafter.
- 5.02(h) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students and annually thereafter. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. School districts, charter schools and service providers have the option to re-test at their discretion.
- 5.02(i) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, mountain and adverse weather training pursuant to C.R.S. 42-4-1902, and student confidentiality requirements prior to transporting students.
- 5.02(j) The operator shall have written documentation evidencing that they have received first aid training, including cardiopulmonary resuscitation and universal precautions within 90 calendar days after initial employment. If the operator holds a current first aid and cardiopulmonary resuscitation certificate it will meet the requirements of this section. Operators shall receive first aid training and/or re-certification every two (2) years thereafter.
- 5.02(k) The operator shall receive training regarding the proper use and maintenance of Child Safety Restraint Systems (CSRS) and proper wheelchair securement, when the operator is engaged in transportation involving these systems and devices prior to transporting students.

- 5.03 School transportation vehicle operators, other than route operators, driving vehicles with the capacity of 15 or fewer passengers (counting the driver), including Type A Multifunction Bus and Small Vehicle, shall meet or exceed the following requirements:
- 5.03(a) The operator shall possess a valid driver's license.
 - 5.03(b) The operator shall be a minimum of 18 years of age.
 - 5.03(c) School districts, charter schools, and service providers shall obtain a motor vehicle record of each operator prior to transporting students and annually thereafter.
 - 5.03(d) The operator shall be given and/or have access to the CDE Type A Multifunction Bus/ Small Vehicle Operator Guide prior to transporting students. A copy of the Certificate of Receipt, signed by the operator, shall be placed in the driver qualification file.
 - 5.03(e) The operator shall successfully pass a Type A CDE Multifunction Bus/Small Vehicle Operator written test for the current school year prior to transporting students and annually thereafter.
 - 5.03(f) The operator shall annually complete the CDE Multifunction/Small Vehicle Operators Medical Information Form (STU-17). Any yes annotations shall require a doctor's release.
 - 5.03(g) The operator shall receive pre-service training on the type of vehicle(s) to be driven, the type of duties they may be required to perform, mountain and adverse weather training pursuant to C.R.S 42-4-1902, and student confidentiality requirements prior to transporting students.
 - 5.03(h) The operator shall be given and/or have access to first aid information, including cardiopulmonary resuscitation and universal precautions.
 - 5.03(i) The operator shall successfully pass a driving performance test including a pre-trip inspection prior to transporting students. This test shall be conducted in a vehicle, which is similar in type and size to the vehicle the applicant is assigned to operate. School districts, charter schools, and service providers have the option to re-test in subsequent years at their discretion.
 - 5.03(j) Prior to driving a school transportation vehicle pursuant to 1 CCR 301-26-R-,13.11 operators shall receive training on towing a trailer.
- 5.04 A school transportation paraprofessional is a person assigned to assist a school transportation vehicle operator to control the behavior of students in the bus and/or ensure the safety of students getting on and off the school transportation vehicle.
- 5.04(a) The school transportation paraprofessional shall receive pre-service training for the type of duties they may be required to perform prior to assisting with transporting students.

5.05 School transportation vehicle operators and school transportation paraprofessionals are required to be able to perform all essential functions including emergency evacuations when transporting students as determined by the school district, charter school, or service provider job qualification standards.

5.05(a) The employing school district, charter school, or service provider has the authority to require at any time a medical evaluation of a school transportation vehicle operator or school transportation paraprofessional for any condition that could impair the employee's ability to operate a vehicle safely, assist student(s) as required by their position, and/or perform other required job duties, and may take appropriate action on the outcome of such evaluation.

5.05(b) School transportation vehicle operators and school transportation paraprofessionals that have medical conditions which result in temporary loss of performance abilities shall provide return-to-work documentation from their physician, and any other requirements per school district, charter school, or service provider policy to the employing school district/service provide prior to returning to their assigned duties.

6.0 School Transportation Entry Level Driver Instructor Requirements

6.01 A CDE school transportation entry level driver instructor is a person qualified to teach either the theory and/or the behind-the-wheel curriculum, pursuant to 49 CFR, Part 380, Appendix B, C and D.

6.02 Pursuant to 49 CFR, Part 380.605, the CDE school transportation entry level theory instructor shall (1) possess a valid Colorado commercial driver's license with the Class B (or higher), School Bus, and Passenger endorsements; and (2) have two years of verifiable experience operating a school transportation vehicle requiring a commercial operator's license with the Class B (or higher), School Bus, and Passenger endorsement in the State of Colorado.

6.02(a) Exception: A theory instructor is not required to hold a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided, if the instructor previously held a CDL of the same (or higher) class and complies with the other requirements set forth in this section.

6.03 The CDE school transportation entry level driver theory instructor shall successfully complete the CDE entry level theory instructor program initially, and every three years thereafter pass the CDE School Transportation Entry Level Theory Instructor Recertification Written Test.

6.04 Pursuant to 49 CFR, Part 380.605, the CDE school transportation entry level behind the wheel instructor shall (1) possess a valid Colorado commercial driver's license with the Class B (or higher), School Bus, and Passenger endorsements; and (2) have two years of verifiable experience operating a school transportation vehicle requiring a commercial operator's license with the Class B (or higher), School Bus, and Passenger endorsement in the State of Colorado.

6.04(a) Exception: A behind the wheel instructor who provides training solely on a range which is not a public road is not required to hold a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided, as

long as the instructor previously held a CDL of the same (or higher) class, and with all endorsements necessary to operate the CMV for which training is to be provided and complies with the other requirements set forth in this section.

- 6.05 The CDE school transportation entry level driver behind the wheel instructor shall successfully complete the CDE entry level behind the wheel instructor program initially, and every three years thereafter pass the CDE School Transportation Entry Level Behind the Wheel Instructor Recertification Written Test.
- 6.06 If any of the above requirements become invalid, the school transportation entry level driver theory, and/or behind the wheel instructor certificate is invalid until the requirement(s) is made valid.
- 6.07 An entity on the Training Provider Registry shall submit the CDE Entry Level School Transportation Instructor Recertification Form (STU-11) to CDE, verifying that all applicable instructor requirements have been satisfied. CDE will then re-issue the applicable Instructor Certificate.
- 6.08 If a school transportation entry level driver instructor has an expired certificate, the certificate can be recertified as follows:
 - 6.08(a) If the certificate has been expired less than six months, then the applicable CDE School Transportation Entry Level Driver Instructor Recertification Written Test(s) is required.
 - 6.08(b) If the certificate has been expired between six and 12 months, then the applicable CDE School Transportation Entry Level Driver Instructor Program Written Test(s) is required.
 - 6.08(c) If the certificate has been expired for more than one year, then the instructor must retake and pass the applicable CDE school transportation entry level driver instructor program(s).

7.0 School Transportation Annual Inspector Requirements

- 7.01 A school transportation annual inspector is a person qualified to perform annual inspections on a school transportation vehicle to confirm the vehicle complies with CDE regulations.
- 7.02 School transportation annual inspectors shall meet or exceed the following requirements:
 - 7.02(a) The school transportation annual inspector shall possess a valid driver's license with the proper class and endorsements for the size and type of vehicle(s) to be inspected.
 - 7.02(b) The school transportation annual inspector shall provide to the school district, charter school, or service provider a Brake Inspector Qualification Certificate meeting the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 396.25.
 - 7.02(c) The school transportation annual inspector shall have at least two years verifiable experience in the maintenance of light, medium, or heavy-duty vehicles.

- 7.02(d) The school transportation annual inspector shall successfully pass the CDE initial hands-on performance test proctored by a certified school transportation annual inspector hands-on-tester.
- 7.02(e) The school transportation annual inspector shall successfully pass the CDE annual inspector qualification written test initially, and every three years thereafter pass the CDE annual inspector recertification written test.
 - 7.02(e)(1) A representative of the school district, charter school, or service provider, other than a school transportation annual inspector candidate, shall grade the written test.
- 7.03 A school district, charter school, service provider or operator of an inspection site may submit a CDE Application for CDE Annual Inspector Qualification or Recertification Form (STU-20) to CDE verifying that the above requirements have been satisfied. CDE will then issue an Annual Inspector Certificate.
- 7.04 If any of the above requirements become invalid, the annual inspector certificate is invalid until the requirement(s) is made valid.
- 7.05 If a school transportation annual inspector has an expired certificate, the certificate can be recertified as follows:
 - 7.05(a) If the certificate has been expired less than six months, then the CDE Annual Inspector Recertification Written Test is required.
 - 7.05(b) If the certificate has been expired between six and 12 months, then the CDE Annual Inspector Qualification Written Test is required.
 - 7.05(c) If the certificate has been expired for more than one year, then both the CDE Annual Inspector Qualification Written Test and the CDE hands-on performance test are required.
- 8.0 Annual Inspector Hands-On Tester**
 - 8.01 A School transportation annual inspector hands-on tester is a person qualified to proctor hands-on tests to annual inspector candidates.
 - 8.02 School transportation annual inspector hands-on testers shall meet or exceed the following requirements:
 - 8.02(a) The school transportation annual inspector hands-on tester shall have maintained a CDE Annual Inspector certificate for a minimum of two years.
 - 8.02(b) The school transportation annual inspector hands-on tester shall have satisfactorily completed a CDE school transportation annual inspector hands-on tester training.
 - 8.02 (c) The school transportation annual inspector hands-on testers shall have completed a

minimum of four hours verifiable medium/heavy brake system training in the last three years or have maintained an ASE School Bus or Medium/Heavy Duty Truck or Transit Bus Brake Certification.

8.02(d) The school transportation annual inspector hands-on tester candidate shall submit a CDE Application for Certification or Recertification of CDE Annual Inspector Hands-On Tester Form (STU-30) verifying that the above criteria have been satisfied. CDE will then issue an Annual Inspector Hands-On Tester Certificate.

8.02(e) The school transportation annual inspector hands-on tester shall conduct at least two hands-on tests every three years or attend a CDE school transportation annual inspector hands-on recertification training to recertify as a school transportation annual inspector hands-on tester.

8.03 If any of the above requirements become invalid, the hands-on tester certificate is invalid until the requirement(s) is made valid, by retaking the tester training class in rule 8.02(b).

9.0 Pre-trip/Post-trip Vehicle Inspections

9.01 Each school transportation vehicle shall have a daily pre-trip and post-trip inspection performed and documented by the school transportation vehicle operator or other transportation employee authorized by the school district, charter school, or service provider. A daily pre-trip inspection shall be completed prior to a vehicle being placed in service. A daily post-trip inspection shall be completed at the end of daily operation of each vehicle.

9.02 The pre-trip and post-trip inspection requirements for school transportation vehicles, other than small vehicles, shall include at a minimum all items listed on the CDE School Transportation Vehicle (School Bus/Multifunction Bus/Motor Coach Bus) – Pre-Trip and Post Trip Requirements Form (STU-9).

9.03 The pre-trip and post-trip inspection requirements for school transportation small vehicles shall include at a minimum all items listed on the CDE School Transportation Vehicle (Small Vehicle) – Pre-Trip and Post Trip Requirements Form (STU-8).

9.04 School districts, charter schools, and service providers shall have a procedure in place to verify that students are not left on an unattended school transportation vehicle.

10.0 Inspection Site Certification

10.01 A CDE Inspection Site Certificate is required at each facility/location where annual inspections for school transportation vehicles are performed.

10.02 The inspection site shall meet or exceed the following criteria to acquire and maintain an inspection site certificate:

10.02(a) The inspection site shall be large enough to accommodate the vehicle, equipment, and tools necessary to perform the inspection.

- 10.02(b) The inspection site shall have a floor surface or pad adequate to safely support the maximum weight of the largest vehicle to be inspected.
- 10.02(c) The inspection site shall have adequate lighting and ventilation.
- 10.02(d) The inspection site or inspector shall, at the time of inspection, have the equipment and tools necessary to properly complete the annual inspection.
- 10.02(e) The inspection site or inspector shall have tools designed and calibrated to take accurate readings of appropriate measurements, such as brakes and tires.
- 10.03 The operator of an inspection site shall submit a request for an inspection site certificate on the CDE Application for Inspecting Site Certification Form (STU-22) that the above criteria have been satisfied.
- 10.04 The operator of an inspection site shall post the CDE Inspection Site Certificate at the inspection site.

11.0 Annual Inspection

- 11.01 School districts, charter schools and service providers shall ensure all school transportation vehicles and trailers pursuant to 1 CCR 301-26-R-13.11 have a CDE annual inspection conducted by a CDE certified annual inspector prior to transporting students and annually thereafter.
 - 11.01(a) Recently purchased school transportation vehicles shall successfully pass a CDE annual inspection prior to transporting students, and then annually thereafter.
- 11.02 Annual inspection results shall be documented on the CDE Affidavit of Annual Inspection for School Transportation Vehicles Form (STU-25).
 - 11.02(a) A copy of the current Affidavit must be maintained inside the vehicle and a copy must be placed in the vehicle file.
- 11.03 All annual inspection criteria of school transportation vehicles must meet or exceed manufacturer's specifications. The annual inspection shall be documented and shall include, at a minimum, all fields listed on the CDE Annual Inspection and Preventive Maintenance Requirements Form (STU-26).
- 11.04 All annual inspection criteria of trailers must meet or exceed manufacturer's specifications, and shall include, at a minimum, all fields listed on the CDE Trailer Annual Inspection and Preventive Maintenance Requirements Form (STU-27).
- 11.05 During the annual inspection, all four wheels shall be pulled for full inspection of the foundation brake system. The three exceptions are:
 - 11.05(a) School transportation vehicles with less than 4,000 miles since the previous annual inspection shall have two wheels (one front and one rear) pulled

different than those pulled for the previous inspection.

11.05(b) School transportation vehicles equipped with a retarder meeting the specifications outlined in 1 CCR 301-25-R-33.00, shall have two wheels (one front and one rear) pulled which are different than those pulled for the previous inspection.

11.05(c) Trailers, pursuant to 1 CCR 301-26-13.11, shall have 50 percent of the wheels pulled different than those pulled for the previous inspection.

12.0 Maintenance and Repair

12.01 School districts, charter schools and service providers must ensure all school transportation vehicles are systematically inspected, maintained and repaired to ensure that school transportation vehicles are in safe and proper operating condition.

12.02 School districts, charter schools and service providers shall have a system to document preventative maintenance, reported defects and repairs made to school transportation vehicles.

12.03 School districts, charter schools and service providers shall maintain separate files for each school transportation vehicle with documentation of all annual inspections, all preventative maintenance and all reported damage, defects or deficiencies and the corresponding repair and maintenance performed.

12.04 Any identified damage, defect or deficiency of a school transportation vehicle must be reported to the school district, charter schools or service provider, if it:

12.04(a) Could affect the safety of operation of the school transportation vehicle;

12.04(b) Could result in a mechanical breakdown of the school transportation vehicle;

12.04(c) Results in noncompliance with Colorado Minimum Standards Governing School Transportation Vehicles (1 CCR 301-25) and/or manufacturer's specifications.

12.05 Documentation for reported defects must include all the following:

12.05(a) The name of the school district, charter school or service provider;

12.05(b) Date and time the report was submitted;

12.05(c) All damage, defects or deficiencies of the school transportation vehicle; and

12.05(d) The name of the individual who prepared the report.

12.06 Following a reported damage, defect, or deficiency of a school transportation vehicle, school districts, charter schools and service providers or a representative agent must repair the reported damage, defects or deficiencies, or document that no repair is necessary, ensuring that the vehicle is in safe and proper operating condition prior to transporting students.

- 12.07 School districts, charter schools and service providers shall not transport students in a school transportation vehicle which is not in safe and proper operating condition. A school transportation vehicle shall be designated as “out-of-service” by a school district, charter schools or service provider, a school transportation annual inspector or the CDE School Transportation Unit.
- 12.07(a) Any school transportation vehicle discovered to be in an unsafe condition while being operated on the highway, roadway, or private road may be continued in operation only to the nearest place where repairs can safely be affected. Such operation shall be conducted only if it is less hazardous to the public than to permit the vehicle to remain on the highway, roadway, or private road.
- 12.08 Following a school transportation vehicle being placed “out-of-service”, a school district, charter school, service provider or a representative agent must make required repairs, ensuring that the vehicle is in safe and proper operating condition prior to transporting students. In the event of being placed “out-of-service” during an annual inspection, the school transportation vehicle must successfully pass a CDE annual inspection prior to transporting students.
- 12.09 The preventative maintenance inspection on air drum brake systems shall include, at a minimum, that the brake rod travel has been measured and documented. The applied pressure method shall be used.
- 12.09(a) The inspection-interval shall not exceed 4,000 miles for buses equipped with a manual slack adjuster air brake system.
- 12.09(b) The inspection-interval shall not exceed 6,000 miles for buses equipped with an automatic slack adjuster air brake system.
- 12.10 The preventive maintenance inspection interval on air disc brake systems shall not exceed 6,000 miles and shall include, at a minimum; inspection and documentation of:
- 12.10(a) The pad thickness by checking the mechanical wear indicators.
- 12.10(b) The visible part of the rotors for cracks, excessive wear, damage, etc.
- 12.10(c) The running clearance. If the caliper has no movement or appears to move greater than the distances indicated by the manufacturer, then a full wheel removal inspection will be necessary.
- 12.11 The preventive maintenance inspection interval for hydraulic brake systems shall not exceed 6,000 miles and shall include, at a minimum, inspection and documentation of:
- 12.11(a) Proper parking brake operation;
- 12.11(b) Proper brake fluid level and clarity;
- 12.11(c) Adequate pedal reserve;

12.11(d) Proper hydraulic/vacuum assist operation; and

12.11(e) Visual inspection for brake fluid leakage.

- 12.12 If brake adjustment or repair is needed, the work shall be completed by or supervised by a DOT or equivalent qualified brake inspector meeting the requirements of the Federal Motor Carrier Safety Regulations, 49 CFR section 396.25.

13.0 Operation of a School Transportation Vehicle

- 13.01 A school transportation vehicle shall not be operated in a manner which is unsafe, or likely to cause an accident, or likely to damage the vehicle.
- 13.02 A school transportation vehicle shall not be placed in motion on a roadway, highway or private road with the passenger entry door/service door open.
- 13.03 A school transportation vehicle's headlights or daytime running headlights shall be activated while the vehicle is in operation.
- 13.04 A school transportation vehicle shall not be fueled while students are on board, except in instances when unloading the students would present a greater hazard or peril to their safety.
- 13.05 Use of tobacco products as defined in Section 18-13-121(5), C.R.S., use or possession of illegal controlled substances, use or possession of alcohol and use or possession of marijuana or cannabinoid product, except as otherwise allowed by law, aboard any school transportation vehicle shall be prohibited at all times.
- 13.06 A school transportation vehicle operator shall not consume food unless the vehicle is stopped at a safe location with the park/emergency brake set.
- 13.07 When a school transportation vehicle is equipped with a roof mounted strobe lamp, the use of the strobe lamp is permitted only when the vehicle presents a hazard to other motorists, such as loading or unloading students in inclement weather or to enhance visibility of the vehicle when barriers inhibit such visibility.
- 13.08 A school transportation vehicle operator may use the strobe, in addition to the four-way hazard lamps, to warn other motorists that the vehicle is not in motion or is being operated at a speed of twenty-five miles per hour or less.
- 13.09 The school transportation vehicle operator shall use extreme caution when backing. Before backing on a roadway, highway or private property, the horn or audible warning device shall be sounded and four-way hazard lamps actuated or there shall be a person outside the vehicle giving direction.
- 13.09(a) Backing a school transportation vehicle when students are outside of the vehicle at a student stop is prohibited.

13.10 A Type A, B, C, and D School Bus, Multifunction Bus and Motor Coach Bus shall not be operated with a trailer or other vehicle attached while students are being transported.

13.11 School transportation small vehicles, with the capacity of 15 or fewer passengers (counting the driver), may tow trailers while students are being transported to the extent that trailering is a necessary component of a school district or charter school sponsored program.

14.0 Authorized Passengers

14.01 Only school district, charter school, or service provider personnel; students enrolled in a school district or charter school; law enforcement officials; or individuals that have received prior authorization from the school district, charter schools or service provider may be passengers on any school transportation vehicle.

14.02 The number of passengers transported on any school transportation vehicle shall not exceed the maximum seating capacity of the vehicle. Small vehicle capacity shall not exceed the number of safety belts as designed by the vehicle manufacturer.

14.03 Passengers shall not be permitted to stand in any school transportation vehicle while the vehicle is in motion. This does not preclude authorized persons (such as school transportation paraprofessionals) from completing their duties as required.

14.04 School districts, charter schools, and service providers shall consider the size of the passengers when determining the number of passengers that can safely occupy a school transportation vehicle seat.

15.0 Safety Restraints

15.01 A school transportation vehicle operator shall have the safety belt fastened, worn correctly and properly adjusted prior to the school transportation vehicle being placed in motion.

15.02 All passengers in a school transportation vehicle under 10,000 lbs. GVWR shall have their safety belts fastened, worn correctly and properly adjusted prior to the school transportation vehicle being placed in motion.

16.0 Transportation of Miscellaneous Items

16.01 A school transportation vehicle operator shall ensure that all carry-on items are properly handled in order to minimize the danger to all others.

16.02 All baggage, articles, equipment or medical supplies (except those held by individual passengers) shall be secured in a manner which assures unrestricted access to all exits by occupants, does not restrict the driver's ability to operate the bus and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders meet this standard if they are both medically necessary and secured to a wheelchair, shall be considered to be in compliance with this subsection, provided they do not impede access to any exit. School districts, charter schools, and service providers shall use reasonable care in determining the number of cylinders that may be safely transported at one

time.

- 16.03 All chemicals and cleaning supplies carried on a school transportation vehicle must meet the following precautions:

16.03(a) Container is non-breakable;

16.03(b) Container is labeled with contents;

16.03(c) Pressurized aerosols are prohibited;

16.03(d) Container is secured in a bracket, or in a closed compartment in the driver's area or a compartment on the exterior of the bus; and

16.03(e) Containers and quantities of products are no more than 32 ounces in size.

- 16.04 Interior-decorations shall not be located within the driver's area (including the space in front of the front barriers, the step-well, dash, walls and ceiling, the windshield, the entry door, the driver's side window, and all windows in front of the front barrier), the first two passenger windows on both sides of the vehicle or all windows on the rear of the vehicle. Other decorations within the passenger compartment shall not;

16.04(a) Cover any required lettering;

16.04(b) Impede the aisle or any emergency exit;

16.04(c) Hang from the walls and/or ceiling.

17.0 Maximum Driving Time for School Transportation Vehicle Operators

- 17.01 School transportation vehicle operators, including small vehicle operators, shall not drive (nor shall the school districts, charter schools, or service providers permit or require operators to drive):

17.01(a) In excess of 10 hours or after being on-duty 14 hours until completing 10 hours off-duty. This would include on-duty time for all employers. Ten hours off-duty may be consecutive or accumulated in two or more periods of off-duty time with one period having a minimum of six consecutive hours off-duty.

17.01(b) After being on-duty for more than 70 hours in any seven consecutive days.

17.01(c) In case of emergency, an operator may complete the trip without being in violation if such trip reasonably could have been completed absent the emergency.

- 17.02 In lieu of section 17.00 of these rules, a school district, charter school, or service provider may comply with the Federal Motor Carrier Safety Regulations, 49 CFR section 395.

17.03 Definitions:

- 17.03(a) Day - Means any 24-consecutive hour period beginning at the time designated by the school district, charter school, or service provider.
- 17.03(b) On-duty time - Includes all time worked for all employers, including all driving and non-driving duties.
- 17.03(c) Off-duty time - School transportation vehicle operators may consider waiting time (whether compensated time or not) at special events, meal stops, and school related events as off-duty if the following criteria are met:
 - 17.03(c)(1) The operator shall be relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and students, and
 - 17.03(c)(2) The operator shall be at liberty to pursue activities of his/her choice, including leaving the premises on which the bus is located.

17.04 All school transportation vehicle operators shall document that they are in compliance with this section, hours of service.

- 17.04(a) An operator's daily log, or equivalent, shall be completed for the trip in the operator's own handwriting when the trip requires a scheduled or unscheduled overnight stay away from the work reporting location.

18.0 Route Planning – Student Loading and Discharge

18.01 School transportation small vehicles, Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and School Buses (Types A, B, C, and D) may be used to transport students to and from school. Multifunction Buses Type B, C, D, and Motor Coach Buses shall not be used to transport students to and from school.

18.02 The location of student stops shall consider factors including:

- 18.02(a) Ages of the students;
- 18.02(b) Visibility;
- 18.02(c) Lateral clearance;
- 18.02(d) Student access; and
- 18.02(e) Control of other motorists.

- 18.02(e)(1) Student stops for Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and school transportation small vehicles should be located off of the roadway whenever possible.

- 18.03 School transportation vehicle operators shall stop at least 10 feet away from students at each designated stop. The school transportation vehicle operator shall apply the parking brake and shift the vehicle into neutral or park prior to opening the service door of a bus or the passenger door(s) of a small vehicle.
- 18.04 The school transportation vehicle operator shall stop as far to the right of the roadway, highway or private road as possible before discharging or loading passengers - allowing sufficient area to the right and front of the vehicle but close enough to the right to prevent traffic from passing on the right - so that students may clear the vehicle safely while in sight of the operator.
- 18.04(a) Exception: The school transportation vehicle operator may block the lane of traffic when passengers being received or discharged are required to cross the roadway.
- 18.05 Student stops shall not be located on the side of any major thoroughfare whenever access to the destination of the passenger is possible by a road or street which is adjacent to the major thoroughfare.
- 18.06 School districts, charter schools and service providers shall ensure that if students are required to cross a roadway, highway or private road on which a student stop is being performed, they are prohibited from crossing a roadway, highway or private road constructed or designed to permit three or more separate lanes of vehicular traffic in either direction or with a median separating multiple lanes of traffic.
- 18.07 Four-way hazard lamps shall be used on private property such as parking lots.
- 18.08 Alternating flashing red warning signal lamps shall not be activated within 200 feet of an intersection if the intersection is controlled by a traffic control signal.
- 18.09 Routes shall be planned as to:
- 18.09(a) Eliminate, when practical, railroad crossings; and
- 18.09(b) Have stops be a minimum of 200 feet apart (since alternating flashing amber warning signal lamps must be activated a minimum of 200 feet in advance of the stop on the roadway on which the bus stop will be performed).
- 18.09(b)(1) Exception: In areas where wildlife may create a high risk of threat to students' safety while they are waiting and/or walking to a student stop, designated stops may be less than 200 feet apart upon detailed written approval by the school district board of education or governing body of a charter school (or the board's designee). A copy of the written approval shall be kept in the school transportation office and route operators shall be given written notice of the exception and have it indicated on route sheets.
- 18.10 In determining the length of routes, school districts, charter schools and service providers must make an effort to minimize student ride times while considering student educational needs, geographic boundaries, terrain, traffic congestion, and financial resources within the district. A

local board of education, or the governing body of a charter school, may establish a maximum student ride time.

- 18.11 Pursuant to Section 42-4-1903(2), C.R.S., school transportation vehicle operators are not required to actuate the alternating flashing red warning signal lamps on a school bus (1) when the student stop is at a location where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary and (2) when discharging or loading passengers who require the assistance of a lift device and no passenger is required to cross the roadway. Further, Type A Multifunction Buses with 15 or fewer passenger capacity (counting the driver) and school transportation small vehicles do not have the functionality to control traffic. In these instances, the school transportation vehicle operator shall stop as far to the right off the roadway as possible to reduce obstruction to traffic, activate the four-way hazard warning lamps a minimum of 200 feet prior to the student stop, continue to display the four-way hazard warning lamps until the process of discharging or loading passengers has been completed, and deactivate the four-way hazard lamps before resuming motion. Students are prohibited from crossing any lanes of traffic to access the student stop or after disembarking.
- 18.12 School transportation vehicle operators shall not relocate a student stop without approval of the school district, charter school, or service provider.
- 18.13 Pursuant to 42-4-707 C.R.S., School transportation vehicle operators of School Buses, Multifunction Buses and Motor Coach Buses, whether transporting students or not, shall apply the following procedures during the process of approaching, stopping and crossing railroad tracks:
 - 18.13(a) Activate the four-way hazard lamps not less than 200 feet from the railroad crossing to alert other motorists of the pending stop for the crossing;
 - 18.13(b) Stop the bus within 50 feet but not less than 15 feet from the nearest rail;
 - 18.13(c) When stopped, the bus shall be as far to the right of the roadway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic; and
 - 18.13(d) Use a prearranged signal to alert students to the need for quiet aboard the bus when approaching railroad tracks. Turn off all noise making equipment (fans, heater, radio, etc.)
- 18.14 After quietness aboard the stopped bus has been achieved, bus operators shall open the service door and operator window. The bus operator shall listen and look in both directions along the track(s) for any approaching train(s) and for signals indicating the approach of a train.
 - 18.14(a) If the tracks are clear, the bus operator shall close the service door and may then proceed in a gear low enough to permit crossing the tracks without having to manually shift gears. The bus operator shall cancel the four-way hazard lamps after the bus has cleared the tracks.
 - 18.14(b) When two or more tracks are to be crossed, the bus operator shall not stop a second

time unless the bus is completely clear of the first crossing, with at least 15 feet clearance in front and at least 15 feet clearance to the rear.

18.14(c) Before crossing the tracks, the bus operator shall verify that there is enough space after the tracks for the bus plus 15 feet if it is necessary to stop after crossing the tracks.

18.15 School transportation vehicle operators of School Buses, Multifunction Buses and Motor Coach Buses are not required to stop at crossings controlled only by a red, amber, green traffic control signal when it is in the green position, or when the crossing is controlled by a police officer or human flag person, or when the crossing is marked with an official "exempt" sign placed on the railroad crossing light post or cross bucks post.

19.0 Emergency Evacuation Drills

19.01 Emergency evacuation drills shall be conducted with students by all school transportation vehicle operators and school transportation paraprofessionals at least twice during each school year.

19.01(a) One drill shall be conducted in the fall and the second drill conducted in the spring.

19.01(b) Substitute and Multifunction operators of 16 or greater vehicle capacity (counting the driver) shall be trained how to conduct the emergency evacuation drills.

19.02 Students on school related events shall receive emergency evacuation instruction prior to departure.

19.03 School districts, charter schools, and service providers shall maintain records documenting that the required evacuation drills were conducted and/or evacuation instruction was given.

20.0 Incorporation by Reference

The foregoing rules incorporate by reference several sections and appendices from the Federal Motor Carrier Safety Regulations, 49 CFR, Parts 380, 382, 391, 395, and 396 (as codified as of April 19, 2021). The foregoing rules do not incorporate by reference any later amendment or editions to the Federal Motor Carrier Safety Regulations.

The Federal Motor Carrier Safety Regulations are available at <https://www.ecfr.gov/>. They are also available for public inspection during regular business hours from the Colorado Department of Education, 201 E. Colfax Ave., Denver, Colorado 80203.

Notice of Proposed Rulemaking

Tracking number

2021-00510

Department

300 - Department of Education

Agency

301 - Colorado State Board of Education

CCR number

1 CCR 301-112

Rule title

RULES FOR INDIVIDUALIZED MEDICAL SEIZURE ACTION PLANS

Rulemaking Hearing**Date**

10/13/2021

Time

09:00 AM

Location

201 E. Colfax, State Board Room or Webinar

Subjects and issues involved

The statutory basis for these rules is 22-1-132, C.R.S., which requires the State Board of Education to promulgate rules for individualized medical seizure action plans, including training and seizure care guidelines. Statute requires the Department, in collaboration with recognized sources on epilepsy and seizure disorders and a state organization that represents school nurses, to develop strategic resources to improve safety for students who have been diagnosed with a seizure disorder.

Statutory authority

22-1-132, C.R.S

Contact information**Name**

Angela Maramba

Title

Director of State Board Relations

Telephone

720-822-4803

Email

Maramba_A@cde.state.co.us

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR INDIVIDUALIZED MEDICAL SEIZURE ACTION PLANS

1 CCR 301-112

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

0.0 STATEMENT OF BASIS AND PURPOSE

The statutory basis for these rules is 22-1-132, C.R.S., which requires the State Board of Education to promulgate rules for individualized medical seizure action plans, including training and seizure care guidelines. Statute requires the Department, in collaboration with recognized sources on epilepsy and seizure disorders and a state organization that represents school nurses, to develop strategic resources to improve safety for students who have been diagnosed with a seizure disorder.

1.0 DEFINITIONS

- 1.01 "Appropriate staff" means one or more employees of the school whom the principal or equivalent executive, in consultation with the school nurse or health-care practitioner, determines to be the appropriate recipient or recipients of free seizure recognition and first aid training developed by recognized sources on epilepsy and seizure disorders, as identified by the Department of Education. "Appropriate staff" may include but need not be limited to employees who have direct contact with and supervision of students who have a seizure disorder.
- 1.02 "Department" means the department of education created and existing pursuant to section 24-1-115, C.R.S.
- 1.03 "Designated employee" means an employee of the school who is designated and trained by the school nurse or health-care practitioner on how to administer or assist with the administration of seizure treatment and medications, seizure rescue medications, and manual vagus nerve stimulation.
- 1.03 "Public school" means a public school in the state that enrolls students in any of grades kindergarten through twelfth grade, including a traditional public school of a school district; a charter school of a school district; an Institute charter school; or an approved facility school, as defined in C.R.S. 22-2-402(1).
- 1.04 "Seizure action plan" means a written, individualized seizure action plan for a specific student, created by the school nurse or health-care practitioner, in conjunction with the student's parent or legal guardian and the student's physician, as appropriate, that is designed to acknowledge and prepare for the healthcare needs of a student diagnosed with a seizure disorder. The seizure action plan must be in accordance with the guidelines developed by the department of education.
- 1.05 "Seizure disorder" means a medical condition, including epilepsy, in which episodes of uncontrolled activity in the brain produce symptoms that produce one or more seizures.

2.0 INDIVIDUALIZED SEIZURE ACTION PLANS

- 2.01 If a student has a diagnosed seizure disorder and the student might need medical intervention with seizure-related care in a school setting or school activity, the student's parent or legal

guardian is encouraged to create, in conjunction with school personnel, sign, and submit to the student's school an individualized seizure action plan for the student. The school nurse or health-care practitioner shares responsibility with the school administrators for the management of the student's seizure disorder while the student is at school, during any school-sponsored activities, and while in transit to or from school or school-sponsored activities if the student is being transported by school district personnel.

- 2.02 A student's parent or legal guardian is encouraged to submit the required information for the student's individualized seizure action plan or amended seizure action plan to the student's school: at the beginning of the school year or upon the student's enrollment; as soon as practicable following the student's diagnosis of a seizure disorder; or if a student's health status changes significantly during the school year. A parent or legal guardian is encouraged to inform the school, in a timely manner, of any changes needed to the student's individualized seizure action plan or emergency contact information.
- 2.03 A public school must follow the school district's or public school's medication policy in approving the individualized seizure action plan and ensuring that the individualized seizure action plan is in accordance with the "Nurse and Nurse Aide Practice Act," article 255 of title 12 of the Colorado Revised Statutes.

3.0 TRAINING

- 3.01 Within sixty days after the beginning of the 2021-22 academic year and each year thereafter, each public school must provide training to one or more appropriate staff on the recognition of the signs and symptoms of seizures and the appropriate steps for seizure first aid.
- 3.02 No later than eight weeks after a public school is notified of a student who has been diagnosed with a seizure disorder or the receipt of an individualized seizure action plan signed by the student's parent or legal guardian, whichever is later, the public school must have at least one designated employee who has met the training requirements necessary to administer or assist with the administration of seizure treatment medications, seizure rescue medications, and manual vagus nerve stimulation.

4.0 SEIZURE CARE GUIDELINES

- 4.01 By October 2021, in order to support school districts in meeting the requirements of the law, the Department, in consultation with recognized sources on epilepsy and seizure disorders and a state organization that represents school nurses, must develop seizure care guidelines. The guidelines must identify recognized sources that provide training for school personnel on seizure recognition and seizure first aid for epilepsy and seizure disorders. Such guidelines must be consistent with programs and guidelines developed by these recognized sources.
- 4.02 The Department must review such guidelines at least every three years to ensure that they remain consistent with best practices.

Notice of Proposed Rulemaking

Tracking number

2021-00561

Department

600 - Department of Transportation

Agency

601 - Transportation Commission and Office of Transportation Safety

CCR number

2 CCR 601-3

Rule title

RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

Rulemaking Hearing

Date

10/01/2021

Time

10:00 AM

Location

Department of Transportation Headquarters, 2829 W. Howard Place Denver, CO 80204, Virtual Rulemaking Hearing Only

Subjects and issues involved

The specific purpose of this rulemaking is to consider changes to align CDOT's processes for permitting and enforcement of outdoor advertising devices with Senate Bill 21-263. CDOT proposes to establish a new compensation-based approach within the rules for permitting and enforcement of outdoor advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway. The previous categories of outdoor advertising devices (i.e., On-Premise Sign, Off-Premise Sign, Official Sign, and Directional Sign) will be removed from the rules. The noncompliance requirements will be modified to give a property owner or sign owner the option to execute an affidavit in the event the property owner or sign owner does not believe their sign is an advertising device requiring a CDOT permit. The hearing procedures will be modified to allow an applicant who was denied a permit to request an expedited hearing within 30 days of the notice of denial. The proposed rules also clarify that Changeable Electronic Variable Message Signs may not be within 1000 feet of each other that are facing the same direction. The materials incorporated by reference will be updated. A new proposed rule will be added to allow interested and affected parties to petition for a declaratory order to increase transparency and be in compliance with the Colorado Administrative Procedure Act. Finally, other non-substantive changes will be made.

Statutory authority

§§ 43-1-105(6), 43-1-414(4), and 43-1-415, C.R.S

Contact information

Name

Natalie Lutz

Title

Rules, Policies and Procedures Administrator

Telephone

303-757-9441

Email

natalie.lutz@state.co.us

DEPARTMENT OF TRANSPORTATION

Executive Director

RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

2 CCR 601-3

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

8.31.21 Version

Please note the following formatting key:

Font Effect	Meaning
<u>Underline</u>	New Language from Emergency Rule
Strikethrough	Deletions from Emergency Rule
<u>Underline</u>	New Language Proposed for Permanent Rule
Strikethrough	Deletions Proposed for Permanent Rule
...	Omission of Unaffected Rules
[Blue Font Text]	Annotation

...

1.00 Definitions

- 1.1 All definitions set forth in 23 C.F.R. § 750.102, 23 C.F.R. § 750.703, and § 43-1-403, C.R.S. shall apply to these Rules. If there is a conflict between the definitions in state and federal law and regulations and these Rules, the state and federal law definitions shall govern. Definitions are not listed in alphabetical order.
- 1.2 “Advertising Device” ~~means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the main traveled way of any state highway, except any advertising device on a vehicle using the highway. The term “vehicle using the highway” does not include any vehicle parked near said highway for advertising purposes.~~ has the same meaning pursuant to § 43-1-403(1), C.R.S.

...

- 1.6 ~~“Commercial Advertising” means advertising of commercial interests which promotes or identifies goods and/or services as a result of the exposure of the business name rather than advocating a social or political cause~~ Repealed.

...

- 1.8 ~~“Comprehensive Development” shall include all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas. A Comprehensive Development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for On-Premise advertising. has the same meaning pursuant to~~ § 43-1-403 (1.5)(a), C.R.S.

...

- 1.12 ~~“Directional Sign” shall have the same meaning as § 43-1-403(4), C.R.S. (i.e., shall include but not be limited to: Advertising devices containing directional information to facilitate emergency vehicle access to remote locations or about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public).~~ Repealed.

...

- 1.18 ~~“Off-Premise Sign” means an Advertising Device which advertises an activity, service or product not conducted on the Property upon which the Sign is located~~ Repealed.
- 1.19 ~~“Official Sign” shall have the same meaning as § 43-1-403(13), C.R.S. (Any advertising device erected for a public purpose authorized by law, but the term shall not include devices advertising any private business)~~ Repealed.
- 1.20 ~~“On-Premise Sign” means an Advertising Device: (1) advertising the sale or lease of a Property on which it is located; (2) or advertising activities on the Property on which it is located; or (3) located within a Comprehensive Development that advertises any activity conducted within the Comprehensive Development~~ Repealed.

...

- 1.23 ~~“Permit Number Identifier” means a series of numbers assigned by the Department that is unique to the Advertising Device and identifies it for purposes of oversight. The Permit Number~~

~~Identifier for Advertising Devices is different from the number identifier used for Official Signs (that do not require a Permit).~~

...

- 1.25 ~~“Premises” means the central, actual physical location where an activity is routinely conducted. Premises include the primary structures, parking facilities and private roadway if they are necessary to the principal activity.~~Repealed.

...

1.34 “Compensation” has the same meaning pursuant to § 43-1-403 (1.3), C.R.S.

2.00 Permitting

2.1 Signs Requiring a CDOT Permit

- A. A permit from the Department shall be required for all Signs within the Control Area as provided for in § 43-1-407 and 408, C.R.S. A permit is required for all ~~Off-Premise~~ Signs, including:
1. Nonconforming Advertising Devices [§ 43-1-403(12), C.R.S.];
 2. Advertising Devices located in areas Zoned for Commercial or Industrial Uses by law, [§ 43-1-404(1)(d) and (e), and § 43-1-407(1)(~~II~~)(c), C.R.S.]; and
 3. Advertising on Bus Benches and Shelters. [§ 43-1-407(2)(a)(I) through (III), C.R.S.]
 4. ~~Directional Signs not excepted under § 43-1-407(1)(b)(I) through (II), C.R.S.~~Repealed.

2.2 ~~Signs Not Requiring a Permit from CDOT~~Repealed.

- A. ~~A Sign Permit is not required for:~~
1. ~~On-Premise Signs;~~
 2. ~~Directional Signs that are:~~
 - a. ~~No larger than 8 square feet and that advertises farms, ranches, nonprofit educational, veterans’, religious, charitable, or civic organizations. §43-1-407(1)(b)(II), C.R.S.;~~
 - b. ~~No larger than 32 square feet, the sole purpose of which is to provide direction to individual farms or ranches by way of individual Signs that are no larger than 8 square feet. [§43-1-407(1)(b)(II), C.R.S.];~~

~~c. — A Sign indicating a public utility and not advertising a product, including informational Signs, notices, or markers, erected and maintained by a public or private public utility company. [23 C.F.R. 750.153(o)]~~

~~3. — Official Signs. [§ 43-1-404(1)(a) and § 43-1-407, C.R.S.]~~

2.3 Conditions that Prohibit CDOT from Issuing or Renewing a Permit [§ 43-1-411, and § 43-1-417(3)(a), C.R.S. and 23 C.F.R. § 750.108]

- A. The Department is prohibited from issuing ~~or renewing~~ a Permit for any Advertising Device pursuant to § 43-1-411, C.R.S. and 23 C.F.R. § 750.108 if the Sign:
1. Does not conform to size, lighting, and spacing standards as prescribed by these Rules where the Rules were adopted prior to the erection of the Advertising Device;
 2. Would encroach upon the right-of-way of a public highway absent prior written approval from the Department;
 3. Is within 500 feet of the center point of an intersection of a Controlled Route at grade with another highway or with a railroad so as to materially obstruct or reduce the existing view of traffic on the other highway or railway trains approaching the intersection;
 4. Is along a Controlled Route where it would reduce the existing view of traffic in either direction or of traffic control or official highway ~~Signs-signs~~ to less than 500 feet;
 5. Includes more than two advertising panels on an Advertising Device facing the same direction;
 6. Required a permit prior to July 1, 1981, and no permit was obtained;
 7. Simulates any official, directional, or warning ~~Sign-sign~~ erected or maintained by the federal or state government or local governing body which involves light that simulates or resembles traffic signals or traffic control ~~Signssigns~~;
 8. Is nailed, tacked, posted, or attached in any manner on trees, plants, fence posts, public utility poles, rocks or other natural objects; or
 9. The Department is prohibited from issuing or renewing a Permit if the Sign becomes ~~Becomes~~ decayed, insecure, or in danger of falling or otherwise is unsafe or unsightly due to lack of maintenance or repair, or from any other cause.

...

[Note: Rule 2.11 will be repealed in its entirety and re-enacted as listed below.]

~~**2.11 — Permit Denial, Revocation or Denial of Renewal** [23 C.F.R. 750.104; § 43-1-410, C.R.S.]~~

- ~~A. The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:~~
- ~~1. False or misleading information in the Permit application or Renewal;~~
 - ~~2. Advertisement of illegal activities;~~
 - ~~3. Failure to maintain the Sign in good repair;~~
 - ~~4. Failure to comply with all Permit provisions;~~
 - ~~5. Increasing the permitted size of an Advertising Device; or~~
 - ~~6. Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.~~
- ~~B. Pursuant to § 43-1-412(4), C.R.S., the applicant or permit holder shall have 60 days within which to provide CDOT with proof of compliance.~~

2.11 Permit Denial, Revocation, or Denial of Renewal [23 C.F.R. § 750.104; § 43-1-410, C.R.S.]

- ~~A. The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:~~
- ~~1. False or misleading information in the Permit application or renewal;~~
 - ~~2. Failure to maintain the Sign in good repair;~~
 - ~~3. Failure to comply with all Permit provisions;~~
 - ~~4. Increasing the permitted size of an Advertising Device; or~~
 - ~~5. Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.~~
- ~~B. The Department will notify the Applicant or Permittee in writing stating the reasons for the denial of the application, the denial of the renewal of the Permit, or the revocation of the Permit along with the opportunity to request a hearing as set forth in Rule 5.00.~~

3.00 Notice of Noncompliance Pursuant to § 43-1-412, C.R.S.

3.1 ~~Issuance of Written Notice~~Repealed.

- ~~A. If the Department determines that an application for renewal should be denied, or that an existing Permit should be revoked, the Department shall give written notice by certified mail to the Applicant or Permittee.~~
- ~~B. If the Department revokes a Permit, the Department shall send a Notice of Noncompliance pursuant to Rule 3.00 to the Permittee.~~
- ~~C. In either case, the notice shall specify in what respect the Sign does not comply with relevant federal or state law and/or these Rules.~~

~~D. Pursuant to § 43-1-412(4), C.R.S., the applicant or permit holder shall have 60 days within which to provide CDOT with proof of compliance.~~

3.2 Grounds for Noncompliance

- A. Sign ~~Lacking~~ lacking a CDOT Permit [§ 43-1-412(2)(a), C.R.S.]
1. If a Permit has not been obtained for the Advertising Device, the Department shall give written Notice of Noncompliance by certified mail to the owner of the Property on which the Sign is located. Such notice will:
 - a. Inform the Property owner that the Advertising Device is illegal;
 - b. Require the owner to remove the Sign within 60 days of receipt of the notice, execute an affidavit under the penalty of perjury as evidence that the device is not an Advertising Device, or obtain a permit; and
 - c. Advise the Property owner of the right to request a hearing.

...

- C. Permit ~~Application~~ Revoked or Renewal Denied. § 43-1-412(2)(c), C.R.S.

...

[Note: Rule 5.00 will be repealed in its entirety and re-enacted as listed below.]

~~5.00 Request for Hearing~~

- ~~A. A request for a hearing must be received by the Department no later than 60 days after receipt of the notice. [§ 43-1-412(3), C.R.S.]~~
- ~~B. The request for hearing must be made in writing, by certified mail, addressed to and received by:~~
- ~~Outdoor Advertising Program~~
- ~~Colorado Dept. of Transportation~~
- ~~4201 East Arkansas Ave.~~
- ~~Denver, Colorado, 80222~~
- ~~C. Upon receipt of a request for a hearing, the Department shall arrange for and give written notice of the hearing.~~
- ~~D. At least 30 days prior to the hearing, the Department shall provide notice of the hearing either by personal service or certified mail to the last address furnished by the person requesting the hearing. The notice shall meet the requirements of § 24-4-105(2)(a), C.R.S.~~

- ~~E. Any person(s) given such notice shall file a written answer within 30 days after the service or mailing of such notice.~~
- ~~F. If such person fails to answer, the Department, upon motion, may enter a default. For good cause shown, the entry of default may be set aside within 10 days after the date of such entry. [§ 24-4-105(2)(b), C.R.S.]~~
- ~~G. A person who may be affected or aggrieved by the Department action shall be admitted as a party to the proceeding upon the person's filing with the Department a written request to be included, setting forth a brief statement of the facts which entitle the person to be admitted and the matters which should be decided. The Department may admit any person or agency as a party to the proceeding for limited purposes. [§ 24-4-105(2)(c), C.R.S.]~~
- ~~H. The hearing shall be presided over by an Administrative Law Judge pursuant to § 24-4-105(3), C.R.S.~~

5.00 Hearings

5.1 Request for Hearing

- ~~A. A request for a hearing must be received by the Department no later than sixty (60) days after receipt of the notice. An Applicant who was denied a Permit may request an expedited hearing within thirty (30) days of the notice of denial pursuant to § 43-1-408(3), C.R.S.~~
- ~~B. The request for hearing must be made in writing, by certified mail, addressed to and received by:~~
- ~~Colorado Department of Transportation
Outdoor Advertising Program
2829 W. Howard Place
Denver, Colorado, 80204~~
- ~~C. All hearings and appeals will be conducted pursuant to §§ 24-4-105 and 106, C.R.S.~~

6.00 Signs Allowed in Control Areas

[§ 43-1-404, C.R.S., 23 USC 131, 23 C.F.R. 750.105; 23 C.F.R. 750.108]

6.01 Advertising Devices Allowed

- A. The following Signs may be allowed within the Control Area adjacent to the Controlled Route:
1. ~~On-Premise Signs~~Repealed;
 2. ~~Off-Premise Signs~~Advertising Devices, which include:
 - a. Signs in Areas Zoned for Commercial or Industrial Uses”;

- b. Nonconforming Signs;
- c. ~~Directional and Official Signs~~Repealed;
- d. Advertising Devices on Scenic Byways (See Rule 9.00);
- e. ~~Landmark Signs~~Repealed;
- f. ~~Free Coffee Signs~~Repealed;
- g. ~~Tourist-Oriented Directional Signs (TODS) and Specific Information Signs (LOGO). Rules Governing TODS and LOGO Signs are addressed in a separate set of rules, 2 CCR 601-7~~Repealed; and
- h. Changeable Electronic Variable Message Signs ("CEVMS").

6.02 ~~On-Premise Signs~~Repealed.

~~{23 U.S.C. 131(c) and (j); 23 C.F.R. 750.704(a); 23 C.F.R. 750.105, 23 C.F.R. 750.108, and 23 C.F.R. 750.709(d)}~~

~~A. Authority. This section of the Rules pertains to On-Premise Signs located outside of 50 feet from the advertised or principal activity and Visible from the Main Travelled Way of the State Highway System.~~

~~1. Size~~

- ~~a. On-Premise Signs which are located outside of 50 feet from the advertised or principal activity shall not exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports. [23 C.F.R. 750.108(g)].~~
- ~~b. No Sign may attempt or appear to attempt to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device.~~
- ~~c. No Sign may prevent the driver of a vehicle from having a clear and unobstructed view of Official Signs and approaching or merging traffic.~~
- ~~d. No Sign may be erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~
- ~~e. No On-Premise Sign may be erected in an area across a public or private roadway from the Property where the business is conducted unless the purpose of the public or private roadway is for the exclusive use of a Comprehensive Development.~~

~~2. Lighting~~

- ~~a. On-Premise Signs shall comply with the lighting requirements of § 43-1-404(1)(f)(I), C.R.S.; however, for purposes of spacing, On-Premise Signs~~

~~shall not be counted within the 1,000 feet limitation for Off-Premise Signs.~~

~~b. No Sign may contain, include, or be illuminated by any flashing, intermittent or moving light or lights.~~

~~c. No lighting may be used in any way in connection with any Sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the Main-Traveled Way of the State Highway System or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.~~

~~d. No On-Premise Sign may move or have any animated or moving parts.~~

~~B. An On-Premise Sign must be located upon the same Property as the activity advertised. An On-Premise Sign may:~~

~~1. Advertise the principal or primary activities, goods or services available upon the premises;~~

~~2. Identify the property upon which the Sign is located;~~

~~3. Advertise the property upon which the Sign is located for sale or lease;~~

~~4. When located within a Comprehensive Development, advertise activities conducted within the Comprehensive Development;~~

~~5. Direct the traveling public to the closest entrance to the premises located upon the property;~~

~~6. Include non-Commercial Advertising devices (ex. religious, social or political commentaries) erected by the owner or lessee of property.~~

~~C. Where the Sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the Sign site shall not be considered part of the Premises on which the activity being advertised is conducted when the purpose is clearly to circumvent 23 U.S.C. 131(j). See 23 C.F.R. 750.709(3).~~

~~D. An On-Premise Sign does not include:~~

~~1. A Sign that advertises activities, goods, or services not available upon the property.~~

~~2. A Sign that consists principally of brand name or trade name advertising of a product or service which is only incidental to the principal activity conducted upon the premises.~~

~~3. A Sign which brings in rental income to the premise/property and /or Sign owner. [23 C.F.R. 750.709]~~

~~E. On-Premise Signs that Identify the Property upon which They Are Located:~~

- ~~1. An On-Premise Sign identifying the property upon which it is located shall contain only the:
 - ~~a. Name of the property,~~
 - ~~b. Type of property,~~
 - ~~c. Logo, and/or~~
 - ~~d. Name of the owner of the property.~~~~
- ~~2. Such Signs may also direct the traveling public to the closest entrance to the premises.~~
- ~~3. On-Premise Signs directing the travelling public to the closest entrance to the premises are limited to two Signs Visible to traffic proceeding in any one direction if the highway frontage of the property is less than one mile in length.~~
- ~~4. If the highway frontage of the property is more than one mile in length, one Sign Visible to traffic proceeding in any one direction per mile is allowed.~~
- ~~5. The purpose of such Signs shall not be to advertise specific goods or services available upon the premises.~~

~~F. On-Premise Signs that Advertise the Primary Activities, Goods or Services Conducted on the Premises which are located outside of 50 feet from the activity shall not exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports. [23 C.F.R. 750.108(g)]~~

~~G. On-Premise Signs that Advertise the Sale or Lease of the Property upon which the Sign is Located:~~

- ~~1. An On-Premise Sign that advertises the sale or lease of the property may not contain any product or service other than the logo and/or name, type of real property, address, and contact information of the party offering the property for sale or lease.~~
- ~~2. Real property offered for sale or lease must only be for the uses of record for zoned or platted areas.~~
- ~~3. On-Premise Signs advertising the sale or lease of the property are limited to one Sign Visible to traffic proceeding in any one direction less than one mile apart.~~
- ~~4. On-Premise Signs advertising the sale or lease of the property may be no larger than 96 square feet including border and trim, but excluding supports.~~
- ~~5. Not more than one such Sign advertising the sale or lease of the same property may be allowed in such manner as to be visible to traffic proceeding in any one direction on any one Interstate Highway. [23 C.F.R. 750. 105(a)].~~

~~H. On-Premise Signs—Non-Commercial:~~

- ~~1. Non-commercial Signs are limited to two Signs visible to traffic proceeding in any one direction if the highway frontage of the property upon which the premises is located is less than one mile in length.~~
- ~~2. If the highway frontage of the property upon which the premises is located is more than one mile in length, one non-commercial Sign visible to traffic proceeding in any one direction per mile is allowable.~~

~~I. A property owner who has an On-Premise Sign that was in existence upon the property on the effective date of these Rules and who could have reasonably believed such advertising device was on-premise under prior rules shall be allowed one year from the effective date of the Rules to bring such advertising device into compliance with these Rules.~~

~~J. Measurement of On-Premise Signs~~

- ~~1. These Rules do not apply to On-Premise Signs located within 50 feet of the principal activity.~~
- ~~2. When the advertised activity is a business, is commercial, or concerns industrial land use, the 50-foot distance shall be measured from the regularly used buildings, parking lots, storage or processing areas, or other structures which are essential and customary to the conduct of the business. The distance shall not be measured from driveways, fences, or similar facilities.~~
- ~~3. When the advertised activity is a non-commercial or non-industrial land use such as a residence, farm, or orchard, the 50-foot distance shall be measured from the major structures on the Property.~~
- ~~4. A Sign that is located within 50 feet of the premises and advertises the primary activities, goods and services available upon the premises is an On-Premise Sign unless the land upon which the Sign is located is used for, or devoted to, a separate purpose unrelated to the principal activity advertised. For example, land adjacent to or adjoining a service station, but devoted to raising of crops, residence, or farmstead uses or other commercial or industrial uses having no direct relationship to the service station activity is a separate purpose unrelated to the principal activity advertised.~~

~~K. Obsolescence of On-Premise Signs~~

- ~~1. Upon the termination or cessation for one consecutive year of the activities, services or products advertised by an On-Premise Sign, the Sign advertising the activity shall no longer qualify as an On-Premise Sign and shall be deemed illegal and subject to removal by the Department at the expense of the Sign owner.~~

~~L. On-Premise Signs—Right-of-Way Encroachment~~

- ~~1. On-Premise Signs shall be allowed to extend over existing right-of-way and future rights-of-way of any State Highway if:
 - ~~a. The Sign is attached to and extends from a building and only advertises activities or services offered in that building;~~
 - ~~b. The building and attached Sign is adjacent to the State Highway within a city, city and county, or incorporated town having authority over the State Highway pursuant to § 43-2-135, C.R.S.;~~
 - ~~c. The Sign does not restrict pedestrian traffic and is not a safety hazard to the motoring public; and~~
 - ~~d. Before erecting the Sign, the owner has obtained written permission from the city, city and county or incorporated town. [§ 43-1-421, C.R.S.]~~~~
- ~~2. No On-Premise Sign may encroach over an Interstate right-of-way nor any portion of a roadway.~~

~~M. Comprehensive Development On-Premise Signs~~

- ~~1. On-Premise Signs for Comprehensive Developments shall adhere to the requirements of On-Premise Signs in Rule 6.02.~~
- ~~2. A Comprehensive Development includes all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas.~~
- ~~3. A Comprehensive Development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for On-Premise advertising.~~
- ~~4. A Comprehensive Development is a group of two or more lots or parcels of land used primarily for multiple separate commercial or industrial activities and must meet all of the following requirements pursuant to § 43-1-403 (1.5)(a) and (b); C.R.S.:~~
 - ~~a. Is located entirely on one side of a highway;~~
 - ~~b. Consists of lots or parcels that are contiguous except for public or private roadways or driveways that provide access to the development;~~
 - ~~c. Has been approved by the relevant local government as a development with a common identity and plan for public and private improvements;~~
 - ~~d. Has common areas such as parking, amenities, and landscaping; and~~
 - ~~e. Has an approved plan of common ownership in which the owners have recorded irrevocable rights to use common areas and that provides for the management and maintenance of common areas.~~

6.03 ~~Off-Premise Signs~~Advertising Devices**6.03.1 General Requirements**

- A. ~~Off-Premise~~ Signs include:
1. Signs in Areas Zoned for Commercial or Industrial Uses;
 2. Nonconforming Signs;
 3. ~~Directional and Official Signs~~Repealed; and
 4. Advertising Devices on Scenic Byways~~;~~;
 5. ~~Landmark Signs, and~~Repealed.
 6. ~~Free Coffee Signs~~Repealed.
- B. An ~~Off-Premise Sign~~Advertising Device shall comply with the requirements set forth in these Rules and 23 C.F.R. § 750.108. All Signs shall not:

...

2. Interfere with a driver's clear and unobstructed view of ~~Official Signs~~official signs and approaching, intersecting or merging traffic; [23 C.F.R. § 750.108(b)]

...

- C. No ~~Off-Premise Sign~~new Advertising Device shall be erected adjacent to a Scenic Byway~~, except for Directional and Official Signs~~. [§ 43-1-419, C.R.S.]
- D. ~~An Off-Premise~~A Sign shall be considered abandoned if it meets the requirements of Rule 6.03.3-~~(B)~~.
- E. Measuring Distances between ~~Off-Premise~~ Signs [23 C.F.R. § 750.103]

...

6.03.3 Sign Repairs [23 C.F.R. § 750.707; § 43-1-413, C.R.S.]

...

- B. Abandoned, Discontinued or Obsolete Nonconforming Signs. [23 U.S.C. § 131; 23 C.F.R. § 750.707; § 43-1-413(2)(f), C.R.S.]
1. Abandoned or Discontinued Signs

- a. An abandoned or discontinued Sign is one that for one year or more ~~years~~~~displays out-of-date advertising matter, or~~ is without advertising matter, or is in need of substantial repair. Such Signs determined by the Department as abandoned or discontinued are subject to removal as Illegal Signs under § 43-1-412, C.R.S.

...

- C. Damage or Destruction of Nonconforming Signs. [23 C.F.R. § 750.707(d)(6); § 43-1-413(2)(e), C.R.S.]

...

4. The Department shall determine whether a Sign has been damaged or destroyed to a degree that terminates the Nonconforming Sign's nonconforming status based on the schedule of compensation referenced in § 43-1-413(2)(e), C.R.S., as follows:

...

- d. The procedure under (1) through (5) below shall determine whether the damaged or destroyed Nonconforming Sign may be repaired or restored:

...

- (5) The Department shall make a determination whether the ~~sign~~ Sign may be repaired or restored based on (3) and

...

7.00 Signs in Areas Zoned by Law for Industrial or Commercial Uses

[23 C.F.R. § 750.708; § 43-1-404(1)(e)(I); § 43-1-406(2)(b)(I) and (II), C.R.S.]

...

- B. Size Requirements [§ 43-1-404(1), C.R.S.]

...

5. ~~Requirements for Signs Erected After 1970 Advertising Necessary Goods and Services Repealed.~~
- a. ~~Advertising Devices located along non-interstate Controlled Routes shall be subject to the following requirements:~~
- ~~(1) Only inform the traveling public of necessary goods or services available within a five-mile radius of the Advertising Device. Necessary goods and services shall be limited to those set forth in § 43-1-404(1)(e)(I)(c), C.R.S.~~
 - ~~(2) No person providing necessary goods or services shall be eligible for more than two Advertising Devices.~~
 - ~~(3) The Advertising Device shall predominately display the name and location of the necessary goods or services advertised.~~
 - ~~(4) If the necessary goods and services are not available 12 months out of the year, the Sign must clearly display the dates such goods and services are available.~~

C. Lighting

1. Advertising Devices that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, ~~except those giving public service information, such as time, date, temperature, weather, or similar information.~~

...

D. Spacing of Signs

...

6. Signs that are not lawfully maintained, ~~and Official and On-Premise Signs as defined in 23 U.S.C. 131(c) and these Rules,~~ shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

...

8.00 ~~Directional and Official Signs Repealed.~~

~~{§ 43-1-403(4), C.R.S.; 23 U.S.C 131(c)(1); 23 C.F.R. 750.105; 23 C.F.R. 750.153}~~

~~A. CDOT's Jurisdiction over Directional and Official Signs.~~

- ~~1. Directional and Official Signs under CDOT control are located within 660 feet of the right-of-way and Directional and Official Signs located beyond 660 feet of the right-of-way outside of Urban Areas, Visible from the Main Traveled Way of the system, and erected with the purpose of their message being read from such Main Traveled Way.~~
- ~~2. Urban Area means an area as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by CDOT and local officials, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census. [23 C.F.R. 750.153(t)]~~

~~B. Definitions. The Definitions listed below are specific to this Rule on Directional and Official Signs.~~

- ~~1. "Directional Sign" includes, but is not limited to:~~
 - ~~a. Signs containing directional information to facilitate emergency vehicle access to remote locations;~~
 - ~~b. Signs referring to public places owned or operated by federal, state, or local governments or their agencies;~~
 - ~~c. Publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites;~~
 - ~~d. Areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. 23 C.F.R. 750.153(r); § 43-1-403 (4) C.R.S.; or~~
 - ~~e. Public utility signs, service club and religious notices, and public service signs. [23 C.F.R. 750.153(m)]~~
- ~~2. A "Notice" for purposes of this section of the Rules is a temporary sign providing the content as stated in the "Official Sign" or "Public Utility Sign" definitions but which is posted for a limited time.~~
- ~~3. "Official Sign" is a Sign erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction pursuant to federal, state or local law and for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by CDOT or local government agencies or nonprofit historical societies may be considered Official Signs. [23 C.F.R. 750.153 (n)] Official Signs shall not include Signs advertising any private business. [§43-1-403(13), C.R.S.]~~
- ~~4. "Public Service Sign" located on school bus stop shelters:~~

- a. ~~Identifies the donor, sponsor, or contributor of said shelters;~~
 - b. ~~Contains public service messages, which shall occupy not less than 50% of the area of the Sign;~~
 - c. ~~Contains no other message;~~
 - d. ~~Is located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or the Department; and~~
 - e. ~~May not exceed 32 square feet in area. Not more than one Sign on each shelter shall face in any one direction. [23 C.F.R. 750.153(q)]~~
5. ~~“Public Utility Sign” means a warning sign, informational sign, notice, or marker that is customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations. [23 C.F.R. 750.153(o)]~~
6. ~~“Service club” or “Religious” signs or notices mean a sign or notice whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs or notices do not exceed 8 square feet in area. [23 C.F.R. 750.153(p)]~~
- C. ~~Criteria for Directional Signs [23 C.F.R. 170.154(f)]~~
- 1. ~~Prohibited Signs. The following Directional Sign conditions are prohibited:~~
 - a. ~~Directional Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those Signs or at the location of those activities.~~
 - b. ~~Directional Signs that obscure or otherwise interfere with the effectiveness of any official traffic sign, signal or device, or obstruct or interfere with the driver’s view of approaching, merging, or intersecting traffic.~~
 - c. ~~Directional Signs erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~
 - d. ~~Directional Signs that are:~~
 - (1) ~~Obsolete;~~
 - (2) ~~Structurally unsafe or in disrepair;~~
 - (3) ~~Move or have any animated or moving parts;~~
 - (4) ~~Located in Rest Areas, Parklands or Scenic Areas.~~
 - 2. ~~Size of Directional Signs~~

- a. ~~No Directional Sign shall exceed the following limits, including border and trim, but exclude supports:~~

~~Maximum area—150 square feet;~~

~~Maximum height—20 feet;~~

~~Maximum length—20 feet.~~

3. ~~Lighting of Directional Signs~~

- a. ~~The following lighting conditions are prohibited:~~

(1) ~~Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights.~~

(2) ~~Signs that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle.~~

(3) ~~Signs that are illuminated so as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.~~

4. ~~Spacing of Directional Signs~~

- a. ~~Each location of a Directional Sign must be approved by the Department.~~

b. ~~No Directional Sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the Main Traveled Way).~~

c. ~~No Directional Sign may be located within 2,000 feet of a Rest Area, Parkland, or Scenic Area. A scenic area means any public park or area of particular scenic beauty or historical significance designated by or pursuant to state law as a scenic area.~~

d. ~~No two Directional Signs facing the same direction of travel shall be spaced less than one (1) mile apart;~~

e. ~~Not more than three Directional Signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;~~

~~f. Directional Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and~~

~~g. Directional Signs located on other than the interstate system, including adjacent to the primary system, shall be within 50 air miles of the activity.~~

~~5. Message Content~~

~~a. The message on Directional Signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers.~~

~~Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.~~

~~D. Directional Signs Pertaining to Privately Owned Activities [23 C.F.R. 750.154]~~

~~1. Privately owned activities or attractions eligible for Directional Signing must meet the requirements of these Rules and state and federal law, and must be nationally or regionally known, and of outstanding interest to the traveling public. "Outstanding interest to the travelling public" for purposes of these Rules means for edification and enjoyment of the travelling public and not specifically to generate income for the activity. [23 C.F.R. 750.154 (f)(1) and (2)]~~

~~2. Privately owned activities or attractions eligible for Directional Signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites, and outdoor recreational areas.~~

~~3. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.~~

9.00 Advertising Devices on Scenic Byways

[§ 43-1-419, C.R.S.; 23 U.S.C. § 131(s)]

...

B. No new Advertising Device shall be erected along a Scenic Byway that is visible from the Controlled Route, ~~with the exception of:~~

~~1. Official Signs;~~

~~2. On-Premise Signs; and~~

~~3. Directional Signs.~~

...

10.00 ~~Landmark Signs~~Repealed.

- A. ~~No Landmark Signs have been established in Colorado pursuant to 23 C.F.R. 750.710 (a) and (b).~~

11.00 ~~Free Coffee Signs~~Repealed.

~~[23 U.S.C. 131(c)]~~

- A. ~~Signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on an interstate or primary system may be located within the Control Area. Free coffee shall include coffee for which a donation may be made but is not required.~~

12.00 ~~Off-Premise~~ CEVMS Advertising Devices

- A. Authority. The Department has authority to control the brightness, intervals, spacing and location of ~~Off-Premise~~ CEVMS Advertising Devices along Controlled Routes for the purpose of ensuring safety to the travelling public. [23 USC 131 (c) (3) and (j); 23 C.F.R. § 750.705; § 43-1-404(1)(f), and § 43-1-415(1), C.R.S.]
- B. Definitions

...

9. ~~“Public Service Information” means a message on an electronic Sign which provides the time, date, temperature, weather, or information concerning civic or charitable activities~~Repealed.

...

- C. General Requirements

...

2. Location

- a. No CEVMS may be placed within 1,000 feet of another CEVMS on the same side of a highway and facing the same direction of travel. ~~On-Premise Signs inside 50 feet of the advertised activity are not counted for purposes of this spacing requirement.~~ [§ 43-1-404(1)(f)(I), C.R.S.]

- b. A CEVMS shall not prevent the driver of a vehicle from having a clear and unobstructed view of ~~Official Signs~~official signs and approaching or merging traffic.

...

5. Operational Requirements Specific to ~~Off-Premise~~CEVMS Advertising Devices

...

- D. Conversion from a Static Advertising Device to a CEVMS

...

4. Site Review. The Department may conduct a site review and inspection prior to permitting a conversion to CEVMS to ensure that the description, location and other information contained in the application for conversion is in compliance with these Rules. [43-1-421(1)(f)(I), C.R.S.]

...

13.00 Materials Incorporated by Reference

- A. These Rules are intended to be consistent with and not be a replacement for 23 United States Code (U.S.C.) § 131 dated October 1, 2012~~December 4, 2015~~, and its implementing regulations contained in 23 Code of Federal Regulations (C.F.R.) Part 750 in effect as of June 20, 1973, 750.705(h) (Sept. 16, 1975)~~August 23, 1985~~ which are hereby incorporated into the Rules by this reference pursuant to § 24-4-103(12.5), C.R.S., and do not include any later amendments.

1. Copies of the referenced United State Code may be obtained from the following address:

Office of the Law Revision Counsel

U.S. House of Representatives

H2-308 Ford House Office Building

Washington, DC 20515

(202) 226-2411

<https://uscode.house.gov/browse.xhtml>

2. Copies of the referenced Code of Federal Regulations may be obtained from the following address:

U.S. Government Publishing Office

732 North Capitol Street, N.W.

Washington, DC 20401
(866) 512-1800
<https://www.govinfo.gov/>

- B. Also incorporated by reference are the following documents and do not include any later amendments:

1. Federal Highway Administration (FHWA) Non-Regulatory Supplement Federal-Aid Policy Guide, Transmittal 35 Attachment: Sign and Site Valuation Formula and Schedule Guide for Controlling Outdoor Advertising Pursuant to 23 U.S.C. § 131 dated February 16, 2006, NS 23 C.F.R. 750D, Parts I, II, III.

Copies of the referenced FHWA Transmittal 35 Attachment may be obtained from the following address:

Federal Highway Administration
Office of Chief Counsel
1200 New Jersey Avenue, SE.
E82-101
Washington, DC 20509
(202) 366-1376
<https://www.fhwa.dot.gov>

2. Uniform Standards of Professional Appraisal Practice (USPAP), 2014-2015-2020-2021 Edition.

Copies of the referenced USPAP may be obtained from the following address:

The Appraisal Foundation
1155 15th Street, NW, Suite 1111
Washington, DC 20005
(202) 347-7722
<https://www.appraisalfoundation.org/>

- C. All referenced laws and regulations shall be available for copying or public inspection during regular business hours from the Office of Policy and Government Relations, Colorado Department of Transportation, 4201 E. Arkansas Avenue 2829 W. Howard Place, Denver, Colorado 80222 80204.

14.00 Declaratory Orders

- A. Any person may petition the Executive Director for a declaratory order pursuant to § 24-4-105(11), C.R.S.

- B. Contents of the Petition

1. The name of address of the petitioner.

2. Whether the petitioner is a Permittee and what interest, if any, they have or would have in the applicable Advertising Device or proposed Advertising Device.
3. Whether the petitioner is involved in any pending administrative hearings or lawsuits with the Department or the relevant local jurisdiction.
4. The statute, rule, or order to which the petition relates.
5. A concise statement of all of the facts necessary to show the nature of the controversy or the uncertainty as to the applicability to the petitioner of the statute, rule, or order to which the petition relates.
6. A concise statement of the legal authorities, if any, and such other reasons upon which the petitioner relies.

C. The Executive Director Retains Discretion Whether to Entertain Petition.

The Executive Director or designee will determine, in their sole discretion without prior notice to the petitioner, whether to entertain any petition. If the Executive Director or designee decides not to entertain a petition, the Department will notify the petitioner in writing of its decision and the reasons for that decision. Any of the following grounds may be sufficient reason to refuse to entertain a petition:

1. A ruling on the petition will not terminate the controversy nor remove uncertainties concerning the applicability to petitioner of the statute, rule, or order in question.
2. The petition involves a subject, question, or issue that is relevant to a pending hearing before the state or any local licensing authority, an on-going proceeding conducted by the Department, or relates to an issue or case which is currently the subject of litigation.
3. The petition seeks a ruling on a moot or hypothetical question.
4. Petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colo. R. Civ. Pro. 57, which will terminate the controversy or remove any uncertainty concerning applicability of the statute, rule, or order.

D. Executive Director Entertains the Petition.

If the Executive Director or designee determines to entertain the petition for declaratory order, the Department will notify the petitioner, and any of the following procedures may apply:

1. The Executive Director or designee may expedite the matter by ruling on the basis of the facts and legal authority presented in the petition, or by requesting the parties to submit additional evidence and legal argument in writing.
2. In the event the Executive Director or designee determines that an evidentiary hearing is necessary to a ruling on the petition, a hearing will be conducted in

accordance with the State Administrative Procedure Act, § 24-4-101, C.R.S. *et seq* . The petitioner will be identified as Respondent.

3. The parties to any proceeding pursuant to this Rule will be the petitioner/Respondent and the Department. Any other interested person(s) may seek leave of the Department to intervene in the proceeding and such leave may be granted if the Department determines that such intervention will make a separate petition by the interested person(s) for a separate declaratory order unnecessary.
 4. The declaratory order will constitute a Final Agency Order subject to judicial review pursuant to § 24-4-106, C.R.S.
-



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

**Executive Director
Rules Governing Outdoor Advertising in Colorado
2 CCR 601-3**

Date & Time of Public Hearing: Friday, October 1, 2021, at 10 a.m.

I. Notice

As required by the State Administrative Procedure Act found at section 24-4-103, C.R.S., the Executive Director of the Colorado Department of Transportation ("CDOT") gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **October 1, 2021, at 10 a.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
10/01/2021	Webinar Only	10 a.m.	Registration Link

How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name and email address. You may also provide your telephone number and the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing and/or submit written comments. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>.

II. Subject

Senate Bill 21-263 took effect in Colorado on June 30, 2021, changing the permitting and enforcement processes for the control of advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway to a compensation-based approach.

The specific purpose of this rulemaking is to consider changes to align CDOT's processes for permitting and enforcement of outdoor advertising devices with Senate Bill 21-263. CDOT proposes the following rule changes:

- Establish a new compensation-based approach within the rules for permitting and enforcement of outdoor advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway.
- Remove the previous categories of outdoor advertising devices (i.e., On-Premise Sign, Off-Premise Sign, Official Sign, and Directional Sign) from the rules.



- Redefined the definition of “Advertising Device” to reference the definition in statute.
- Add the new definition of “Compensation” to reference the definition in statute.
- Modify the noncompliance requirements to give a property owner or sign owner the option to execute an affidavit under the penalty of perjury in the event the property owner or sign owner does not believe their sign is an advertising device requiring a CDOT permit.
- Streamline the hearing procedures and also modify the procedures to allow an applicant who was denied a permit to request an expedited hearing within 30 days of the notice of denial.
- Clarify that Changeable Electronic Variable Message Signs may not be within 1000 feet of each other that are facing the same direction.
- Update the materials incorporated by reference within the rules.
- Add procedures for interested and affected parties to petition for a declaratory order to increase transparency for the public and be in compliance with the Colorado Administrative Procedure Act.
- Finally, make other non-substantive changes to align the rules with Senate Bill 21-263 and fix typographical or grammatical errors.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory Authority

The specific authority under which the Executive Director of CDOT shall establish these rules is set forth in §§ 43-1-105(6), 43-1-414(4), and 43-1-415, C.R.S.

IV. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT’s website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions prior to the hearing, the updated proposed rule revisions will be available to the public and posted on CDOT’s website by September 24, 2021.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearing and the deadline for the submission of written comments.

V. Opportunity to testify and submit written comments

CDOT strives to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows:



- The Hearing Officer opens the hearing and provides a brief introduction of the hearing procedures.
- CDOT staff will review exhibits to establish that the CDOT met all the procedural requirements of the Administrative Procedure Act.
- A summary of the proposed rule revisions will be presented by CDOT staff.
- Participants will then have the opportunity to give testimony regarding the proposed rule revisions.
- The Hearing Officer will make certain finding and conclude the hearing.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When Hearing Officer exhausts the list, we will ask whether any additional participants wish to testify.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Written Comments

All interested and affected parties are strongly encouraged to submit their written comments to dot_rules@state.co.us. All written comments must be received on or before Tuesday, October 05, 2021, at 5 pm.

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>. However, please note that we will redact the following information for data privacy from the submissions prior to posting online: first and last names, contact information, including business and home addresses, email addresses, and telephone numbers.

All written comments will be added to the official rulemaking record.

VI. Recording of the Hearings

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

VII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least one (1) week prior to the scheduled hearing date.

VIII. Contact Information

Please contact CDOT's Rules Administrator, at 303.757.9441 or dot_rules@state.co.us if you have any questions.





COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

Notice of Proposed Rulemaking

Executive Director

**Rules Governing Outdoor Advertising in Colorado
2 CCR 601-3**

Proposed Statement of Basis and Purpose and Statutory Authority

I. Rules

The rules governing outdoor advertising in Colorado are found at 2 CCR 601-3.

II. Statement of Basis & Purpose

The purpose of these rules is to carry out the provisions of Colorado's Outdoor Advertising Act found at § 43-1-401, *et seq.*, C.R.S., and the Highway Beautification Act of 1965 found at 23 U.S.C. § 131 by establishing a statewide uniform program controlling the use of advertising devices in areas adjacent to the State Highway System. The intent of these rules is to protect and promote the health, safety, and welfare of the traveling public and the people of Colorado, and to promote the reasonable, orderly and effective display of outdoor advertising, while preserving and enhancing the natural and scenic beauty of Colorado.

Senate Bill 21-263 took effect in Colorado on June 30, 2021, changing the permitting and enforcement processes for the control of advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway to a compensation-based approach.

The specific purpose of this rulemaking is to consider changes to align CDOT's processes for permitting and enforcement of outdoor advertising devices with Senate Bill 21-263. Proposed changes include:

- Add, modify, or delete defined terms to aid in the interpretation and implementation of these Rules as follows:
 - Modify the definitions of "Advertising Device" and "Comprehensive Development" to reference the definitions in statute for consistency.
 - Delete the definitions of "Directional Sign", "Off-Premise Sign", "Official Sign", and "On-Premise Sign" to align with Senate 21-263.
 - Add the new definition of "Compensation" to reference the definition in statute for consistency.
 - Delete the definitions of "Commercial Advertising" and "Premises" since they are no longer necessary as a result of Senate Bill 21-263.
 - Modify the definition of "Permit Number Identifier" to align with Senate Bill 21-263.
- Establish a new compensation-based approach within the rules for permitting and enforcement of outdoor advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway.



- Delete the requirements for the previous categories of outdoor advertising devices (i.e., On-Premise Sign, Off-Premise Sign, Official Sign, and Directional Sign) from the rules.
- Clarify CDOT is prohibited from issuing or renewing a permit if the advertising device becomes decay, insecure, or in danger of falling, or unsafe due to lack of maintenance or repair, which mirrors § 43-1-411(5), C.R.S.
- Clarify CDOT will provide the reasons for the denial of the application, the denial of the renewal of the permit, or the revocation of the Permit in writing.
- Modify the noncompliance requirements to give a property owner or sign owner the option to execute an affidavit under the penalty of perjury in the event the property owner or sign owner does not believe their sign is an advertising device requiring a CDOT permit.
- Streamline the hearing procedures and also modify the procedures to allow an applicant who was denied a permit to request an expedited hearing within 30 days of the notice of denial.
- Delete the requirements for signs erected after 1970 advertising necessary goods and services to align with Senate Bill 21-263.
- Delete the requirements for “Landmark Signs” and “Free Coffee Signs”. Landmark signs have not been established Colorado. Free Coffee Signs are set forth in federal law.
- Clarify that Changeable Electronic Variable Message Signs may not be within 1000 feet of each other that are facing the same direction.
- Update the materials incorporated by reference within the rules in accordance with § 24-4-103(12.5), C.R.S.
- Add procedures for interested and affected parties to petition for a declaratory order to increase transparency for the public and be in compliance with the Colorado Administrative Procedure Act. This is a voluntary process that allows for interested and affected parties to obtain a declaratory order on statutes, rules, or orders relating to the control of outdoor advertising in Colorado.
- Make other non-substantive changes to align the rules with Senate Bill 21-263 or fix typographical or grammatical errors.

III. Statutory Authority

The statutory authority is as follows:

- Senate Bill 21-263 enacted into law on June 30, 2021.
- § 43-1-105(6), C.R.S., which authorizes the Executive Director or designee to preside over a hearing whenever CDOT is required by law to hold a hearing.
- § 43-1-414(4), C.R.S., which authorizes CDOT to promulgate rules governing the acquisition procedures for the advertising devices, the appraisal of advertising devices, and the administration and enforcement of outdoor advertising.
- § 43-1-415, C.R.S., which authorizes CDOT to promulgate rules necessary to carry out the provisions of the Outdoor Advertising Act.



Notice of Proposed Rulemaking

Tracking number

2021-00516

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing

Date

10/05/2021

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to establish data reporting requirements for carriers concerning the use of out-of-network providers and facilities and the impact on premium affordability as required by HB 19- 1174, 10-16-704(14), C.R.S.

Statutory authority

§§ 10-1-109(1), 10-16-109, and 10-16-704(14), and 10-16-708, C.R.S.

Contact information

Name

Christine Gonzales-Ferrer

Title

Compliance Specialist

Telephone

303-894-2157

Email

christine.gonzales-ferrer@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE ACCIDENT AND HEALTH

DRAFT Proposed AmendedNew Regulation 4-2-74

PREMIUM CONCERNING DATA REPORTING REQUIREMENTS FOR CARRIERS' OUT-OF-NETWORK REIMBURSEMENTS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Data Reporting Requirements for Out-of-network Reimbursements
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109(1), 10-16-109, and 10-16-704(14), and 10-16-708, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish data reporting requirements for carriers concerning the use of out-of-network providers and facilities and the impact on premium affordability as required by HB 19-1174, 10-16-704(14), C.R.S.

Section 3 Applicability

This regulation applies to carriers offering individual, small group and large group health benefit plans, including student health plans and managed care plans, that receive bills from out-of-network providers and facilities on or after January 1, 2020, and that are subject to the requirements of 10-16-704(3)(d) and (5.5), C.R.S.

Section 4 Definitions

- A. "Ambulance services" shall have the same meaning as found at § 25-3.5-103(3), C.R.S., and for purposes of this regulation, does not include publicly funded fire agencies.
- B. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- C. "Facility type" means, for the purposes of this regulation and reporting purposes, the following facility categories:
 - 1. Hospitals licensed pursuant to part 1 of article 3 of title 25; and,
 - 2. Freestanding Emergency Departments, as defined at § 25-1.5-114(5)(a), C.R.S.

- D. "Geographic area" means, for the purposes of this regulation, the geographic area established by the Division for out-of-network reimbursements pursuant to § 10-16-704, C.R.S. and found in Colorado Insurance Regulation 4-2-66.
- E. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.\
- F. "Managed care plan" shall have the same meaning as found at § 10-16-102(43), C.R.S.
- G. "Publicly funded fire agency" means, for the purposes of this regulation, an ambulance service provider that has been established as part of a fire protection district, health services district, municipality, special tax district, or other government entity.
- H. "Provider" shall have the same meaning as found at § 10-16-102(56), C.R.S.

Section 5 Data Reporting Requirements for Out-of-network Reimbursements

- A. ~~By December 31, 2020, carriers shall report the data in Sections 5.B through 5.E. for the period January 1 through September 30, 2020. By March 1, 2021, carriers shall report the data for October 1 through December 31, 2020. For the 2021 calendar year and beyond, no later than December 31 of that year, carriers shall report data from October 1 of the prior year through September 30 of the current year. On or before March 1 of each year, carriers shall report the data in Sections 5.B through 5.F for January 1 through December 31 of the preceding year.~~

- B. Provider data

Carriers shall provide the Division with the following aggregated out-of-network claims data, by geographic area, concerning claims processed for non-emergency services received at an in-network facility by an out-of-network provider, and concerning claims processed for emergency services received at an out-of-network facility, that include:

1. The total amount charged by and paid to the following out-of-network provider types:
 - a. Anesthesiologists;
 - b. Radiologists;
 - c. Surgical Assistants;
 - d. Emergency Room Physicians; and
 - e. Pathologists.
2. The total amount charged by and paid to the top five out-of-network provider types, by total spend, exclusive of the provider types identified in Section 5.B.1., that with Section 5.B.2. results in reporting on a total of ten out-of-network provider types;
3. The number of claims denied or resolved by the out-of-network provider types identified in Section 5.B.1. and 2., including a list of reasons for claims denial and the number of claims denied for each reason based on the below classifications:
 - a. Duplicate charge; claims denied because of a duplicate charge from the provider.
 - b. Enrollment and eligibility: claims denied because the member was no longer eligible, member had coverage with another carrier, or member failed to make a premium payment.

- c. Missing or incorrect claim: claims denied because of an invalid diagnosis code, incomplete information, claim was filed outside of a specified time limit, incorrectly billed, or because the provider was unresponsive.
 - d. Prior authorization: claims denied because the service was not authorized by the carrier or authorization was denied;
 - e. Benefit issue: claims denied because the service was determined not medically necessary, or the claim was incorrectly submitted without being bundled with another service; the service or procedure was not covered, or the service was outside the providers scope of practice.
- 4. The total number of out-of-network claims processed;
 - 5. The total number and amount allowed prior to the application of the covered person's cost-sharing requirements for each of the payment methodologies contained in § 10-16-704(3)(d), C.R.S., including the number and amount of any negotiated alternative reimbursements;
 - 6. The ratio of total out-of-network claims to in-network claims processed by number and dollar amount;
 - 7. The ratio of total out-of-network claims to in-network claims processed by number. The ratio of total out-of-network claims to in-network claims processed by dollar amount as a percentage of Medicare reimbursement; and,
 - 8. Total number of unique non-contracted providers who submitted out-of-network claims to the carrier for payment by the out-of-network provider types identified in Section 5.B.1. and 2. The ratio of total out-of-network claims to in-network claims for the provider types identified in Section 5.B.1. and 2.

C. Facility Data

Carriers shall provide the Division with the following data elements, by geographic area, concerning claims for covered emergency services at out-of-network facilities:

- 1. For services, by facility type:
 - a. Aggregated claims data that includes:
 - (1) The total amount charged;
 - (2) The total amount paid;
 - (3) The total number of claims denied or resolved; and,
 - (4) A list of reasons for claims denial and the number of claims denied for each reason based on the below classifications:
 - (a) Duplicate charge: claims denied because of a duplicate charge from the provider;
 - (b) Enrollment and eligibility: claims denied because the member was no longer eligible, member had coverage with another carrier, or member failed to make a premium payment;

- (c) Missing or incorrect claim: claims denied because of an invalid diagnosis code, incomplete information, claim was filed outside of a specified time limit, incorrectly billed, or because the provider was unresponsive;
- (d) Prior authorization: claims denied because the service was not authorized by the carrier or authorization was denied;
- (e) Benefit issue: claims denied because the service was determined not medically necessary, or the claim was incorrectly submitted without being bundled with another service; the service or procedure was not covered, or the service was outside the providers scope of practice.

- b. The total number of out-of-network claims processed;
 - c. The total number and amount allowed prior to the application of the covered person's cost-sharing requirements for each of the payment methodologies contained in § 10-16-704(5.5)(b) C.R.S., including the number and amount of any negotiated alternative reimbursements;
 - d. The ratio of total out-of-network claims to in-network claims processed by number and dollar amount; and,
 - e. The ratio of total out-of-network claims to in-network claims processed by number. The ratio of total out-of-network claims to in-network claims processed by dollar amount as a percentage of Medicare reimbursement.
2. The financial data elements specified in this Section 5.C. for Denver Health and Hospital Authority shall be submitted in a separate report.

D. Ambulance Service Provider Data

Carriers shall provide the Division with the following data elements, by geographic area, concerning claims from out-of-network ambulance service providers processed in the previous calendar year, excluding those ambulance services provided by publicly funded fire agencies, for covered emergency services as defined in § 10-16-704(5.5)(e)(II), C.R.S.:

- 1. De-identified aggregated claims data that includes:
 - a. The total amount charged;
 - b. The total amount paid;
 - c. The total number of claims denied or resolved; and,
 - d. ~~A list of reasons for claims denial and the number of claims denied for each reason.~~
- 2. The total number of out-of-network claims processed;
- 3. The total number and amount allowed prior to the application of the covered person's cost-sharing requirements for each of the methodologies contained in Colorado Insurance Regulation 4-2-66, Concerning the Payment Methodology for Non-Contracted

Service Agencies that Provide Emergency Ambulance Services, including the number and amount of any negotiated alternative reimbursements; and,

4. The ratio of total out-of-network claims to in-network claims processed by number. The ratio of total out-of-network claims to in-network claims processed by dollar amount as a percentage of Medicare reimbursement.
5. [Total number of unique contracted ambulance service providers and unique non-contracted ambulance service providers who submitted out-of-network claims to the carrier for payment.](#)

E. Network Data

Each carrier shall submit the following data elements, by geographic area, regarding its health benefit plan networks marketed during the immediately prior plan year:

1. A narrative description of how the carrier's networks have changed due to the passage of HB 19-1174 and the factors that contributed to those changes; [including a description of the changes in carrier's networks for providers listed in Section 5.B.1. and ambulance service providers.](#)
2. Total number of unique non-contracted providers who submitted out-of-network claims to the carrier for payment by provider type, including ambulance service providers;
3. Total number of contracted providers for each unique provider type reported in sections 5.B.1 and 2.; and
4. Beginning with the report due by December 31, 2020, an explanation of the changes in the previous year's report for the numbers currently being reported for sections 5.E.2. and 3.

F. Premium Impact Comparison and Analysis

Carriers shall provide a detailed analysis of the impact of using out-of-network providers and facilities on premium affordability for consumers based on the data reported in Section 5., presented by market (individual, small group, large group), and by geographic area. [The premium That analysis shall compare premiums to determine the premium impact resulting from the passage of HB 19- 1174, and what the premium impact would be if that bill had not been passed, and must include, at a minimum:](#)

1. [Estimated total dollar amount of savings for out-of-network claims due to HB 19-1174;](#)
2. [An explanation of how total out-of-network paid claims savings due to the passage of HB19-1174 impacted premiums for consumers. The Division may consider requests for an alternative due date for this analysis on a case-by-case basis.](#)

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstances is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition

of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

~~This regulation shall be effective December 15, 2020.~~ This amended regulation shall be effective November XX, 2021

Section 9 History

New regulation effective December 15, 2020.

Amended regulation effective November XX, 2021

Notice of Proposed Rulemaking

Tracking number

2021-00515

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing

Date

10/05/2021

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to establish requirements for coverage for infertility treatment and preservation services for a covered person pursuant to § 10-16-104(23).

Statutory authority

§§ 10-1-109(1), 10-16-109, 10-16-704(13)(b), and 10-16-104(23)(d), C.R.S.

Contact information

Name

Christine Gonzales-Ferrer

Title

Compliance Specialist

Telephone

303-894-2157

Email

christine.gonzales-ferrer@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

DRAFT New Regulation 4-2-7X

CONCERNING INFERTILITY COVERAGE BY HEALTH BENEFIT PLANS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Requirements for Infertility Treatment and Preservation Services Coverage
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109(1), 10-16-109, 10-16-704(13)(b), and 10-16-104(23)(d), C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish requirements for coverage for infertility treatment and preservation services for a covered person pursuant to § 10-16-104(23).

Section 3 Applicability

As detailed in HB 20-1158, the requirement for coverage for infertility treatment would not go into effect for markets subject to possible defrayal pursuant to 42 U.S.C. § 18031(d)(3)(B) if the federal government informed the Division that the coverage would lead to the State having to defray costs for those markets. Otherwise, HB 20-1158 requires infertility treatment to be covered. The large group market is not subject to 42 U.S.C. § 18031(d)(3)(B). As a result, this regulation applies to all health benefit plans in the large group market effective in 2022.

Section 4 Definitions

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Health Benefit Plan" shall have the same meaning as found at § 10-16-202(32), C.R.S.

- C. “Standard Fertility Preservation Services” shall have the same meaning as found at § 10-16-104(23)(g)(VIII).

Section 5 Requirements for Infertility Treatment and Preservation Services Coverage

- A. Carriers offering health benefit plans in the large group market shall include coverage for infertility treatment and standard infertility preservation services pursuant to § 10-16-104(23) for plans issued on or after January 1, 2022.
- B. Carriers shall provide procedures for granting an exemption to a religious employer upon request if coverage conflicts with the employer’s bona fide religious beliefs and practices.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstances is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall become effective Month, Day, 2021.

Section 9 History

New regulation effective Month, Day, 2021.

Notice of Proposed Rulemaking

Tracking number

2021-00549

Department

700 - Department of Regulatory Agencies

Agency

702 - Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)

Rulemaking Hearing

Date

10/05/2021

Time

11:00 AM

Location

Webinar or 1560 Broadway, STE 850, Denver CO 80202

Subjects and issues involved

The purpose of this regulation is to establish the process and timeline by which the Division of Insurance will notify carriers and disburse reinsurance payments to carriers for the applicable benefit year.

Statutory authority

§§ 10-16-1104(1)(i), 10-16-1105(1)(d); 10-16-1105(1)(e); 10-16-1105(3)(c); and 10-16-1105(4)(d), C.R.S.

Contact information

Name

Christine Gonzales-Ferrer

Title

Compliance Specialist

Telephone

303-894-2157

Email

christine.gonzales-ferrer@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

DRAFT Proposed Amended Regulation 4-2-77

CONCERNING PAYMENTS TO CARRIERS FOR THE COLORADO REINSURANCE PROGRAM

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Reinsurance Payment Process to Carriers
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-16-1104(1)(i), 10-16-1105(1)(d); 10-16-1105(1)(e); 10-16-1105(3)(c); and 10-16-1105(4)(d), C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish the process and timeline by which the Division of Insurance will notify carriers and disburse reinsurance payments to carriers for the applicable benefit year.

Section 3 Applicability

This regulation applies to all eligible carriers that participate in the Colorado Reinsurance Program pursuant to Title 10, article 16, part 11.

Section 4 Definitions

A. "Actuarial Completion Factor" shall mean the percent of estimated ultimate claims for a given benefit year that have been paid.

BA. "Benefit Year" shall have the same meaning as found at § 10-16-1103(2), C.R.S.

CB. "Eligible Carrier" shall have the same meaning as found at § 10-16-1103(5), C.R.S.

DC. "Payment Parameters" shall have the same meaning as found at § 10-16-1103(9), C.R.S.

ED. "Reinsurance Program" shall have the same meaning as found at § 10-16-1103(12), C.R.S.

Section 5 Reinsurance Payment Process to Carriers

A. The Division of Insurance (Division) shall notify eligible carriers by email of reinsurance payment amounts that will be distributed for the applicable benefit year by June 30 of the year following the applicable benefit year.

1. The Division shall use the Centers for Medicare and Medicaid (CMS) External Data Gathering Environment (EDGE) Server to calculate reinsurance payments due to each eligible carrier. The Division will only use paid claims data that has been submitted and accepted to the CMS EDGE database for reinsurance payment calculations.
 - a. Payment amounts are based on the reinsurance payment parameters for the applicable benefit year.
 - b. Eligible carriers must have submitted all claims for the applicable benefit year to the EDGE server by April 30 of the year following the applicable benefit year in order for claims to be included in the reinsurance payment calculation.

B. Starting in December of 2021 and November of each year thereafter, each time CMS runs a preliminary State Reinsurance (SRI) report using EDGE data, all eligible carriers must submit to the Division or the Division's designated representative a single actuarial completion factor for claims submitted to EDGE that are within the reinsurance payment parameters as of the day CMS runs the report. For example, if a preliminary SRI report is dated January 25, and as of then the carrier has submitted claims to EDGE incurred and paid through November 30, the actuarial completion factor should be developed starting from November 30.

1. The factor should estimate, after applied to total submitted EDGE claims within the reinsurance payment parameters, the ultimate amount of claims within the reinsurance payment parameters for the benefit year. The estimate should be developed so that the carrier's best estimate of ultimate claims subject to reinsurance represents the claims that would apply to the Colorado Reinsurance Program.
2. For carriers with capitation arrangements or special care-delivery arrangements, these arrangements must be taken into account when developing the completion factor.

CB. Consistent with section 10-16-1105(4)(d), C.R.S., carriers must notify the Division in writing within thirty (30) days of notification of the reinsurance payment amount if they wish for the Division to reconsider their reinsurance payment amount.

1. Requests for reconsideration must clearly state all of the grounds on which the carrier's request is based, and should include evidence and other materials as necessary to support the request. No late filings, including any supplemental evidence or materials, will be accepted after the deadline.
2. The Division will respond in writing to a request for reconsideration within ten (10) days of the request deadline, and will notify carriers of any changes to their reinsurance payment amounts as soon as practicable thereafter.
3. Requests for reconsideration based on claims data outside of EDGE will not be considered by the Division.

DC. The Colorado Department of Regulatory Agencies (DORA) shall disburse electronic funds transfer (EFT) payments to all carriers for the reinsurance payment amounts by August 15 of the year following the applicable benefit year.

1. Carriers must have submitted a W9 and have a current account set up in the Colorado Operations Resource Engine (CORE) to receive reinsurance payments.

Section 6 Severability

If any provision of this regulation or the application of it to any person or circumstances is for any reason held to be invalid, the remainder of this regulation shall not be affected.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall be effective [December 1, 2021.](#) ~~[June 1, 2021.](#)~~

Section 9 History

~~[New regulation effective June 15, 2021](#)~~
~~[Amended regulation effective December 1, 2021.](#)~~

Notice of Proposed Rulemaking

Tracking number

2021-00552

Department

700 - Department of Regulatory Agencies

Agency

719 - Division of Professions and Occupations - State Board of Pharmacy

CCR number

3 CCR 719-1

Rule title

STATE BOARD OF PHARMACY RULES AND REGULATIONS

Rulemaking Hearing

Date

09/30/2021

Time

08:45 AM

Location

Webinar Only: <https://attendee.gotowebinar.com/register/4706927231820273422>

Subjects and issues involved

The purpose of this Permanent Rulemaking Hearing is for the Board to consider adopting new and revised rules to provide clarity and a general cleanup of the rules; and implement Colorado Senate Bill 21-011 (Concerning responsibilities of a pharmacist related to opiate antagonists); Colorado Senate Bill 21-077 (Concerning the elimination of verification of an individual's lawful presence in the United States as a requirement for individual credentialing); Colorado Senate Bill 21-094 (Concerning the continuation of the State Board of Pharmacy, and implementing recommendations contained in the 2020 sunset report by the Department of Regulatory Agencies and making other changes regarding the practice of professions regulated by the Board); Colorado Senate Bill 21-098 (Concerning the continuation of the prescription drug monitoring program); Colorado Senate Bill 21-122 (Concerning the bulk purchase of opiate antagonists pursuant to a standing order); and Colorado Senate Bill 21-123 (Concerning expanding the Canadian prescription drug importation program to include prescription drug suppliers from nations other than Canada upon the enactment of legislation by the United States congress authorizing such practice).

Statutory authority

Sections 12-20-204(1), 12-280-101, 12-280-107, 12-280-108(3)(b), 12-280-115.5(3)(b)(II), and 24-4-103, C.R.S.

Contact information**Name**

Elena M. Kemp

Title

Regulatory Coordinator

Telephone

303-894-7426

Email

dora_dpo_rulemaking@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

State Board of Pharmacy

3 CCR 719-1

STATE BOARD OF PHARMACY RULES AND REGULATIONS

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

1.00.00 RULES OF PROFESSIONAL CONDUCT.

...

1.00.18 Patient Counseling. Except as specified in section 12-280-138, C.R.S., a pharmacist shall provide patient counseling on new medication therapy and, based on the pharmacist's professional judgement and due diligence, may provide patient counseling for any other prescription.

a. If a pharmacist is unable to provide patient counseling orally due to language barriers, a pharmacist shall use whatever alternative means are necessary to assure the patient is properly counseled as to the medication the patient is provided. This may include, but may not be limited to, written communication in the corresponding language that the patient understands.

b. Any refusal on the part of the patient to accept patient counseling shall be clearly documented in the corresponding electronic record directly linked to each affected corresponding order and such documented refusal shall be readily retrievable and available for inspection by the Board or its inspectors for at least two years preceding the date of the refusal. When the patient seeks advice, or when, in the pharmacist's professional judgment, the best interest of the patient will be served, the pharmacist shall offer to advise the patient regarding the prescription.

...

1.00.24 Except as provided in sections 12-280-103(54)(b)(III) and 25.5-2.5-201 through 25.5-2.5-2086, C.R.S., a prescription drug outlet shall ensure that all prescription drugs and controlled substances are procured from another entity or person registered by the Board. Any drug designated as an Investigational New Drug from the Federal Food and Drug Administration is exempt from this requirement provided the research requirements for the receipt of the product are followed and it meets the requirements of section 12-280-131(2), C.R.S.

...

2.00.00 ORDERS.

...

2.01.10 Information to Appear on Each Order. The following information must appear on each written or oral order except as provided for chart orders for hospitalized patients (hospital chart orders):

a. The date the order was compounded and dispensed;

b. The assigned serial number (hospital chart orders are exempt from this requirement);

- c. The quantity dispensed if differs from the quantity ordered (LTCF chart orders are exempt from this requirement provided this information is recorded within another appropriate uniformly maintain and readily retrievable permanent record of the dispensing pharmacy);
- d. In the case of a controlled substance order, the patient address, prescriber address, and prescriber's Drug Enforcement Administration (DEA) registration; ~~and~~
- e. Patient address, prescriber address, and prescriber DEA registration number need not appear on any type of order for a non-controlled substance prescription; ~~and~~.
- f. Minor adaptations to an order as allowed pursuant to section 12-280-125.3, C.R.S., which shall detail the date and identity of the pharmacist making the minor adaptations.

~~**Basis and Purpose:** The purpose of the proposed amendment to Board Rule 2.01.20 is to both allow for the electronic maintenance of the required information within this rule and to clarify the statutory requirement of section 12-240-107(6)(a), C.R.S. which requires, among other things, that all physician assistant issued prescription orders for controlled substances detail the name of the physician assistant's supervising physician.~~

~~Authority for Promulgation of Rules: sections 12-240-107(6)(a), 12-280-101, 12-280-107, and 24-4-103, C.R.S.~~

2.01.20 Additional Information. The following shall also appear on the prescription or LTCF chart order, or corresponding readily available and retrievable electronic record of the prescription or LTCF chart order, when appropriate:

- a. Any change in or clarification of an order shall be documented on the order and shall bear the initials of the responsible pharmacist or intern, the date contacted and the name of the individual conveying such change or clarification.
- b. The name of supervising physician when a controlled substance order is issued by a physician assistant licensed by the Colorado Medical Board.
- c. When a substitution is made, the order shall indicate the following:
 - (1) The names of both the drug prescribed and the drug actually dispensed, as well as the date on which such substitution was initially made.
 - (2) The order shall also indicate the name of the distributor of the drug dispensed as it appears on the package or the national drug code number.
 - (3) On an order for a schedule II controlled substance, substitution shall not be deemed to be an alteration of the order.
 - (4) On subsequent refilling of any order, any change in the name of the distributor or the national drug code number as it appears on the package shall be recorded on the order unless the computer system used at that prescription drug outlet changes only the affected transaction(s) (any computer entry change must not alter previous transaction records).
 - (5) In addition to the information provided in this Rule 2.01.20(c), when a substitution is made on a prescription order pursuant to section 12-280-125(1)(a.5), C.R.S., the dispensing pharmacist shall clearly document that the prescription was intentionally substituted within the same therapeutic drug class by writing the

words "Intentional Therapeutic Drug Class Substitution" on the date the substitution occurred.

- d. In the case of a chart order for a hospitalized patient (hospital chart order), the following information need not necessarily appear on the chart order, provided that such information is recorded on another appropriate, uniformly maintained and readily retrievable permanent record which reflects:
- (1) The identity of the pharmacist making the initial interpretation;
 - (2) The identity of the pharmacist making the final evaluation each time a drug is dispensed, if different from the pharmacist making the initial interpretation;
 - (3) The quantity dispensed and
 - (4) The date of dispensing.
 - (5) Any record of a controlled substance dispensed pursuant to a chart order for an individual patient shall be visually identifiable from records of non-controlled substances.

...

3.00.00 DISPENSING.

...

3.00.21 A pharmacist shall make every reasonable effort to ensure that any order, regardless of the means of transmission, has been issued for a legitimate medical purpose by an authorized practitioner. A pharmacist shall not dispense a prescription drug if the pharmacist knows or should know that the order for such drug was issued without a valid preexisting patient-practitioner relationship. Such relationship need not involve an in-person encounter between the patient and practitioner if otherwise permissible under Colorado law. A pharmacist may, in good faith, prescribe or dispense an opiate antagonist pursuant to an order that was issued without a valid preexisting patient-practitioner relationship that is approved by the Federal Food and Drug Administration for the treatment of a drug overdose.~~under the following conditions:~~

- ~~a. The opiate antagonist is not a controlled substance; and~~
- ~~b. The opiate antagonist is approved by the Federal Food and Drug Administration for the treatment of a drug overdose.~~

3.00.22 The prescribing or dispensing of an opiate antagonist, as described in Rule 3.00.21, by a pharmacist shall not constitute unprofessional conduct pursuant to section 12-280-126, C.R.S., if he or she prescribed or dispensed the opiate antagonist in good faith pursuant to an order or standing orders and protocols issued to or for the following:

- a. A person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event; or
- b. A family member, friend, or other person who is in a position to assist a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event; or
- c. An employee or volunteer of a harm reduction organization; or

d. A first responder; ~~or-~~

e. A unit of local government.

~~fe.~~ For the purpose of this Rule 3.00.22, the following definitions apply:

- 1) "First responder" means a peace officer, firefighter, or volunteer firefighter.
- 2) "Harm reduction organization" means an organization that provides services, including medical care, counseling, homeless services, or drug treatment, to individuals at risk of experiencing an opiate-related drug overdose event or to the friends and family members of an at-risk individual.
- 3) "Opiate-related drug overdose event" means an acute condition, including but not limited to, a decreased level of consciousness or respiratory depression resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be an opiate related drug overdose event that requires medical attention.
- 4) "Protocol" means a specific written plan, as maintained in a uniform and readily retrievable manner for the purpose of inspection at the prescription drug outlet for at least two years from the date of the latest dispensing transaction related to protocol, for a course of medical treatment containing a written set of specific directions created by a physician, group of physicians, hospital medical committee, pharmacy and therapeutics committee, or other similar practitioners or groups of practitioners with expertise in the use of opiate antagonists.
- 5) "Standing order" means a prescription order, as maintained in a readily retrievable manner for the purpose of inspection at the prescription drug outlet for at least two years from the date of the latest dispensing transaction related to order, written by a practitioner that is not specific to and does not identify a particular patient.

~~fg.~~ Each prescription drug outlet shall maintain, in a uniform and readily retrievable manner for at least two years from the date of latest transaction related to a pharmacist initiated order or standing order, the following record detailing the dispensing of ~~an non-controlled substance~~ opioid antagonist pursuant to a pharmacist initiated order or standing order:

- 1) The full name of the patient, person who is in a position to assist a person who is at increased risk of experiencing or likely to experience an opiate-related drug overdose event, first responder, unit of local government, or harm reduction organization receiving the drug;
- 2) The full address of the first responder, unit of local government, or harm reduction organization receiving the drug;
- 3) The name, strength and dosage form of the drug dispensed;
- 4) The quantity of drug dispensed; and
- 5) The date of dispensing.

...

3.01.22 Filling of automated cassettes.

- a. If a multi-source drug, the outlet may not use drugs in the same cassette from multiple manufacturers or distributors;
- b. Automated cassettes, without electronic maintenance or records, shall be labeled with the following:
 - 1. If a suitable internal record is maintained in the prescription drug outlet or other outlet, the requirements of 4, 5, 6, 7, and 8 of this Rule may be omitted from the labeling and maintained in such record. The record shall be retained for two years from the date of packaging, unless otherwise required by law or rule.
 - 2. Name and strength of the medication;
 - 3. A suitable expiration date, which shall be not later than the expiration date on the manufacturer's container, or one year from the date the drug is packaged, whichever is sooner;
 - 4. The identity of the manufacturer or distributor;
 - 5. The manufacturer's or distributor's lot number(s);
 - 6. The manufacturer's or distributor's expiration date;
 - 7. The date the product was packaged;
 - 8. The identity of the individual responsible for packaging, or in the case as provided in this Rule 3.01.22(f), the identity of the persons responsible for packaging;
 - 9. All records detailing item 1-8 above, shall be retained at the pharmacy for at least two years.
- d. In the event that the automation associated with the cassettes deactivates the cassette when the suitable expiration date is reached, and the outlet either prints packaging printouts on a daily basis or is capable of electronically maintaining the packaging information, the cassette need only be labeled with the name and strength of the drug.
- e. In the event of a product recall, the pharmacist manager shall reasonably ensure that all recalled drug has been removed from the cassette.
- f. A pharmacy technician may replenish automated cassettes without the need for a pharmacist's verification as long as the pharmacy technician uses bar code technology that checks the accuracy of the medication or a second pharmacy technician performs the verification.

...

3.03.00 Customized Patient Medication Packages (Med Paks).

3.03.10 When a unit dose, single dose, unit of issue or customized patient medication package is dispensed pursuant to an order, the prescription shall comply with all requirements of section 12-280-124(2), C.R.S. Container requirements of a prescription for the purpose of unit dose systems

may be broadened to include trays, bins, carts and locked cabinets or drawers. Additionally, a customized patient medication package shall comply with all the following requirements:

a. Labeling

The patient med pak shall bear a label stating:

- (1) The name of the patient;
- (2) A serial number for the patient med pak itself ~~and a separate identifying serial number for each of the prescription orders for each of the drug products contained therein;~~
- (3) The name, strength, and total quantity of each drug product contained therein;
- (4) The directions for use and cautionary statements, if any, contained in the prescription order for each drug product therein;
- (5) Any storage instructions or cautionary statements;
- (6) The name of the prescriber of each drug product therein;
- (7) The date of preparation of the patient med pak, the expiration date which may not exceed 90 days from the date of preparation ~~The date of preparation of the patient med pak, the expiration date which may not exceed sixty days from the date of preparation; and~~
- (8) The name, address, and telephone number of the dispenser.

b. Record Keeping.

- (1) Patient name and address;
- (2) The serial number of the prescription order for each drug in product contained therein;
- (3) Descriptive information sufficient to allow subsequent preparation of an identical patient med pak;
- (4) Date of preparation of the patient med pak and the expiration date assigned;
- (5) Any special labeling instructions; and
- (6) The identity of the pharmacist who prepared the patient med pak.

c. Packaging

- (1) Each container shall meet or exceed United States Pharmacopoeia standards.
- (2) Each container shall be either not reclosable or so designed as to show evidence of having been opened.

...

5.00.00 OUTLETS.

5.00.01 Definitions. The following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

- a. Compounding / Dispensing Area: means any area in a prescription drug outlet where “compounding / dispensing” is performed.
- b. In-State Prescription Drug Outlet: means any prescription drug outlet located within Colorado that is registered pursuant to Title 12, Article 280, C.R.S., where prescriptions are compounded and dispensed.
- c. Non-Resident 503 Outsourcing Facility: means a facility that is registered by the Federal Food and Drug Administration, that is located outside the state, and that distributes compounded drugs into the state without a prescription order.
- d. Non-Resident Prescription Drug Outlet: means any pharmacy outlet located outside this state that is registered pursuant to Title 12, Article 280, C.R.S., which ships, mails, or delivers, in any manner, drugs or devices into this state pursuant to a prescription order.
- e. Risk-Base Assessment: means, pursuant to section 12-280-108(1)(a)(II), C.R.S., to inspect a non-resident prescription drug outlet, a non-resident 503B outsourcing facility, or an out-of-state prescription drug wholesaler when the Board determines, based on a complaint, that there may be an imminent threat to the health, safety and welfare of Colorado consumers and that such an inspection is imperatively necessary to preserve health, safety and welfare of Colorado consumers.
- f. Third-Party Logistics Provider: means a person that contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer but does not take title to a prescription drug or have general responsibility to direct the prescription drug’s sale or distribution.

5.00.10 Registration. The applicant for registration shall obtain the appropriate form as approved by the Board to register an outlet. In the case of an application for a new in-state or non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider, for a transfer of ownership of an in-state or non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider, or for the relocation of an in-state or non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider, the applicant shall submit such additional documentation as the Board may require.

...

5.00.17 Non-Resident 503B Outsourcing Facility. A nonresident 503B outsourcing facility shall submit the following to the Board with the application:

- a. Proof that the facility is actively registered with the Federal Food and Drug Administration as a 503B outsourcing facility and is actively licensed, permitted, or registered in the state in which it is a resident;
- b. The location, names, and titles of all principle entity officers and the name of the pharmacist in charge of the operations of the facility;
- c. Verification that the facility complies with all lawful directions and requests for information from the Federal Food and Drug Administration and from the regulatory or licensing agency of the state in which it is licensed, permitted, or registered, as well as all requests for information made by the Board pursuant to this section; and

- d. A copy of the most recent inspection report resulting from an inspection by the Federal Food and Drug Administration.

5.00.19 Third-Party Logistics Provider. A third-party logistics provider shall submit the following to the Board with the application:

- a. Proof that the facility is actively registered with the Federal Food and Drug Administration as third-party logistics provider;
- b. The location, names, and titles of all principle entity officers; and
- c. Verification that the facility complies with all lawful directions and requests for information from the Federal Food and Drug Administration as well as all requests for information made by the Board pursuant to this section.

...

5.00.40 Transfer of Ownership. Application to transfer registration of an in-state or non-resident prescription drug outlet or a non-resident 503B outsourcing facility or third-party logistics provider shall be submitted to the Board ~~as provided in section 12-280-118, C.R.S.,~~ within thirty (30) days of the transfer of ownership. A transfer of ownership shall be deemed to have occurred:

- a. In the event the in-state or non-resident prescription drug outlet or a non-resident 503B outsourcing facility or third-party logistics provider is owned by a corporation, upon sale or transfer of twenty percent or more of the shares of said corporation to a single individual or entity.
- b. In the event the in-state or non-resident prescription drug outlet or a non-resident 503B outsourcing facility or third-party logistics provider is owned by a partnership, upon sale or transfer of twenty percent or more of any ownership interest.
- c. In the event the in-state or non-resident prescription drug outlet or a non-resident 503B outsourcing facility or third-party logistics provider is owned by a limited liability company (LLC), upon sale or transfer of twenty percent or more of the membership interests.
- d. Upon incorporation of an existing in-state or non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider.

5.00.50 Relocation.

- a. In the event of a relocation of an in-state or non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider, the outlet shall submit an application provided by the board along with the prescribed fee no more than thirty (30) days prior to the effective date of relocation.
- b. The registration of a non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider shall become void and shall be cancelled if the non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider relocates to a state other than that which appears on its registration. In the event the non-resident prescription drug outlet or non-resident 503B outsourcing facility or third-party logistics provider wishes to continue ~~shipping prescriptions into~~ conducting business in Colorado, it must apply for and receive a new Colorado registration prior to ~~such shipment~~ conducting business in Colorado.

5.00.55 Reinstatement of an In-State or Non-Resident Prescription Drug Outlet Registration.

- a. In-state Prescription Drug Outlet. If a registration has expired, a facility seeking to reinstate such registration shall submit the following:
 - (1) The current reinstatement application with the required fee;
 - (2) If the owner of the in-state prescription drug outlet is a corporation, submit either a copy of the articles of incorporation as they were filed with the Colorado Secretary of State or a Certificate of Good Standing issued by the Colorado Secretary of State;
 - (3) A letter stating whether the corporation is public or private as follows:
 - (A) If the corporation is a public corporation, submit a list of all stockholders owning five percent or more of the stock; or
 - (B) If the corporation is a private corporation, submit a list of all stockholders;
 - (4) An accurate drawn-to-scale floor plan of the prescription drug outlet's compounding / dispensing area detailing all counters, bays, sinks, refrigerators and, if applicable, sterile and non-sterile compounding hoods; and
 - (5) A completed, dated and signed minimum equipment self-inspection form as provided with the reinstatement application.
- b. Non-resident Prescription Drug Outlet or non-resident 503B outsourcing facility or third-party logistics provider. If a registration has expired, a facility seeking to reinstate such registration shall submit the following:
 - (1) The current reinstatement application with the required fee;
 - (2) A verification of the current pharmacy license ~~or registration~~ or permit issued by the resident state board of pharmacy for the non-resident pharmacy or 503B outsourcing facility, and a verification of the current license or registration issued by the Federal Food and Drug Administration for a non-resident 503B outsourcing facility or third-party logistics provider;
 - (3) If the registration has expired for a non-resident pharmacy for more than two years, a copy of the most recent report detailing an inspection of the non-resident prescription drug outlet by its resident state board of pharmacy dated within five years of submission of the reinstatement application.

5.00.60 Closure.

- a. Closure shall mean the permanent cessation of the practice of pharmacy in any in state or non-resident prescription drug outlet or the permanent cessation of conducting business in Colorado for a non-resident 503B outsourcing facility or third-party logistics provider. For in-state prescription drug outlets, closure shall also be deemed to have occurred if the compounding/dispensing area is not open for business the minimum hours specified in Rule 5.01.40(a).
- b. Upon the closure of any in-state or non-resident prescription drug outlet, it shall be the responsibility of the last pharmacist manager of record to remove the prescriptions and/or chart orders to another prescription drug outlet where patrons and/or practitioners are afforded reasonable access to a pharmacist's interpretation of such orders. Such relocation of records shall be made within seventy-two hours after closure. The

pharmacist manager shall submit a notice, on a form and manner approved by the Board, detailing the closure of the prescription drug outlet or nonresident prescription drug outlet within seventy-two hours after closure. If the last pharmacist manager of record fails to relocate the records as required herein, the Board may direct the removal of the records to a suitable location. The last pharmacist manager of record shall make a reasonable effort to inform patrons of the prescription drug outlet of the location of the records. A non-resident 503B outsourcing facility or third-party logistics provider shall inform the Board, in writing, within seventy-two hours after closure.

- c. The Board on request shall provide the owner of any prescription drug outlet an instruction sheet applicable to the transaction prior to closure, or conducting bankruptcy proceedings, or transferring or selling the prescription drug inventory.

...

7.00.00 PHARMACIST MANAGER RESPONSIBILITIES.

...

7.00.30 Compliance of Outlet:

- a. The manager of a prescription drug outlet is responsible for the operation of the outlet in compliance with all state and federal laws, rules, and rules.
- b. Except as provided in sections 12-280-103(54)(b)(III) and 25.5-2.5-201 through 25.5-2.5-2086, C.R.S., the pharmacist manager is responsible for ensuring that all prescription drugs and controlled substances are procured by the outlet from an entity or person registered by the Board. Any drug designated as an Investigational New Drug from the Federal Food and Drug Administration is exempt from this requirement provided the research requirements for the receipt of the product are followed and it meets the requirements of section 12-280-131(2), C.R.S.

...

9.00.00 LEGAL PROCEEDINGS.

9.00.10 Reporting.

- a. A licensee or registrant shall notify The Board in writing within seventy-two hours of the licensee or registrant receiving service of process or knowledge by other means of any legal proceedings in Colorado or anywhere wherein it is alleged that the licensee or registrant has violated any law or rule pertaining to drugs or devices. This includes civil malpractice cases.
 - 1. The notice to the Board shall include the following information:
 - (a) The court;
 - (b) The jurisdiction;
 - (c) The case name;
 - (d) The case number; and
 - (e) A description of the matter and a copy of the indictment or charges.

2. The licensee or registrant shall notify the Board in writing within thirty days of the disposition of such proceeding.
- b. All licensees or registrants shall notify the Board in writing within thirty days of any disciplinary action against them in another state. Such notification shall include the following:
 1. The state;
 2. The jurisdiction;
 3. The case name;
 4. The case number;
 5. A description of the matter and a copy of the indictment or charges;
 6. A copy of the discipline; and
 7. Proof of completion of any requirements set forth in the order, if applicable.
- c. All licensees or registrants shall notify the Board in writing of any criminal conviction or deferred judgment against them (including, but not limited to, "driving under the influence" and "driving while ability impaired"), and petty offenses within thirty days after such conviction or judgment.
 1. For purposes of this Rule, a "conviction" includes:
 - (a) A guilty verdict;
 - (b) A plea of guilty accepted by the court;
 - (c) A plea of nolo contendere (no contest) accepted by the court; or
 - (d) A deferred judgment or sentence.
 2. The notice to the Board shall include the following information:
 - (a) The court;
 - (b) The jurisdiction;
 - (c) The case name;
 - (d) The case number;
 - (e) A description of the matter and a copy of the indictment or charges;
 - (f) A copy of the plea agreement or verdict; and
 - (g) Proof of completion of court ordered requirements, if applicable.
- d. The registrant or licensee notifying the Board may submit a written statement with any notice required under this Rule to be included in the registrant or licensee records.

- e. Each insurance company licensed to do business in Colorado and engaged in the writing of malpractice insurance for licensed pharmacists and each pharmacy that self-insures shall send to the Board, ~~in the form prescribed by the Board,~~ information relating to each malpractice claim against a licensed pharmacist which is settled or in which judgment is rendered against the insured. Such information shall be provided to the Board within 30 days of the settlement or judgment.

...

14.00.00 OTHER OUTLETS.

14.00.05 Eligibility for registration. The following facilities may register as other outlets provided all requirements are met:

- a. Hospitals that do not operate registered prescription drug outlets. For such hospitals, dispensing shall be limited as provided in section 12-280-120(10), C.R.S.;
- b. Federal Federally Qualified Health Centers, as defined by the federal "Social Security Act";
- c. Family Planning Clinics;
- d. Colleges, universities and schools (grades kindergarten through twelve) which operate a school-based clinic for students and faculty of that school. Schools must submit any contractual affiliations to the Board prior to registration;
- e. Jails. A jail which obtains prescription drugs solely on the basis of individual prescription orders which have been compounded in and dispensed from a registered prescription drug outlet do not need registration;
- f. County or district public health agencies;
- g. Community and Rural Health Clinics, registered, certified, or licensed as such as by the Colorado Department of Public Health and Environment;
- h. Ambulatory Surgical Centers licensed pursuant to Part 1 of Article 3 of Title 25, C.R.S., that engage in the compounding, dispensing, and delivery of drugs or devices for administration to patients while being treated in the facility;
- i. Medical Clinics operated by a hospital that engage in the compounding, dispensing, and delivery of drugs or devices for administration to patients while being treated in the facility; ~~and~~
- j. Hospices licensed pursuant to Part 1 of Article 3 of Title 25, C.R.S., that engage in the compounding, dispensing, and delivery of drugs or devices for administration to patients while being treated in the facility; ~~;~~
- k. Acute treatment units, registered, certified, or licensed as such by the Colorado Department of Public Health and Environment; ~~;~~
- l. Telepharmacies as defined pursuant to section 12-280-103(32), C.R.S.; ~~;~~
- m. Convalescent centers registered, certified, or licensed as such by the Colorado Department of Public Health and Environment; ~~;~~

- n. Community Mental Health Clinic having the same meaning as set for in section 25-27.6-102(9), C.R.S.;
- o. Behavioral Health Entity as defined in section 25-27.6-102(6), licensed pursuant to Article 27.6 of Title 25, C.R.S.; and
- p. Approved Treatment Facility that is an approved private or public treatment facility, as described in section 27-81-102(2) and (3) that adheres to the standards set forth in section 27-81-106, C.R.S.

...

14.00.80 Consultant pharmacist.

- a. A consultant pharmacist shall either:
 - (1) Initially interpret all prescription orders dispensed from the other outlet, or (2) Provide written protocols for dispensing by unlicensed persons.
- b. A consultant pharmacist shall be available for professional consultation.
- c. A consultant pharmacist shall annually review the protocols for compliance with this Rule 14.00.00. The review shall be documented in writing, signed, and dated by the consultant pharmacist. The consultant pharmacist shall record on the protocols at least annually the number of dispensing units dispensed in a calendar year for the following facility types: community clinics, rural health clinics, colleges, and universities. A calendar year is considered to run from January 1 through December 31.
- d. The consultant pharmacist shall develop an inspection form to document the visit and the results thereof. Such form shall be dated and signed by the consultant pharmacist and shall be maintained and available for inspection at the other outlet by the Board for a period of two years.
- e. The consultant pharmacist shall inspect and document the inspection in writing as detailed in 14.00.80(d) the following other outlets at the following frequencies:
 - (1) Quarterly inspections and visits shall be conducted for the following:
 - (a) Jails;
 - (b) County health departments;
 - (c) Schools, grade kindergarten through twelve;
 - (d) Hospitals;
 - (e) Family planning clinics;
 - (f) Hospices;
 - (g) Medical clinics operated by hospitals;
 - (h) Ambulatory Surgical Centers; ~~and~~
 - (i) Convalescent centers; ~~;~~

- (j) Community mental health clinic;
 - (k) Behavioral health entity; and
 - (l) Approved treatment facility.
 - (2) Community clinics, federally qualified health centers, rural health clinics, colleges, acute treatment units, and universities shall be inspected and visited as follows:
 - (a) Monthly if 2,500 or less dispensing units are dispensed in a calendar year. A calendar year is from January 1 through December 31.
 - (b) Every other week if 2,500 or more but less than 7,501 dispensing units are dispensed in a calendar year. A calendar year is from January 1 through December 31.
 - (c) Each week if 7,501 or more but less than 12,501 dispensing units are dispensed in a calendar year. A calendar year is from January 1 through December 31.
 - (d) Twice each week if 12,501 or more but less than 25,001 dispensing units are dispensed in a calendar year. A calendar year is from January 1 through December 31.
 - (3) Telepharmacies shall be inspected and visited at least once per month.
- f. The consultant pharmacist shall be responsible for the accuracy of records pertaining to drug stock returned to the original supplier, the manufacturer, or via a reverse distributor. The record of any returned drug stock shall indicate, as a minimum, the name and address of the original supplier, manufacturer or reverse distributor, the date of return, and the name, strength, and quantity of the drug returned. This record shall be signed by the consultant pharmacist, and shall be maintained on the premises for a minimum of two years.
- g. The consultant pharmacist for a licensed hospital other outlet shall be notified of any casual sale or loan of a drug made by the licensed hospital other outlet to a practitioner authorized by law to prescribe the same prior to the transaction. The consultant pharmacist for a licensed hospital other outlet shall be notified within seventy-two hours of any casual sale or loan of a drug to a registered other outlet, a prescription drug outlet, or a mobile emergency care unit.
- h. The consultant pharmacist is responsible for ensuring all prescription drugs obtained by the other outlet are procured from an individual or entity registered by the Board or a state or local health agency.
- i. The consultant pharmacist shall be responsible for ensuring any significant errors related to the practice of pharmacy, such as those that result in significant harm to a patient or the death of a patient, are immediately reported to the Board upon discovery.
- j. The consultant pharmacist shall be responsible for assuring that the other outlet complies with all applicable provisions of Rule 21.00.00 when compounding non-sterile and sterile products.

- k. The consultant pharmacist shall be responsible for reporting diversion, theft or significant unaccountable loss of prescription drugs or controlled substances from the other outlet, hospital or health maintenance organization (as defined in section 10-16-102, C.R.S.) within one business day of discovery. When a Drug Enforcement Administration (DEA) Form 106 is submitted to the DEA in instances involving controlled substances, a copy of the completed DEA Form 106 along with a detailed written explanation shall be submitted to the Board. When determining whether an unaccountable loss is significant, the consultant pharmacist shall consider, among others factors, the following:
- (1) The actual quantity of drug lost in relation to the type of business;
 - (2) The specific drug lost;
 - (3) Whether the loss of the drug can be associated with access to those drugs by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the drug;
 - (4) A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses;
 - (5) Whether the specific drug is a likely candidate for diversion; and
 - (6) Local trends and other indicators of the diversion potential of the missing drug.

...

15.00.00 WHOLESALERS.

15.01.00 Wholesale Drugs Distributor Registration Requirement.

- a. A wholesaler means a person engaged in the wholesale distribution of prescription drugs to persons, other than consumers, that are authorized by law to possess prescription drugs.~~any person engaged in the wholesale distribution of prescription drugs, including, but not limited to repackagers, own label distributors, private label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses; manufacturers' exclusive distributors; authorized distributors of record; drug wholesalers or distributors; independent wholesale drug traders; specialty wholesaler distributors; pharmacy buying cooperative warehouses; retail pharmacies that conduct wholesale distribution; and chain pharmacy warehouses that conduct wholesale distribution.~~
- b. Every wholesaler must be registered with the Board if it resides in Colorado and distributes drugs or is located in another state or territory of the United States and ships prescription drugs into Colorado.

...

15.02.00 Personnel.

- 15.02.10 Designated Representative. A single person shall be designated by name and title who has complete and overall responsibility for the operation of the facility in compliance with all applicable laws rules pertaining to drugs and devices. This person's name, ~~social security number,~~ and title shall be reported to the Board in writing.

...

15.09.00 Recordkeeping.

...

15.09.11 ~~Records in general. All wholesalers registered by the Board shall maintain such records and inventories of prescription drugs as may be required by these Rules or any other state or federal law or regulation pertaining to such drugs. Such records shall be maintained on a current basis and shall be complete and accurate for all drugs which the outlet manufactures, receives, distributes or otherwise disposes of in any other manner. Records, including pedigrees, and inventories of controlled substances shall be deemed to be "complete" only if each individual record and inventory contains all required information regarding each specific transaction, and if the set of records and inventories contains all information and documents required to be kept by state and federal laws, rules, and regulations. A record or inventory shall be deemed to be "accurate" only if it is a complete, true and factual statement regarding or reflecting each specific transaction. A set of records or inventories shall be deemed to be "accurate" only if they are complete, and when considered as a whole, they demonstrate that the controlled substances and/or the records and inventories pertaining thereto have been handled in compliance with all applicable laws or rules and that all such controlled substances are properly accounted for.~~

- a. All such records, ~~including pedigrees,~~ shall be retained for a period of at least three years after the date of any transaction relating to such record or inventory by any process providing an exact duplicate of the original order in a reproducible quality acceptable to the Board. Records shall be retained in a format that cannot be altered.
- b. A wholesaler in the possession of a pedigree shall comply with all applicable federal laws and rules pertaining to content, utilization, availability and retention. ~~(a document or electronic file containing information that records each distribution of any given prescription drug that leaves the normal distribution channel) for a prescription drug shall verify that each transaction on the pedigree has occurred prior to distributing the prescription drug.~~
- c. ~~The pedigree shall include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer or first authorized distributor of record through the acquisition and sale by a wholesaler until final sale to a pharmacy or other person dispensing or administering the prescription drug. When a wholesaler distributes a product to another wholesaler, both the distributing and receiving wholesaler shall maintain a copy of the pedigree. The pedigree shall include at least the following:~~
 - ~~(1) The name, address, telephone number, and, if available, the e-mail address of each owner of the prescription drug and each wholesaler of the drug;~~
 - ~~(2) The name and address of each location from which the prescription drug was shipped, if different from that of the owner;~~
 - ~~(3) The transaction dates;~~
 - ~~(4) Certification that each recipient has authenticated the pedigree;~~
 - ~~(5) The name of the prescription drug;~~
 - ~~(6) The dosage form and strength of the prescription drug;~~
 - ~~(7) The size and number of containers;~~
 - ~~(8) The lot number of the prescription drug; and~~

~~(9) The name of the manufacturer of the finished dosage form.~~

~~d. Wholesalers that distribute animal drugs exclusively are exempt from the requirements of pedigrees.~~

~~Records on an automated data processing system or subsequent storage of such records must be immediately retrievable (via monitor display or hard copy printout).~~

15.09.12 Retrievability of records. For the purposes of these Rules, records and inventories shall be deemed "readily retrievable" if they meet the following requirements:

- a. The following records shall be maintained on the premises of the registrant at all times and shall be made available for inspection by the Board or its inspectors immediately upon request:
 - (1) All DEA-222 forms executed during the three years preceding the request;
 - (2) All inventories of controlled substances required to be taken during the three years preceding the request;
 - (3) All records of receipt (invoices for drugs received and credited) of controlled substances, distribution, loss, surrender or disposal in manner of prescription drugs and controlled substances during the three years preceding the request;
 - (4) List(s) of symbols and codes, if applicable. Symbols and codes may be used to identify any manufacturer, distributor, or repackager. If such symbols and codes appear in the records of the registrant, the registrant shall keep a current, complete printed or typed list, which shows both the symbol and code and its complete definition. This list shall be readily retrievable and available for examination by the Board for at least three years.
- b. The following records shall be made available within 48 hours or two business days, whichever is longer, on request by the Board or its inspectors:
 - (1) All unexecuted DEA-222 forms.
 - (2) Specific records requested by the inspector if the inspector determines the records are not maintained in a readily retrievable manner.
 - (3) Records of receipt of non-controlled prescription drugs.
- c. Pedigrees shall be made available to the board or its inspectors within as required by applicable federal rules and laws. ~~five business days of request.~~

...

15.09.14 Receipts.

- a. Except as provided in sections 25.5-2.5-201 through 25.5-2.5-20~~86~~, C.R.S., in-state prescription drug wholesalers shall only receive prescription drugs and controlled substances from an entity that is registered by the Board. This section shall not apply to intracompany or reverse distribution transactions.

...

15.10.00 Policies and procedures.

15.10.10 Wholesale drug distributors shall establish, maintain and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of prescription drugs, including controlled substances, and including policies and procedure for identifying, recording, and reporting destruction, losses or thefts, and for correcting all errors and inaccuracies in inventories. Wholesale drug distributors shall include the following in their written policies and procedures:

- a. A procedure whereby the oldest approved stock of a prescription drug product is distributed first. The procedure may permit deviation from this requirement, if such deviation is temporary and is itself, an approved deviation procedure.
- b. The registrant shall have a procedure to assure that any outdated stock, or any stock with an expiration date that does not allow sufficient time for dispensing by the prescription drug outlet shall be segregated from other stock and shall be returned to the manufacturer or otherwise destroyed, and documented.
- c. A procedure to be followed for handling recalls and withdrawals of prescription drugs. Such procedure shall be adequate to deal with recalls and withdrawals due to:
 - (1) Any legal action initiated at the request of the food and drug administration or other government agency with jurisdiction:
 - (2) Voluntary action by the manufacturer to remove defective or potentially defective drugs from the market:or
 - (3) Any action undertaken to promote public health and safety by the replacing of existing merchandise with an improved product or new package design.
- d. A procedure to ensure that wholesale drug distributors prepare for, protect against, and handle any crisis that affects security of operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state, or national emergency.
- e. A procedure to ensure that any outdated, misbranded, counterfeit, adulterated or unsalable prescription drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall provide for written documentation which shall be maintained for three years after disposition of the outdated drugs.
- f. Policies and procedures to cover the examination of materials to include the visual inspection of shipping containers for prescription drugs unfit for distribution and prescription drugs which have been damaged in storage or held under improper conditions.
- g. Procedures which assure employees possess the necessary education or experience for the position they hold and the job functions they are assigned.
- h. Procedures which assure that all prescription drugs and controlled substances are only received from entities that are registered by the Board. This section shall not apply to intracompany or reverse distribution transactions.
- i. A procedure to ensure that drugs are distributed only to individuals or entities with authorization to possess them.

- j. A procedure to ensure that drugs are only distributed to practitioners authorized by law to prescribe the drug or to an entity licensed or registered by the Board. In the case of such entities registered or licensed by the Board, drugs shall be distributed only to the registered or licensed address. In the event the license does not show the address, a written confirmation from the regulatory board licensing or registering the individual or entity shall be obtained.
- k. A procedure to ensure verification of all transactions on a pedigree prior to distribution of the drug.
- l. A procedure complies with all applicable federal laws and rules pertaining to content, utilization, availability and retention to ensure a pedigree is furnished when distribution occurs outside of the normal distribution channel.
- m. A procedure to ensure that staff has disclosed any past criminal convictions or violations of state and federal law.

...

17.00.00 COLLABORATIVE PHARMACY PRACTICE.

17.00.10 Definitions.

- a. "Pharmacist care services" means patient care activities provided by a pharmacist, with or without dispensing a drug, that are intended to achieve outcomes related to curing or preventing disease, eliminating or reducing a patient's symptoms, or arresting or slowing the process of a disease. "Pharmacist care services" includes efforts to prevent, detect, and resolve medication-related problems. "Pharmaceutical care" means the provision of drug therapy and other pharmaceutical patient care services by a pharmacist intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process. In addition to the preparation, dispensing, and distribution of medications, "pharmaceutical care" may include assessment and evaluation of the patient's medication-related needs and development and communication of a therapeutic plan with defined outcomes in consultation with the patient and the patient's other health care professionals to attain the desired outcome. This function includes efforts to prevent, detect, and resolve medication-related problems for individual patients. "Pharmaceutical care" does not include prescriptive authority; except that a pharmacist may prescribe only over-the-counter medications to a recipient under the "Colorado Medical Assistance Act" as authorized pursuant to section 25.5-5-322, C.R.S., or pursuant to a collaborative pharmacy practice agreement as defined in section 12-280-601(1)(b), C.R.S.
- b. "Collaborative pharmacy practice agreement," or "collaborative practice agreement" (CPA), means a written and signed agreement entered into voluntarily between one or more Colorado-licensed pharmacists and one or more physicians or advanced practice nurses licensed in this state, which statement grants authority to the pharmacist or pharmacists to provide evidence-based healthcare services to one or more patients pursuant to a specific treatment protocol delegated to a pharmacist or pharmacists by the physician or advanced practice nurse with prescriptive authority. Either party may withdraw from an agreement at any time.
 - 1. "Collaborative drug therapy management" (CDTM) is a collaborative practice agreement involving a higher level of disease complexity and/or decision making. CDTM means the review and evaluation of drug therapy regimens for patients undertaken by a pharmacist in order to provide drug therapy, monitor progress,

and initiate, modify, or discontinue drug therapy. Drug therapy management may only be undertaken pursuant to an initial diagnosis made by a physician or advanced practice nurse, a valid order for the therapy or therapies to be utilized, and a written agreement, which delineates proper protocols to be used and the type of interaction that must occur between the pharmacist and the physician or advanced practice nurse. Therapeutic interchange programs in inpatient and group model integrated closed HMO settings that are approved by medical staff committees are not considered drug therapy management for purposes of these rules.

- c. “Collaborative pharmacy practice agreement,” or “collaborative practice agreement,” may also mean a statewide drug therapy protocol, or “statewide protocol,” developed by the Board, the Colorado Medical Board, and the Colorado State Board of Nursing in collaboration with the Colorado Department of Public Health and Environment for public healthcare services under which a pharmacist may have prescriptive authority as a practitioner.
- d. “Evidence-based healthcare service” means a healthcare service provided by a Colorado-licensed pharmacist pursuant to a collaborative practice agreement with a Colorado-licensed prescriber or prescribers which is guided by or based on current, objective, supportive scientific evidence as published in scientific literature as opposed to anecdotal observations. Evidence-based healthcare services may include:
 - 1. Specific services as agreed upon and defined under Rule 17.00.70(c), including but not limited to:
 - a. chronic disease management and optimization of therapeutic outcomes using medication therapies based on published clinical guidelines;
 - b. preventative services;
 - c. medication management and monitoring; and
 - d. services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of patients’ symptoms, or arresting or slowing of a disease process, and include efforts to prevent, detect, and resolve medication-related problems.
 - 2. Prescribing and consultative services pursuant to statewide protocols as defined under Rule 17.00.50 and Appendices, including but not limited to:
 - a. Prescribing contraceptives;
 - b. Prescribing smoking cessation products; and
 - c. Prescribing human immunodeficiency virus infection prevention medications.
- e. “Prescriber”, for the purpose of this Board Rule 17.00.00, means a physician who is actively and unconditionally licensed by the Colorado Medical Board or an advanced practice registered nurse with prescriptive authority who is actively and unconditionally licensed by the Colorado State Board of Nursing.

- f. "Protocol" means a specific written plan for a course of medical treatment containing a written set of specific directions created by a prescriber or groups of prescribers in conjunction with the participating pharmacist(s).

...

21.00.00 COMPOUNDING.

The purpose of this Rule is to codify the compounding of preparations to assure that they are of acceptable strength, quality and purity.

If the pharmacist compounds a preparation according to the manufacturer's labeling instructions, then further documentation is not required. All other compounded preparations require further documentation as set forth in this Rule.

Compounding of investigational products may be exempt from sections of Rule 21.00.00 when compounding is restricted to utilizing ingredients that are regulated by the Federal Food and Drug Administration through an Investigational Review Board (IRB) and when the IRB- approved protocol requires deviation from this Rule.

21.00.10 Limitations and Record-Keeping.

...

21.00.20 Casual Sales/Distribution of Compounded Products.

~~a. An in-state prescription drug outlet shall only distribute a compounded product to:~~

- ~~(1) Practitioners licensed and located in Colorado and authorized by law to prescribe the drug;~~
- ~~(2) Colorado licensed/registered acupuncturists, direct entry midwives, or naturopathic doctors who are located in Colorado and authorized by law to obtain the drug;~~
- ~~(3) Hospital prescription drug outlets registered and located in Colorado; or~~
- ~~(4) Other outlets registered and located in Colorado.~~

~~Except as provided by Rule 21.00.20(d), distribution of the compounded product pursuant to this Rule shall be for the sole purpose of drug administration. In-state Prescription Drug Outlets shall not distribute compounded products outside of the state. In-state Prescription Drug Outlets shall dispense compounded products and ship them out of the state only pursuant to patient-specific prescription orders.~~

ab. Unless otherwise allowed by state and federal law, nonresident prescription drug outlets shall not distribute compounded products into Colorado pursuant to 21 U.S.C. secs. 331(a), 353(b) and 355(a).

be. Unless otherwise allowed by state and federal law, nonresident prescription drug outlets registered in Colorado may dispense compounded products and ship them into Colorado only pursuant to valid, patient-specific prescription orders.

- cd. A nonresident prescription drug outlet may distribute a compounded product to a Colorado-licensed veterinarian who is located in Colorado and authorized by law to prescribe the drug only if:
- i) The nonresident prescription drug outlet provides the Board with a copy of the outlet's most recent report detailing an inspection by the National Association of Boards of Pharmacy Verified Pharmacy Program, for which third-party inspection the nonresident prescription drug outlet shall obtain and pay for on an annual basis, and the Board approves the inspection report as satisfactorily demonstrating proof of compliance with the Board's own inspection procedures and standards;
 - ii) The nonresident pharmacy provides a copy of the most recent inspection of the nonresident pharmacy by the agency that regulates pharmaceuticals in the state of residence; and
 - iii) The nonresident prescription drug outlet provides the Board, on an annual basis, with a copy of the outlet's current manufacturer registration obtained from the Drug Enforcement Administration.
- de. Distribution of a compounded product to a Colorado-licensed veterinarian may be for the purpose of dispensing by the receiving veterinarian only if:
- i) The compounded product is necessary for the treatment of an animal patient's emergency medical condition; and
 - ii) As determined by the veterinarian, the veterinarian cannot access, in a timely manner, the compounded product from a prescription drug outlet or nonresident prescription drug outlet.
- ~~f. Except as provided under sections 12-280-120(15)(a), (b)(I) and (b)(II), C.R.S., the amount of compounded drug product a prescription drug outlet compounds and distributes shall be no more than ten percent of the total number of drug dosage units the prescription drug outlet dispenses and distributes on an annual basis, and no more than ten percent of the total number of drug dosage units the nonresident prescription drug outlet dispenses and distributes into Colorado on an annual basis pursuant to Board Rules 21.00.20(d) and (e). An in-state compounding prescription drug outlet registered pursuant to section 12-280-119(9), C.R.S., may distribute compounded product pursuant to section 12-280-120(15)(a), (b)(I) and (II), C.R.S. All prescription drug outlets shall comply with all applicable federal laws and rules pertaining to the distribution of controlled substance preparations.~~
- ~~g. The distributing prescription drug outlet or compounding prescription drug outlet must retain the following information on a current basis for each practitioner, hospital prescription drug outlet or hospital other outlet or, when allowable, each prescription drug outlet, to whom it distributes compounded products:~~
- ~~(1) Verification of practitioner's license, or hospital prescription drug outlet's or hospital other outlet's registration; and~~
 - ~~(2) Verification of practitioner's or hospital prescription drug outlet's or hospital other outlet's current Drug Enforcement Administration registration, if controlled substances are distributed;~~

~~h. Labeling of compounded products which are distributed shall comply with Rule 21.11.10(c) or (d) or 21.21.70(c) or (d), whichever is applicable.~~

~~i. Records of distribution shall comply with Rule 11.07.10 or 11.07.20, whichever is applicable.~~

...

21.11.00 Compounding Record.

...

21.11.10 Labeling of Non-Sterile Compounded Preparations.

a. Labeling of non-sterile compounded products dispensed pursuant to a prescription order or LTCF chart order shall include at least the following:

- (1) All requirements of section 12-280-124, C.R.S.;
- (2) Batch (lot) number, if appropriate;
- (3) Assigned BUD;
- (4) Storage directions when appropriate; and
- (5) A clear statement that this product was compounded by the pharmacy, except for radiopharmaceuticals prepared from FDA-approved, commercially available kits and/or drug products.

b. Labeling of non-sterile compounded products dispensed pursuant to a hospital chart order shall include at least the following:

- (1) All requirements of section 12-280-124, C.R.S.;
- (2) Batch (lot) number, if appropriate;
- (3) Assigned BUD; and
- (4) Storage directions, when appropriate.

c. Labeling of non-sterile compounded products ~~distributed to practitioners, other prescription drug outlets, or other outlets allowed by law or~~ made in anticipation of orders shall include at least the following:

- (1) Name and address of the outlet;
- (2) Name and strength of the drug(s) / active ingredient(s) in the final product;
- (3) Total quantity in package;
- (4) Assigned BUD;
- (5) Batch (lot) number;
- (6) Specific route of administration;

- (7) Storage directions, when appropriate;
 - (8) "Rx only"; and
 - (9) "This product was compounded by the pharmacy", except for radiopharmaceuticals prepared from FDA-approved, commercially available kits and/or drug products.
- d. Labeling of non-sterile compounded products distributed within hospitals as floor stock shall include at least the following:
 - (1) Name of the outlet;
 - (2) Name and strength of the drug(s);
 - (3) Total quantity in package;
 - (4) Quantity of active ingredient in each dosage unit;
 - (5) Assigned BUD;
 - (6) Batch (lot) number;
 - (7) Specific route of administration; and
 - (8) Storage directions, if appropriate.

...

21.21.70 Labeling of CSPs.

- a. Labeling of CSPs ~~made in anticipation of orders dispensed pursuant to a prescription order or LTCF chart order~~ shall include at least the following:
 - (1) All requirements of section 12-280-124, C.R.S.;
 - (2) Batch (lot) number, if appropriate;
 - (3) Beyond-use date;
 - (4) If for parenteral administration, the following shall be included:
 - (a) Name of base solution; and
 - (b) Name and amounts of drugs added.
 - (5) Storage directions; and
 - (6) A clear statement that this product was compounded by the pharmacy, except for radiopharmaceuticals prepared from FDA-approved, commercially available kits and/or drug products.
- b. Labeling of CSPs dispensed pursuant to a hospital chart order shall include at least the following:

- (1) All requirements of section 12-280-124, C.R.S.;
 - (2) Batch (lot) number, if appropriate;
 - (3) Beyond-use date;
 - (4) If for parenteral administration, the following shall be included;
 - (a) Name of base solution; and
 - (b) Name and amounts of drugs added; and
 - (5) Storage directions.
- c. Labeling of CSPs distributed to practitioners, other prescription drug outlets, or other outlets allowed by law shall include at least the following:
 - (1) Name of the outlet;
 - (2) Name and strength of the drug(s);
 - (3) Total quantity in package;
 - (4) Quantity of active ingredient in each dosage unit;
 - (5) Beyond-use date;
 - (6) Batch (lot) number;
 - (7) Specific route of administration;
 - (8) Storage directions;
 - (9) "Rx only"; and
 - (10) A clear statement that this product was compounded by the pharmacy, except for radiopharmaceuticals prepared from FDA-approved, commercially available kits and/or drug products.
- d. Labeling of CSPs distributed within hospitals as floor stock shall include at least the following:
 - (1) Name of the outlet;
 - (2) Name and strength of the drug(s);
 - (3) Total quantity in package;
 - (4) Quantity of active ingredient in each dosage unit;
 - (5) Beyond-use date;
 - (6) Batch (lot) number;
 - (7) Specific route of administration; and

- (8) Storage directions.

...

23.00.00 ELECTRONIC PRESCRIPTION MONITORING PROGRAM.

23.00.10 Definitions:

- a. "Bona fide investigation," for purposes of an investigation of an individual prescriber under investigation by a state regulatory board, means:
 - 1. Any investigation conducted by any state regulatory board within the Colorado Division of Professions and Occupations, or the Director of the Colorado Division of Professions and Occupations and
 - 2. Investigations pertaining to matters which are the subject of a complaint or notice of charges pending in the Office of Administrative Courts so long as the information obtained from the PDMP is made available by the state regulatory board to the respondent in the pending case.
- b. "Bona fide research or education" means research conducted by qualified entities whose recognized primary purpose is scientific inquiry; the results of which would likely contribute to the basic knowledge of prescribing practitioners, dispensing pharmacists, or entities for the purpose of curtailing substance abuse of consumers. The Board shall determine in its discretion on a case-by-case basis whether an individual or entity seeking access to the PDMP pursuant to section 12-280-404(6), C.R.S., constitutes "bona fide research or education" conducted by qualified personnel for purposes of satisfying the statutory limitations therein.
- c. "Client", as it pertains to a licensed veterinarian's use of the PDMP, means the patient's owner, the owner's agent, or a person responsible for the patient.
- d. "Clinical patient care services" means pharmaceutical care provided in a clinical setting. The pharmacist providing clinical patient care services must be working closely with the physician/prescriber responsible for the patient's care. "Clinical patient care services" do not include monitoring previously dispensed prescriptions for any purpose in the absence of a current assessment of a patient whether in a clinical setting or not.
- e. "Law Enforcement Official" means any of the following:
 - 1. Sheriff;
 - 2. Undersheriff;
 - 3. Certified deputy sheriff;
 - 4. Police Officer;
 - 5. Southern Ute Police Officer;
 - 6. Ute Mountain Ute police officer;
 - 7. Town Marshall;
 - 8. CBI director and agents;

9. Colorado state patrol officer;
 10. Colorado attorney general and any entity designated as “peace officers” by the Attorney General or acting on behalf of a state agency;
 11. Attorney general criminal investigator;
 12. District attorney and all assistants, deputies, etc. statutorily defined as “peace officers;”
 13. District Attorney Chief investigator and investigators;
 14. Police administrator and police officers employed by the Colorado State Hospital in Pueblo; and
 15. Federal special agents.
- f. “Legitimate program to monitor a patient’s controlled substance abuse” means a program in which prescribers actively monitor a patient’s controlled substance use. Such programs shall only involve patients in pain management or other controlled substance management programs. Such programs shall actively monitor the patient’s controlled substance usage by means of urine or other drug screens in addition to the use of the PDMP. The patient must be informed in writing that his/her controlled substance usage is being actively screened by various methods, including review of the PDMP.
- g. “Mistreat”, as it pertains to a licensed veterinarian’s use of the PDMP, means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- h. “Patient”, as it pertains to a licensed veterinarian’s use of the PDMP, means an animal that is examined or treated by a licensed veterinarian and includes herds, flocks, litters and other groups of animals.
- i. “PDMP” means the Electronic Prescription Drug Monitoring Program.
- j. “Prescriber” or “practitioner” means a licensed health care professional with authority to prescribe a controlled substance.
- k. “Prescription Drug Outlet” or “Dispenser” means any resident or nonresident pharmacy registered with the Board.
- l. “Qualified personnel” means persons who are appropriately trained to collect and analyze data for the purpose of conducting bona fide research or education.
- m. “Valid photographic identification” means any of the following forms of identification which include an identifying photograph:
1. A valid driver’s license, or identification issued by any United States state;
 2. An official passport issued by any nation; or
 3. A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel’s dependents.

- n. "Zero Report" means a report submitted through the Colorado PDMP data submission environment confirming that no prescription dispensing transactions that would be required to be reported to the PDMP were completed for that date.

23.00.30 Data Submission Timeline.

- a. Every prescription drug outlet must ensure that all controlled substance dispensing transactions are reported to the PDMP on a daily basis by no later than the ~~outlet's next regular business day~~ end of the following day.
- b. Prescription drug outlets that did not complete any controlled substance dispensing transactions for a date where the prescription drug outlet was open for business are required to submit a Zero Report to the Colorado PDMP for that date by no later than the end of the following day.
- c. Within 14 days of receiving its Out of State Prescription Drug Outlet (OSP) registration, out-of-state prescription drug outlets must submit a written attestation to the Board using the Board's approved Attestation form to exempt the out-of-state prescription drug outlet from prescription data reporting and Zero Reporting requirements.
- d. Within 14 days of receiving its DEA license, In-state prescription drug outlets (PDO registration) must submit a written attestation to the Board using the Board's approved Attestation form to exempt the prescription drug outlet from prescription data and zero report requirements.
- e. Prescription drug outlets that fail to report controlled substance dispensing transaction data or Zero Reports to the Colorado PDMP twice within a 30-day period will be referred to the Board of Pharmacy for possible discipline.

23.00.40 Data Submission Format.

Prescription drug outlets shall submit to the PDMP the required data fields listed in the Colorado PDMP Data Submission Dispenser Guide using the ASAP 4.2B standard. Required data elements and their corresponding ASAP 4.2B Element IDs are~~following data requirements:~~

- a. Version/Release Number (TH01)
- b. Transaction Control Number (TH02)
- c. Transaction Type (TH03)
- d. Creation Date (TH05)
- e. Creation Time (TH06)
- f. File Type (TH07)
- g. Segment Terminator Character (TH09)
- h. Unique Information Source ID (IS01)
- i. Information Source Entity Name (IS02)
- j. Pharmacy DEA Number (PHA03)

- k. Pharmacy Name (PHA04)
- l. Pharmacy Address (PHA05)
- m. Pharmacy City Address (PHA07)
- n. Pharmacy State Address (PHA08)
- o. Pharmacy ZIP Code Address (PHA09)
- p. Patient Last Name (PAT07)
- q. Patient First Name (PAT08)
- r. Patient Address (PAT12)
- s. Patient City Address (PAT14)
- t. Patient State Address (PAT15)
- u. Patient ZIP Code Address (PAT16)
- v. Patient Date of Birth (PAT18)
- w. Patient Gender Code (PAT19)
- x. Reporting Status (DSP01)
- y. Prescription Number (DSP02)
- z. Prescription Date Written (DSP03)
- aa. Refills Authorized (DSP04)
- bb. Prescription Date Filled (DSP05)
- cc. Prescription Refill Number (DSP06)
- dd. Product ID Qualifier (DSP07, or CDI02 if a Compound)
- ee. Product ID (DSP08, or CDI03 if a Compound)
- ff. Quantity Dispensed (DSP09 and CDI04 for each ingredient if a Compound)
- gg. Days Supply (DSP10)
- hh. Drug Dosage Units Code (DSP11 or CDI05 if a Compound)
- ii. Classification Code for Payment Type (DSP16)
- jj. Date Sold (DSP17)
- kk. Prescriber DEA Number (PRE02)
- ll. Prescriber Last Name (PRE05)

mm. Prescriber First Name (PRE06)

nn. Detail Segment Count (TP01)

oo. Transaction Control Number (TT01)~~a. Identifier (Transmission type identifier), if applicable;~~

~~b. Bin (Bank Identification Number);~~

~~c. Version Number (a number to identify the format of the transaction sent or received);~~

~~d. Transaction Code;~~

~~e. NABP or Drug Enforcement Administration number assigned to pharmacy;~~

~~f. Customer ID (number to identify the patient receiving the RX);~~

~~g. Zip Code (3 digit US Postal Code identifying the State Code), if applicable;~~

~~h. Customer's Birth Date;~~

~~i. Sex Code;~~

~~j. Date Filled;~~

~~k. Prescription Number;~~

~~l. New/Refill Number;~~

~~m. Metric Quantity;~~

~~n. Days Supply;~~

~~o. Compound Code;~~

~~p. NDC Number of the drug dispensed;~~

~~q. Prescriber's Drug Enforcement Administration registration;~~

~~r. Drug Enforcement Administration suffix, if applicable;~~

~~s. Date RX Written;~~

~~t. Number of Refills Authorized;~~

~~u. RX Origin Code;~~

~~v. Customer Location;~~

~~w. Diagnosis Code, if available;~~

~~x. Alternate Prescriber #, if applicable;~~

~~y. Patient Last Name (if an animal, the owner's last name);~~

- ~~z. Patient First Name (if an animal, the animal's first name);~~
- ~~aa. Patient Street Address;~~
- ~~bb. Patient's state of residence;~~
- ~~cc. Patient's zip code;~~
- ~~dd. Triplicate Serial Number, if appropriate; and~~
- ~~ee. Filler Field to be populated with Payment Type as designated by PDMP vendor.~~

23.00.50 Data Correction.

- a. Any errors identified by the PDMP shall be corrected and resubmitted by the prescription drug outlet within ~~thirty~~ 10 calendar days of original dispensing date of the affected prescription(s).
- b. ~~Prescription drug outlets that fail to correct errors identified by the PDMP within 10 calendar days will be referred to the Board for possible discipline. If errors cannot be corrected, the pharmacy must retain a record in written format detailing the following information for each uncorrected error:~~
 - ~~1. Detail of Error Notification highlighting uncorrected error(s); and~~
 - ~~2. Detailed reason of why error cannot be corrected.~~

23.00.60 Patient Notification

Prescription Drug Outlets shall disclose to patients receiving controlled substance prescriptions that their prescription information is being submitted to the PDMP, and that this prescription information may be queried by specific individuals for a limited number of purposes as authorized by statute.

23.00.65 Unsolicited Reporting. In conjunction with other Colorado Boards who regulate prescribing practitioners and applicable stakeholders, the Board shall develop criteria for indicators of potential misuse, abuse and diversion of controlled substances and, based on those criteria, provide unsolicited reports of dispensed controlled substance prescriptions to the responsible prescribing practitioners and dispensing pharmacies of controlled substance(s) dispensed to the patient for purposes of education and intervention to prevent and reduce occurrences of controlled substance misuse, abuse, and diversion.

23.00.70 Release of PDMP Information

- a. The individual who is the recipient of a controlled substance prescription so long as the information released is specific to such individual. The procedure for individuals to obtain such information is as follows:
 - 1. The individual shall submit a written, signed request to the Board on the Board-provided form;
 - 2. The individual shall provide valid photographic identification prior to obtaining the PDMP information;

3. An individual submitting a request on behalf of another individual who is the recipient of a controlled substance prescription may only obtain PDMP information if the following documents are provided:
 - (A) The original document establishing medical durable power of attorney of the individual submitting the request as power of attorney for the individual who is the recipient of the controlled substance prescription, and
 - (B) Valid photographic identification of the individual submitting the request.
- b. A person authorized to access the PDMP may knowingly release PDMP information specific to an individual or to the individual's treating providers in accordance with HIPAA, Pub.L. 104-191, as amended, and any rules promulgated pursuant to HIPAA without violating Part 4 of Title 12, Article 280.

23.00.80 Research or Education Agreements

The Board may enter into a written agreement to provide data to qualified personnel of a public or private entity for the purpose of bona fide research or education, so long as such information does not identify a recipient, prescriber, or dispenser of a prescription drug. Any public or private entity wishing to enter into or extend such an agreement shall submit a written request to the Board detailing the information it is seeking and the public benefit of such research or education. The Board will act on such request in the normal course of business.

23.00.90 Exemptions

- a. The following individuals or entities are exempt from reporting controlled substance dispensing transactions to the Prescription Drug Monitoring Program:
 1. Hospitals licensed or certified pursuant to section 25-1.5-103, C.R.S.;
 2. A prescription drug outlet located within a hospital licensed or certified pursuant to section 25-1.5-103, C.R.S., that dispenses controlled substances only pursuant to chart orders or dispenses no more than a 24-hour supply of a controlled substance to an outpatient;
 3. Emergency medical services personnel certified pursuant to section 25-3.5-203, C.R.S.; and
 4. A prescription drug outlet which has applied to the Board and received a waiver from the Board. Waivers will only be considered if the pharmacy has no electronic automation. Such requests must be submitted in writing to the Board and will be considered in the normal course of business.
- b. Controlled substance dispensing transactions that occur solely for Institutional Review Board (IRB) approved interventional research trials using investigational drug products that are regulated by the Federal Food and Drug Administration shall be exempt from the data submission requirements of the PDMP.
- c. A prescription drug outlet which has submitted a written attestation to the Board that the pharmacy will never dispense controlled substance prescriptions to Colorado patients using the Board's approved Attestation form. Prescription drug outlets with a written attestation on file are also required to attest that the prescription drug outlet will never

dispense such prescriptions in its registration renewal for the prescription drug outlet to remain exempt from data submission requirements.

...

29.00.00 PHARMACY TECHNICIANS

...

29.00.50 Process for provisional certificant to apply for a hardship extension to extend the validity of a provisional certification beyond eighteen (18) months. The Board will consider criteria for qualifying for a one-time, fee-waived, six (6) month hardship extension of a provisional certification based on the receipt of a detailed written explanation submitted to the Board at least sixty (60) days prior to the expiration date of the provisional certification based on:

- a. The negative effects on access to care in the community served by the provisional certificant or the employer of the provisional certificant;
- b. Financial hardship; or
- c. Health circumstances.

...

Appendix C

Colorado State Board of Pharmacy Statewide Protocol

Pre-Exposure and Post-Exposure Prophylaxis of HIV

This collaborative pharmacy practice statewide protocol authorizes qualified Colorado-licensed pharmacists ("Pharmacists") to provide pertinent assessment of risk of HIV acquisition and prescribe pre-exposure and post-exposure prophylaxis medications for the prevention of HIV infection according to and in compliance with all applicable state and federal laws and rules.

Pharmacists may prescribe and dispense FDA approved medication(s) to eligible patients according to indications and contraindications recommended in current guidelines from the US Centers for Disease Control and Prevention (CDC)^{1, 3} and the United States Preventive Services Task Force (USPSTF)².

Prior to prescribing and dispensing HIV prevention medication per this protocol, the pharmacist must:

1. Hold a current license to practice in Colorado
2. Be engaged in the practice of pharmacy
3. Have earned a Doctor of Pharmacy degree or completed at least 5 years of experience as a licensed pharmacist
4. Carry adequate professional liability insurance as determined by the Board
5. Complete a training program accredited by the Accreditation Council for Pharmacy Education, or its successor entity, pursuant to the protocol (in compliance with Board Rule 17.00.50 b.2.)
6. Pharmacists must also follow all board rules for statewide protocols in section 17.00.00.

The pharmacy shall ensure that appropriate space is available to provide counseling and ensure confidentiality. Records:

- A. Pursuant to Pharmacy Board Rule 17.00.50, a process shall be in place for the pharmacist to communicate with the patient's primary care provider and document changes to the patient's medical record. If the patient does not have a primary care provider, or is unable to provide contact information for his or her primary care provider, the pharmacist shall provide the patient with a written record of the drugs or devices furnished, and lab test(s) ordered, and any test results.
- B. Pharmacists shall comply with all aspects of Pharmacy Board Rules 17.01.00 and 17.02.00 with respect to the maintenance of proper records.

Pre-Exposure Prophylaxis (PrEP) Protocol

Under this protocol, Pharmacists may assess for HIV status and high-risk behaviors in which pre-exposure prophylaxis against HIV would be warranted.

The pharmacist may consider and offer the patient an oral antiretroviral agent listed in Table I according to the following criteria:

1. Evidence of HIV negative status as documented by an FDA- approved test, or rapid CLIA-waived point of care fingerstick blood test, taken within 7 days. Neither oral swab testing nor patient report of negative status are acceptable for evidence.
2. Persons who meet eligibility requirements for PrEP per CDC guidelines in the following categories:
 - a. MSM (men who have sex with men)
 - Adult man
 - Without acute or established HIV infection
 - Any male sex partners in past 6 months
 - Not in a monogamous partnership with a recently tested, HIV-negative man

AND at least one of the following:

 - any anal sex without condoms (receptive or insertive) in the past 6 months
 - A bacterial STI (syphilis, gonorrhea or chlamydia) diagnosed or reported in past 6 months
 - b. Heterosexually Active Men and Women
 - Adult person
 - Without acute or established HIV infection
 - Any sex with opposite sex partners in past 6 months
 - Not in a monogamous partnership with a recently tested HIV-negative partner

AND at least one of the following:

 - Is a man who has sex with both women and men (behaviorally bisexual)
 - Infrequently uses condoms during sex with 1 or more partners of unknown HIV status who are known to be substantial risk of HIV infection (persons who inject drugs PWID or bisexual male partner)
 - Is in an ongoing sexual relationship with an HIV-positive partner

- A bacterial STI (syphilis, gonorrhea in women or men) diagnosed or reported in past 6 months
- c. Persons Who Inject Drugs (PWID)
 - Adult person
 - Without acute or established HIV infection
 - Any injection of drugs not prescribed by a clinician in past 6 months

AND at least one of the following:

- Any sharing of injection or drug preparation equipment in past 6 months
- Risk of sexual acquisition (see above)

Patients who should NOT be prescribed PrEP under this protocol and should be referred to primary care provider for further action:

- Patients with baseline HIV tests indicating existing HIV infection
- Recent flu-like symptoms in the past month as this may suggest recent HIV infection not yet detectable (tiredness, fever, joint or muscle aches, headache, sore throat, vomiting, diarrhea, rash, night sweats, and/or enlarged lymph nodes in the neck or groin)
- CRCL < 60 ml/min

TABLE 1 – MEDICATION OPTIONS

Other FDA approved / CDC recommended medications or regimens can be used if they become available.

Formulations, cautions and dose adjustments for antiretroviral medications shall minimally follow the CDC guidelines and package insert information for all regimens.

Medication	Age/Weight	Frequency	Duration of Therapy	Notes
FTC/TDF emtricitabine 200 mg/tenofovir disoproxil fumarate 300mg (Truvada® or generic)	≥35 kg	Once daily	Prescription issued for 30 days with no refills if baseline labs not completed; or up to 90 days if baseline labs completed. Refill quantity only until next scheduled lab follow up.	May take with or without food. Not recommended for CRCL <60 ml/min.
FTC/TAF emtricitabine 200mg/tenofovir alafenamide 25mg (Descovy®)	≥35 kg	Once daily	Prescription issued for 30 days with no refills if baseline labs not completed; or up to 90 days if baseline labs completed. Refill quantity only until next scheduled lab follow up.	May take with or without food. Not recommended for CRCL <30 ml/min. Should only be used for at-risk cis-gender men and transgender women. Pharmacist must review drug/drug interaction considerations as per <u>package insert Table 5</u> .

TABLE 2 – ROUTINE REQUIRED MONITORING OF TREATMENT

Labs:

- PrEP cannot be started without a negative HIV test at baseline.
- Pharmacist is authorized to order the following labs for the patient OR can refer to another provider for ordering and accept lab results.
- PrEP refills will not be authorized past the initial 30 day supply if recommended baseline testing is not done by one of the above mechanisms.

Test	Frequency	CDC recommendations	Notes
HIV	Baseline + Every 3 months	Required	If positive, refer
Three site STI screening (syphilis, gonorrhea, chlamydia)	Baseline + At 3 mo if symptomatic. Every 6 months if asymptomatic	Recommended	If positive – refer for care
Serum creatinine	Baseline, at 3 months, and thereafter every 6 months	Recommended	If CRCL <60 ml/min, cannot use FTC/TDF If CRCL <30 ml/min cannot use FTC/TAF
Hepatitis B screening	Baseline	Recommended	If positive – refer for care
Bone health		Optional	
Need to continue PrEP	Annually	Recommended if at continued risk	Discuss with patient

Counseling (at minimum):

- Proper use of medication dosage, schedule and potential common and serious side effects (and how to mitigate)
- The importance of medication adherence with relation to efficacy of PrEP/nPEP
- Signs/symptoms of acute HIV infection and recommended actions
- Consistent and correct use of condoms and prevention of STIs
- The necessity of follow up care with a primary care provider for usual care
- The importance and requirement of testing for HIV, renal function, hepatitis B, and sexually transmitted diseases

Documentation:

- The pharmacist will notify the patient's primary care provider of a record of all medications prescribed. If a patient does not have a primary care provider, the pharmacist will provide the patient with a list of providers and clinics for which they may seek ongoing care.
- The pharmacist will also follow all documentation rules in Pharmacy Board Rule 17.

Referrals to primary care provider:

- If a patient tests positive for HIV infection, the pharmacist will refer/direct the patient to a primary care provider and provide a list of providers and clinics in that region for confirmatory testing and follow up care. A list of providers may be found at: <https://cdphe.colorado.gov/living-with-hivhttps://www.colorado.gov/pacific/cdphe/linkage-to-care>

- If a patient tests positive for an STI, the pharmacist will refer/direct the patient to a primary care provider and provide a list of providers and clinics in that region for confirmatory testing and follow up care. A list of providers may be found at: <https://www.colorado.gov/pacific/cdphe/linkage-to-care>
- If a patient tests positive for Hepatitis B, the pharmacist will refer/direct the patient to a primary care provider and provide a list of providers and clinics in that region for confirmatory testing and follow up care.
- Urgent evaluation referral for symptoms or signs of acute renal injury or acute HIV infection.
- If a female patient becomes pregnant while on PrEP
- Usual care for any other issues, stress importance of routine primary care and health maintenance.

***What is this for?**

¹ CDC. Preexposure prophylaxis for the prevention of HIV infection in the United States, 2017 update Clinical Practice Guideline. Available at: <https://stacks.cdc.gov/view/cdc/53509>

² USPTF. Preexposure Prophylaxis for the Prevention of HIV Infection US Preventive Services Task Force Recommendation Statement. JAMA. 2019;321(22):2203-2213. doi:10.1001/jama.2019.6390

Non-Occupational Post-Exposure Prophylaxis (nPEP) Protocol

Non-Occupational Post-Exposure Prophylaxis (nPEP) is the use of antiretroviral drugs after a single high-risk event to decrease the risk of HIV seroconversion. nPEP must be started as soon as possible to be effective, and always within 72 hours of the possible exposure. This particular protocol addresses non occupational post-exposure prophylaxis (nPEP) only, those with occupational exposures are not eligible and should be referred for care.

Under this protocol, pharmacists may assess patients 13 and older for high-risk exposure to HIV and prescribe antiretroviral drugs if appropriate. Patients under 18 years of age require parental consent to access this Protocol. nPEP should only be provided for infrequent exposures.

If the pharmacy is not able to provide care to the patient, or if the patient does not qualify for care at the pharmacy, the patient should be referred to another provider. PEP providers in Colorado include the STD Clinic at Denver Public Health (303.602.3540) and local emergency departments (CDPHE to comment).

If the following criteria are met, antiretroviral agents in Table 1 are recommended:

- The exposure must have occurred within 72 hours
- A rapid antibody CLIA waived point of care test yields a negative result for HIV. However, if a rapid test is not available, and nPEP is otherwise indicated, therapy should still be initiated.
- Exposure to a source individual known to be HIV-positive. Exposure of:
 - o Vagina
 - o Rectum
 - o Eye

- o Mouth
- o Other mucous membranes
- o Nonintact skin
- o Percutaneous contact (e.g., injecting drugs with a contaminated needle or needle stick injury)

WITH

- o Blood
- o Semen
- o Vaginal secretions
- o Rectal secretions
- o Breast milk
- o Any body fluid visibly contaminated with blood
- Exposure types with the highest risk of transmission of HIV are:
 - o Needle sharing during injection drug use
 - o Percutaneous needle stick
 - o Receptive anal intercourse
- If exposure with a source in which the HIV status is not known, nPEP may be considered and antiretroviral agents in Table 1 may be prescribed. NPEP should strongly be considered after exposure in an individual who also meets the criteria for PrEP therapy (see Colorado Statewide Protocol for Pre-Exposure Prophylaxis of HIV).

Patients who should NOT be prescribed nPEP under this protocol and should be referred to primary care provider for further action:

- Patients younger than 13 years of age.
- Patients taking any contraindicated medications per guidelines and package insert information
- Patients with baseline rapid HIV tests indicating existing HIV infection should be referred to a primary care provider.
- Patients who have a potential exposure but have been consistently adherent to PrEP
- If a child presents to the pharmacy with a request for NPEP and is potentially a victim of child abuse, child protective services MUST be contacted.

Other Considerations:

- If the case involves a sexually assaulted person, patients should also be examined and co-managed by professionals specifically trained in assessing and counseling patients and families during these circumstances (e.g., Sexual Assault Nurse Examiner [SANE] program staff). Resources may be found at <https://www.ccasa.org/gethelp/health-related-organizations/>
- If a child presents to the pharmacy with a request for nPEP and is potentially a victim of child abuse, child protective services **MUST** be contacted 1-844-CO-4-KIDS.

TABLE 1 – MEDICATION OPTIONS

Other FDA approved / CDC recommended medications or regimens can be used if they become available. Formulations cautions and dose adjustments for antiretroviral medications shall minimally follow the CDC guidelines and package insert information for all regimens.

Medication	Age/Weight	Dose	Duration of Therapy	Notes
PREFERRED REGIMEN				
emtricitabine 200 mg/tenofovir disoproxil fumarate 300mg (Truvada® or generic) PLUS raltegravir 400mg OR Dolutegravir 50mg	≥ 13 years	Once daily #28 no refills Twice daily #56 no refills Once daily #28 no refills	28 days	Dosing adjustments with renal dysfunction if CrCL <60 ml/min. Dolutegravir should not be used in pregnant women If contraindications to raltegravir or dolutegravir exist, or for other reasons the preferred regimen cannot be given, then “alternative regimens” per CDC guidelines should be referenced and used.

TABLE 2 – ROUTINE REQUIRED MONITORING OF TREATMENT

Labs:

- All efforts should be made to obtain a negative HIV test at baseline. However, the sooner PEP is initiated, the more effective it is.
- Ask the following screening question:
 - o Do you have existing kidney disease, or do you know if your kidney function is decreased for any reason?

In this event, pharmacist should make arrangements to refer patient for a Scr blood test urgently as nephrotoxicity can occur with acute/chronic kidney disease (CrCL <60 ml/min).

- Pharmacist is authorized to order the following labs for the patient OR can refer to another provider for ordering and accept lab work results.
- Pharmacist must make every reasonable effort to follow up with patient post-treatment regimen at 4-6 weeks and test for confirmation of HIV status and make known to patient that repeat HIV testing is recommended at 3 and 6 months as well.

Test	Frequency	CDC recommendations	Notes
HIV	Baseline + Post-exposure at week 4-6, and months 3 and 6	Required	If positive, refer.
STI screenings (syphilis, gonorrhea, chlamydia)	Baseline	Recommended	If positive – refer for care
Serum creatinine	Baseline + @4-6 weeks.	Recommended	
ALT/AST	Baseline + @4-6 weeks.	Recommended	
Hepatitis B screening	Baseline + 6 mo	Recommended	If positive – refer. If negative and clinically appropriate, vaccinate
Hepatitis C screening	Baseline + 6 mo	Recommended	If positive - refer
Pregnancy	Baseline + @4-6 weeks.	Recommended	Pregnancy is not a contraindication to NPEP

Counseling (at minimum):

- Proper use of medication dosage, schedule and potential common and serious side effects (and how to mitigate)
- The importance of medication adherence with relation to efficacy of nPEP
- Signs/symptoms of acute HIV infection and recommended actions
- The patient should be instructed on correct and consistent use of HIV exposure precautions including condoms and not sharing injection equipment
- For women of reproductive potential with genital exposure to semen, emergency contraception should be discussed
- The necessity of follow up care with a primary care provider for usual care

- The importance and requirement of follow up testing for HIV, renal function, hepatic function, hepatitis B and C, and sexually transmitted diseases
- If appropriate, general discussion of pre-exposure prophylaxis at future time.

Documentation:

- The pharmacist will notify the patient's primary care provider of a record of all medications prescribed. If a patient does not have a primary care provider, the pharmacist will provide the patient with a list of providers and clinics for which they may seek ongoing care.
- The pharmacist will also follow all documentation rules in 17.00

Referrals:

- If a patient tests positive for HIV infection, the pharmacist will refer/direct the patient to a primary care provider and provide a list of providers and clinics in that region for confirmatory testing and follow up care. A list of providers may be found at: <https://www.colorado.gosv/pacific/cdphe/linkage-to-care>
- The patient should be referred immediately for guideline based follow-up HIV testing and care, and follow-up testing for STIs, Hepatitis C, and Hepatitis B.
- If a patient tests positive for an STI, the pharmacist will refer/direct the patient to a primary care provider and provide a list of providers and clinics in that region for confirmatory testing and follow up care. A list of providers may be found at: <https://www.colorado.gosv/pacific/cdphe/linkage-to-care>
- If a patient tests positive for Hepatitis B or C, the pharmacist will refer/direct the patient to a primary care provider and provide a list of providers and clinics in that region for confirmatory testing and follow up care. A list of providers may be found at: <https://www.colorado.gosv/pacific/cdphe/linkage-to-care>
- Signs of symptoms of acute drug toxicities or serious side effects
- Urgent evaluation referral for symptoms or signs of acute renal injury or acute HIV infection.
- Usual care for any other issues, stress importance of routine primary care and health maintenance.

³ CDC. Updated Guidelines for Antiretroviral Postexposure Prophylaxis After Sexual, Injection Drug Use or Other Nonoccupational Exposure to HIV – United States, 2016. Available at: <https://stacks.cdc.gov/view/cdc/38856>

...

Editor's Notes

History

Rules 2.01.10; 2.01.30; 3.00.50; 3.00.70, 6.00.20; 6.00.30; 6.00.40; 8.00.10; 11.04.20; 14.03.10 eff. 07/30/2007.

Rules 8.00.10; 11.04.10; 20.00.00 eff. 09/30/2007.

Rule 4.00.00 eff. 11/30/2007.

Rules 3.01.20, 10.00.00 eff. 03/01/2008.

Rules 5.01.31; 15.01.11; 15.01.12; 15.09.11; 15.09.14; 22.00.00 eff. 05/30/2008.

Rules 4.02.00 (c), 21.00.00, 23.00.00 eff. 06/30/2008.

Rules 1.00.00, 2.00.00, 3.00.00, 5.00.00, 7.00.00, 11.00.00, 12.00.00, 14.00.00 eff. 11/30/2008.

Rule 15.09.11 eff. 01/31/2009.

Rules 6.00.30, 11.06.00, 22.00.00 eff. 03/02/2009.

Rule 9.00.00 eff. 04/30/2009.

Rules 5.00.55, 5.01.31(a), 6.00.20(f), 14.00.40, 15.01.17, 15.01.18, 15.08.19(f), 15.09.11(d), 15.09.15, 15.09.19, 15.09.20(g-h), 15.09.23, 15.09.24, 15.10.10, 16.00.20(d), 19.01.10(b), 19.01.30(a) eff. 12/30/2009.

Rules 4.00, 18.00 eff. 03/17/2010.

Rules 3.00.80 – 3.00.90; 5.00.55; 15.01.12; 19.00.00 – 19.01.50. Rule 22.00.00 repealed eff. 07/15/2010.

Rules 1.00.21, 5.01.31(e), 5.01.50 eff. 08/30/2010.

Rules 5.00.55, 21.11.10 (a), 21.21.70 (a) eff. 11/14/2010.

Rules 1.00.18, 2.01.50 – 2.01.53, 3.00.50 – 3.00.51, 5.00.50, 5.00.60, 5.01.31.a, 11.04.10, 15.01.11, 15.09.11.e eff. 06/14/2011.

Rules 3.01.24, 4.00.00, 11.04.20, 11.04.30, 21.00.00 - 21.11.20, 23.00.00 eff. 04/14/2012.

Rule 14.00.10 eff. 05/15/2012.

Entire rule eff. 01/01/2013. Rule 17.00.00 repealed eff. 01/01/2013.

Rules 3.00.21 – 3.00.22, 3.00.55, 3.00.90.e.(4), 3.01.20.c, 3.01.30, 3.01.32, 3.01.34, 4.00.10.f, 4.00.20, 5.01.31.a.(1)(C), 15.10.14.a, 23.00.90 eff. 09/14/2013.

Rules 2.01.10, 3.00.25, 3.00.91, 5.00.15, 6.00.30, 10.00.00, 11.03.00, 11.07.10, 14.00.05.k-l, 14.00.80.e.(2), 14.00.80.j, 16.00.00, 18.00.00, 20.00.00, 21.00.20, 21.10.80, 21.11.00.a.(12), 21.11.10.c, 21.20.20, 21.20.30.b(14), 21.21.40.c, 21.21.70.c, 21.22.00.b(1), 23.00.30, 23.00.50, 23.00.65, 23.00.70, eff. 10/15/2014.

Rules 3.00.22, 3.00.81.l-o, 3.00.82-3.00.84, 3.00.85.a(3), 3.00.86, 3.00.88.a(2), 3.00.88.b(10), 4.06.00, 6.00.10-6.00.20, 6.00.40.a, 6.00.50, 6.00.60.a, 6.00.60.b.10, 6.00.70.a, 6.00.90.b, 6.01.10.a, 19.01.40.c, 21.00.10, 21.00.20.b, 21.10.60.b, 21.10.80.b(4), 21.11.10.a(5), 21.11.10.c(9), 21.20.10.d, 21.20.20.b(2)(a), 21.20.25.b, 21.20.70.f, 21.20.90.b-c, 21.21.10.b, 21.21.70.a(6), 21.21.70.c(10), 23.00.40.y-z, 23.00.70.h-j eff. 09/14/2015.

Rules 3.00.21, 3.00.27, 19.01.10(1), 21.00.20, 21.11.20.d, 21.20.16, 21.20.20.b.(2), 21.20.60.b, 21.20.60.e, 21.21.90.d eff. 03/16/2016.

Rules 3.00.20, 3.00.22 e, 3.00.81 g, 3.00.84, 3.01.10 d, 4.00.10, 4.00.25, 4.05.00, 5.00.15 d, 5.01.31, 6.00.20 e, 7.00.10, 8.00.10, 14.00.80 i-k, 19.01.10 b.(2), 20.00.80 a.1, 21.00.20, 21.00.30, 21.20.20 b, 27.00.00, 28.00.00 eff. 11/14/2016. Rule 10.00.51 repealed eff. 11/14/2016.

Rule 17 eff. 03/17/2017. Rule 18 repealed eff. 03/17/2017.

Rules 3.01.10 d, 7.00.30 b.4, 21.00.20, 21.00.30, 23.00.10, 23.00.70 eff. 11/14/2017. Rules 1.00.15, 5.00.55 a.(6) repealed eff. 11/14/2017.

Rules 3.05.00, 5.01.31 m, 5.01.31 r, 5.01.40 a, 5.01.50 a-f, 11.03.05, 11.04.10, 11.06.10 j, 14.02.30 d, 20.00.90 c, 20.01.00 a.2.iv, 21.00.20 d.ii, 21.20.70 g, 25.00.12 d-e, 25.00.14 c-d, 25.00.16 e eff. 09/17/2018.

Rules 1.00.24, 2.01.50, 2.01.52, 2.01.53, 2.01.56, 2.01.80, 3.00.23, 3.00.30, 3.05.10-3.05.30, 3.05.80, 7.00.30 c, 11.03.00 a, 11.07.10 a, 14.00.05 m, 14.00.40 f.1, 14.00.80 e, 15.01.11 a.(8)(i), 15.01.11 a.(9), 15.09.14 a, 19.01.10 b.-c, 23.00.10, 23.00.70, 29.00.00 eff. 11/30/2019.

Rule 30.00.00 emer. rule eff. 05/01/2020; expired 08/28/2020.

Rules 17.00.10, 17.00.30 a.7, 17.00.50 b.2, 17.00.70, 17.00.80, 17.01.00, 17.02.00 a, 17.03.00 b, 17.04.00 eff. 05/15/2020. Rule 6.00.00 repealed eff. 05/15/2020.

Rule 30.00.00 eff. 08/30/2020. Rule 3.04.00 repealed eff. 08/30/2020.

Rules 2.01.20, 3.00.81 a, 3.01.22 b, 5.00.40, 5.00.50 a, 7.00.30 b, 10.00.60, 11.08.00, 11.08.50, 14.00.05 b, 14.00.40 b.-c, 14.05.11, 15.05.20, 15.01.11 b.-d, 15.01.14 a-b, 15.01.17, 17.00.50 c, 24.00.50, Appendix C eff. 11/14/2020.

Rule 19.00.00 emer rule eff. 11/19/2020.

Rule 1.00.25, Appendix D eff. 12/30/2020.

Rules 5.01.31 j-k, 17.00.10 d, 19.01.10, 19.01.20, 19.01.30 a, 19.01.40 a.(5)-(9), 19.01.50 a.(3) eff. 03/17/2021.

Rule 1.00.25 E-F eff. 05/15/2021.

Notice of Proposed Rulemaking

Tracking number

2021-00545

Department

700 - Department of Regulatory Agencies

Agency

721 - Division of Professions and Occupations - Board of Psychologists Examiners

CCR number

3 CCR 721-1

Rule title

PSYCHOLOGIST EXAMINERS RULES AND REGULATIONS

Rulemaking Hearing**Date**

10/01/2021

Time

09:30 AM

Location

Webinar Only: <https://attendee.gotowebinar.com/register/6119130071589627916>

Subjects and issues involved

The purpose of this Permanent Rulemaking Hearing is for the Board to consider adopting revisions to Rule 1.8, to implement Colorado Senate Bill 21-077 (Concerning the elimination of verification of an individual's lawful presence in the United States as a requirement for individual credentialing).

Statutory authority

Sections 12-20-204(1), 12-245-222(2), and 24-4-103, C.R.S.

Contact information**Name**

Elena M. Kemp

Title

Regulatory Coordinator

Telephone

303-894-7426

Email

dora_dpo_rulemaking@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

State Board of Psychologists Examiners

PSYCHOLOGIST EXAMINERS RULES AND REGULATIONS

3 CCR 721-1

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

...

1.8 REPORTING CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME (C.R.S. §§ 12-20-204(1), 12-245-204, 12-245-206)

Change of address, telephone number, or name.

- A. Licensees shall inform the Division of any name, telephone number or address change within thirty days of such change. Staff shall not change Licensees' information without written notification from the Licensee. Notification via mail, fax, email and the online system is acceptable. Verbal notification is not acceptable.
- B. Any of the following documentation is required to change a Licensee's name or correct a social security number or individual taxpayer identification number: marriage license, divorce decree, ~~or~~ court order, or IRS form W-7, as applicable. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

...

Editor's Notes

History

Entire rule emer. rule eff. 01/01/2012.

Entire rule eff. 02/01/2012.

Rule 12 eff. 03/16/2016.

Rules 13, 20, 21 emer. rules eff. 04/07/2017.

Rules 13, 20, 21 eff. 07/30/2017.

Rules 1.6 A, 1.6 B.2, 1.7 B.4, 1.14 A.2-5.b, 1.16 A emer. rules eff. 10/02/2020.

Rules 1.6 A, 1.6 B.2, 1.7 B.4, 1.12, 1.14 A.2-5.b, 1.16 A, 1.18 E, 1.22, Appendix A eff. 11/30/2020.

Rules 1.6 A, 1.12 C-D, 1.22, Appendix A eff. 05/30/2021.

Annotations

Rules 1.12 C, 1.12 D, 1.22 E.4 (adopted 10/02/2020) were not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

Notice of Proposed Rulemaking

Tracking number

2021-00539

Department

700 - Department of Regulatory Agencies

Agency

723 - Public Utilities Commission

CCR number

4 CCR 723-2

Rule title

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF
TELECOMMUNICATIONS SERVICES

Rulemaking Hearing**Date**

10/05/2021

Time

09:00 AM

Location

By video conference using Zoom at a link in the calendar of events on the Commission's website, available at:
<https://puc.colorado.gov/>.

Subjects and issues involved

On October 17, 2020, the United States Congress passed the National Suicide Hotline Designation Act of 2020, which designates 9-8-8 as the number for the National Suicide Prevention Lifeline to aid rapid access to suicide prevention and mental health support services. On June 28, 2021, Governor Jared Polis signed SB 21-154, which provides for the implementation of 9-8-8 as the number for crisis response services in Colorado, creates the 9-8-8 Crisis Hotline Enterprise (Enterprise), and provides for a 9-8-8 Surcharge through the addition of §§ 27-64-101-105 and 40-17.5-101-105, C.R.S., and changes to § 24-75-402, C.R.S. In addition to numerous other requirements related to the establishment, funding, and administration of the Enterprise and the 9-8-8 Crisis Hotline, SB 21-154 directs the Commission to collect the 9-8-8 Surcharge from service suppliers, and it directs the Commission to promulgate rules for such remittances and for audits of service suppliers relating to the collection and remittance of 9-8-8 Surcharges. Many of SB 21-154s requirements relating to remittance and audit processes are similar to those contained in § 29-11-103, C.R.S., which require remittance and audit processes for the 9-1-1 Statewide Surcharge, and which are included in the ongoing rulemaking in Proceeding No. 21R-0099T.

Statutory authority

The statutory authority for the rules proposed here is found at §§ 24-4-101 et seq.; 27-64-103; 40-2-108; 40-4-101; 40-15-101, 107, 201, 202, 302, 401, 501, 502, 503, and 503.5; and 40-17.5-102 and 103, C.R.S.

Contact information**Name**

Becky Quintana

Title

Deputy Director Commission Policy and Research Support

Telephone

303-894-2881

Email

rebecca.quintana@state.co.us

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

* * * *

[indicates omission of unaffected rules]

PROGRAMS

~~2800. – 2819. [Reserved].~~

9-8-8 Surcharge

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to prescribe the process for the collection and remittance of 9-8-8 surcharge funds and to establish the procedures for the conducting of audits of service providers' practices regarding the collection, payment, and remittance of 9-8-8 surcharges.

The statutory authority for the promulgation of these rules is found at §§ 40-17.5-102 and 103, C.R.S.

2800. Applicability.

Rules 2801 through 2803 apply to 9-8-8 originating service providers.

2801. Definitions.

- (a) "9-8-8" means the three-digit abbreviated dialing code used to report a behavioral health crisis.
- (b) "9-8-8 access connection" means any communications service that is enabled, configured, or capable of making 9-8-8 calls.
- (c) "9-8-8 crisis hotline enterprise" or "enterprise" means the enterprise created in § 27-64-103, C.R.S., created to provide intervention services and crisis care coordination to individuals calling the 9-8-8 crisis hotline, and other purposes.

- (d) “9-8-8 originating service provider” (9-8-8 OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services to any customer in the state that includes the ability to place 9-8-8 calls.
- (e) “9-8-8 surcharge” means the charge established by § 40-17.5-102, C.R.S. and imposed by the enterprise on originating service providers that provide 9-8-8 access connections.
- (f) “Enterprise” means the 9-8-8 Crisis Hotline Enterprise created by § 27-64-103.
- (g) “Prepaid wireless 9-8-8 charge” means the charge established by § 40-17.5-104, C.R.S. and imposed by the enterprise on sellers of prepaid wireless telecommunications service.

2802. Administration of the 9-8-8 Crisis Hotline Cash Fund.

- (a) This rule does not apply to 9-8-8 access connections~~ss~~ provided via prepaid wireless telecommunications services. The 9-8-8 surcharge is a statewide surcharge applied to all 9-8-8 access connections~~n~~ in the state of Colorado, and is separate from the wireless prepaid 9-8-8 charge pursuant to § 27-64-103(4)(b), C.R.S.
- (b) Annually ~~prior to October 1,~~ the Commission shall collaborate with the Enterprise to assist the Enterprise in its establishment of ~~the 9-8-8 surcharge rate and prepaid wireless 9-8-8 charge rate,~~ including but not limited to providing the Enterprise with relevant information regarding ~~number of statewide 9-8-8 access connections and prepaid wireless transactions.~~ After the Enterprise's annual establishment of the 9-8-8 surcharge rate to take effect on the following January 1, the Commission will publish the 9-8-8 surcharge rate on its website and notify 9-8-8 originating service providers at least 60 days prior to the effective date of the surcharge.
- (c) 9-8-8 surcharge.
 - (I) Effective January 1, 2022, all 9-8-8 originating service providers shall collect and remit the 9-8-8 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. The surcharge shall be assessed on each 9-8-8 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission using the combined surcharge remittance form.
 - (II) With respect to multi-line telephone systems, the number of 9-8-8 access connections is determined by the configured capacity for simultaneous outbound calling.
 - (III) The 9-8-8 surcharge must be listed separately or on the same line as the 9-1-1 surcharge established in § 29-11-102.3, C.R.S. If combined, the line item must be listed as “state 911 and 988 surcharges”.
 - (IV) The 9-8-8 surcharge is the liability of the service user and not the 9-8-8 originating service provider, except that the 9-8-8 originating service provider is liable to remit all 9-8-8 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the portion of the 9-8-8 surcharge collected until it is remitted to the Commission. The amount remitted by the 9-8-8 originating service provider must reflect the ~~sate~~ 9-8-8 surcharges actually collected on the number

of 9-8-8 access connections provided in Colorado by the 9-8-8 originating service provider.

- (V) Each 9-8-8 originating service provider may retain from the total 9-8-8 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each 9-8-8 originating service provider shall remit the 9-8-8 surcharge amount the provider collected for the previous month, less the applicable vendor fee, no later than the last day of the following month. If the last day of the month is a legal holiday, then the remittance shall be due the next business day.
 - (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (d) Combined Colorado telecommunications surcharge remittance form.
- (I) Each remittance of 9-8-8 surcharges shall be accompanied by a completed combined Colorado telecommunications surcharge remittance form, also referred to as the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form, that includes information for each month remitted. This form is available from the Commission or on its website.

 - (A) The combined Colorado telecommunications surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.
 - (B) Regardless of the method of payment, the combined Colorado telecommunications surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.
 - (C) 9-8-8 originating service providers shall submit all 9-8-8 surcharge remittances to the custodial receiver directly.
 - (D) If payments are made by physical check, the completed combined Colorado telecommunications surcharge remittance form shall also be enclosed with the check.
 - (E) All remittances of the 9-8-8 surcharges received by the Commission pursuant to this rule shall be deposited in an 9-8-8 receipt account established for that purpose.
- (e) The Commission may withdraw from the 9-8-8 receipt account an amount up to four percent of the total amount of the fund necessary for the direct and indirect costs of administering the collection and remittance of the 9-8-8 surcharge, including costs related to conducting audits of 9-

8-8 originating service providers. Funds deducted for this purpose will be kept in a 9-8-8 administrative retention account created by the Commission until expended. Any funds withdrawn by the Commission for this purpose will be returned to the 9-8-8 trust cash fund if the Commission determines that the funds are not necessary to pay administrative costs.

- (f) On a monthly basis, the Commission shall transfer the amount of funds received into the 9-8-8 receipt account to the 9-8-8 surcharge trust cash fund, less the administrative retention fee authorized in paragraph (e). This transfer shall be made via ACH bank transfer.

2803. Audit of 9-8-8 Originating Service Providers Regarding 9-8-8 Surcharge Practices.

- (a) The Commission may conduct an audit of a 9-8-8 originating service provider's books and records regarding the collection and remittance of the 9-8-8 surcharge.
- (I) All expenses related to audits initiated by the Commission shall be paid for by the Commission from the administrative retention fund as authorized by § 40-17.5-102(3)(c)(II), C.R.S.
- (II) 9-8-8 originating service providers shall make relevant records available to auditors at no charge.
- (III) Audits shall be limited to the collection and remittance of the 9-8-8 surcharge. However, audits regarding the collection and remittance of 9-8-8 surcharges may be conducted concurrently with audits regarding the collection and remittance of 9-1-1 surcharges, emergency telephone charges, and telecommunications relay service surcharges.
- (IV) Any delinquent remittance of 9-8-8 surcharges received by the Commission, including penalties and interest, shall be deposited into the 9-8-8 receipt account and transferred to the 9-8-8 surcharge trust cash fund, less allowable administrative expenses, as prescribed in rule 2802.
- (b) 9-8-8 originating service providers shall maintain a record of the amount of each 9-8-8 surcharge collected and remitted by service user address for three years after the time that it was remitted.
- (c) If a 9-8-8 originating service provider fails to file a combined Colorado telecommunications surcharge remittance form and remit 9-8-8 surcharges in a timely manner, the Commission may assess the 9-8-8 originating service provider for the delinquent remittance in the following manner.
- (I) The Commission shall estimate delinquent remittance based on available information.
- (II) The Commission shall issue a notice of assessment to the 9-8-8 originating service provider within three years of the original due date of the remittance, unless the three-year period is extended, in writing, in accordance with this rule.
- (III) Before the expiration of the three-year period, the Commission and the 9-8-8 originating service provider may extend the period for assessment by agreement, in writing. The period agreed upon may be extended by subsequent agreements in writing made before

the expiration of the period previously agreed upon. Any party seeking extension from the Commission shall do so by filing a petition.

- (IV) The Commission shall impose an additional 15 percent penalty in addition to the estimated amount of the delinquent remittance.
- (V) The Commission shall assess an additional one percent interest monthly, assessed against the original principal owed, from the original due date until the delinquent remittance has been paid by the 9-8-8 originating service provider.
- (VI) If the assessment was properly noticed within three years of the original due date of the remittance, or prior to the expiration of the period of time agreed to by the Commission and 9-8-8 originating service provider in writing, the Commission may file a lien, issue a distraint warrant, institute a suit for collection, or take other action to collect the amount up to one year after the expiration of said time period.

2804. — 2819. [Reserved].

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0394T

IN THE MATTER OF PROPOSED AMENDMENTS TO RULES IN 4 CODE OF COLORADO
REGULATIONS 723-2 IMPLEMENTING SB 21-154 REGARDING THE CREATION OF A
STATEWIDE 9-8-8 SURCHARGE.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: August 30, 2021

Adopted Date: August 18, 2021

TABLE OF CONTENTS

I.	BY THE COMMISSION	2
A.	Statement	2
B.	Senate Bill 21-154	2
C.	Proposed Rule Changes	3
1.	Introductory Section Preceding Rule 2800 and Applicability	3
2.	Rule 2801: Definitions	4
3.	Rule 2802: Administration of the 9-8-8 Crisis Hotline Cash Fund.....	4
4.	Rule 2803: Audit of 9-8-8 Originating Service Providers Regarding 9-8-8 Surcharge Practices	5
D.	Conclusion.....	5
II.	ORDER.....	6
A.	The Commission Orders That:2	6
B.	ADOPTED IN COMMISSIONERS' WEEKLY MEETING August 18, 2021.....	7

I. BY THE COMMISSION**A. Statement**

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking to amend the Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* 723-2-2800 through 2819, and 2010 (9-8-8 Rules).

2. The changes proposed are reflective of the changes to the Colorado statute realized by the enactment of Senate Bill (SB) 21-154. The proposed rules are included as Attachments A and B to this Decision. We welcome comments from interested participants. To the extent a participant disagrees with the proposed rules, comments should include suggested rule revisions, in legislative format.

3. Consistent with the below discussion, this matter is set for hearing and referred to an Administrative Law Judge (ALJ) for a recommended decision.

B. Senate Bill 21-154

4. On October 17, 2020, the United States Congress passed the “National Suicide Hotline Designation Act of 2020,” which designates 9-8-8 as the number for the National Suicide Prevention Lifeline to aid rapid access to suicide prevention and mental health support services. On June 28, 2021, Governor Jared Polis signed SB 21-154, which provides for the implementation of 9-8-8 as the number for crisis response services in Colorado, creates the 9-8-8 Crisis Hotline Enterprise (Enterprise), and provides for a 9-8-8 Surcharge through the addition of §§ 27-64-101-105 and 40-17.5-101-105, C.R.S., and changes to § 24-75-402, C.R.S.

5. In addition to numerous other requirements related to the establishment, funding, and administration of the Enterprise and the 9-8-8 Crisis Hotline, SB 21-154 directs the

Commission to collect the 9-8-8 Surcharge from service suppliers, and it directs the Commission to promulgate rules for such remittances and for audits of service suppliers relating to the collection and remittance of 9-8-8 Surcharges. Many of SB 21-154's requirements relating to remittance and audit processes are similar to those contained in § 29-11-103, C.R.S., which require remittance and audit processes for the 9-1-1 Statewide Surcharge, and which are included in the ongoing rulemaking in Proceeding No. 21R-0099T.

C. Proposed Rule Changes

6. An overview of the changes proposed by the Commission fall into general categories described in this Decision. We invite interested stakeholders to comment on the proposed rules and provide additional suggested changes.

1. Introductory Section Preceding Rule 2800 and Applicability

7. The proposed introductory text preceding Rule 2800 and Rule 2800 itself are intended to identify the purpose of the 9-8-8 Rules to include the requirements enacted by SB 21-154, and reflect the statutory authority for promulgation of the 9-8-8 Rules. Specifically, the basis and purpose of the proposed rules provide for the following, as required under SB 21-154: (1) prescribe the process for the collection and remittance of 9-8-8 Surcharge funds; and (2) establish procedures for the conducting of audits of service providers' practices regarding the collection, payment, and remittance of 9-8-8 surcharges. The proposed introductory text provides the statutory citations and references given authority vested in the Commission per SB 21-154.

8. Proposed Rule 2800 indicates the applicability of the new and revised sections of the remainder of the proposed rules.

2. Rule 2801: Definitions

9. We propose creating definitions for “9-8-8,” “9-8-8 access connection,” “9-8-8 surcharge,” the “Enterprise,” “9-8-8 Originating Service Provider,” and the “prepaid wireless 9-8-8 charge.” The addition of these definitions to Rule 2801 mirror the addition of these definitions to the statute and facilitate the addition of new sections for the implementation of SB 21-154.¹

3. Rule 2802: Administration of the 9-8-8 Crisis Hotline Cash Fund

10. Among its requirements, §§ 27-64-103 and 40-17.5-102 through 103, C.R.S., include that: (1) the Commission collaborate with the Enterprise in the Enterprise’s establishment of the 9-8-8 Surcharge each year on or before October 1; and (2) the Commission, by January 1, 2022, be prepared to receive remittances from originating service providers from the 9-8-8 surcharge created by § 29-64-103, C.R.S., and authorized per 9-8-8 access connection per month as established by the Enterprise.

11. The proposed rule aims to accomplish the following, as required by statute:

- a) Set forth that the Commission will collaborate with the Enterprise to assist the Enterprise in its annual establishment of the 9-8-8 Surcharge and the prepaid wireless 9-8-8 charge;²
- b) Set forth processes and procedures by which the originating service providers will collect and remit to the Commission the 9-8-8 Surcharge;³ and
- c) Set forth processes and procedures by which the 9-8-8 Surcharges remitted to the Commission will be transmitted to the Enterprise.

¹ See §§ 40-17.5-102 and 103, C.R.S.

² See § 27-64-103(4)(a) and (b), C.R.S.

³ See § 40-17.5-103(5)(e), C.R.S.

4. Rule 2803: Audit of 9-8-8 Originating Service Providers Regarding 9-8-8 Surcharge Practices

12. Section 40-17.5-103, C.R.S., requires the Commission to promulgate rules regarding the Commission's procedures for the audit of a service supplier's books and records concerning the collection and remittance of the 9-8-8 Surcharge. Proposed Rule 2803 establishes the process by which audits of 9-8-8 originating service providers may be conducted by the Commission.

13. It also establishes in Commission rules the obligation of 9-8-8 originating service providers to keep records of their 9-8-8 Surcharge collections and remittances, sets forth the late payment penalty of 15 percent of the estimated delinquent remittance, and 1 percent per month interest required by § 40-17.5-103(5)(b), C.R.S.

D. Conclusion

14. The statutory authority for the rules proposed here is found at §§ 24-4-101 *et seq.*; 27-64-103; 40-2-108; 40-4-101; 40-15-101, 107, 201, 202, 302, 401, 501, 502, 503, and 503.5; and 40-17.5-102 and 103, C.R.S.

15. The proposed rules in legislative (*i.e.*, ~~strikeout~~/underline) format (Attachment A) and final format (Attachment B) are available through the Commission's Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0394T

16. The Commission encourages and invites public comment on all proposed rules. We request that commenters propose any changes in legislative redline format.

17. This matter is referred to an ALJ for the issuance of a recommended decision.

18. The ALJ will conduct a hearing on the proposed rules and related issues on October 5, 2021. Interested persons may submit written comments on the rules and present these orally at the hearing, unless the ALJ deems oral presentations unnecessary.

19. The Commission encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before the hearing, the Commission requests that comments be filed no later than September 20, 2021, and that any pre-filed comments responsive to the initial comments be submitted no later than September 28, 2021. The Commission prefers that comments be filed using its E-Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B) attached hereto, shall be filed with the Colorado Secretary of State for publication in the September 10, 2021, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

3. A hearing on the proposed rules and related matters shall be held as follows:

DATE October 5, 2021

TIME: 9:00 a.m. until not later than 5:00 p.m.

PLACE: By video conference using Zoom at a link in the calendar of events
on the Commission's website, available at:

<https://puc.colorado.gov/>.

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial pre-filed comments be submitted no later than September 20, 2021, and that any pre-filed comments responsive to the initial comments be submitted no later than September 28, 2021. The Commission will consider all submissions, whether oral or written.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 18, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

Notice of Proposed Rulemaking

Tracking number

2021-00537

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-1

Rule title

RULES REGARDING REAL ESTATE BROKERS

Rulemaking Hearing

Date

10/05/2021

Time

09:00 AM

Location

Virtual Rulemaking Hearing - 1560 Broadway; Denver, CO 80202

Subjects and issues involved

Rules Governing Real Estate Brokers of the Real Estate Commission

Chapter 1: Definitions

Chapter 6: Practice Standards

Chapter 9: Commission Review of Initial Decisions and Exceptions

Statutory authority

Part 2 of Title 12, Article 10, Colorado Revised Statutes, as amended.

Contact information

Name

Martha Torres-Recinos

Title

Rulemaking Coordinator

Telephone

303-894-2359

Email

marthal.torres-recinos@state.co.us

DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE COMMISSION
4 CCR 725-1

RULES GOVERNING REAL ESTATE BROKERS OF THE REAL ESTATE COMMISSION

NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
October 5, 2021 at 9:00 AM MST

Division of Real Estate Office
1560 Broadway
Conference Room 110C
Denver, CO 80202

VIRTUAL MEETING REGISTRATION LINK:

<https://attendee.gotowebinar.com/register/7828654042581103115>

Pursuant to and in compliance with Title 12, Article 10 and Title 24, Article 4, C.R.S., as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the state of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission ("Commission") to promulgate rules, or to amend, repeal, or repeal and re-enact the present rules of the Commission.

The hearing more than likely will only be conducted in a virtual setting. All interested parties are urged to attend this public hearing by registering for the webinar on the Division's website at dre.colorado.gov and to submit written comments concerning the proposed amended rules in advance if possible for consideration.

In order to facilitate the review of comments by the Commission, all interested parties are strongly encouraged to submit their written comments to Eric Turner via email at eric.turner@state.co.us on or before 5:00 p.m. on September 24, 2021. Any written comments not received by September 24, 2021 may be submitted via public testimony at the hearing on October 5, 2021.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules Governing Real Estate Brokers is Part 2 of Title 12, Article 10, Colorado Revised Statutes, as amended. The specific authority under which the Commission shall establish these rules is set forth in sections 12-10-219(4) and 12-10-220, C.R.S.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate the necessary and appropriate rules in conformity with the state statutes of the real estate practice act.

SPECIFIC PURPOSE OF RULEMAKING

The specific purpose of this rulemaking is modifying, adding, or repealing existing rules with respect to defined terms, broker advertising requirements, complaints initiated on the Commission's own motion, and filing timelines for initial decisions and exceptions. Please be advised that the proposed

amended rules being considered are subject to further changes and modifications after public comment and the formal hearing.

Proposed New, Amended, And Repealed Rules

Deleted material shown ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at dre.colorado.gov.

Chapter 1: Definitions

- 1.32. Listing Contract: An agreement between a Brokerage Firm and a Consumer in which a Broker licensed with the Brokerage Firm is designated to provide Real Estate Brokerage Services to the Consumer. Listing Agreements include: Exclusive Tenant Contract, Exclusive Right to Sell, Exclusive Right to Lease, ~~and~~ Exclusive Right to Buy, and Management Agreements.

Chapter 6: Practice Standards

6.10. Advertising

A. Names

1. Pursuant to section 12-10-203(9), C.R.S., no Broker will be licensed to conduct Real Estate Brokerage Services under more than one (1) Brokerage Firm.
2. Pursuant to section 12-10-203(9), C.R.S., no Broker or Brokerage Firm will conduct or promote Real Estate Brokerage Services except in the name under which that Broker or Brokerage Firm appears in the records of the Commission. A Brokerage Firm may also include the locations of its offices, to include branch offices in the Advertising.
3. Brokers will not Advertise so as to mislead the public concerning the identity of the Broker or the Broker's Brokerage Firm.
4. All Advertising must be done clearly and conspicuously in the name of the Broker's Brokerage Firm. However, a Broker who Advertises real property owned by the Broker which is not listed for sale or lease with the Broker's Brokerage Firm is exempt from Advertising the Broker's own property in the Broker's Brokerage Firm's name.
5. A Brokerage Firm may use a Trade Name in addition to or instead of the Brokerage Firm's legal name. The Trade Name must be filed with the Commission.
6. A Brokerage Firm may use a Trademark in conjunction with the Brokerage Firm's legal name or Trade Name with permission of the owner of such Trademark.
 - a. A Brokerage Firm that uses a Trade Name or Trademark owned by a third party is required to use one (1) of the following statements, which must appear in a clear and conspicuous manner so as to attract the attention of the public:
 - i. "Each (insert general Trade Name) brokerage business is independently owned and operated." or

ii. "Each office independently owned and operated."

b. Upon written request, the above statements may be modified with consent of the Commission.

7. No Brokerage Firm will use more than one (1) Trade Name; however, upon written request and with the consent of a representative of the Commission, a Brokerage Firm may use more than one (1) Trademark. Use of the Trademark(s) is only acceptable if the Brokerage Firm has obtained permission of the registrant of such Trademark.
8. No Broker may use a professional designation in Advertising unless the Broker is in good standing and the designation is easily verifiable by the public and the Commission. A Broker that Advertises an award, membership, or achievement must be able to provide verification of the validity of such claims upon request from any member of the public or Commission.

B. Teams

1. Brokers who form a Team must not Advertise in a manner that misleads the public as to the identity of the Team's Brokerage Firm. Teams are prohibited from using the following terms in the Team's name:
 - a. Realty,
 - b. Real estate,
 - c. Realtors,
 - d. Company,
 - e. Corporation,
 - f. Corp.,
 - g. Inc.,
 - h. LLC,
 - i. LP or LLP, or
 - j. Any other term that would imply a separate entity from the Brokerage Firm with which the Team Brokers are licensed.
2. All Team Advertising must clearly and conspicuously include and be in conjunction with the legal name or Trade Name of the Brokerage Firm.
3. If requested by a Consumer, the Commission, another Brokerage Firm or Broker, the Brokerage Firm will provide the names of the Brokers that belong to any Team licensed with the Brokerage Firm.
4. Brokers may not allow the use of the Team's name by other Brokers outside the Team's Brokerage Firm.

C. Brokerage Firms and Brokers are responsible for ensuring that all Advertising is accurate and complies with copyright laws and other applicable laws and regulations.

D. Electronic Media

1. When a Broker owns or controls Electronic Media, each Viewable Page must include: ~~the Broker's name or Broker's Team name and~~ the Broker's Brokerage Firm's name. Any expired listings must be removed from the Broker's Electronic Media within three (3) days of a Listing Contract expiring.
2. If a Broker authorizes a third party for the Broker's Electronic Media Advertising, the Broker is responsible for ensuring that the information provided to such third party is accurate. The Broker must submit a written request to any third party syndicators to have all expired listings removed from Electronic Media within three (3) days of a Listing Contract expiring.
3. A Broker who communicates through email, chat, instant messages, newsgroups, discussion lists, bulletin boards, blogs, or other similar means for purposes of Advertising the Broker's Real Estate Brokerage Services must use the Broker's ~~name or Team's name and the name of the Broker's~~ Brokerage Firm's name. However, once a Broker has disclosed the ~~Broker's name or Team's name and the~~ Broker's Brokerage Firm to a specific Consumer, the Broker is not required to continue to make the same disclosure to the specific Consumer.
4. When it is not reasonable for a Broker to disclose the Broker's ~~name or Team's name and the~~ Brokerage Firm's name in an Electronic Media because space is limited, the Broker will disclose the Broker's ~~name or Team's name and the~~ Brokerage Firm's name clearly and conspicuously within the first click of the mouse.

E. Past Sales Data Advertising

General sales data Advertising, regardless of the medium, which recaps sales activity over a period of time in a given subdivision or geographical area must include all of the following:

1. Cite the source of the data; and
2. Include a disclaimer, if accurate, that all reported sales:
 - a. Were not necessarily listed or sold by the Broker; and
 - b. Are intended only to show trends in the area or will separately identify the Broker's own sales activity.

F. Authority to Advertise Available and Under Contract Properties

Brokers ~~who do not have a Brokerage Relationship with the owner~~ may ~~not~~ Advertise the availability or price of a property whether for sale or lease as set forth in subsections F.1. and F.2. of this Rule. ~~without authority from the owner or the owner's Broker and disclosure of the owner's Brokerage Firm.~~

1. A Broker may disseminate another Broker's Advertising in the following manner:

- a. The Broker discloses, in a conspicuous manner, the owner's Brokerage Firm;
 - b. The Advertising is accurate and not misleading to Consumers; and
 - c. The Advertising is in compliance with subsection C. of this Rule.
2. A Broker may disseminate an owner's Advertising who is not represented by a Brokerage Firm (For Sale by Owner) in the following manner:
- a. The Broker must have the owner's written permission to disseminate the Advertising;
 - b. The Broker discloses, in a conspicuous manner, that the owner is not represented by a Broker;
 - c. The Advertising is accurate and not misleading to Consumers; and
 - d. The dissemination of an owner's Advertising does not include submitting the information into a property exchange or multiple listing service.

G. Price Set by Owner

The price quoted in any Advertising will not be anything other than the price agreed upon between the Broker and the owner.

6.25. Investigations or Audits by Commission

A. Notification of a Complaint that has been Assigned for Investigations or an Audit

- 1. A Broker or Brokerage Firm will receive written notification from the Commission regarding the following:
 - a. A complaint has been filed and an investigation has been initiated. A copy of the complaint that has been filed against the Broker or Brokerage Firm will be provided;~~or~~
 - b. A complaint has been initiated on the Commission's own motion. A summary of the complaint against the Broker or Brokerage Firm will be provided; or
 - ~~b.c.~~ The Broker or Brokerage Firm has been selected for an audit.
- 2. Upon receipt of the Commission's notification, a Broker or Brokerage Firm must submit a written response to the Commission. Failure to submit a written response within the time set by the Commission in its notification will be grounds for disciplinary action regardless of the question of whether the underlying complaint or audit warrants further investigation or subsequent action by the Commission. The written response must contain the following:
 - a. A complete and specific answer to the factual recitations, allegations, or averments made in the complaint filed against the Broker or Brokerage Firm, whether made by a member of the public, on the Commission's own motion, or by an authorized representative of the Commission.

- b. A complete and specific response to any additional questions, allegations, or averments presented in the notification letter.
- c. A complete transaction file and any documents or records requested in the notification letter.
- d. Any further information relative to the complaint or audit that the Broker or Brokerage Firm believes to be relevant or material to the matters addressed in the notification letter.

B. Extension to Respond

Upon request, the Commission will grant extensions of time for Brokers or Brokerage Firms to respond to any complaint or audit provided such request is reasonable.

C. Produce Records for Investigation or Audit

Brokers and Brokerage Firms must retain and produce for inspection by the Commission any document or record as may be reasonably necessary for investigation or audit in the enforcement of Commission statutes and these Rules. Failure to submit such documents or records within the time set by the Commission in its notification will be grounds for disciplinary action unless the Commission has granted an extension of time for such production.

Chapter 9: Commission Review of Initial Decisions and Exceptions

9.1. Written Form, Filing Requirements, and Service

- A. All pleadings must be in written form, mailed with a certificate of service to the Commission.
- B. All pleadings must be filed with the Commission on the date the filing is due. Computation of time for the filing timelines for Chapter 9 of these Rules is pursuant to section 2-4-108, C.R.S. A pleading is considered filed upon receipt by the Commission. Chapter 9 of these Rules does not provide for any additional time for service by mail.
- C. All pleadings must be filed with the Commission and not with the Office of Administrative Courts. Any pleadings filed in error with the Office of Administrative Courts will not be considered. The Commission's address is:

Colorado Real Estate Commission
1560 Broadway, Suite 925
Denver, CO 80202
- D. All pleadings must be served on the opposing party on the date which the pleading is filed with the Commission. Electronic service between the parties is encouraged. The date and manner must be noted on the certificate of service.

A hearing on the above subject matter will be held on Tuesday, October 5, 2021 at the Colorado Division of Real Estate, 1560 Broadway, Suite 110-C, Denver, Colorado 80202 beginning at 9:00 a.m. Also, the virtual webinar of the meeting may be accessed at the following link:

<https://attendee.gotowebinar.com/register/7828654042581103115>

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

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Proposed Rulemaking

Tracking number

2021-00520

Department

700 - Department of Regulatory Agencies

Agency

725 - Division of Real Estate

CCR number

4 CCR 725-6

Rule title

SUBDIVISIONS AND TIMESHARES

Rulemaking Hearing**Date**

10/05/2021

Time

09:00 AM

Location

Virtual Rulemaking Hearing - 1560 Broadway; Denver, CO 80202

Subjects and issues involved

RULES GOVERNING SUBDIVISIONS AND TIMESHARES OF THE REAL ESTATE
COMMISSION

Statutory authority

The statutory basis for the rules titled Subdivisions and Timeshares is Part 5 of Title 12, Article 10, Colorado Revised Statutes, as amended.

Contact information**Name**

Martha Torres-Recinos

Title

Rulemaking Coordinator

Telephone

303-894-2359

Email

marthal.torres-recinos@state.co.us

DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE COMMISSION
4 CCR 725-6

RULES GOVERNING SUBDIVISIONS AND TIMESHARES OF THE REAL ESTATE COMMISSION

NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
October 5, 2021 at 9:00 AM MST

Division of Real Estate Office
1560 Broadway
Conference Room 110C
Denver, CO 80202

VIRTUAL MEETING REGISTRATION LINK:

<https://attendee.gotowebinar.com/register/7828654042581103115>

Pursuant to and in compliance with Title 12, Article 10 and Title 24, Article 4, C.R.S., as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the state of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission ("Commission") to promulgate rules, or to amend, repeal, or repeal and re-enact the present rules of the Commission.

The hearing more than likely will only be conducted in a virtual setting. All interested parties are urged to attend this public hearing by registering for the webinar on the Division's website at dre.colorado.gov and to submit written comments concerning the proposed amended rules in advance if possible for consideration.

In order to facilitate the review of comments by the Commission, all interested parties are strongly encouraged to submit their written comments to Eric Turner via email at eric.turner@state.co.us on or before 5:00 p.m. on September 24, 2021. Any written comments not received by September 24, 2021 may be submitted via public testimony at the hearing on October 5, 2021.

STATEMENT OF BASIS

The statutory basis for the rules titled Subdivisions and Timeshares is Part 5 of Title 12, Article 10, Colorado Revised Statutes, as amended. The specific authority under which the Commission shall establish these rules is set forth in sections 12-10-506(5) and 12-10-506(6), C.R.S.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive pursuant to section 24-4-103.3., C.R.S. (Senate Bill 14-063) along with promulgating the necessary and appropriate rules in conformity with the state statutes of the Subdivision Developer's Act.

SPECIFIC PURPOSE OF RULEMAKING

The specific purpose of this rulemaking is modifying, adding, or repealing the administrative rules regarding the Real Estate Commission's subdivision and timeshare rules which includes definitions, application for registration, registration and certification, professional standards, declaratory orders,

and review of initial decisions and exceptions. These administrative rules set forth the registration, certification, and enforcement requirements for a developer of subdivisions. In compliance with the mandatory rule review required by section 24-4-103.3., C.R.S., the Division of Real Estate, on behalf of the Real Estate Commission, conducted a review of all of the Commission's rules relating to the Subdivision Developer's Act to assess the continuing need for, the appropriateness, and cost-effectiveness of the rules. The review also determined whether the rules should be continued in their current form, modified, or repealed. After consultation with stakeholders, the proposed rules have been re-organized, and re-formatted in a more efficient and effective manner that continues to ensure consumer protection as well as promoting a fair and balanced regulatory environment. Please be advised that the proposed amended rules being considered are subject to further changes and modifications after public comment and the formal hearing.

Proposed New, Amended, Repealed, or Repealed and Re-Enacted Rules

Deleted material shown ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at dre.colorado.gov. Annotations are highlighted in yellow.

Note: Chapter 1 – Registration, Certification and Application is repealed in its entirety and the chapter is being renamed **Chapter 1 – Definitions** and is re-enacted below.

The following rules will be recodified and be relocated if adopted by the Colorado Real Estate Commission at the rulemaking hearing. The left-hand column indicates the rule as it existed prior to the rulemaking hearing and the right-hand column indicates the rule as it will exist upon adoption and effective date of November 30, 2021.

Prior to the hearing: November 30, 2021 and thereafter:

Rule 1.1.....	Rule 3.2.
Rule 1.2.....	Rule 4.1.
Rule 1.3.....	Rule 2.1.
Rule 1.4.....	Rule 2.9.
Rule 1.5.....	Rule 2.8.
Rule 1.6.....	Rule 3.3.
Rule 1.7.....	Rule 4.9.A.
Rule 1.8.....	Rule 4.9.C.

~~Chapter 1: Registration, Certification and Application~~

~~1.1 The Registration and Certification of a Subdivision Developer (Developer) under Title 12, Article 10, Part 5, C.R.S., does not exempt the developer from the requirements for the licensing of real estate brokers under Title 12, Article 10, Part 1, C.R.S. Exemptions from the licensing of real estate brokers are made pursuant to §12-10-201(6)(b), C.R.S.~~

~~1.2 The person, firm, partnership, joint venture, limited liability company, association, corporation or other legal entity, or combination thereof, who will sign as seller or lessor in any contract of sale, lease, deed or any other instrument purporting to convey any site, tract, lot, divided or undivided interest from a subdivision, must secure a registration under §12-10-503, C.R.S., (Developer Certificate) before negotiating or agreeing to sell, lease or transfer and before any sale, lease or transfer is made. If such person is acting only as a trustee, the beneficial owner of the subdivision must secure a Developer Certificate.~~

~~1.3 If an Applicant is:~~

- ~~a. — A corporation, a director or an authorized officer must apply on behalf of said corporation.~~
 - ~~b. — A partnership or limited partnership, one of the general partners must apply on behalf of the partnership or limited partnership.~~
 - ~~c. — A joint owner of the subdivision, such owner may apply on behalf of all joint owners of such subdivision.~~
 - ~~d. — A limited liability company, one of the managers or member managers must apply on behalf of the company.~~
 - ~~e. — With respect to any other type of developer that is other than a natural person, a person authorized to act on behalf of such entity, as demonstrated by such documents in a form satisfactory to the Commission, will apply on behalf of that entity.~~
- ~~1.4 — The Real Estate Commission (Commission) will issue a Developer Certificate, deny registration or demand further information within sixty (60) calendar days from the date of receipt of the application by the Commission.~~
- ~~1.5 — If the Commission requires additional information, the Commission will give written notice in detail of the information so required and will allow an additional sixty (60) calendar days to present such material before denial of the application, which period may be extended only upon showing of good cause.~~
- ~~1.6 — Notification in writing must be made to the Commission within ten (10) calendar days of any change in the principal office address of the developer or the natural person, or any other change in the information submitted pursuant to §12-10-503, C.R.S.~~
- ~~1.7 — Pursuant to §12-10-505, C.R.S., any developer who has received written notification from the Commission that a complaint has been filed against the developer, must submit a written answer to the Commission within a reasonable time as set by the Commission.~~
- ~~1.8 — Failure to submit any written response required by Rule 1.7 will be grounds for disciplinary action unless the Commission has granted an extension of time, or unless such answer would subject such person to a criminal penalty.~~

Chapter 1: Definitions

- 1.1. Applicant: A person or entity seeking registration from the Commission to act in the capacity of a Developer pursuant to section 12-10-504(1), C.R.S.
- 1.2. Business Record: The Consumer Agreement, financing agreement, buyer and seller settlement statement, title policy, trust deed, escrow agreement, and any other documents executed by or on behalf of the Developer in the sale, lease or transfer of any interest in a Subdivision, including records showing the receipt and disbursement of any money or assets received or paid on behalf of any homeowners' or similar association managed or controlled by a Developer.
- 1.3. Commission: The Colorado Real Estate Commission as defined pursuant to section 12-10-501(1), C.R.S.
- 1.4. Consumer: A natural person, corporation, company, limited liability company, partnership, firm, association, or other legal entity.

- 1.5. Consumer Agreement: A written agreement between a Consumer and a Developer in the sale, lease or transfer of any interest in a Subdivision, which includes but is not limited to, sales contract, purchase agreement, lease agreement, right-to-use contract, points-based contract, and installment contract.
- 1.6. Deemed Complete: An Applicant has submitted a complete and satisfactory application in compliance with sections 12-10-502 and 12-10-503, C.R.S. that includes the Fee and the accompanying required documentation as set forth in Chapter 2 of these Rules.
- 1.7. Day: any calendar day and includes Saturday, Sunday, and legal holidays.
- 1.8. Developer: Has the same meaning pursuant to section 12-10-501(2), C.R.S.
- 1.9. Developer Certificate: Certificate issued by the Commission or Division upon meeting the registration requirements pursuant to sections 12-10-503 and 504, C.R.S.
- 1.10. Division: The Colorado Division of Real Estate as defined pursuant to section 12-10-101(2), C.R.S.
- 1.11. Electronic Record: Has the same meaning set forth in the Uniform Electronic Transaction Act in sections 24-71.3-101, et. seq., C.R.S.
- 1.12. Electronic Signature: Has the same meaning set forth in the Uniform Electronic Transaction Act in sections 24-71.3-101, et. seq., C.R.S.
- 1.13. Equivalency Filing: An application for a Developer Certificate, a supplemental application to add a Subdivision to an existing Developer Certificate, or a supplemental application to otherwise amend an existing Developer Certificate, wherein the Developer is currently regulated in another state and submits evidence in form and substance acceptable to the Commission that the registration requirements are substantially equivalent to the Practice Act or that provide substantially comparable protection to a purchaser.
- 1.14. Exchange Program: Any method, arrangement, or procedure for the voluntary exchange of the right to use and occupy accommodations and facilities among owners. The term does not include the assignment of the right to use and occupy accommodations and facilities to owners pursuant to a particular Time Shares plan's reservation system.
- 1.15. Fee: The prescribed non-refundable license fee as set by the Division.
- 1.16. Nondisturbance Agreement: Agreement by which the holder of a blanket encumbrance against a project agrees that its rights in the project will be subordinate to the rights of the purchasers.
- 1.17. Petitioner: For the purposes of implementing the provisions of Chapter 5 of these Rules, any person who has filed with the Commission a petition or has been granted leave to intervene by the Commission for a declaratory order pursuant to section 24-4-105(11), C.R.S. and as set forth in Chapter 5 of these Rules.
- 1.18. Practice Act: The Subdivision Developer's Act found at sections 12-10-501, et. seq., C.R.S.
- 1.19. Reservation Agreement: A revocable right to purchase an interest in a Subdivision project for which a Developer Certificate from the Commission or Division has not yet been obtained.

1.20. Safe and Secure Manner: Reasonable measures are taken to minimize the risk of loss, damage, or theft.

1.21. Subdivision: Has the same meaning pursuant to sections 12-10-501(3)(a) and (3)(b)(I), C.R.S.

1.22. Time Share: Has the same meaning pursuant to section 12-10-501(4), C.R.S.

Note: Chapter 2 – Records, Required Information is repealed in its entirety and the chapter is being renamed **Chapter 2 – Application for Registration** and is re-enacted below.

The following rules will be recodified and be relocated if adopted by the Colorado Real Estate Commission at the rulemaking hearing. The left-hand column indicates the rule as it existed prior to the rulemaking hearing and the right-hand column indicates the rule as it will exist upon adoption and effective date of November 30, 2021.

Prior to the hearing: November 30, 2021 and thereafter:

Rule 2.1.....	Rule 3.4.A.
Rule 2.2.....	Rule 2.1.B.
Rule 2.3.....	Rule 2.10.
Rule 2.4.....	repealed
Rule 2.5.....	Rule 3.4.B.
Rule 2.6.....	Rule 3.1.
Rule 2.7.....	Rule 2.3. and 4.3.
Rule 2.7(m).....	Rule 2.4. and 4.3.
Rule 2.7(n).....	Rule 2.5. and 4.3.
Rule 2.7(o).....	Rule 2.5. and 4.3.
Rule 2.7(p).....	Rule 2.6. and 4.3.
Rule 2.7(p)(3).....	repealed
Rule 2.7(p)(7).....	repealed
New Rule.....	Rule 2.1.D.
New Rule.....	Rule 2.2.A.
New Rule.....	Rule 2.2.B.
New Rule.....	Rule 2.7.

Chapter 2: ~~Records, Required Information~~

2.1 ~~Records as required by Title 12, Article 10, C.R.S., and rules promulgated by the Commission, may be maintained in electronic format as permitted by Title 24, Article 71.3, C.R.S. such electronic records must be in a format that has the continued capability to be retrieved and legibly printed. The developer must produce printed records upon request of the Commission, or by any principal party to a transaction.~~

2.2 ~~In addition to §12-10-503, C.R.S., the applicant for a developer certificate must provide the Commission with the following information concerning the subdivision(s) to be registered:~~

a. ~~The address or actual physical location of each subdivision from which sales are intended to be made.~~

b. ~~Copies of a recorded deed or other documents evidencing the developer's title or other interest in the subdivision(s) and a title commitment, policy or report, abstract and opinion, or other evidence acceptable to the Commission documenting the condition of such title or interest.~~

- c. ~~Sample copies of contracts of sale, notes, deeds, leases and other legal documents prepared by the developer or an attorney representing the developer which are to be used to effectuate the sale or lease of the subdivision or any part thereof. The Commission may disapprove the form of the documents submitted and may deny an application for registration until such time as the applicant submits such documents in forms that are satisfactory to the Commission.~~
 - d. ~~In compliance with §12-10-503(3)(e), C.R.S., a developer registering a subdivision that incorporates time share use and is subject to one or more blanket encumbrances must submit to the Commission a "Nondisturbance Agreement" by which the holder of each blanket encumbrance against the subdivision agrees that its rights in the subdivision will be subordinate to the rights of the time share use purchasers. From and after the recording of a nondisturbance agreement, the holder of the blanket encumbrance executing the same, such holder's successors and assigns, and any person who acquires all or part of the subdivision through the subject blanket encumbrance, will take the property subject to the rights of the time share use purchasers. Every nondisturbance agreement must contain the covenant of the holder of the blanket encumbrance that such person or any other person acquiring all or part of the subdivision through such blanket encumbrance will not use or cause the subdivision to be used in a manner which would prevent the time share use purchasers from using and occupying the subdivision in a manner contemplated by the time share use plan. any other "trust" or "escrow" arrangement which fully protects the time share use purchasers' interest in the subdivision as contemplated by §12-10-503(3)(e), C.R.S., may be approved by the Commission.~~
 - e. ~~If the developer is other than a natural person, proof of formation and registration in accordance with state and local requirements must accompany the application.~~
 - f. ~~Copies of the recorded declaration, covenants, filed articles of incorporation/organization and bylaws/operating agreement of any homeowners' association.~~
- 2.3 ~~Pursuant to §12-10-502(2), C.R.S., where a developer receives cash or receivables from a purchaser for an uncompleted subdivision, the Commission will register such developer only after:~~
- a. ~~The developer deposits in an escrow account, with an independent escrow agent, all funds and receivables received from purchasers, or~~
 - b. ~~The developer obtains a letter of credit or bond payable to an independent escrow agent or establishes any other financial arrangement acceptable to the Commission, the purpose of which is to ensure completion of subdivision accommodations and facilities and to protect the purchaser's interest in the subdivision accommodations and facilities.~~
- 2.4 ~~A developer must furnish to the Commission such additional information as the Commission deems necessary both during the application process and during the active registration period of the subdivision for the enforcement of §12-10-501, et seq., C.R.S.~~
- 2.5 ~~Developer must maintain all business records related to the subdivision development in a safe and secure manner for a period of at least seven (7) years from the effective date of each such business record.~~
- 2.6 ~~Renewal of the registration and certification as a developer can be executed only on the renewal application provided by the Commission, and must be delivered to the Commission, accompanied by the proper fees, on or before December 31st of each year.~~

2.7 Pursuant to §12-10-506(6)(a), C.R.S., and §12-10-506(7), C.R.S., developer must supply the following information to the Commission in addition to the requirements of §12-10-503, C.R.S., and §12-10-504(4), C.R.S., and prior to contracting with the public must disclose to prospective purchasers in the sales contract or in a separate written disclosure document, the following:

- a. The name and address of the developer and of the subdivision lots or units.
- b. An explanation of the type of ownership or occupancy rights being offered.
- c. A general description of all facilities, amenities and accommodations, together with provisions for and the availability of legal access, roads, sewage disposal, public utilities (including water, electricity, gas, internet and telephone) and other promised facilities in the subdivision. The disclosure must identify and describe the specific amenities promised, the ownership of such amenities, the projected completion date of any amenities not completed, a statement setting forth the type of financial arrangements established in compliance with Rule 2.3, and the allocation of the amenity expense among the developer, the purchaser and any third party.
- d. In compliance with §12-10-505(1)(h), C.R.S., a statement in bold print immediately prior to the purchaser's signature line on the sales contract disclosing the rescission right available to purchasers and that the rescission right cannot be waived; the minimum allowable rescission period in Colorado is five (5) calendar days after execution of the sales contract.
- e. A general description of all judgments and administrative orders issued against the seller, developer, homeowners' association or managing entity which are material to the subdivision development and operational plan.
- f. Any taxes or assessments, existing or proposed, to which the purchaser may be subject or which are unpaid at the time of contracting, including obligations to special taxing authorities or districts.
- g. A statement that sales must be made by brokers licensed by the State of Colorado unless specifically exempted pursuant to §12-10-201(6)(b), C.R.S.; the sales contract must disclose the name of the real estate brokerage firm and the name of the broker establishing a brokerage relationship with the developer.
- h. When a separate document is used to make any of the disclosures required in Rule 2.7 herein, this statement must appear in bold print on the first page of the document and preceding the disclosure: **"the State of Colorado has not prepared or issued this document nor has it passed on the merits of the subdivision described herein."**
- i. A statement that all funds paid by the purchaser prior to delivery of the lease, deed or other instrument purporting to convey any interest in the site, tract, lot, divided or undivided interest from a subdivision will be held in trust by the licensed real estate broker named in the contract or a clear statement specifically setting forth who such funds will be delivered to, when such delivery will occur, the use of said funds, and whether or not there is any restriction on the use of such funds. (This must be disclosed in the contract.)
- j. Where a deed is issued, a statement that, immediately following the date of closing, the purchaser's deed will be delivered to the appropriate county Clerk and Recorder's office for recording, or a clear statement specifically setting forth when such delivery and recording of the deed will occur; for the purposes of this rule, the date of closing is defined as the date the purchaser has either paid the full cash purchase price or has

~~made partial cash payment and executed a promissory note or other evidence of indebtedness for the balance of the purchase price. (See Rule 4.7) (This must be disclosed in the contract.)~~

k. ~~A statement that a title insurance policy will be delivered at no expense to the purchaser within sixty (60) calendar days following recording of the deed or the closing, whichever is earlier, unless specifically agreed to the contrary by the parties in the contracting instrument. (See Rule 4.8) (This must be disclosed in the contract.)~~

l. ~~A contract which requires the execution of a promissory note or other evidence of indebtedness that accrues interest or requires payments prior to the recording of a deed, will be deemed to be an installment contract pursuant to §12-10-503(3)(g), C.R.S. where an installment contract is used:~~

1. ~~Whether or not the purchaser's deed is escrowed with an independent escrow agent and if so, the name and address of the escrow agent. (This must be disclosed in the contract.);~~

2. ~~The amount of any existing encumbrance(s), the name and address of the encumbrancer, and the conditions, if any, under which a purchaser may cure a default caused by non payment;~~

3. ~~A clear statement that a default on any underlying encumbrance(s) could result in the loss of the purchaser's entire interest in the property;~~

4. ~~A clear statement advising the purchaser to record the installment contract; and~~

5. ~~Pursuant to §12-10-503(3)(e), C.R.S., an agreement by which the holder of any blanket encumbrance against the subdivision agrees that its rights and the rights of its successors or assigns in the subdivision will be subordinate to the rights of purchasers, or any other "trust", "escrow" or release arrangement which fully protects the purchasers' interest in the subdivision.~~

m. ~~If the subdivision has a homeowners' or similar association:~~

1. ~~Whether membership in such association is mandatory;~~

2. ~~An estimate of association dues and fees which are the responsibility of the purchaser and the developer, respectively;~~

3. ~~A description of the services and amenities provided by the association;~~

4. ~~Whether the developer has voting control of the association and the manner in which such control can or will be transferred; and~~

5. ~~Whether the developer has any financial interest in or will potentially derive any income or profit from such association, including the developer's right to borrow or authorize borrowing from the association.~~

n. ~~In addition to the disclosures in (a) through (m) above, if time share sales are to be made from a subdivision:~~

1. ~~A description of the time share units including the number of time share units, the length, type and number of time share interests in each unit, and the time share periods constituting the time share plan;~~

- ~~2. The name and business address of the managing entity appointed by the developer or homeowners' association, a description of the services that the managing entity will provide, a statement as to whether the developer has any financial interest in or will potentially derive any income or profit from such managing entity, and the manner, if any, by which the purchaser or developer may change the managing entity or transfer the control of the managing entity;~~
 - ~~3. An estimate of the dues, maintenance fees, real property taxes and similar periodic expenses which are the responsibility of the purchaser and the developer, respectively, and a general statement of the conditions under which future charges, changes or additions may be imposed. Such estimate must include a statement as to whether a maintenance reserve fund has been or will be established; the manner in which such reserve fund is financed; an accounting of any outstanding obligations either in favor of or against the fund; the developer's right to borrow or authorize borrowing from the fund; and the method of periodic accounting which will be provided to the purchaser;~~
 - ~~4. A description of any insurance coverage(s) provided for the benefit of purchasers; and~~
 - ~~5. That mechanic's liens law may authorize enforcement of the lien by selling the entire time share unit.~~
- ~~e. In addition to the disclosures in (a) through (n) above, if time share sales are to be made from a subdivision:~~
- ~~1. The specific term of the contract to use and what will happen to a purchaser's interest upon termination of said contract;~~
 - ~~2. A statement as to the effect a voluntary sale, by the developer to a third party, will have on the contractual rights of time share owners;~~
 - ~~3. A statement that an involuntary transfer by bankruptcy of the developer may have a negative effect on the rights of the time share owners; and~~
 - ~~4. A statement that a Federal or State tax lien could be enforced against the developer by compelling the sale of the entire subdivision.~~
- ~~p. If time shares are to be sold from a subdivision which: (1) contains two or more component sites situated at different geographic locations or governed by separate sets of declarations, by laws or equivalent documents; and (2) does not include a guaranteed, recurring right of use or occupancy at a single component site:~~
- ~~1. For each component site, the information and disclosures required by Rule 2.7 (a) through (e);~~
 - ~~2. A general description of the subdivision;~~
 - ~~3. For each term of usage or interest offered for sale, the total annual number of available daily use periods within the entire subdivision and within each component site for that term, regardless of whether such use periods are offered to a purchaser by days, weeks, points or otherwise, and a calculation represented on a chart or grid showing each component site's annual daily use periods as a percentage of the entire subdivision's annual daily use periods;~~

4. ~~A clear description in the sales contract of the interest and term of usage being purchased and a definite date of termination of the purchaser's interest in the subdivision, which date will be not later than the termination date of the subdivision's interest in a specifically identified component site;~~
5. ~~A clear disclosure and description of any component site which is not legally guaranteed to be available for the purchaser's use for the full term of the purchaser's usage interest;~~
6. ~~The system and method in place to assure maintenance of no more than a one-to-one ratio of purchasers' use rights to the number of total use rights in the subdivision for each term of usage being offered for sale, including provisions for compensation to purchasers resulting from destruction of a component site or loss of use rights to any component site;~~
7. ~~Whether the developer maintains any type of casualty insurance for the component sites in addition to that maintained by the site's homeowners' association or other interested parties, including the manner of disposition of any proceeds of such insurance resulting from the destruction or loss of use rights to any component site;~~
8. ~~A description of the system or program by which a purchaser obtains a recurring right to use and occupy accommodations and facilities in any component site through use of a reservation system or otherwise, including any restrictions on such rights or any method by which a purchaser is denied an equal right with all other users to obtain the use of any accommodation in the subdivision;~~
9. ~~A description of the management and ownership of such reservation system or program, whether through the developer, a homeowners' association, a club or otherwise, including the purchaser's direct or indirect ownership interest or rights of control in such reservation system;~~
10. ~~Whether the developer, club or association which controls the reservation system or any other person has or is granted any interest in unsold, non-reserved or unused use rights and whether the developer, club, association or other person may employ such rights to compete with purchasers for use of accommodations in the subdivision or any component site and, if so, the nature and specifics of those rights, including the circumstances under which they may be employed;~~
11. ~~The method and frequency of accounting for any income derived from unsold, non-reserved or unused use rights in which the purchaser, either directly or indirectly, has an interest;~~
12. ~~The system and method in place, including business interruption insurance or bonding, to provide secure back-up or replacement of the reservation system in the event of interruption, discontinuance or failure;~~
13. ~~The amount and details of any component site, reservation system or other periodic expense required to be paid by a purchaser, the name of the person or entity to which such payments will be made, and the method by which the purchaser will receive a regular periodic accounting for such payments;~~
14. ~~If component site expenses are included in those periodic payments made by a purchaser, a statement for each component site from the homeowners' association or other responsible entity acknowledging that payment of such~~

~~expenses as taxes, insurance, dues and assessments are current and are being made in the name of the subdivision;~~

- ~~15. Evidence that an escrow system with an independent escrow agent is in place for receipt and disbursement of all moneys collected from purchasers that are necessary to pay such expenses as taxes, insurance and common expenses and assessments owing to component site homeowners' associations or others, or a clear description of the method by which such funds will be paid, collected, held, disbursed and accounted for;~~
- ~~16. A clear statement in the sales contract as to whether a purchaser's rights, interests or terms of usage for any component site within the subdivision can subsequently be modified from those terms originally represented and a description of the method by which such modification may occur;~~
- ~~17. If the subdivision documents allow additions or substitutions of accommodations or component sites, a clear description of the purchaser's rights and obligations concerning such additions or substitutions and the method by which such additions or substitutions will comply with the provisions of this rule; and~~
- ~~18. A clear description of any existing incidental benefits or amenities which are available to the purchaser at the time of sale but to which the purchaser has no guaranteed right of recurring use or enjoyment during the purchaser's full term of interest in the subdivision.~~

Chapter 2: Application for Registration

2.1. Registration Requirements for an Initial Developer's Certificate

A. If an Applicant is:

1. A corporation, a director or an authorized officer must apply on behalf of said corporation.
2. A partnership or limited partnership, one of the general partners must apply on behalf of the partnership or limited partnership.
3. A joint owner of the Subdivision, such owner may apply on behalf of all joint owners of such Subdivision.
4. A limited liability company, one of the managers or member-managers must apply on behalf of the company.
5. With respect to any other type of Developer that is other than a natural person, a person authorized to act on behalf of such entity, as demonstrated by such documents in a form satisfactory to the Commission, will apply on behalf of that entity.

B. In addition to section 12-10-503, C.R.S., the Applicant for a Developer Certificate must provide the Commission with the following information concerning each Subdivision to be registered:

1. The address or actual physical location of each Subdivision from which sales are intended to be made;

2. Copies of a recorded deed or other documents evidencing the Developer's title or other interest in the Subdivision and a title commitment, policy or report, abstract and opinion, or other evidence acceptable to the Commission documenting the condition of such title or interest;
 3. Sample copies of the Consumer Agreement, notes, deeds, and other legal documents prepared by the Developer or an attorney representing the Developer which are to be used to effectuate the sale or lease of the Subdivision or any part thereof. The Commission may disapprove the form of the documents submitted and may deny an application for registration until such time as the Applicant submits such documents in forms that are satisfactory to the Commission;
 4. In compliance with section 12-10-503(3)(e), C.R.S., a Developer registering a Subdivision that incorporates Time Share use and is subject to one or more blanket encumbrances must submit to the Commission a Nondisturbance Agreement by which the holder of each blanket encumbrance against the Subdivision agrees that its rights in the Subdivision will be subordinate to the rights of the time share use purchasers. From and after the recording of a Nondisturbance Agreement, the holder of the blanket encumbrance executing the same, such holder's successors and assigns, and any person who acquires all or part of the Subdivision through the subject blanket encumbrance, will take the property subject to the rights of the Time Share use purchasers. Every Nondisturbance Agreement must contain the covenant of the holder of the blanket encumbrance that such person or any other person acquiring all or part of the Subdivision through such blanket encumbrance will not use or cause the Subdivision to be used in a manner which would prevent the Time Share use purchasers from using and occupying the Subdivision in a manner contemplated by the Time Share use plan. Any other trust or escrow arrangement which fully protects the Time Share use purchasers' interest in the Subdivision as contemplated by section 12-10-503(3)(e), C.R.S., may be approved by the Commission;
 5. If the Developer is other than a natural person, proof of formation and registration in accordance with state and local requirements must accompany the Application; and
 6. Copies of the recorded declaration of the Subdivision.
- C. Copies of required information and disclosures as set forth in Rules 2.3., 2.4., 2.5., and 2.6. as applicable.
- D. Registration of Developers Regulated in Another State

Pursuant to section 12-10-503(1), C.R.S., the Commission in its sole discretion may accept an Equivalency Filing from a Developer as an application for a Developer Certificate. The Developer may be deemed to have fully or partially satisfied, and be in compliance with, sections 12-10-503(2) and 12-10-503(3), C.R.S., and Rules 2.1(B), 2.3., 2.4., 2.5., 2.6., 4.2., and 4.3. as determined by the Commission.

2.2. Addition of a Subdivision to an Existing Developer Certificate

A Developer may add an additional Subdivision to an existing Developer Certificate by completing the Division created supplemental application and submitting the following information:

- A. The Developer must provide the information pursuant to section 12-10-503(3), C.R.S., and Rules 2.1(B), 2.3., 2.4., 2.5., and 2.6. as applicable; or

B. In connection with an Equivalency Filing, the Developer must provide the information that was required at time of initial registration as set forth in Rule 2.1(D), as applicable.

2.3. Copies of Written Disclosures

Pursuant to sections 12-10-506(6)(a), C.R.S., and 12-10-506(7), C.R.S., the Developer must supply the following information to the Commission in addition to the required information set forth in Rule 2.1 and prior to contracting with the public must disclose this information to prospective purchasers in the Consumer Agreement or in a separate written disclosure document:

A. The name and address of the Developer and of the Subdivision lots or units.

B. An explanation of the type of ownership or occupancy rights being offered.

C. A general description of all facilities, amenities and accommodations. As applicable for any uncompleted Subdivision, the Developer must also supply the provisions for and the availability of legal access, roads, sewage disposal, public utilities (including water, electricity, gas, internet and telephone) and other promised facilities in the Subdivision. The disclosure must identify and describe the specific amenities promised, the ownership of such amenities, the projected completion date of any amenities not completed, a statement setting forth the type of financial arrangements as set forth in Rule 2.10.A., and the allocation of the amenity expense among the Developer, the purchaser and any third party.

D. In compliance with section 12-10-505(1)(h), C.R.S., a statement in bold print immediately prior to the purchaser's signature line on the Consumer Agreement disclosing the rescission right available to purchasers and that the rescission right cannot be waived; the minimum allowable rescission period in Colorado is five (5) Days after execution of the Consumer Agreement.

E. A general description of all judgments and administrative orders issued against the seller, Developer, homeowners' association or managing entity which are material to the Subdivision development and operational plan.

F. Any taxes or assessments, existing or proposed, to which the purchaser may be subject, or which are unpaid at the time of contracting, including obligations to special taxing authorities or districts.

G. A statement that sales must be made by brokers licensed by the State of Colorado unless specifically exempted pursuant to section 12-10-201(6)(b), C.R.S.; the Consumer Agreement must disclose the name of the real estate brokerage firm and the name of the broker establishing a brokerage relationship with the Developer.

H. When a separate document is used to make any of the disclosures as set forth in this Rule and Rules 2.4., 2.5., and 2.6., this statement must appear in bold print on the first page of the document and preceding the disclosure: **"The Colorado Real Estate Commission has not prepared or issued this document nor has it passed on the merits of the subdivision described herein."**

I. A statement that all funds paid by the purchaser prior to delivery of the lease, deed or other instrument purporting to convey any interest in the site, tract, lot, divided or undivided interest from a Subdivision will be held in trust by the licensed real estate broker named in the Consumer Agreement, or a clear statement specifically setting forth who such funds will be delivered to, when such delivery will occur, the use of said funds, and whether or not there is any restriction on the use of such funds.

J. Where a deed is issued, a statement that, immediately following the date of closing, the purchaser's deed will be delivered to the appropriate county Clerk and Recorder's office for recording, or a clear statement specifically setting forth when such delivery and recording of the deed will occur; for the purposes of this Rule, the date of closing is defined as the date the purchaser has either paid the full cash purchase price or has made partial cash payment and executed a promissory note or other evidence of indebtedness for the balance of the purchase price. A statement that a title insurance policy will be delivered at no expense to the purchaser within sixty (60) Days following recording of the deed or the closing, whichever is earlier, unless specifically agreed to the contrary by the parties in the contracting instrument.

K. A Consumer Agreement which requires the execution of a promissory note or other evidence of indebtedness that accrues interest or requires payments prior to the recording of a deed, will be deemed to be an installment contract pursuant to section 12-10-503(3)(g), C.R.S. where an installment contract is used:

1. A statement whether or not the purchaser's deed is escrowed with an independent escrow agent and if so, the name and address of the escrow agent;
2. The amount of any existing encumbrance(s), the name and address of the encumbrancer, and the conditions, if any, under which a purchaser may cure a default caused by non-payment;
3. A clear statement that a default on any underlying encumbrance(s) could result in the loss of the purchaser's entire interest in the property;
4. A clear statement advising the purchaser to record the installment contract; and
5. Pursuant to section 12-10-503(3)(e), C.R.S., an agreement by which the holder of any blanket encumbrance against the Subdivision agrees that its rights and the rights of its successors or assigns in the Subdivision will be subordinate to the rights of purchasers, or any other trust, escrow or release arrangement which fully protects the purchasers' interest in the Subdivision.

2.4. Copies of Written Disclosures If the Subdivision Has a Homeowners' or Similar Association

- A. Whether membership in such association is mandatory;
- B. An estimate of association dues and fees which are the responsibility of the purchaser and the Developer, respectively;
- C. A description of the services and amenities provided by the association;
- D. Whether the Developer has voting control of the association and the manner in which such control can or will be transferred; and
- E. Whether the Developer has any financial interest in or will potentially derive any income or profit from such association, including the Developer's right to borrow or authorize borrowing from the association.

2.5. Copies of Written Disclosure If Time Share Sales are to be Made from a Subdivision:

- A. Information and disclosures as set forth in Rules 2.3. and 2.4.;

- B. A description of the Time Share units including the number of Time Share units, the length, type and number of Time Share interests in each unit, and the Time Share periods constituting the Time Share plan;
- C. The name and business address of the managing entity appointed by the Developer or homeowners' association, a description of the services that the managing entity will provide, a statement as to whether the Developer has any financial interest in or will potentially derive any income or profit from such managing entity, and the manner, if any, by which the purchaser or Developer may change the managing entity or transfer the control of the managing entity;
- D. An estimate of the dues, maintenance fees, real property taxes and similar periodic expenses which are the responsibility of the purchaser and the Developer, respectively, and a general statement of the conditions under which future charges, changes or additions may be imposed. Such estimate must include a statement as to whether a maintenance reserve fund has been or will be established; the manner in which such reserve fund is financed; an accounting of any outstanding obligations either in favor of or against the fund; the Developer's right to borrow or authorize borrowing from the fund; and the method of periodic accounting which will be provided to the purchaser;
- E. A description of any insurance coverage(s) provided for the benefit of Time Share owners;
- F. A statement that mechanic's liens law may authorize enforcement of the lien by selling the entire Time Share unit;
- G. A statement on whether the Time Share interest is perpetual or for a term of years and, if for a term of years, the length and expected termination date of the term;
- H. A statement as to the effect a voluntary sale, by the Developer to a third party, will have on the contractual rights of Time Share owners;
- I. A statement that an involuntary transfer by bankruptcy of the Developer may have a negative effect on the rights of the Time Share owners; and
- J. A statement that a Federal or State tax lien could be enforced against the developer by compelling the sale of the entire Subdivision.

2.6. Copies of Written Disclosures If Time Shares are to be Sold from a Subdivision Which: Contains Two (2) or More Component Sites Situated at Different Geographic Locations or Governed by Separate Sets of Declarations, By-Laws or Equivalent Documents; and Does Not Include a Guaranteed, Recurring Right of Use or Occupancy at a Single Component Site:

- A. For each component site, the information and disclosures as set forth in Rules 2.3., 2.4., and 2.5.;
- B. A general description of the Subdivision;
- C. A clear description in the Consumer Agreement of the interest and term of usage being purchased and a definite date of termination of the purchaser's interest in the Subdivision, which date will be not later than the termination date of the Subdivision's interest in a specifically identified component site;
- D. A clear disclosure and description of any component site which is not legally guaranteed to be available for the purchaser's use for the full term of the purchaser's usage interest;

- E. The system and method in place to assure maintenance of no more than a one- to-one ratio of purchasers' use rights to the number of total use rights in the Subdivision for each term of usage being offered for sale, including provisions for compensation to purchasers resulting from destruction of a component site or loss of use rights to any component site;
- F. A description of the system or program by which a purchaser obtains a recurring right to use and occupy accommodations and facilities in any component site through use of a reservation system or otherwise, including any restrictions on such rights or any method by which a purchaser is denied an equal right with all other users to obtain the use of any accommodation in the Subdivision;
- G. A description of the management and ownership of such reservation system or program, whether through the Developer, a homeowners' association, a club or otherwise, including the purchaser's direct or indirect ownership interest or rights of control in such reservation system;
- H. Whether the Developer, club or association which controls the reservation system or any other person has or is granted any interest in unsold, non-reserved or unused use rights and whether the Developer, club, association or other person may employ such rights to compete with purchasers for use of accommodations in the Subdivision or any component site and, if so, the nature and specifics of those rights, including the circumstances under which they may be employed;
- I. The method and frequency of accounting for any income derived from unsold, non-reserved or unused use rights in which the purchaser, either directly or indirectly, has an interest;
- J. The system and method in place, including business interruption insurance or bonding, to provide secure back-up or replacement of the reservation system in the event of interruption, discontinuance or failure;
- K. The amount and details of any component site, reservation system or other periodic expense required to be paid by a purchaser, the name of the person or entity to which such payments will be made, and the method by which the purchaser will receive a regular periodic accounting for such payments;
- L. If component site expenses are included in those periodic payments made by a purchaser, a statement for each component site from the homeowners' association or other responsible entity acknowledging that payment of such expenses as taxes, insurance, dues and assessments are current and are being made in the name of the Subdivision;
- M. Evidence that an escrow system with an independent escrow agent is in place for receipt and disbursement of all moneys collected from purchasers that are necessary to pay such expenses as taxes, insurance and common expenses and assessments owing to component site homeowners' associations or others, or a clear description of the method by which such funds will be paid, collected, held, disbursed and accounted for;
- N. A clear statement as to whether a purchaser's rights, interests or terms of usage for any component site within the Subdivision can subsequently be modified from those terms originally represented and a description of the method by which such modification may occur;
- O. If the Subdivision documents allow additions or substitutions of accommodations or component sites, a clear description of the purchaser's rights and obligations concerning such additions or substitutions and the method by which such additions or substitutions will comply with the provisions of this rule; and

P. A clear description of any existing incidental benefits or amenities which are available to the purchaser at the time of sale but to which the purchaser has no guaranteed right of recurring use or enjoyment during the purchaser's full term of interest in the Subdivision.

2.7. Invalid Payment

If the Fees accompanying any Application made to the Commission are paid for by check and the check is not immediately paid upon presentment to the bank upon which the check was drawn, or if payment is submitted in any other manner and payment is denied, rescinded or returned as invalid, the application will be deemed incomplete and canceled. The application may be reinstated only at the discretion of the Commission and upon full payment of any Fees together with payment of the fee required by state fiscal rules for the clerical services necessary for reinstatement.

2.8. Review of Application for Completeness

If the Commission requires additional information, the Commission will give written notice of the information so required and will allow an additional sixty (60) Days to present such material before denial of the application, which period may be extended only upon a showing of good cause.

2.9. Issuance of a Developer Certificate or the Addition of a Subdivision

The Commission will issue or deny registration of a Developer Certificate or approve or deny the addition of a Subdivision within sixty (60) Days from the date of receipt of the Deemed Complete application by the Commission.

2.10. Offering Reservations during the Pendency of the Application

A. Pursuant to section 12-10-502(2), C.R.S., where a Developer receives cash or receivables from a purchaser for an uncompleted Subdivision, the Commission will register such Developer only after:

1. The Developer deposits in an escrow account, with an independent escrow agent, all funds and receivables received from purchasers, or
2. The Developer obtains a letter of credit or bond payable to an independent escrow agent, payment or performance bond, or establishes any other financial arrangement acceptable to the Commission, the purpose of which is to ensure completion of Subdivision accommodations and facilities and to protect the purchaser's interest in the Subdivision accommodations and facilities.

B. All approvals for the use of Reservation Agreements issued as set forth in this rule will expire on December 31 following the date of issuance.

Note: *Chapter 3 – Timeshare - Additional Information and Disclosures is repealed in its entirety and the chapter is being renamed **Chapter 3 – Registration and Certification** and is re-enacted below.*

The following rules will be recodified and be relocated if adopted by the Colorado Real Estate Commission at the rulemaking hearing. The left-hand column indicates the rule as it existed prior to the rulemaking hearing and the right-hand column indicates the rule as it will exist upon adoption and effective date of November 30, 2021.

Chapter 3: — Timeshare — Additional Information and Disclosures

- 3.1 — ~~A developer of time share must disclose to the public whether or not a time share plan involves an exchange program and, if so, will disclose and deliver to prospective purchasers, a separate written document, which may be provided by an exchange company if the document discloses the following information:~~
- a. — ~~The name and the business address of the exchange company;~~
 - b. — ~~Whether the purchaser's contract with the exchange program is separate and distinct from the purchaser's contract with the developer;~~
 - c. — ~~Whether the purchaser's participation in the exchange program is dependent upon the developer's continued affiliation with the exchange program;~~
 - d. — ~~Whether or not the purchaser's participation in the exchange program is voluntary;~~
 - e. — ~~The specific terms and conditions of the purchaser's contractual relationship with the exchange program and the procedure by which changes, if any, may be made in the terms and conditions of such contractual relationship;~~
 - f. — ~~The procedure of applying for and effecting any changes;~~
 - g. — ~~A complete description of all limitations, restrictions, accrual rights, or priorities employed in the operation of the exchange program, including but not limited to limitations on exchanges based on seasonality, unit size, or levels of occupancy; and if the limitations, restrictions or priorities are not applied uniformly by the exchange program, a complete description of the manner of their application;~~
 - h. — ~~Whether exchanges are arranged on a space available basis or whether guarantees of fulfillment of specific requests for exchanges are made by the exchange company;~~
 - i. — ~~Whether and under what conditions a purchaser may, in dealing with the exchange program, lose the use and occupancy of the time share period in any properly applied for exchange without being offered substitute accommodations by the exchange program;~~
 - j. — ~~The fees for participation in the exchange program, and whether the fees may be altered and the method of any altering; and~~
 - k. — ~~The name and location of each accommodation or facility, including the time sharing plans participating in the exchange program.~~

Chapter 3: Registration and Certification

3.1. Renewal of the Registration and Certification

Renewal of the registration and certification as a Developer can be executed only on the renewal application provided by the Commission, and must be delivered to the Commission, accompanied by the proper Fees, on or before December 31 of each year.

3.2. Licensed Real Estate Brokers

The registration and certification of a Developer under Title 12, Article 10, Part 5, C.R.S., does not exempt the Developer from the requirements for the licensing of real estate brokers under Title 12, Article 10, Part 1, C.R.S. Exemptions from the licensing of real estate brokers are made pursuant to section 12-10-201(6)(b), C.R.S.

3.3. Change in Principal Office

Notification in writing must be made to the Commission within ten (10) Days of any change in the principal office address of the Developer or the natural person, or any other change in the information submitted pursuant to section 12-10-503, C.R.S.

3.4. Records

- A. Records as required by Title 12, Article 10, C.R.S., and these rules, may be maintained as an Electronic Record so long as the Electronic Records are in a format that has the continued capability to be retrieved and legibly printed. The Developer must produce printed records upon request of the Commission, or by any principal party to a transaction.
- B. Developer must maintain all Business Records related to the Subdivision development in a Safe and Secure Manner for a period of seven (7) years from the effective date of each such Business Record.

3.5. Revisions to Documents

A Developer is not required to file amendments to its registration filed with the Commission when revisions are made to documents previously submitted to the Commission, so long as the revised documents continue to:

- A. Comply with Title 12, Article 10, Part 5, C.R.S., and these rules; and
- B. Accurately reflect the Subdivision offering.

3.6. Duty to Disclose the Following Events:

- A. Notwithstanding Rule 3.5., a Developer must provide the Commission with notice of the following events within ten (10) Days after such event, unless otherwise provided below:
 - 1. Any change in the information provided in the registration pursuant to sections 12-10-503(2)(a)(III), (V), (VI) or (VII), C.R.S.;
 - 2. Any change in the terms of any Nondisturbance Agreement(s) or partial release provisions in connection with any documents previously submitted to the Commission pursuant to section 12-10-503(3)(e), C.R.S., and Rule 2.1.B.4.;
 - 3. Any new lien encumbering the Subdivision or any part thereof other than encumbrances created or permitted by purchasers;
 - 4. The termination or transfer of any escrow account, letter of credit, bond, or other financial assurance approved by the Commission as set forth in Rule 2.10.; notice of which must be filed with the Commission prior to the effective date of such termination or transfer;
 - 5. Cancellation, revocation, suspension, or termination of the Developer's activity or authority to do business in the State of Colorado; and

6. Any material pending legal proceeding filed against the Developer in connection with the Subdivision affecting the Developer's ability:

- a. To convey marketable title of the registered Subdivision or any interest therein, or
- b. To perform the Developer's obligations in connection with the registered Subdivision.

B. Notification under this Rule must be provided on a form approved by the Commission. The Developer will have a period of ten (10) Days after receipt of notice to take such action as may be required by the Commission in connection with any filings made under this Rule.

C. Within ten (10) Days after receipt of a written request from the Commission, a Developer will have the duty to provide to the Commission copies of all documents then in use with regard to the Subdivision.

Note: Chapter 4 – Miscellaneous Provisions, Additional Information is repealed in its entirety and the chapter is being renamed **Chapter 4 – Professional Standards** and is re-enacted below.

The following rules will be recodified and be relocated if adopted by the Colorado Real Estate Commission at the rulemaking hearing. The left-hand column indicates the rule as it existed prior to the rulemaking hearing and the right-hand column indicates the rule as it will exist upon adoption and effective date of November 30, 2021.

Prior to the hearing: November 30, 2021 and thereafter:

Rule 4.1.....	Rule 2.10.B.
Rule 4.2.....	Rule 4.9.B.
Rule 4.3.....	Rule 4.6.
Rule 4.4.....	Rule 3.5.
Rule 4.5.....	Rule 3.6.
Rule 4.6.....	Rule 4.4.B.
Rule 4.7.....	Rule 4.8.
Rule 4.8.....	Rule 4.7.B. and 4.7.C.
Rule 4.9.....	Rule 4.7.A.
Rule 4.10.....	Rule 4.4.A.
Rule 4.11.....	Rule 4.2.

Chapter 4: — Miscellaneous Provisions, Additional Information

- ~~4.1 — All approvals for the use of reservation agreements issued pursuant to §12-10-502(2), C.R.S., will expire on December 31st following the date of issuance. Approval will be renewed, except as provided in section §12-10-505, C.R.S., by payment of a renewal fee established pursuant to section §12-10-215, C.R.S., and upon submission and acceptance of a renewal application.~~
- ~~4.2 — Upon request of the Commission pursuant to an investigation, a developer will file with the Commission an audited financial statement in conformity with accepted accounting principles, and sworn to by the developer as an accurate reflection of the financial condition of the developer and/or the homeowners' association controlled by the developer.~~
- ~~4.3 — Any adverse order, judgment, or decree entered in connection with the subdivided lands by any regulatory authority or by any court of appropriate jurisdiction must be filed with the Commission by the developer within thirty (30) calendar days of such order, judgment or decree being final.~~

~~4.4 — A developer is not required to file amendments to its registration filed with the Commission when revisions are made to documents previously submitted to the Commission, so long as the revised documents continue to: (a) comply with Title 12, Article 10, Part 5, C.R.S., and the rules and regulations promulgated thereunder; and (b) accurately reflect the subdivision offering.~~

~~4.5 — Notice of Events:~~

~~a. — Notwithstanding Rules 4.3 and 4.4 above, and in addition to the notice requirements under Rule 1.6, developer must provide the Commission with notice of the following events within ten (10) calendar days after such event, unless otherwise provided below:~~

- ~~1. — Any change in the information provided in the registration pursuant to Sections §12-10-503(2)(a)(III), (V), (VI) or (VII), C.R.S.;~~
- ~~2. — Any change in the terms of any non-disturbance agreement(s) or partial release provisions in connection with any documents previously submitted to the Commission pursuant to section §12-10-503(3)(e), C.R.S., and Rule 2.2(d);~~
- ~~3. — Any new lien encumbering the subdivision or any part thereof other than encumbrances created or permitted by purchasers;~~
- ~~4. — The termination or transfer of any escrow account, letter of credit, bond, or other financial assurance approved by the Commission pursuant to Rule 2.3; notice of which must be filed with the Commission prior to the effective date of such termination or transfer;~~
- ~~5. — Cancellation, revocation, suspension, or termination of the developer's activity or authority to do business in the State of Colorado; and~~
- ~~6. — Any lis pendens, lawsuit or other proceeding filed against the subdivision or developer affecting the developer's ability: (a) to convey marketable title of the registered subdivision or any interest therein, or (b) to perform the developer's obligations in connection with the registered subdivision.~~

~~b. — Notification under this rule must be provided on a form approved by the Commission. The developer will have a period of ten (10) calendar days after receipt of notice to take such action as may be required by the Commission in connection with any filings made under this rule.~~

~~c. — Within ten (10) calendar days after receipt of a written request from the Commission, a developer will have the duty to provide to the Commission copies of all documents then in use with regard to the subdivision.~~

~~4.6 — No developer will make misrepresentations regarding the future availability or costs of services, utilities, character, or use of real property for sale or lease of the surrounding area of the subdivision.~~

~~4.7 — Delivery of Deed:~~

~~a. — Unless a sale is by means of an installment contract, the delivery of a deed must be made within sixty (60) calendar days after closing. For the purposes of this rule, the date of closing is defined as the date the purchaser has either paid the full cash purchase price or has made partial cash payment and executed a promissory note or other evidence of indebtedness for the balance of the purchase price. (This must be disclosed in the contract.)~~

- b. ~~If a sale is by means of an installment contract, the delivery of a deed must be made within sixty (60) calendar days after the completion of payments.~~
- 4.8 ~~Where the sales contract contemplates the delivery of a deed, an abstract of title or title insurance policy must be delivered within a reasonable time after the completion of payments by a purchaser. Any period of time exceeding sixty (60) calendar days will be deemed unreasonable for the purposes of this rule. The parties may contract to eliminate this requirement, but any such mutually acceptable waiver must be in writing and in a conspicuous manner or print. The presence of waiver on the back of a contract will not be deemed conspicuous for the purposes of this rule.~~
- 4.9 ~~Developer must provide a title insurance commitment or other evidence of title approved by the Commission within a reasonable time after execution of any lease, sales contract or other instrument purporting to convey any interest in the site, tract, lot, divided or undivided interest from a subdivision. Any period of time in excess of sixty (60) calendar days will be deemed unreasonable for the purposes of this rule. The parties may contract to eliminate this requirement, but any such mutually acceptable waiver must be in writing and in a conspicuous manner or print. The presence of waiver on the back of a contract will not be deemed conspicuous for the purposes of this rule.~~
- 4.10 ~~Failure to disclose to the purchaser the availability of legal access, sewage disposal, public utilities, including water, electricity, gas and telephone facilities, in the subdivision offered for sale or lease, including whether such are to be a developer or purchaser expense, when proven, is a violation of §12-10-505(1)(b), C.R.S.~~
- 4.11 ~~Pursuant to §12-10-505(1)(c), C.R.S., §12-10-506(6)(b), C.R.S., and §12-10-506(8), C.R.S., a developer must maintain in a Colorado place of business, and produce for inspection upon reasonable request by an authorized representative of the Commission copies of the following documents and business records:~~
- a. ~~The sales contract, transfer or lease agreement, installment sale agreement, financing agreement, buyer and seller settlement statement, title policy or commitment, trust deed, escrow agreement, and any other documents executed by the parties or on behalf of the developer in the sale, lease or transfer of any interest in a subdivision.~~
- b. ~~Records showing the receipt and disbursement of any money or assets received or paid on behalf of any homeowners' or similar association managed or controlled by a developer.~~

Chapter 4: Professional Standards

4.1. Developer Must Register Prior to Conducting Business

The person, firm, partnership, joint venture, limited liability company, association, corporation or other legal entity, or combination thereof, who will sign as seller or lessor in any Consumer Agreement, deed or any other instrument purporting to convey any site, tract, lot, divided or undivided interest from a Subdivision, must secure a Developer Certificate before negotiating or agreeing to sell, lease or transfer and before any sale, lease or transfer is made. If such person is acting only as a trustee, the beneficial owner of the Subdivision must secure a Developer Certificate.

4.2. Developer Must Maintain Business Records and Produce Upon Request

Pursuant to sections 12-10-505(1)(e), C.R.S., 12-10-506(6)(b), C.R.S., and 12-10-506(8), C.R.S., a Developer must maintain Business Records as set forth in Rule 3.4., and produce for inspection upon reasonable request by an authorized representative of the Commission.

4.3. Disclosures to Prospective Purchasers Prior to Contracting

Pursuant to sections 12-10-506(6)(a), C.R.S., and 12-10-506(7), C.R.S., Developer must supply to prospective purchasers the written disclosures as set forth in Rules 2.3., 2.4., 2.5., and 2.6. prior to contracting with the public and must be disclosed in the Consumer Agreement, or in a separate written disclosure document.

4.4. Developers Must Not Make Misrepresentations or Conceal Material Facts

A. Failure to disclose to the purchaser the availability of legal access, sewage disposal, public utilities, including water, electricity, gas and telephone facilities, in the applicable uncompleted Subdivision offered for sale or lease, including whether such are to be a Developer or purchaser expense, when proven, is a violation of section 12-10-505(1)(b), C.R.S.

B. No Developer will make misrepresentations regarding the future availability or costs of services, utilities, character, or use of real property for sale or lease of the surrounding area of the Subdivision.

4.5. Disclosure of an Exchange Company

A Developer of a Time Share must disclose to the public whether or not a Time Share plan involves an Exchange Program and, if so, will disclose and deliver to prospective purchasers, a separate written document, which may be provided by an exchange company if the document discloses the following information:

A. The name and the business address of the exchange company;

B. Whether the purchaser's contract with the Exchange Program is separate and distinct from the purchaser's contract with the Developer;

C. Whether the purchaser's participation in the Exchange Program is dependent upon the Developer's continued affiliation with the Exchange Program;

D. Whether or not the purchaser's participation in the Exchange Program is voluntary;

E. The specific terms and conditions of the purchaser's contractual relationship with the Exchange Program and the procedure by which changes, if any, may be made in the terms and conditions of such contractual relationship;

F. The procedure of applying for and effecting any changes;

G. A complete description of all limitations, restrictions, accrual rights, or priorities employed in the operation of the Exchange Program, including but not limited to limitations on exchanges based on seasonality, unit size, or levels of occupancy; and if the limitations, restrictions or priorities are not applied uniformly by the Exchange Program, a complete description of the manner of their application;

H. Whether exchanges are arranged on a space-available basis or whether guarantees of fulfillment of specific requests for exchanges are made by the exchange company;

- I. Whether and under what conditions a purchaser may, in dealing with the Exchange Program, lose the use and occupancy of the Time Share period in any properly applied for exchange without being offered substitute accommodations by the Exchange Program;
- J. The fees for participation in the Exchange Program, and whether the fees may be altered and the method of any altering; and
- K. The name and location of each accommodation or facility, including the time sharing plans participating in the Exchange Program.

4.6. Disclosure of Judgment, Decree or Order

Any material adverse order, judgment, or decree entered against Developer in connection with the Subdivision by any regulatory authority or by any court of appropriate jurisdiction, specifically including any order, judgment or decree related to a proceeding under which Developer has a duty to disclose as set forth in Rule 3.6.A.6. but other than ordinary routine litigation incidental to the Developer's business, must be filed with the Commission by the Developer within thirty (30) Days of such order, judgment or decree being final.

4.7. Delivery of an Abstract of Title or Title Insurance

- A. Developer must provide a title insurance commitment or other evidence of title approved by the Commission within a reasonable time after execution of any Consumer Agreement, or other instrument purporting to convey any interest in the site, tract, lot, divided or undivided interest from a Subdivision.
- B. Where the Consumer Agreement contemplates the delivery of a deed, an abstract of title or title insurance policy must be delivered within a reasonable time after the completion of payments by a purchaser.
- C. Any period of time in excess of sixty (60) Days will be deemed unreasonable for the purposes of this Rule. The parties may contract to eliminate this requirement, but any such mutually acceptable waiver must be in writing and in a conspicuous manner or print.

4.8. Delivery of Deed Must be Made within Sixty (60) Days

- A. Unless a sale is by means of an installment contract, the delivery of a deed must be made within sixty (60) Days after closing. For the purposes of this Rule, the date of closing is defined as the date the purchaser has either paid the full cash purchase price or has made partial cash payment and executed a promissory note or other evidence of indebtedness for the balance of the purchase price.
- B. If a sale is by means of an installment contract, the delivery of a deed must be made within sixty (60) Days after the completion of payments.

4.9. Duty to Respond to a Complaint or Audit

- A. Pursuant to section 12-10-505, C.R.S., any Developer who has received written notification from the Commission that a complaint has been filed against the Developer, must submit a written answer to the Commission within a reasonable time as set by the Commission.
- B. Upon request of the Commission pursuant to an investigation or audit notice, a Developer will file with the Commission an audited financial statement in conformity with accepted accounting principles, and sworn to by the Developer as an accurate reflection of the financial condition of the Developer and/or the homeowners' association controlled by the Developer.

C. Failure to submit a written response required by this Rule will be grounds for disciplinary action.

Note: Chapter 5 – Declaratory Orders Pursuant to §24-4-105(11), C.R.S. is repealed in its entirety and the chapter is being renamed **Chapter 5 – Declaratory Orders** and is re-enacted below.

The declaratory order chapter rules were restructured and modified to mirror the Division's other regulatory programs.

Chapter 5: Declaratory Orders Pursuant to §24-4-105(11), C.R.S.

- 5.1 Any person may petition the Commission for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provisions or of any rule or order of the Commission.
- 5.2 The Commission will determine, in its discretion and without prior notice to petitioner, whether to entertain any such petition. If the Commission decides that it will not entertain such a petition, the Commission will promptly notify the petitioner in writing of its decision and the reasons for that decision. A copy of the order will be provided to the petitioner.
- 5.3 In determining whether to entertain a petition filed pursuant to this rule, the Commission may consider the following matters, among others:
- a. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Commission.
 - b. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court involving any petitioner.
 - c. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court but not involving any petitioner.
 - d. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
 - e. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
- 5.4 Any petition filed pursuant to this rule must set forth the following:
- a. The name and address of the petitioner and whether the petitioner holds a license or registration issued pursuant to section §12-10-501, et seq., C.R.S. (as amended).
 - b. The statute, rule or order to which the petition relates.
 - c. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.

- d. ~~A concise statement of the legal authorities if any, and such other reasons upon which the petitioner relies.~~
 - e. ~~A concise statement of the declaratory order sought by the petitioner.~~
- 5.5 ~~If the Commission determines that it will rule on the petition, the following procedures will apply:~~
- a. ~~The Commission may rule upon the petition without a hearing. In such case:~~
 - 1. ~~The Commission may dispose of the petition on the sole basis of the matters set forth in the petition.~~
 - 2. ~~The Commission may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.~~
 - 3. ~~Any ruling of the Commission will apply only to the extent of the facts presented in the petition and any amendment to the petition.~~
 - 4. ~~The Commission may order the petitioner to file a written brief, memorandum or statement of position based on the facts set forth in the petition and any amendment to the petition.~~
 - 5. ~~The Commission may take administrative notice of facts pursuant to the Administrative Procedures Act, (§24-4-105(8), C.R.S., (as amended)), and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.~~
 - 6. ~~If the Commission rules upon the petition without hearing, it will promptly notify the petitioner in writing of its decision.~~
 - b. ~~The Commission may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing will set forth, to the extent known, the factual or other matters into which the Commission intends to inquire and whether the hearing will be evidentiary or non-evidentiary in nature. For the purpose of such a hearing, to the extent necessary, the petitioner will have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Commission to consider.~~
- 5.6 ~~The parties to any proceeding pursuant to this rule will be the Commission and the petitioner. Any other person may seek leave of the Commission to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Commission. A petition to intervene must set forth the same matters as required by Rule 5.4. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Commission.~~
- 5.7 ~~Any declaratory order or other order disposing of a petition pursuant to this rule will constitute agency action subject to judicial review pursuant to §24-4-106, C.R.S., (as amended).~~

Chapter 5: Declaratory Orders

5.1. Petition for a Declaratory Order

Pursuant to section 24-4-105(11), C.R.S., a Petitioner may petition the Commission for a declaratory order to terminate controversies or to remove uncertainties as to the applicability of any statutory provision, rule, or order of the Commission as it would apply to the Petitioner.

5.2. Parties to the Proceedings

The parties to any proceeding as set forth in Chapter 5 of these Rules will be the Commission and the Petitioner. Any other person may seek leave of the Commission to intervene in such a proceeding. Permission to intervene will be granted at the sole discretion of the Commission. A petition to intervene will set forth the same matters as set forth in Rule 5.3.

5.3. Petition Contents

Any petition filed as set forth in Chapter 5 of these Rules will state the following:

- A. The name and address of the Petitioner;
- B. The statute, rule, or order to which the petition relates;
- C. A concise statement of all the facts and law necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the Petitioner; and
- D. The Petitioner may submit a concise statement of the declaratory order sought.

5.4. Commission's Considerations Whether or Not to Rule

The Commission may determine, in its sole discretion and without prior notice to the Petitioner, whether or not to rule upon a petition. In determining whether or not to rule upon a petition filed as set forth in Chapter 5 of these Rules, the Commission may consider the following matters, among others:

- A. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the Petitioner of any statutory provision, rule, or order of the Commission.
- B. Whether the petition involves any subject, question, or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court involving one or more of the Petitioners.
- C. Whether the petition involves any subject, question, or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court not involving the Petitioner.
- D. Whether the petition seeks a ruling on a hypothetical question.
- E. Whether the Petitioner has some other adequate legal remedy, other than an action for declaratory order which will terminate the controversy or remove any uncertainty as to the applicability to the Petitioner of the statute, rule, or order in question.

5.5. Commission Determines Not to Rule

If the Commission determines it will not rule on a petition, the Commission will issue its written decision disposing of the petition, stating the reasons for declining to rule upon the petition. A copy of the decision will be provided to the Petitioner. A decision not to rule on a petition for a declaratory order is not final agency action subject to judicial review.

5.6. Commission Determines to Rule

If the Commission determines that it will rule on the petition:

- A. The Commission may order the Petitioner to file an additional written brief, memorandum, statement of position, or request the Petitioner to submit additional facts or arguments in writing.
- B. The Commission may take administrative notice of facts pursuant to the Administrative Procedure Act, section 24-4-105(8), C.R.S., and may utilize its experience, technical competence, and specialized knowledge when ruling on the petition.
- C. The Commission may set the petition, upon due notice to the Petitioner, for a non-evidentiary hearing.
- D. The Commission may, upon due notice to the Petitioner, set the petition for hearing for the purpose of obtaining additional facts or information, or to determine the truth of any facts set forth in the petition, or to hear oral arguments on the petition. Notice to the Petitioner setting such formal hearing will set forth, to the extent known, the factual or other matters into which the Commission intends to inquire. The Petitioner will have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the Petitioner and any other facts the Petitioner desires the Commission to consider.
- E. Any ruling by the Commission may be based solely on the matters set forth in the petition or may be based on any amendments to the petition, any information gathered by the Commission through a non-evidentiary hearing, formal hearing or otherwise, or any facts the Commission may take administrative notice of. Upon ruling on a petition, the Commission will issue its written order stating its basis for the order. A copy of the order will be provided to the Petitioner.

5.7. Declaratory Orders Subject to Judicial Review

Any declaratory order of a petition as set forth in Chapter 5 of these Rules will constitute agency action subject to judicial review pursuant to section 24-4-106, C.R.S.

Note: *Chapter 6 – Exceptions and Commission Review of Initial Decision is repealed in its entirety and the chapter is being renamed **Chapter 6 – Commission Review of Initial Decision and Exceptions** and is re-enacted below.*

The exceptions and review of initial decision chapter rules were restructured and modified to mirror the Division's other regulatory programs.

~~Chapter 6: Exceptions and Commission Review of Initial Decisions~~

~~6.1 Written Form, Service, and Filing Requirements:~~

- ~~a. All Designations of Record, Requests, Exceptions and Responsive Pleadings ("Pleadings") must be in written form, mailed with a certificate of mailing to the Commission.~~

- b. ~~All Pleadings must be received by the Commission by 5:00 p.m. (MST), on the date the filing is due. Pleadings are considered filed upon receipt by the Commission. These rules do not provide for any additional time for service by mail.~~
- c. ~~All Pleadings must be served on the opposing party by mail or by hand delivery on the date which the Pleadings are filed with the Commission.~~
- d. ~~All Pleadings must be filed with the Commission and not with the Office of Administrative Courts. Any Designations of Record, Requests, Exceptions or Responsive Pleadings filed in error with the Office of Administrative Courts will not be considered. The Commission's address is:~~

~~Colorado Real Estate Commission
1560 Broadway, Suite 925
Denver, Colorado 80202~~

~~6.2 Authority to Review:~~

- a. ~~The Commission hereby preserves the Commission's option to initiate a review of an initial decision on its own motion pursuant to §24-4-105(14)(a)(II) and (b)(III), C.R.S., outside of the thirty (30) day period after service of the initial decision upon the parties without requiring a vote for each case.~~
- b. ~~This option to review will apply regardless of whether a party files exceptions to the initial decision.~~

~~6.3 Designation of Record and Transcripts:~~

- a. ~~Any party seeking to reverse or modify the initial decision of the administrative law judge must file with the Commission a designation of the relevant parts of the record for review ("Designation of Record"). Designations of record must be filed with the Commission within twenty (20) days of the date on which the Commission mails the initial decision to the parties' address of record with the Commission.~~
- b. ~~Within ten (10) days after a party's Designation of Record is due, any other party may file a Supplemental Designation of Record requesting inclusion of additional parts of the record.~~
- c. ~~Even if no party files a Designation of Record, the record will include the following:~~
 - 1. ~~All pleadings;~~
 - 2. ~~All applications presented or considered during the hearing;~~
 - 3. ~~All documentary or other exhibits admitted into evidence;~~
 - 4. ~~All documentary or other exhibits presented or considered during the hearing;~~
 - 5. ~~All matters officially noticed;~~
 - 6. ~~Any findings of fact and conclusions of law proposed by any party; and~~
 - 7. ~~Any written brief filed.~~

d. ~~Transcripts will not be deemed part of a Designation of Record unless specifically identified and ordered. Should a party wish to designate a transcript or portion thereof, the following procedures will apply:~~

1. ~~The Designation of Record must identify with specificity the transcript or portion thereof to be transcribed. For example, a party may designate the entire transcript, or may identify any witness whose testimony is to be transcribed, the legal ruling or argument to be transcribed, or other information necessary to identify a portion of the transcript.~~
2. ~~Any party who includes a transcript or a portion thereof as part of the Designation of Record must order the transcript or relevant portions by the date on which the Designation of Record must be filed (within twenty (20) days of the date on which the Commission mails the initial decision to the parties).~~
3. ~~When ordering the transcript, the party must request a court reporter or transcribing service to prepare the transcript within thirty (30) days. The party must timely pay the necessary fees to obtain and file with the Commission an original transcription and one copy within thirty (30) days.~~
4. ~~The party ordering the transcript will direct the court report or transcribing service to complete and file with the Commission the transcript and one copy of the transcript within thirty (30) days.~~
5. ~~If a party designates a portion of the transcript, the opposing party may also file a Supplemental Designation of Record, in which the opposing party may designate additional portions of the transcript.~~
6. ~~An opposing party filing a Supplemental Designation of Record designating additional portions of the transcript must order and pay for such transcripts or portions thereof within the deadlines set forth above. An opposing party must also cause the court reporter to complete and file with the Commission the transcript and one copy of the transcript within thirty (30) days.~~
7. ~~Transcripts that are ordered and not filed with the Commission in a timely manner by the reporter or the transcription service due to non-payment, insufficient payment or failure to direct as set forth above will not be considered by the Commission.~~

6.4 ~~Filing of Exceptions and Responsive Pleadings:~~

a. ~~Any party wishing to file exceptions must adhere to the following timelines:~~

1. ~~If no transcripts are ordered, exceptions are due within thirty (30) days from the date on which the Commission mails the initial decision to the parties. Both parties' exceptions are due on the same date.~~
2. ~~If transcripts are ordered by either party, the following procedure will apply. Upon receipt of all transcripts identified in all Designations of Record and Supplemental Designations of Record, the Commission will mail notification to the parties stating that the transcripts have been received by the Commission. Exceptions are due within thirty (30) days from the date on which such notification is mailed. Both parties' exceptions are due on the same date.~~

- ~~b. Either party may file a responsive pleading to the other party's exceptions. All responsive pleadings must be filed within ten (10) days of the date on which the exceptions were filed with the Commission. No other pleadings will be considered except for good cause shown.~~
- ~~c. The Commission may in its sole discretion grant an extension of time to file exceptions or responsive pleadings, or may delegate the discretion to grant such an extension of time to the Commission's designee.~~

~~6.5 Request for Oral Argument:~~

- ~~a. All requests for oral argument must be in writing and filed by the deadline for responsive pleadings.~~
- ~~b. It is within the sole discretion of the Commission to grant or deny a request for oral argument. If oral argument is granted, both parties will have the opportunity to participate.~~
- ~~c. If a request for oral argument is granted, each side will be permitted ten (10) minutes of oral argument unless such time is extended by the Commission or its designee.~~

Chapter 6: Commission Review of Initial Decisions and Exceptions

6.1. Written Form, Filing Requirements, and Service

- A. All pleadings must be in written form, mailed with a certificate of service to the Commission.
- B. All pleadings must be filed with the Commission on the date the filing is due. Computation of time for the filing timelines for Chapter 6 of these Rules is pursuant to section 2-4-108, C.R.S. A pleading is considered filed upon receipt by the Commission. Chapter 6 of these Rules does not provide for any additional time for service by mail.
- C. All pleadings must be filed with the Commission and not with the Office of Administrative Courts. Any pleadings filed in error with the Office of Administrative Courts will not be considered. The Commission's address is:

Colorado Real Estate Commission
1560 Broadway, Suite 925
Denver, CO 80202
- D. All pleadings must be served on the opposing party on the date which the pleading is filed with the Commission. Electronic service between the parties is encouraged. The date and manner must be noted on the certificate of service.

6.2. Initial Decision

Upon receipt of the initial decision prepared and filed by the Administrative Law Judge from the Office of Administrative Courts, the Division will timely mail a copy of the initial decision to the parties at their respective addresses of record with the Commission pursuant to section 24-4-105(16)(a), C.R.S.

6.3. Commission's Authority to Review the Initial Decision

Pursuant to section 24-4-105(14)(a)(II), C.R.S., the Commission may initiate a review of an initial decision on its own motion within thirty (30) days of the date on which the Division mails the initial

decision to the parties. A letter from the Division initiating the review of the initial decision constitutes a motion within the meaning of section 24-4-105(14)(a)(II), C.R.S.

6.4. Appeal of the Initial Decision by the Parties

- A. Any party wishing to reverse or modify an initial decision of an Administrative Law Judge must file written exceptions with the Commission in accordance with the procedures and time frames as set forth in Rule 6.5.
- B. If neither party appeals the initial decision by filing exceptions, the initial decision will become the final order of the Commission after thirty (30) days from the date on which the Division mails the initial decision pursuant to section 24-4-105(14)(b)(III), C.R.S. Failure to file exceptions will result in a waiver of the right to judicial review of the final order of the Commission unless the portion of the final order subject to review differs from the contents of the initial decision pursuant to section 24-4-105(14)(c), C.R.S.

6.5. Filing of Exceptions

- A. Pursuant to section 24-4-105(15)(a), C.R.S., any party seeking to file exceptions must initially file with the Commission a designation of the relevant parts of the record and of parts of the transcript of the hearing within twenty (20) days of the date on which the Division mails the initial decision to the parties.

B. Transcripts:

Any party may designate the entire transcript, or may identify witness(es) whose testimony is to be transcribed, the legal ruling or argument to be transcribed, or other information necessary to identify a portion of the transcript. However, no transcript is required if the Commission's review is limited to pure questions of law. The deadline for filing exceptions depends on whether either of the parties designates a portion of the transcript.

1. If the parties do not designate parts of the transcript, exceptions are due within thirty (30) days from the date on which the Division mails the initial decision to the parties. Both parties' exceptions are due on the same day.
2. Any party wishing to designate all, or any part, of the transcript must adhere to the following procedures:
 - a. Transcripts will not be deemed part of a designation unless specifically identified and ordered.
 - b. If one party designates a portion of the transcript, the other party may file a supplemental designation in which that party may designate additional portions of the transcript. The supplemental designation must be filed with the Commission and served on the other party within ten (10) days after the date on which the original designation was filed.
 - c. Any party who designates a transcript must order the transcript by the date on which they file their designation with the Commission whether they are filing an original or supplemental designation.
 - d. The party ordering a transcript must direct the court reporter or transcribing service to complete and file with the Commission the original transcript and one (1) copy within thirty (30) days of their order.
 - e. The party that designates a transcript must pay for such transcripts.

f. Transcripts that are ordered and not filed with the Commission in a timely manner due to non-payment, insufficient payment, or failure to direct as set forth above may not be considered by the Commission.

g. Upon receipt of transcripts identified in all designations and supplemental designations, the Commission will mail a notification to the parties stating that the transcripts have been received by the Commission.

h. Exceptions are due within thirty (30) days from the date on which such notification is mailed. Both parties' exceptions are due on the same date.

C. A party's exceptions must include specific objections to the initial decision.

D. Either party may file a response to the other party's exceptions. All responses must be filed within ten (10) days of the date on which the exceptions were filed with the Commission. Subsequent replies will not be considered except for good cause shown.

E. The Commission may in its sole discretion grant an extension of time to file exceptions or responses, or may delegate the discretion to grant such an extension of time to the Commission's designee.

6.6. Request for Oral Arguments

A. All requests for oral argument must be in writing and included with a party's exceptions or response.

B. It is within the sole discretion of the Commission to grant or deny a request for oral argument. The Commission generally does not grant requests for oral argument. If an oral argument is granted, each party will have ten (10) minutes to present their argument. Questioning by members of the Commission will not count against the allocated ten (10) minutes.

C. The Commission or its designee may extend the time for oral arguments upon good cause shown.

6.7. Final Orders

A. The Commission may deliberate and vote on exceptions immediately following oral arguments or the Commission may take the matter under advisement.

B. When the Commission votes on exceptions, whether after oral arguments or at a subsequent Commission meeting, the ruling of the Commission will not be considered final until a written order is issued.

C. The date of the Commission's final order is the date on which the written order is signed, irrespective of any motions for reconsideration that are filed.

A hearing on the above subject matter will be held on Tuesday, October 5, 2021 at the Colorado Division of Real Estate, 1560 Broadway, Suite 110-C, Denver, Colorado 80202 beginning at 9:00 a.m. Also, the virtual webinar of the meeting may be accessed at the following link:

<https://attendee.gotowebinar.com/register/7828654042581103115>

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views, and arguments

to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.

Notice of Proposed Rulemaking

Tracking number

2021-00542

Department

700 - Department of Regulatory Agencies

Agency

727 - Division of Professions and Occupations - Board of Veterinary Medicine

CCR number

4 CCR 727-1

Rule title

VETERINARY MEDICINE RULES AND REGULATIONS

Rulemaking Hearing

Date

10/14/2021

Time

09:00 AM

Location

Webinar Only: <https://attendee.gotowebinar.com/register/6511657921729767948>

Subjects and issues involved

The purpose of this Permanent Rulemaking Hearing is for the Board to consider adopting revisions to Rule 1.17, to implement Colorado Senate Bill 21-077 (Concerning the elimination of verification of an individual's lawful presence in the United States as a requirement for individual credentialing); and to consider adopting a new rule to implement Colorado House Bill 21-1276 (Concerning the prevention of substance use disorders).

Statutory authority

Sections 12-20-204(1), 12-30-109(6), 12-315-106(5)(g), and 24-4-103, C.R.S.

Contact information

Name

Elena M. Kemp

Title

Regulatory Coordinator

Telephone

303-894-7426

Email

dora_dpo_rulemaking@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

State Board of Veterinary Medicine

VETERINARY MEDICINE RULES AND REGULATIONS

4 CCR 727-1

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

...

1.17 REPORTING CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME

This Rule is promulgated pursuant to sections 12-20-204 and 12-315-106(5)(g), C.R.S.

- A. A licensee shall inform the Board in a clear, explicit, and unambiguous written statement of any name, address, or electronic mail address, change within thirty days of the change. The Board will not change the licensee's information without explicit written notification from the licensee. Notification by fax or email is acceptable.
- B. The Division of Professions and Occupations maintains one mailing address and electronic mailing address for each licensee, regardless of the number of different professional licenses the licensee may hold.
- C. All communication from the Board to a licensee will be to the mailing address or the electronic mail address maintained with the Division of Professions and Occupations.
 - 1. The Board requires one of the following forms of documentation to change a licensee's name or [correct a](#) social security number [or individual taxpayer identification number](#):
 - a. Marriage license;
 - b. Divorce decree;
 - c. Court order; ~~or~~
 - d. [IRS form W-7, as applicable; or](#)
 - ~~d.e.~~ A driver's license, social security card, or passport with a second form of identification may be acceptable at the discretion of the Director of Support Services.
- D. Any notification by the Board to a licensee or applicant, required or permitted, under section 12-315-101 *et seq.*, C.R.S. or the State Administrative Procedure Act, found at section 24-4-101 *et seq.*, C.R.S., shall be served personally or by first class mail to the last address of record provided in writing to the Board. Service by mail or electronic mail shall be deemed sufficient and proper upon a licensee or applicant.

...

- X. [A limit of supply of benzodiazepine prescribed shall not exceed 30 continuous days that a prescriber may prescribe for a patient who has not received a benzodiazepine prescription from a](#)

prescriber within the last 12 months. This rule shall not limit the supply of benzodiazepine to patients that are prescribed a benzodiazepine to treat any of the following:

- 1) _____ Epilepsy;
- 2) _____ A seizure or seizure disorder, or suspected seizure disorder;
- 3) _____ Spasticity; or
- 4) _____ A neurological condition, including a posttraumatic brain injury or catatonia.

This rule does not require or encourage abrupt discontinuation, limitation, or withdrawal of benzodiazepines. Licensees are expected to follow generally accepted standards of veterinary medicine practice, based on an individual patient's needs, in tapering benzodiazepine prescriptions.

Editor's Notes

History

Rules 1.00, 4.00 eff. 09/30/2007.
Rule 4.00 eff. 01/30/2008.
Entire rule eff. 12/30/2011.
Rule I.B eff. 08/30/2012.
Rule I.B emer. rule eff. 02/08/2013.
Rules I.A, 1.B, 1.E eff. 05/30/2013.
Rule I.A eff. 06/14/2013.
Rules I.B, II.A.17 eff. 09/30/2013.
Rule I eff. 08/14/2014.
Rules 1.2 A.8-18, 1.2 E.4, 1.2 G eff. 11/30/2019.
Rule 1.23 emer. rule eff. 05/01/2020; expired 08/29/2020.
Rule 1.24 emer. rule eff. 05/11/2020; expired 09/08/2020.
Rule 1.23 emer. rule eff. 08/30/2020; expired 12/28/2020.
Rule 1.24 emer. rule eff. 09/09/2020.
Entire rule eff. 10/15/2020.
Rule 1.10 B eff. 12/15/2020.
Rules 1.24, 1.25 emer. rules eff. 12/28/2020.
Rule 1.25 emer. rule eff. 01/11/2021.
Rules 1.4 E-F, 1.12 C eff. 04/14/2021.
Rules 1.24, 1.25 emer. rules eff. 04/27/2021.
Rule 1.25 emer. rule eff. 05/11/2021.

Notice of Proposed Rulemaking

Tracking number

2021-00546

Department

700 - Department of Regulatory Agencies

Agency

740 - Division of Professions and Occupations - Colorado Office of Combative Sports

CCR number

4 CCR 740-1

Rule title

COMBATIVE SPORTS RULES AND REGULATIONS

Rulemaking Hearing**Date**

10/12/2021

Time

10:15 AM

Location

Webinar Only: <https://attendee.gotowebinar.com/register/5712372342014777102>

Subjects and issues involved

The purpose of this Permanent Rulemaking Hearing is for the Commission to consider adopting revisions to Rule 1.4, to implement Colorado Senate Bill 21-077 (Concerning the elimination of verification of an individual's lawful presence in the United States as a requirement for individual credentialing).

Statutory authority

Sections 12-110-107 and 24-4-103, C.R.S.

Contact information**Name**

Elena M. Kemp

Title

Regulatory Coordinator

Telephone

303-894-7426

Email

dora_dpo_rulemaking@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

Colorado Office of Combative Sports and Colorado Combative Sports Commission

COMBATIVE SPORTS RULES AND REGULATIONS

4 CCR 740-1

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

...

1.4 GENERAL RULES

This Rule is promulgated pursuant to sections 12-110-107 and 12-110-104, C.R.S.

...

K. REQUIREMENT TO NOTIFY DIRECTOR OF ADDRESS AND NAME CHANGES

1. Licensees shall inform the Director of any name, address, telephone, or email change within thirty days of the change. The Director will not change a promoter's information without explicit notification in a manner prescribed by the Director.
2. One of the following forms of documentation is needed to change a name or correct a social security number or individual taxpayer identification number:
 - a. Marriage license;
 - b. Divorce decree;
 - c. Court order; ~~or~~
 - d. IRS form W-7, as applicable; or
 - ~~d-e.~~ A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Division Director.

...

Editor's Notes

History

Rule 1.018 emer. rule eff. 09/24/2010; expired eff. 01/22/2011.

Entire rule eff. 09/01/2011.

Rules 1.1, 1.5, 2.6, 2.8, 2.9, 2.11, 3.2, 3.6, 5.11, 7.6, 12.4, 13.2, 13.3, 14.1 eff. 07/01/2016.

Entire rule eff. 07/01/2018.

Rules 1.1, 1.2, 1.7, 1.8, 2.5, 2.9-2.20, 3.3, 3.4, 5.1, Chapters 6-7, rules 8.6-8.13, 11.3 D.ix, 13.2, 13.3, 13.7-13.9, 14.1, 14.15-14.17 emer. rules eff. 06/18/2019.

Rules 1.1, 1.2, 1.7, 1.8, 2.1, 2.5, 2.9-2.20, 3.3, 3.4, 5.1, 5.4, 6.1-6.5, 7.1, 7.2, 8.6-8.13, 10.1, 11.3, 12.2-12.4, 13.1-13.9, 14.1, 14.2 D, 14.15-14.17 eff. 12/30/2019.

Entire rule eff. 05/30/2021.

Notice of Proposed Rulemaking

Tracking number

2021-00544

Department

700 - Department of Regulatory Agencies

Agency

744 - Division of Professions and Occupations - Board of Addiction Counselor Examiners

CCR number

4 CCR 744-1

Rule title

BOARD OF ADDICTION COUNSELOR EXAMINERS RULES

Rulemaking Hearing

Date

10/05/2021

Time

09:30 AM

Location

Webinar Only: <https://attendee.gotowebinar.com/register/7256850827942530828>

Subjects and issues involved

The purpose of this Permanent Rulemaking Hearing is for the Board to consider adopting revisions to Rule 1.8, to implement Colorado Senate Bill 21-077 (Concerning the elimination of verification of an individual's lawful presence in the United States as a requirement for individual credentialing).

Statutory authority

Sections 12-20-204(1), 12-245-222(2), and 24-4-103, C.R.S.

Contact information

Name

Elena M. Kemp

Title

Regulatory Coordinator

Telephone

303-894-7426

Email

dora_dpo_rulemaking@state.co.us

DEPARTMENT OF REGULATORY AGENCIES

Board of Addiction Counselor Examiners

BOARD OF ADDICTION COUNSELOR EXAMINERS RULES

4 CCR 744-1

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

...

1.8 REPORTING CHANGE OF ADDRESS, TELEPHONE NUMBER, OR NAME (C.R.S. §§ 12-20-204(1), 12-245-204, and 12-245-206)

- A. Certificate holders and licensees shall inform the Division of any name, telephone number or address change within thirty days of such change. Staff shall not change licensees' information without written notification from the licensee. Notification via mail, fax, email and the online system is acceptable. Verbal notification is not acceptable.
- B. Any of the following documentation is required to change a licensee's name or correct a social security number or individual taxpayer identification number: marriage license, divorce decree, or court order, or IRS form W-7, as applicable. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

...

Editor's Notes

History

Entire rule emer. rule eff. 01/01/2011.

Entire rule eff. 02/01/2011.

Rules 1-20 (board rules) emer. rules eff. 12/13/2011.

Rules 1-4 (director's rules) emer. rules repealed eff. 12/20/2011.

Rules 1-4 (director's rules) repealed eff. 02/15/2012.

Entire rule eff. 03/16/2012.

Rules 1.1 D, 1.6 A, 1.6 B.2, 1.9 C, 1.13 E, 1.14, 1.15, 1.17, 1.19, 1.20 emer. rules eff. 10/06/2020.

Entire rule eff. 11/30/2020.

Rules 1.6 A, 1.12 D, 1.23, Appendix A eff. 05/30/2021.

Annotations

Rules 1.12 D, 1.23 E.4 (adopted 10/06/2020) were not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

Notice of Proposed Rulemaking

Tracking number

2021-00517

Department

1000 - Department of Public Health and Environment

Agency

1001 - Air Quality Control Commission

CCR number

5 CCR 1001-23

Rule title

REGULATION NUMBER 19 THE CONTROL OF LEAD HAZARDS

Rulemaking Hearing

Date

11/18/2021

Time

09:00 AM

Location

This hearing will be held online only via the Zoom platform; there will be no in-person participation. See Notice for details.

Subjects and issues involved

To consider revisions to the lead-based paint abatement regulation. Proposed revisions will include updating regulatory language and lowering clearance and lead dust hazard levels to reflect changes in federal regulation.

Statutory authority

Sections 25-7-101, 25-7-105(1), 25-7-1101, 25-7-1103, 25-7-1103(1)(a), 25-7-1103(1)(c), 25-7-1103(1)(d), and Sections 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.

Contact information

Name

Laura Manyak

Title

Program Supervisor

Telephone

303-692-3102

Email

laura.manyak@state.co.us

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 19

The Control of Lead Hazards

5 CCR 1001-23

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

Outline of Regulation

PART A Lead-Based Paint Activities

- I. **Scope and Applicability**
- II. **Definitions**
- III. **Training and Certification Requirements**
- IV. **Inspections, Lead-Hazard Screens, and Risk Assessments**
- V. **Abatement Requirements**
- VI. **Delegation to Local Health or Building Departments**

PART B Pre-Renovation Education in Target Housing and Child-Occupied Facilities

- I. **Scope and Applicability**
- II. **Definitions**
- III. **Information Distribution Requirements**
- IV. **Recordkeeping Requirements**
- V. **Acknowledgment and Certification Statements**

PART C Statements of Basis, Specific Statutory Authority and Purpose

PART A LEAD-BASED PAINT ABATEMENT ACTIVITIES

I. Scope and Applicability

- I.A. This Regulation **19**, Part A contains procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of individuals and firms engaged in lead-based paint activities, and work practice standards for performing such activities. This Regulation **19**, Part A also requires that, except as discussed **below**, all lead-based paint activities, as defined in this Regulation **19**, Part A, be performed by certified individuals and firms.

- I.B. This Regulation ~~No-Number~~ 19, Part A applies to all individuals and firms who are engaged in lead-based paint activities as defined in Section II.B.487. of this Regulation ~~No-Number~~ 19, Part A, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or unless a child residing in the building has been identified as having an elevated blood lead level.
- I.C. This Regulation ~~No-Number~~ 19, Part A applies to all lead-based paint activities that are performed in target housing and child-occupied facilities and to buildings that will be converted to target housing or child-occupied facilities.
- I.D. This Regulation ~~No-Number~~ 19, Part A applies to all projects designed to permanently eliminate lead-based paint hazards in target housing and child-occupied facilities. This Regulation ~~No-Number~~ 19, Part A does not apply to renovation, remodeling, landscaping, or other activities when such activities are not intended nor designed to permanently eliminate lead-based paint hazards but instead are intended to repair, restore or remodel a given structure or dwelling.
- I.E. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal and State government having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof ~~is shall~~ be subject to, and must comply with, all State and local requirements, both substantive and procedural, including the requirements of this Regulation ~~No-Number~~ 19, Part A regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.
- I.F. While this Regulation ~~No-Number~~ 19, Part A establishes specific requirements for performing lead-based paint activities should they be undertaken, nothing in this Regulation ~~No-Number~~ 19, Part A requires that the owner or occupant undertake any particular lead-based paint activity.
- I.G. [Reserved]

II. Definitions

II.A. Incorporated Materials

Some documents may be noted in this Regulation ~~No-Number~~ 19, Part A as being incorporated by reference. Materials incorporated by reference are those in existence as of the dates indicated and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the ~~Division's office~~Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246, or may be examined at any state publications depository library.~~Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission. The material incorporated by reference is also available through the United States Government Printing Office, online at www.gpo.gov/fdsys.~~

II.B. Terms

Any terms that are not defined ~~below~~ are given the same meaning as in the Air ~~Qualit~~Quality Control Commission's Common Provisions Regulation.

- II.B.1. Abatement means any measure or set of measures that will contain or permanently eliminate lead-based paint hazards or lead-based paint that might become a hazard. In contrast to interim controls, lead-based paint abatement refers to a group of measures that can be expected to eliminate or reduce exposures to lead hazards for at least 20 years under normal conditions. As 20 years is the expected lifespan of many

~~commonly used building components, abatement is the closest one can get to a “permanent” solution in housing. These measures include, including:~~

II.B.1.a. the removal of lead-based paint and lead-contaminated dust;

II.B.1.b. the permanent containment of lead-based paint;

II.B.1.c. the encapsulation of lead-based paint;

II.B.1.d. the replacement or enclosure of lead-painted surfaces or fixtures;

II.B.1.e. the removal or covering of lead-contaminated soil; and

II.B.1.f. all preparation, cleanup, disposal, monitoring, and clearance testing activities associated with the measures described in this Section II.B.1., of this Regulation ~~No-Number~~ 19, Part A.

II.B.2. ~~Accredited~~-training program means a training program that has been accredited by the ~~De~~division pursuant to Section III. (Training and Certification Requirements) of this Regulation ~~No-Number~~ 19, Part A to provide training for individuals engaged in lead-based paint activities.

II.B.3. Adequate quality control means a plan or design that ensures the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

II.B.4. Arithmetic mean means the algebraic sum of data values divided by the number of data values (e.g., the sum of the concentration of lead in several soil samples divided by the number of samples).

II.B.5. Certified ~~Lead Abatement Ffirm (LAF)~~ means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs ~~or offers to perform,~~ lead-based paint ~~abatement~~ activities ~~as defined in this Section II. (Definitions) of this Regulation Number 19, Part A, and~~ to which the ~~De~~division has issued a certificate of approval pursuant to Section III. (Training and Certification Requirements) of this Regulation ~~No-Number~~ 19, Part A.

~~II.B.6. Certified Lead Evaluation Firm (LEF) means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs or offers to perform, inspection and/or risk assessment activities as defined in this Section II. (Definitions) of this Regulation Number 19, Part A, and to which the Division has issued a certificate of approval pursuant to Section III. (Training and Certification Requirements) of this Regulation Number 19, Part A.~~

II.B.~~76~~. Certified inspector means an individual who has been trained ~~by an accredited training program, as defined by this Regulation No. 19, Part A,~~ and certified by the ~~Ddivision~~ pursuant to Section III. (Training and Certification Requirements) of this Regulation ~~No-Number~~ 19, Part A to conduct inspections. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing. ~~Certified Inspectors must work for a certified LEF.~~

II.B.~~87~~. Certified abatement worker means an individual who has been trained ~~by an accredited training program, as defined by this Section II. (Definitions) of this Regulation No. 19, Part A,~~ and certified by the ~~Ddivision~~ pursuant to Section III. (Training and Certification

Requirements) of this Regulation ~~No. Number~~ 19, Part A to perform abatement. Certified Workers must work for a certified LAF.

II.B.98. Certified project designer means an individual who has been trained ~~by an accredited training program, as defined by this Section II. (Definitions) of this Regulation No. 19, Part A,~~ and certified by the Ddivision pursuant to Section III. (Training and Certification Requirements) of this Regulation ~~No. Number~~ 19, Part A to prepare abatement project designs, occupant protection plans, and abatement reports. Certified Project Designers must work for a certified LEF or LAF.

II.B.109. Certified risk assessor means an individual who has been trained ~~by an accredited training program, as defined by this Section II. (Definitions) of this Regulation No. 19, Part A,~~ and certified by the Ddivision pursuant to Section III. (Training and Certification Requirements) of this Regulation ~~No. Number~~ 19, Part A to conduct risk assessments. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing. Certified Risk Assessors must work for a certified LEF.

II.B.110. Certified supervisor means an individual who has been trained ~~by an accredited training program, as defined by this Section II. (Definitions) of this Regulation No. 19, Part A,~~ and certified by the Ddivision pursuant to Section III. (Training and Certifications Requirements) of this Regulation ~~No. Number~~ 19, Part A to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports. Certified Supervisors must work for a certified LAF.

II.B.121. Chewable surface means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

II.B.132. Child-occupied facility

II.B.132.a. Child-occupied facility means a building or portion of a building that:

II.B.132.a.(i) was constructed prior to 1978;

II.B.132.a.(ii) is visited regularly by the same child who is under 7 years of age;

II.B.132.a.(iii) is visited by the same such child on two or more days within any week, ~~consisting of the period from Sunday through the following Saturday,~~ with each such visit totaling three six or more hours; and

II.B.132.a.(iv) is visited by the same such child a total of at least sixty hours in one year.

II.B.132.b. "Child-Occupied Facility" includes, but is not limited to, any day-care centers, preschools, or kindergarten classrooms constructed prior to 1978.

II.B.143. Clearance levels are values that indicate the maximum amount of lead permitted in dust on a surface following completion of an abatement activity.

II.B.154. Commission means the Air Quality Control Commission as created by Section 25-7-104, C.R.S.

- II.B.165. Common area means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.
- II.B.176. Common area group means a group of common areas that are similar in design, construction, and function. Common area groups include, but are not limited to hallways, stairwells, and laundry rooms.
- II.B.187. Component or building component means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim (including sashes, window heads, jambs, sills or stools and troughs), built in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascia's, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills or stools and troughs, casings, sashes and wells, and air conditioners.
- II.B.198. Concentration means the relative content of a specific substance contained within a larger mass, such as the amount of lead (in micrograms per gram or parts per million by weight) in a sample of dust or soil.
- II.B.2019. Containment means a system of engineering controls designed process to protect workers, and the environment and the public by controlling exposures to the lead-contaminated dust and debris created during abatement.
- II.B.210. Course agenda means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.
- II.B.221. Course test means an evaluation of the overall effectiveness of the training that shall~~must~~ test the trainees' knowledge and retention of the topics covered during the course.
- II.B.232. Course test blue-print means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.
- II.B.243. Deteriorated paint means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.
- II.B.254. Discipline means one of the specific types or categories of lead-based paint activities identified in this Regulation No-Number 19, Part A for which individuals may receive training from accredited programs and become certified by the Deivision. For example, "abatement worker" is a discipline.
- II.B.265. Distinct painting history means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

II.B.276. Disturb means:

II.B.276.a. In the case of paint, any activity that causes cracking, flaking, chipping, peeling, or separation of the paint from the substrate of a building component. Activities that disturb paint include, but are not limited to, scraping, grinding, sanding, abrasive blasting, drilling, sawing, or the application of chemical strippers; encapsulation and enclosure systems that are applied to surfaces where the paint is not deteriorated typically does not disturb the paint.

II.B.276.b. In the case of dust or soil, any activity that causes the movement of dust or soil, such as, but not limited to, sweeping, vacuuming, digging and sifting.

II.B.287. Division means the Air Pollution Control Division in the Department of Public Health and Environment.

II.B.298. Documented methodologies means ~~D~~division recognized methods or protocols used to sample for the presence of lead in paint, dust, and soil. Documented methodologies include the U.S. Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing ([2012 Edition June 1995](#)); ~~the EPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and lead-contaminated soil (Federal Register, Volume 60, No. 175, pp 47247-47257, Monday, September 11, 1995 "Guidance on Identification of Lead-Based Paint Hazard; Notice");~~ the EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA report number 747-R-95-001, March 1995); and other methods and guidelines determined by the ~~D~~division to be equivalent methods and guidelines.

II.B.3029. Dripline means the area within 3 feet surrounding the perimeter of a building.

II.B.310. ~~Elevated blood lead level (EBL) means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 µg/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 µg/dl in two consecutive tests taken 3 to 4 months apart. Elevated blood lead level (EBL) means an excessive absorption of lead that is a confirmed concentration of lead in whole blood ≥ 5µg/dL (micrograms of lead per deciliter of whole blood) for a single venous test a-or two consecutive capillary tests taken within 90 days.~~

II.B.321. Encapsulant means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material. [The list of Division approved lead encapsulants can be found on the Division's lead web page at](#)

II.B.332. Encapsulation means the application of an encapsulant. [Painting for purposes other than controlling lead is not considered encapsulation.](#)

II.B.343. Enclosure means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

II.B.354. Exterior windowsill means the portion of the horizontal window ledge that protrudes from the exterior of the room.

- II.B.365. Friction surface means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.
- II.B.376. Guest instructor means an individual designated by the training program manager or principal instructor to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
- II.B.387. Hands-on skills assessment means an evaluation that tests the trainees' ability to satisfactorily perform the work practices and procedures identified in Section III.A.4. (Minimum Training Curriculum Requirements) of this Regulation ~~No-Number~~ 19, Part A, as well as any other skill taught in a training course.
- II.B.398. Hazardous waste means any waste as defined in 40 CFR Section 261.3.
- II.B.4039. HEPA means high efficiency particulate air. A HEPA filtration system is capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.
- II.B.419. High contact play area means any location on residential real property and on the property of a child-occupied facility or target housing where children under 7 years of age might commonly play. This term includes, but is not limited to, sandboxes, gardens, and swing sets.
- II.B.421. [Reserved]
- II.B.432. Impact surface means an interior or exterior surface that is subject to damage by repeated sudden force such as certain parts of doorframes.
- II.B.443. Inspection means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a written report explaining the results of the investigation. Lead inspections may only be conducted by a certified inspector or risk assessor.
- II.B.454. Interim controls means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
- II.B.465. Interior windowsill means the portion of the horizontal window ledge that protrudes into the interior of the room.
- II.B.476. Lead-based paint means any paint containing more than six one-hundredths of one per cent by wet weight of lead metal, more than five-tenths of one percent by dry weight of lead metal, or more than one milligram per square centimeter of lead metal.
- II.B.487. Lead-based paint activities means, in the case of target housing and child-occupied facilities, inspection, hazard screen, risk assessment, and abatement, as defined in this Section II. (Definitions) of this Regulation ~~No-Number~~ 19, Part A.
- II.B.498. Lead-based paint hazard means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-based paint. Lead-based paint hazard also means hazardous lead-based paint, dust-lead hazard or soil-lead hazard as identified ~~below~~.

II.B.498.a. Paint-lead hazard. A paint-lead hazard is any of the following:

II.B.498.a.(i) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., window sill-, or floor) are equal to or greater than the dust-lead hazard levels identified in this section.

II.B.498.a.(ii) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

II.B.498.a.(iii) Any chewable lead-based painted surface on which there is evidence of teeth marks.

II.B.498.a.(iv) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

II.B.498.b. Dust-lead hazard. A dust-lead hazard is surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 1040 µg/ft² on floors or 100250 µg/ft² on interior window sills based on wipe samples.

II.B.498.c. Soil-lead hazard. A soil-lead hazard is bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million (µg/g) in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

II.B.5049. Lead-contaminated dust means surface dust in residential dwellings or child-occupied facilities that contains an area or mass concentration of lead equal to or in excess of 1040 µg/ft² on interior floors, 100250 µg/ft² on interior window sills, 400 µg/ft² in window troughs, 500 µg/ft² on exterior window sills, and 800 µg/ft² on exterior surfaces (e.g. patios, porches, sidewalks).

II.B.519. Lead-contaminated soil means bare soil on residential real property and on the property of a child-occupied facility that contains lead equal to or in excess of 400 µg/g in a play area or in excess of 1,200 µg/g averaged in the rest of the yard (non-play areas).

II.B.521. Lead-contaminated waste means any waste generated as a result of lead-based paint activities or the deterioration of lead-based paint in a pre-1978 residential dwelling or child-occupied facility. This term includes, but is not limited to, lead-based paint chips, lead-contaminated dust, lead-contaminated soil, abatement control devices, disposable equipment and clothing, bags and other similar packaging contaminated with lead, waste water, architectural components, and chemical stripper sludge.

II.B.532. Lead-hazard screen means a limited risk assessment activity that involves limited paint and dust sampling as described in Section IV.B. (Lead Hazard Screen) of this Regulation ~~No.Number~~ 19, Part A. A lead-hazard screen must be conducted by a certified risk assessor.

II.B.543. Living area means any area of a residential dwelling used by one or more children under 7 years of age, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

II.B.554. Loading means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

II.B.565. Mid-yard means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

~~ad-~~

II.B.57. Movable objects" means pieces of free-standing equipment or furniture, not mounted or attached in the work area which can be readily removed from the work area. Movable objects remaining in the work area which cannot be readily removed from the area must be protected pursuant to Sections V.C.2.d, V.C.3.e., V.D.2.b.(iv). and V.D.2.C.(iv). Protection of Objects, and must be able to be moved in the work area to clean under such items and to facilitate final clearance.

~~II.B.56. Multi-family dwelling means a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.~~

II.B.597. Paint means a liquid mixture, usually of a solid pigment in a liquid vehicle, used as a decorative or protective coating. This term includes, but is not limited to, primer, lacquer, polyurethane, and wood stain.

II.B.6058. Paint in poor condition means more than two square feet of deteriorated paint per room or equivalent, twenty square feet of deteriorated paint on the exterior building, or ten percent of the total surface area of deteriorated paint on an interior or exterior type of component with a small surface area.

II.B.6159. Permanently covered soil means soil that has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch, and other landscaping materials are not considered permanent covering.

II.B.620. Person means any individual, public or private corporation, partnership, association, firm, trust, estate, the United States or the state or any department, institution, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

II.B.631. Play area means an area of frequent soil contact by children of less than 7 years of age as indicated by, but not limited to, such factors including the following; the presence of play equipment (e.g., sandboxes, swing sets and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.

II.B.642. Principal instructor means the individual who has the primary responsibility for organizing and teaching a particular course.

- II.B.653. Recognized laboratory means an environmental laboratory recognized by [the EPA as a member of the National Lead Laboratory Accreditation Program](#) pursuant to [the Toxic Substances Control Act Section 405\(b\)](#) as being capable of performing an analysis for lead compounds in paint, soil, and dust.
- II.B.664. Reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.
- II.B.675. Residential building means a building containing one or more residential dwellings.
- II.B.686. Residential dwelling means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.
- II.B.697. Risk assessment means (1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and (2) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards. [A risk assessment must be conducted by a certified risk assessor.](#)
- II.B.7068. Room means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least 6 inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Moveable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- II.B.7169. Soil sample means a sample collected in a representative location using ASTM E1727, "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method.
- II.B.720. Target housing means housing constructed prior to 1978 other than any zero-bedroom dwelling or any housing for the elderly or a person with a disability; except that "target housing" includes housing for the elderly or a person with a disability if a child under 7 years of age resides or is expected to reside in the housing.
- II.B.731. Training curriculum means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.
- II.B.742. Training hour means at least 50 minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.
- II.B.753. Training manager means the individual responsible for administering a training program and monitoring the performance of principal instructors and guest instructor.

- II.B.764. Visible emissions means any emissions that are visually detectable without the aid of instruments, coming from lead-based paint or lead-contaminated waste material.
- II.B.775. Visual inspection for clearance testing means the visual examination of a residential dwelling or a child-occupied facility following abatement to determine whether or not the abatement has been successfully completed.
- II.B.786. Visual inspection for risk assessment means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.
- II.B.797. Weighted arithmetic mean means the arithmetic mean of sample results weighted by the number of subsamples in each sample. Its purpose is to give influence to a sample relative to the surface area it represents. A single surface sample is comprised of a single subsample. A composite sample may contain from two to four subsamples of the same area as each other and of each single surface sample in the composite. The weighted arithmetic mean is obtained by summing, for all samples, the product of the sample's result multiplied by the number of subsamples in the sample, and dividing the sum by the total number of subsamples contained in all samples. For example, the weighted arithmetic mean of a single surface sample containing 60 $\mu\text{g}/\text{ft}^2$, a composite sample (three subsamples) containing 100 $\mu\text{g}/\text{ft}^2$, and a composite sample (4 subsamples) containing 110 $\mu\text{g}/\text{ft}^2$ is 100 $\mu\text{g}/\text{ft}^2$. This result is based upon the equation $(60 + (3 \times 100) + (4 \times 110)) / (1 + 3 + 4)$.
- II.B.8078. Window trough means, for a typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window well.
- II.B.8179. Wipe sample means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques, or equivalent method, with an acceptable wipe material as defined in ASTM E1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."
- II.B.829. Work area means an area covered or contained by polyethylene sheeting to prevent the spread of lead contamination; and an area within which concentrations of lead, exceed, or may exceed, clearance levels.
- II.B.831. Working day means Monday through Friday and includes holidays that fall on any of the days Monday through Friday. II.B.84. Zero-bedroom dwelling means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single-room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings

III. Training and Certification Requirements

III.A. Accreditation of Training Programs: Target Housing and Child-occupied Facilities

III.A.1. Scope

- III.A.1.a. A training program may seek accreditation to offer lead-based paint activities courses in any of the following disciplines: inspector, risk assessor,

supervisor, project designer, and abatement worker. A training program may also seek accreditation to offer refresher courses for each of the ~~above~~-listed disciplines.

- III.A.1.b. A training program ~~must~~shall not provide, offer, or claim to provide ~~Division~~-accredited lead-based paint activities courses without applying for and receiving accreditation from the ~~Division~~ as required under Section III.A.2. (Application Process) of this Regulation ~~No. Number~~ 19, Part A. ~~on or after the effective date of this Regulation No. 19, Part A.~~

III.A.2. Application Process

The following are procedures a training program ~~must~~shall follow to receive ~~Division~~ accreditation to offer lead-based paint activities courses:

- III.A.2.a. A training program seeking accreditation ~~must~~shall submit a written application to the ~~Division~~ containing the following information:
- III.A.2.a.(i) the training program's name, address, and telephone number;
 - III.A.2.a.(ii) a list of courses for which it is applying for accreditation; and
 - III.A.2.a.(iii) a statement signed by the training program manager certifying that the training program meets the requirements established in Section III.A.3. (Requirements for the Accreditation of Training Programs) of this Regulation ~~No. Number~~ 19, Part A. If a training program uses EPA-recommended model training materials, or training materials approved by a State or Indian Tribe that has been authorized by EPA under 40 C.F.R. Part 745, Subpart Q the training program manager ~~must~~shall include a statement certifying that, as well.
 - III.A.2.a.(iv) If a training program does not use EPA-recommended model training materials or training materials approved by an authorized State or Indian Tribe, its application for accreditation ~~must~~shall also include:
 - III.A.2.a.(iv)(A) a copy of the student and instructor manuals, or other materials to be used for each course; and
 - III.A.2.a.(iv)(B) a copy of the course agenda for each course.
 - III.A.2.a.(v) All training programs ~~must~~shall include in their application for accreditation the following:
 - III.A.2.a.(v)(A) a description of the facilities and equipment to be used for lecture and hands-on training;
 - III.A.2.a.(v)(B) a copy of the course test blue print for each course;
 - III.A.2.a.(v)(C) a description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course; and
 - III.A.2.a.(v)(D) a copy of the quality control plan as described in Section III.A.3.i. of this Regulation ~~No. Number~~ 19, Part A.

III.A.2.b. If a training program meets the requirements in Section III.A.3. (Requirements for the Accreditation of Training Programs) of this Regulation ~~No-Number~~ 19, Part A, then the ~~D~~ivision ~~will~~shall approve the application for accreditation no more than 180 days after receiving a complete application from the training program. In the case of approval, a certificate of accreditation ~~will~~shall be sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval ~~will~~shall be sent to the applicant. Prior to disapproval, the ~~D~~ivision may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The ~~D~~ivision may also request additional materials retained by the training program under Section III.A.7. (Training Program Recordkeeping Requirements) of this Regulation ~~No-Number~~ 19, Part A. If the ~~D~~ivision disapproves a training program's application, the program may reapply for accreditation at any time.

III.A.2.c. A training program may apply for accreditation to offer courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this Section III. (Training and Certification Requirements) of this Regulation ~~No-Number~~ 19, Part A.

III.A.2.d. A training program which has received accreditation from US EPA or another state whose training and certification requirements are at least as stringent as Colorado's must first apply for and receive accreditation before conducting training in Colorado.

III.A.2.e. A training program must notify the ~~D~~ivision, on a form ~~specified~~provided by the ~~D~~ivision, of scheduled courses at least 2 weeks prior to the offering of the course. The training program must receive written approval for each class from the ~~D~~ivision prior to conducting the training.

III.A.2.f. Fees for accreditation of training programs ~~will~~shall be as follows:

- III.A.2.f.(i) Inspector (24-hour) course --\$1,500;
- III.A.2.f.(ii) Risk Assessor (16-hour) course -- \$1,000;
- III.A.2.f.(iii) Supervisor (32-hour) course -- \$2,000;
- III.A.2.f.(iv) Project Designer (8-hour) course -- \$500;
- III.A.2.f.(v) Abatement Worker (16-hour) course -- \$1,000; and
- III.A.2.f.(vi) All refresher training courses -- \$500.

III.A.3. Requirements for the Accreditation of Training Programs

For a training program to obtain accreditation from the ~~D~~ivision to offer lead-based paint activities courses, the program ~~must~~shall meet the following requirements:

III.A.3.a. The training program ~~must~~shall employ a training manager who has:

- III.A.3.a.(i) at least 2 years of experience, education, or training in teaching workers or adults; or

III.A.3.a.(ii) a bachelor's or graduate degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

III.A.3.a.(iii) two years of experience in managing a training program specializing in environmental hazards; and

III.A.3.a.(iv) demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

III.A.3.b. The training manager mustshall designate a qualified principal instructor for each course who has:

III.A.3.b.(i) demonstrated experience, education, or training in teaching workers or adults;

III.A.3.b.(ii) successfully completed at least 16 hours of any EPA-accredited or EPA-authorized State or Tribal-accredited lead-specific training; and

III.A.3.b.(iii) demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

III.A.3.c. The principal instructor willshall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

III.A.3.d. The following documents willshall be recognized by the Division as evidence that training managers and principal instructors have the education, work experience, training requirements or demonstrated experience, specifically listed in Sections III.A.3.a. and III.A.7. (Training Program Recordkeeping Requirements) of this Regulation No-Number 19, Part A. This documentation need not be submitted with the accreditation application, but, if not submitted, mustshall be retained by the training program as required by the recordkeeping requirements contained in Section III.A.7. (Training Program Recordkeeping Requirements) of this Regulation No-Number 19, Part A. Those documents include the following:

III.A.3.d.(i) official academic transcripts or diploma as evidence of meeting the education requirements;

III.A.3.d.(ii) résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

III.A.3.d.(iii) certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

III.A.3.e. The training program mustshall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that

reflects current work practices and maintaining or updating the equipment and facilities as needed.

III.A.3.f. To become accredited in the following disciplines, the training program mustshall provide training courses that meet the following training hour requirements:

III.A.3.f.(i) The inspector course mustshall last a minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the inspector course are contained in Section III.A.4.a. (Inspector) of this Regulation No: Number 19, Part A.

III.A.3.f.(ii) The risk assessor course mustshall last a minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on training activities. The minimum curriculum requirements for the risk assessor course are contained in Section III.A.4.b. (Risk Assessor) of this Regulation No: Number 19, Part A.

III.A.3.f.(iii) The supervisor course mustshall last a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The minimum curriculum requirements for the supervisor course are contained in Section III.A.4.c. (Supervisor) of this Regulation No: Number 19, Part A.

III.A.3.f.(iv) The project designer course mustshall last a minimum of 8 training hours. The minimum curriculum requirements for the project designer course are contained in Section III.A.4.d. (Project Designer) of this Regulation No: Number 19, Part A.

III.A.3.f.(v) The abatement worker course mustshall last a minimum of 16 training hours, with a minimum of 8 hours devoted to hands-on training activities. The minimum curriculum requirements for the abatement worker course are contained in Section III.A.4.e. (Abatement Worker) of this Regulation No: Number 19, Part A.

III.A.3.g. For each course offered, the training program mustshall conduct either a course test at the completion of the course, and if applicable, a hands-on skills assessment, or in the alternative, a proficiency test for that discipline. Each individual must successfully complete the hands-on skills assessment and receive a passing score on the course test to pass any course, or successfully complete a proficiency test.

III.A.3.g.(i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment or proficiency test to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics contained in Section III.A.4. (Minimum Training Curriculum Requirements) of this Regulation No: Number 19, Part A.

III.A.3.g.(ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

III.A.3.g.(iii) The course test mustshall be developed in accordance with the test blueprint submitted with the training accreditation application.

III.A.3.h. The training program mustshall issue unique course completion certificates to each individual who passes the training course. The course completion certificate mustshall include:

III.A.3.h.(i) the name, a unique identification number, and address of the individual;

III.A.3.h.(ii) the name of the particular course that the individual completed;

III.A.3.h.(iii) dates of course completion/test passage; and

III.A.3.h.(iv) the name, address, and telephone number of the training program.

III.A.3.i. The training manager mustshall develop and implement a quality control plan. The plan mustshall be used to maintain and improve the quality of the training program over time. This plan mustshall contain at least the following elements:

III.A.3.i.(i) procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

III.A.3.i.(ii) procedures for the training manager's annual review of principal instructor competency.

III.A.3.j. The training program mustshall offer courses that teach the work practice standards for conducting lead-based paint activities contained in this Section III. (Training and Certification Requirements) of this Regulation No-Number 19, Part A, and other standards developed by EPA pursuant to Title IV of TSCA. These standards mustshall be taught in the appropriate courses to provide trainees with the knowledge needed to perform the lead-based paint activities they are responsible for conducting.

III.A.3.k. The training manager willshall be responsible for ensuring that the training program complies at all times with all of the requirements in this Section III. (Training and Certification Requirements) of this Regulation No-Number 19, Part A.

III.A.3.l. The training manager mustshall allow the Division, at no cost to the Division, to audit the training program to verify the contents of the application for accreditation as described in Section III.A.2. (Application Process) of this Regulation No-Number 19, Part A.

III.A.4. Minimum Training Curriculum Requirements

To become accredited to offer lead-based paint courses instruction in the specific disciplines listed below, training programs must ensure that their courses of study include, at a minimum, the following course topics. Requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course.

III.A.4.a. Inspector

III.A.4.a.(i) Role and responsibilities of an inspector.

III.A.4.a.(ii) Background information on lead and its adverse health effects.

III.A.4.a.(iii) Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and lead-based paint activities.

III.A.4.a.(iv) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing. .*

III.A.4.a.(v) Paint, dust, and soil sampling methodologies. .*

III.A.4.a.(vi) Clearance standards and testing, including random sampling. .*

III.A.4.a.(vii) Preparation of the final inspection report. .*

III.A.4.a.(viii) Recordkeeping.

III.A.4.b. Risk Assessor

III.A.4.b.(i) Role and responsibilities of a risk assessor.

III.A.4.b.(ii) Collection of background information to perform a risk assessment.

III.A.4.b.(iii) Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.

III.A.4.b.(iv) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards. .*

III.A.4.b.(v) Lead hazard screen protocol.

III.A.4.b.(vi) Sampling for other sources of lead exposure. .*

III.A.4.b.(vii) Interpretation of lead-based paint and other lead sampling results, including all applicable State or Federal guidance or regulations pertaining to lead-based paint hazards. .*

III.A.4.b.(viii) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.

III.A.4.b.(ix) Preparation of a final risk assessment report.

III.A.4.c. Supervisor

III.A.4.c.(i) Role and responsibilities of a supervisor.

III.A.4.c.(ii) Background information on lead and its adverse health effects.

III.A.4.c.(iii) Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint abatement.

III.A.4.c.(iv) Liability and insurance issues relating to lead-based paint abatement.

III.A.4.c.(v) Risk assessment and inspection report interpretation. .*

III.A.4.c.(vi) Development and implementation of an occupant protection plan and abatement report.

III.A.4.c.(vii) Lead-based paint hazard recognition and control. *

III.A.4.c.(viii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices. *

III.A.4.c.(ix) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods. *

III.A.4.c.(x) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods. *

III.A.4.c.(xi) Clearance standards and testing.

III.A.4.c.(xii) Cleanup and waste disposal.

III.A.4.c.(xiii) Recordkeeping.

III.A.4.d. Project Designer

III.A.4.d.(i) Role and responsibilities of a project designer.

III.A.4.d.(ii) Development and implementation of an occupant protection plan for large scale abatement projects.

III.A.4.d.(iii) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.

III.A.4.d.(iv) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.

III.A.4.d.(v) Clearance standards and testing for large scale abatement projects.

III.A.4.d.(vi) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.

III.A.4.e. Abatement Worker

III.A.4.e.(i) Role and responsibilities of an abatement worker.

III.A.4.e.(ii) Background information on lead and its adverse health effects.

III.A.4.e.(iii) Background information on Federal, State and local regulations and guidance that pertain to lead-based paint abatement.

III.A.4.e.(iv) Lead-based paint hazard recognition and control. *

III.A.4.e.(v) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices. *

III.A.4.e.(vi) Interior dust abatement methods/cleanup or lead-based paint hazard reduction.*

III.A.4.e.(vii) Soil and exterior dust abatement methods or lead-based paint hazard reduction.*

III.A.4.f. The training program ~~must~~ allow the ~~De~~division, without any cost to the ~~De~~division, to audit the training program to evaluate the quality of the course as well as to verify the contents of the application for accreditation as described in Section III.A.2. (Application Process) of this Regulation ~~No-Number~~ 19, Part A.

III.A.5. Requirements for the Accreditation of Refresher Training Programs

A training program may seek accreditation to offer refresher training courses in any of the following disciplines: inspector, risk assessor, supervisor, project designer, and abatement worker. To obtain ~~De~~division accreditation to offer refresher training, a training program must meet the following minimum requirements:

III.A.5.a. Each refresher course ~~must~~ review the curriculum topics of the full-length courses listed under Section III.A.4. (Minimum Training Curriculum Requirements) of this Regulation ~~No-Number~~ 19, Part A, as appropriate. In addition, to become accredited to offer refresher training courses, training programs ~~must~~ ensure that their courses of study include, at a minimum, the following:

III.A.5.a.(i) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

III.A.5.a.(ii) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

III.A.5.a.(iii) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

III.A.5.b. Each refresher course, except for the project designer course, ~~must~~ last a minimum of 8 training hours. The project designer refresher course ~~must~~ last a minimum of 4 training hours.

III.A.5.c. For each course offered, the training program ~~must~~ conduct a hands-on assessment (if applicable), and at the completion of the course, a course test.

III.A.5.d. A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding training course as described in Section III.A.2. (Application Process) of this Regulation ~~No-Number~~ 19, Part A. If so, the ~~De~~division ~~will~~ use the approval procedure described in Section III.A.2. (Application Process) of this Regulation ~~No-Number~~ 19, Part A. In addition, the minimum requirements contained in Sections III.A.3. (Requirements for the Accreditation of Training Programs) (except for the requirements in Section III.A.3.f.), and III.A.5.a., III.A.5.b., and III.A.5.c. of this Regulation ~~No-Number~~ 19, Part A ~~will~~ also apply.

III.A.5.e. A training program seeking accreditation to offer refresher training courses only mustshall submit a written application to the Division containing the following information:

III.A.5.e.(i) The refresher training program's name, address, and telephone number.

III.A.5.e.(ii) A list of courses for which it is applying for accreditation.

III.A.5.e.(iii) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in Section III.A.3. (Requirements for the Accreditation of Training Programs) of this Regulation No-Number 19, Part A, except for the requirements in Section III.A.3.f. of this Regulation No-Number 19, Part A. If a training program uses US EPA-developed model training materials, or training materials approved by a State or Indian Tribe that has been authorized by US EPA under 40 C.F.R., Section 745.324 to develop its refresher training course materials, the training manager mustshall include a statement certifying that, as well.

III.A.5.e.(iv) If the refresher training course materials are not based on US EPA-developed model training materials or training materials approved by an authorized State or Indian Tribe, the training program's application for accreditation mustshall include:

III.A.5.e.(iv)(A) a copy of the student and instructor manuals to be used for each course; and

III.A.5.e.(iv)(B) a copy of the course agenda for each course.

III.A.5.e.(v) All refresher training programs mustshall include in their application for accreditation the following:

III.A.5.e.(v)(A) a description of the facilities and equipment to be used for lecture and hands-on training;

III.A.5.e.(v)(B) a copy of the course test blue print for each course;

III.A.5.e.(v)(C) a description of the activities and procedures that will be used for conducting the assessment of hands-on skills for each course (if applicable); and

III.A.5.e.(v)(D) a copy of the quality control plan as described in Section III.A.3.i. of this Regulation No-Number 19, Part A.

III.A.5.e.(vi) The requirements in Sections III.A.3.a. through III.A.3.e., and III.A.3.g. through III.A.3.i. of this Regulation No-Number 19, Part A applies to refresher training providers.

III.A.5.e.(vii) If a refresher training program meets the requirements listed in this Section III.A.5. (Requirements for the Accreditation of Training Programs) of this Regulation No-Number 19, Part A, then the Division willshall approve the application for accreditation no more than 180 days after receiving a complete application from the refresher training program. In the case of approval, a certificate of accreditation willshall be

sent to the applicant. In the case of disapproval, a letter describing the reasons for disapproval willshall be sent to the applicant. Prior to disapproval, the Dedivision may, at its discretion, work with the applicant to address inadequacies in the application for accreditation. The Dedivision may also request additional materials retained by the refresher training program under Section III.A.7. (Training Program Recordkeeping Requirements) of this Regulation No-Number 19, Part A. If a refresher training program's application is disapproved, the program may reapply for accreditation at any time.

III.A.6. Re-accreditation of Training Programs

III.A.6.a. Unless re-accredited, a training program's accreditation (including refresher training accreditation) willshall expire 4 years after the date of issuance. If a training program meets the requirements of this section, the training program willshall be re-accredited.

III.A.6.b. A training program seeking re-accreditation mustshall submit an application to the Dedivision no later than 180 days before its accreditation expires. If a training program does not submit its application for re-accreditation by that date, the Dedivision cannot guarantee that the program will be re-accredited before the end of the accreditation period.

III.A.6.c. The training program's application for re-accreditation mustshall contain:

III.A.6.c.(i) The training program's name, address, and telephone number.

III.A.6.c.(ii) A list of courses for which it is applying for re-accreditation.

III.A.6.c.(iii) A description of any changes to the training facility, equipment or course materials since its last application was approved that adversely affects the student's ability to learn.

III.A.6.c.(iv) A statement signed by the program manager stating:

III.A.6.c.(iv)(A) That the training program complies at all times with all requirements in Sections III.A.3. (Requirements for the Accreditation of Training Programs) and III.A.5. (Requirements for the Accreditation of Refresher Training Programs) of this Regulation No-Number 19, Part A, as applicable; and

III.A.6.c.(iv)(B) The recordkeeping and reporting requirements of Section III.A.7. (Training Program Recordkeeping Requirements) of this Regulation No-Number 19, Part A mustshall be followed.

III.A.6.d. The training program mustshall allow the Dedivision, at no cost to the Dedivision, to audit the training program to verify the contents of the application for re-accreditation as described in Section III.A.6.c. of this Regulation No-Number 19, Part A.

III.A.6.e. Fees for re-accreditation of training programs willshall be as follows:

III.A.6.e.(i) Inspector (24-hour) course --\$1,500;

III.A.6.e.(ii) Risk Assessor (16-hour) course -- \$1,000;

- III.A.6.e.(iii) Supervisor (32-hour) course -- \$2,000;
- III.A.6.e.(iv) Project Designer (8-hour) course -- \$500;
- III.A.6.e.(v) Abatement Worker (16-hour) course -- \$1,000; and
- III.A.6.e.(vi) Any refresher training course -- \$500.

III.A.7. Training Program Recordkeeping Requirements

III.A.7.a. Accredited training programs ~~must~~shall maintain, and make available to the ~~D~~ivision, upon request, the following records:

III.A.7.a.(i) all documents specified in Section III.A.3.d. of this Regulation ~~No-Number~~ 19, Part A that demonstrate the qualifications listed in Sections III.A.3.a. and III.A.3.b. of this Regulation ~~No-Number~~ 19, Part A of the training manager and principal instructors;

III.A.7.a.(ii) current curriculum/course materials and documents reflecting any changes made to these materials;

III.A.7.a.(iii) the course test blue print; and

III.A.7.a.(iv) information regarding how the hands-on assessment is conducted including, but not limited to:

III.A.7.a.(iv)(A) who conducts the assessment;

III.A.7.a.(iv)(B) how the skills are graded;

III.A.7.a.(iv)(C) what facilities are used; and

III.A.7.a.(iv)(D) the pass/fail rate.

III.A.7.a.(v) the quality control plan as described in Section III.A.3.i. of this Regulation ~~No-Number~~ 19, Part A;

III.A.7.a.(vi) results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate; and

III.A.7.a.(vii) any other material not listed ~~above~~ in Sections III.A.7.a.(i) through III.A.7.a.(vi) of this Regulation ~~No-Number~~ 19, Part A that was submitted to the ~~D~~ivision as part of the program's application for accreditation.

III.A.7.b. The training program ~~must~~shall retain these records at the address specified on the training program accreditation application (or as modified in accordance with Section III.A.7.c. of this Regulation ~~No-Number~~ 19, Part A) for a minimum of 3 years and 6 months.

III.A.7.c. The training program ~~must~~shall notify the ~~D~~ivision in writing within 30 days of changing the address specified on its training program accreditation application or transferring the records from that address.

III.B. Certification of Individuals and Firms Engaged in Lead-based Paint Activities: Target Housing and Child-occupied Facilities

III.B.1. Certification of Individuals

III.B.1.a. Individuals seeking certification by the Dedivision to engage in lead-based paint activities must either:

III.B.1.a.(i) submit to the Dedivision an application on a form specified by the Division demonstrating that they meet the requirements established in Sections III.B.2. (Inspector, Risk Assessor or Supervisor) or III.B.3. (Abatement Worker and Project Designer) of this Regulation No-Number 19, Part A for the particular discipline for which certification is sought; or

III.B.1.a.(ii) submit to the Dedivision an application on a form specified by the Division with a copy of a valid lead-based paint activities certification (or equivalent) from the EPA or a State or Tribal program that has been authorized by EPA pursuant to 40 C.F.R., Part 745, Subpart Q.

III.B.1.b. Individuals seeking Colorado certification as an inspector, risk assessor or supervisor mustshall submit a fee to the Dedivision according to the following structure:

III.B.1.b.(i) Inspector -- \$230 for the first year and \$180 for each year thereafter;

III.B.1.b.(ii) Risk Assessor -- \$230 for the first year and \$180 for each year thereafter; and

III.B.1.b.(iii) Supervisor -- \$230 for the first year and \$180 for each year thereafter.

III.B.1.c. Individuals seeking Colorado certification as a worker or project designer mustshall submit a fee to the Dedivision according to the following structure:

III.B.1.c.(i) Worker -- \$180 for each year of certification sought; and

III.B.1.c.(ii) Project Designer -- \$180 for each year of certification sought.

III.B.1.d. Individuals may first apply to the Dedivision for certification to engage in lead-based paint activities pursuant to this section on or after the effective date of this Regulation No-Number 19, Part A.

III.B.1.e. Following the submission of an application demonstrating that all the requirements of this section have been met, the Dedivision willshall certify an applicant as an inspector, risk assessor, supervisor, project designer, or abatement worker, as appropriate.

III.B.1.f. Upon receiving the-Dedivision certification, individuals conducting lead-based paint activities mustshall comply with the work practice standards for performing the appropriate lead-based paint activities as established in Section IV (Inspections, Lead-Hazard Screens, and Risk Assessments) and Section V. (Abatement Requirements) of this Regulation No-Number 19, Part A.

III.B.2. Inspector, Risk Assessor or Supervisor

III.B.2.a. To become certified by the Division as an inspector, risk assessor, or supervisor, pursuant to Section III.B.1.a.(i) of this Regulation ~~No. Number~~ 19, Part A, an individual must:

III.B.2.a.(i) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

III.B.2.a.(ii) Pass the certification exam in the appropriate discipline offered by the Division.

III.B.2.a.(iii) Meet or exceed the following experience and/or education requirements:

III.B.2.a.(iii)(A) Inspectors

III.B.2.a.(iii)(A)(1) no additional experience and/or education requirements.

III.B.2.a.(iii)(A)(2) [Reserved]

III.B.2.a.(iii)(B) Risk Assessors

III.B.2.a.(iii)(B)(1) successful completion of an accredited training course for inspectors; and

III.B.2.a.(iii)(B)(2) Bachelor's degree and 1 year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction), or an Associate's degree and 2 years' experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

III.B.2.a.(iii)(B)(3) certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist); or

III.B.2.a.(iii)(B)(4) a high school diploma (or equivalent), and at least 3 years of experience in a related field (e.g., lead, asbestos, environmental remediation work or construction).

III.B.2.a.(iii)(C) Supervisor

III.B.2.a.(iii)(C)(1) one year of experience as a certified lead-based paint abatement worker; or

III.B.2.a.(iii)(C)(2) at least 2 years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

III.B.2.b. The following documents ~~will~~shall be recognized by the ~~D~~Division as evidence of meeting the requirements listed in Section III.B.2.b.(iii) of this Regulation ~~No-Number~~ 19, Part A:

III.B.2.b.(i) official academic transcripts or diploma, as evidence of meeting the education requirements;

III.B.2.b.(ii) résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

III.B.2.b.(iii) course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

III.B.2.c. In order to take the certification examination for a particular discipline an individual must:

III.B.2.c.(i) successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program; and

III.B.2.c.(ii) meet or exceed the education and/or experience requirements in Section III.B.2.a.(iii) of this Regulation ~~No-Number~~ 19, Part A.

III.B.2.d. After passing the appropriate certification exam and submitting an application demonstrating that he/she meets the appropriate training, education, and/or experience prerequisites described in Section III.B.2.a. of this Regulation ~~No-Number~~ 19, Part A, an individual ~~will~~shall be issued a certificate by the ~~D~~Division. To maintain certification, an individual must be re-certified as described in Section III.B.5. (Re-certification) of this Regulation ~~No-Number~~ 19, Part A.

III.B.2.e. An individual may take the certification exam no more than three times within 6 months of receiving a course completion certificate.

III.B.2.f. If an individual does not pass the certification exam and receive a certificate within 6 months of receiving his/her course completion certificate, the individual must retake the appropriate course from an accredited training program before reapplying for certification from the ~~D~~Division.

III.B.3. Abatement Worker and Project Designer

III.B.3.a. To become certified by the ~~D~~Division as an abatement worker or project designer, pursuant to Section III.B.1.a. of this Regulation ~~No-Number~~ 19, Part A, an individual must:

III.B.3.a.(i) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

III.B.3.a.(ii) Meet or exceed the following additional experience and/or education requirements.

III.B.3.a.(ii)(A) Abatement Workers

III.B.3.a.(ii)(A)(1) no additional experience and/or education requirements.

III.B.3.a.(ii)(A)(2) [Reserved]

III.B.3.a.(ii)(B) Project Designers

III.B.3.a.(ii)(B)(1) successful completion of an accredited training course for supervisors; and

III.B.3.a.(ii)(B)(2) Bachelor's degree in engineering, architecture, or a related profession, and 1 year of experience in building construction and design or a related field; or

III.B.3.a.(ii)(B)(3) four years of experience in building construction and design or a related field.

III.B.3.b. The following documents ~~will~~shall be recognized by the ~~D~~division as evidence of meeting the requirements listed in this Section III.B.3. (Abatement Worker and Project Designer) of this Regulation ~~No-Number~~19, Part A:

III.B.3.b.(i) official academic transcripts or diploma, as evidence of meeting the education requirements;

III.B.3.b.(ii) résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements; and

III.B.3.b.(iii) course completion certificates from lead-specific or other related training courses, issued by accredited training programs, as evidence of meeting the training requirements.

III.B.3.c. After successfully completing the appropriate training courses and meeting any other qualifications described in Section III.B.3.a. of this Regulation ~~No-Number~~19, Part A, an individual ~~will~~shall be issued a certificate from the ~~D~~division. To maintain certification, an individual must be re-certified as described in Section III.B.5. (Re-certification) of this Regulation ~~No-Number~~19, Part A.

~~III.B.4.—Certification Based on Prior Training(Reserved)~~

~~III.B.4.a. —Any individual who received training in a lead-based paint activity between October 1, 1990 and October 29, 1998 shall be eligible for certification by the division under the alternative procedures contained in this Section III.B.4.a. of this Regulation No. 19, Part A. Individuals who have received lead-based paint activities training at an EPA-authorized State or Tribal accredited training program shall also be eligible for certification by the division under the following alternative procedures:~~

~~III.B.4.a.(i) —Applicants for certification as an inspector, risk assessor, or supervisor shall:~~

~~III.B.4.a.(i)(A) —demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity;~~

~~III.B.4.a.(i)(B)—demonstrate that the applicant meets or exceeds the education and/or experience requirements in Section III.B.2.a.(iii) of this Regulation No. 19, Part A;~~

~~III.B.4.a.(i)(C)—successfully complete an accredited refresher training course for the appropriate discipline; and~~

~~III.B.4.a.(i)(D)—pass a certification exam administered by the division for the appropriate discipline.~~

~~III.B.4.a.(ii)—Applicants for certification as an abatement worker or project designer shall:~~

~~III.B.4.a.(ii)(A)—demonstrate that the applicant has successfully completed training or on-the-job training in the conduct of a lead-based paint activity;~~

~~III.B.4.a.(ii)(B)—demonstrate that the applicant meets the education and/or experience requirements in Section III.B.3.a. of this Regulation No. 19, Part A; and~~

~~III.B.4.a.(ii)(C)—successfully complete an accredited refresher training course for the appropriate discipline.~~

III.B.5. Re-certification

III.B.5.a. To maintain certification in a particular discipline, a certified individual ~~must~~shall apply to and be re-certified by the ~~D~~division in that discipline by the ~~D~~division either:

III.B.5.a.(i) every 3 years if the individual completed a training course with a course test and hands-on assessment; or

III.B.5.a.(ii) every 5 years if the individual completed a training course with a proficiency test.

III.B.5.b. An individual ~~will~~shall be re-certified if the individual successfully completes the appropriate accredited refresher training course prior to the expiration of their current training certificate, submits a valid copy of the appropriate refresher course completion certificate to the ~~D~~division and submits a fee to the ~~D~~division according to the following structure:

III.B.5.b.(i) Inspector -- \$180 for each year of certification sought;

III.B.5.b.(ii) Risk Assessor -- \$180 for each year of certification sought;

III.B.5.b.(iii) Supervisor -- \$180 for each year of certification sought;

III.B.5.b.(iv) Worker -- \$180 for each year of certification sought; and

III.B.5.b.(v) Project Designer -- \$180 for each year of certification sought.

III.B.5.c. An individual whose training certificate has expired is required to retake the initial class prior to re-certification.

III.B.6. Certification of Lead Abatement or Lead Evaluation Firms

III.B.6.a. All firms that perform or offer to perform any of the lead-based paint activities described in Section IV. (Inspections, Lead-Hazard Screens, and Risk Assessments) and/or Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A ~~must~~shall be certified by the ~~D~~ivision.

III.B.6.a.(i). Cities, counties, municipalities or any other governmental entity employing appropriately trained and certified personnel will be exempt from obtaining certification as a LEF and paying the fee.

III.B.6.b. A firm seeking certification ~~must~~shall submit to the ~~D~~ivision a letter attesting that the firm ~~will~~shall only employ appropriately certified employees to conduct lead-based paint activities, and that the firm and its employees ~~will~~shall follow the work practice standards in Section IV. (Inspections, Lead-Hazard Screens, and Risk Assessments) and/or Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A for conducting lead-based paint activities.

III.B.6.b.(i) Firms seeking Colorado certification as a Lead Abatement Firm~~lead-based paint abatement contractor and/ or Lead Evaluation Firm~~~~inspection, lead-hazard screen, and risk assessment firm~~ ~~must~~shall submit, along with their application, a fee to the ~~D~~ivision according to the following structure:

III.B.6.b.(i)(A) Lead Abatement Firm: one-year certification for Lead Abatement ~~F~~irms -- \$600;

III.B.6.b.(i)(B) Lead Evaluation Firm: one-year certification for inspection, lead hazard screen and risk assessment firms -- \$500.

III.B.6.c. From the date of receiving the firm's ~~letter~~complete application requesting certification, the ~~D~~ivision ~~will~~shall have ~~45~~90 days to approve or disapprove the firm's request for certification. Within that time, the ~~D~~ivision ~~will~~shall respond with either a certificate of approval or a letter describing the reasons for a disapproval.

III.B.6.d. The firm ~~must~~shall maintain all records pursuant to the requirements in Section IV. (Inspections, Lead-hazard Screens, and Risk Assessments) and/or Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A.

III.B.6.e. Firms ~~must~~may first apply to the ~~D~~ivision for certification to engage in lead-based paint activities pursuant to this section on or after the effective date of this Regulation ~~No-Number~~ 19, Part A.

III.B.6.f. Firms ~~will~~shall be responsible for ensuring that anyone engaging in lead-based paint activities for their firm are properly trained and certified by the ~~D~~ivision pursuant to the requirements of this Regulation ~~No-Number~~ 19, Part A.

III.B.6.g. Firms ~~will~~shall be responsible for ensuring that anyone engaging in lead-based paint activities for their firm have a valid training certificate or Colorado certification photo identification card on the worksite at all times.

IV. Inspections, Lead-Hazard Screens, and Risk Assessments

When performing any lead-based paint activity involving an inspection, lead-hazard screen or risk assessment of a pre-1978 residential dwelling or child-occupied facility, a certified individual must perform that activity in compliance with the appropriate requirements [below](#).

IV.A. Inspection

IV.A.1. An inspection [mustshall](#) be conducted only by a person certified by the division pursuant to this Regulation ~~No-Number~~ 19, Part A as an inspector or risk assessor and, if conducted, must be conducted according to the procedures in Section IV.A. (Inspection) of this Regulation ~~No-Number~~ 19, Part A.

IV.A.2. When conducting an inspection, the following locations [mustshall](#) be selected according to documented methodologies and tested for the presence of lead-based paint:

IV.A.2.a. In the portion of a pre-1978 residential dwelling and child-occupied facility being inspected, each component with a distinct painting history and each exterior component with a distinct painting history [mustshall](#) be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and

IV.A.2.b. In the portion of a pre-1978 multi-family dwelling or child-occupied facility being inspected, each component with a distinct painting history in every common area [mustshall](#) be tested for lead-based paint, except those components that the inspector or risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.

IV.A.3. Paint [mustshall](#) be sampled in the following manner:

IV.A.3.a. the analysis of paint to determine the presence of lead [mustshall](#) be conducted using documented methodologies which incorporate adequate quality control procedures; and/or

IV.A.3.b. all collected paint chip samples [mustshall](#) be analyzed according to Section IV.D. (Collection and Laboratory Analysis of Samples) of this Regulation ~~No-Number~~ 19, Part A, to determine if they contain detectable levels of lead that can be quantified numerically.

IV.A.4. The certified inspector or risk assessor [mustshall](#) prepare an inspection report that [mustshall](#) include the following information:

IV.A.4.a. date of each inspection;

IV.A.4.b. address of building;

IV.A.4.c. date of construction;

IV.A.4.d. apartment numbers (if applicable);

IV.A.4.e. name, address, and telephone number of the owner or owners of each pre-1978 residential dwelling or child-occupied facility;

- IV.A.4.f. name, signature, and certification number of each certified inspector and/or risk assessor conducting testing;
- IV.A.4.g. name, address, and telephone number of the certified firm employing each inspector and/or risk assessor, if applicable;
- IV.A.4.h. each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device;
- IV.A.4.i. specific locations of each painted component tested for the presence of lead-based paint; and
- IV.A.4.j. the results of the inspection expressed in terms appropriate to the sampling method used.

IV.B. Lead Hazard Screen

- IV.B.1. A lead hazard screen ~~must~~shall be conducted only by a person certified by the division as a risk assessor and, if conducted, must be conducted according to the procedures in this Section IV.B. (Lead Hazard Screen) of this Regulation ~~No-Number~~ 19, Part A.
- IV.B.2. If conducted, a lead hazard screen ~~must~~shall be conducted as follows:
 - IV.B.2.a. Background information regarding the physical characteristics of the pre-1978 residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children under 7 years of age ~~must~~shall be collected.
 - IV.B.2.b. A visual inspection of the pre-1978 residential dwelling or child-occupied facility ~~must~~shall be conducted to:
 - IV.B.2.b.(i) determine if any deteriorated paint is present, and
 - IV.B.2.b.(ii) locate at least two dust sampling locations.
 - IV.B.2.c. If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, ~~must~~shall be tested for the presence of lead.
 - IV.B.2.d. In residential dwellings two composite dust samples ~~must~~shall be collected, one from the floors and the other from the windows, in rooms, hallways or stairwells where one or more children, under 7 years of age, are most likely to come in contact with dust.
 - IV.B.2.e. In pre-1978 multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in Section IV.B.2.d. of this Regulation ~~No-Number~~ 19, Part A, the risk assessor ~~must~~shall also collect composite dust samples from common areas where one or more children, under 7 years of age, are most likely to come into contact with dust.
- IV.B.3. Dust samples ~~must~~shall be collected and analyzed in the following manner.

IV.B.3.a. all dust samples ~~shall~~must be taken using documented methodologies that incorporate adequate quality control procedures; and

IV.B.3.b. all collected dust samples ~~must~~shall be analyzed according to Section IV.D. (Collection and Laboratory Analysis of Samples) of this Regulation ~~No-Number~~ 19, Part A, to determine if they contain detectable levels of lead that can be quantified numerically.

IV.B.4. Paint ~~must~~shall be sampled in the following manner:

IV.B.4.a. the analysis of paint to determine the presence of lead ~~must~~shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or

IV.B.4.b. all collected paint chip samples ~~shall~~must be analyzed according to Section IV.D (Collection and Laboratory Analysis of Samples) of this Regulation ~~No-Number~~ 19, Part A, to determine if they contain detectable levels of lead that can be quantified numerically.

IV.B.5. The risk assessor ~~shall~~must prepare a lead hazard screen report, which ~~shall~~must include the following information:

IV.B.5.a. The information required in a risk assessment report as specified in Section IV.C. (Risk Assessment) of this Regulation ~~No-Number~~ 19, Part A, including Sections IV.C.10.a. through IV.C.10.n. of this Regulation ~~No-Number~~ 19, Part A, and excluding Sections IV.C.10.o. through IV.C.10.r. of this Regulation ~~No-Number~~ 19, Part A. Additionally, any background information collected pursuant to Section IV.B.2.a. of this Regulation ~~No-Number~~ 19, Part A, ~~must~~shall be included in the risk assessment report.

IV.B.5.b. Recommendations, if warranted, for a follow-up risk assessment, and as appropriate, any further actions.

IV.C. Risk Assessment

IV.C.1. A risk assessment ~~must~~shall be conducted only by a person certified by the division as a risk assessor and, if conducted, must be conducted according to the procedures in this Section IV.C. (Risk Assessment) of this Regulation ~~No-Number~~ 19, Part A.

IV.C.2. A visual inspection for risk assessment of the pre-1978 residential dwelling or child-occupied facility ~~must~~shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

IV.C.3. Background information regarding the physical characteristics of the pre-1978 residential dwelling, or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children under 7 years of age ~~must~~shall be collected.

IV.C.4. The following surfaces that are determined, using documented methodologies, to have a distinct painting history, ~~must~~shall be tested for lead;

IV.C.4.a. Each friction surface or impact surface with visibly deteriorated paint; and

IV.C.4.b. All other surfaces with visibly deteriorated paint.

IV.C.5. In pre-1978 residential dwellings, dust samples (either composite or single-surface samples) from the interior window sills and floor ~~must~~shall be collected in all living areas where one or more children, under 7 years of age, are most likely to come into contact with dust.

IV.C.6. For pre-1978 multi-family dwellings and child-occupied facilities, the samples required in Section IV.C.4. of this Regulation ~~No-Number~~ 19, Part A, ~~must~~shall be taken. In addition, interior window sill and floor dust samples (either composite or single-surface samples) ~~shall~~must be collected in the following locations:

IV.C.6.a. common areas adjacent to the sampled pre-1978 residential dwelling or child-occupied facility; and

IV.C.6.b. other common areas in the building where the risk assessor determines that one or more children, under 7 years of age, are likely to come into contact with dust.

IV.C.7. For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more children, under 7 years of age, and in other common areas in the child-occupied facility where the risk assessor determines one or more children, under 7 years of age, are likely to come into contact with dust.

IV.C.8. Soil samples ~~shall~~must be collected and analyzed for lead concentrations in the following locations:

IV.C.8.a. exterior play areas where bare soil is present; and

IV.C.8.b. The rest of the yard (i.e., non-play areas) where bare soil is present.

IV.C.8.c. Any paint, dust, or soil sampling or testing ~~shall~~must be conducted using documented methodologies that incorporate adequate quality control procedures.

IV.C.9. Any collected paint chip, dust, or soil samples ~~shall~~must be analyzed according to Section IV.D. (Collection and Laboratory Analysis of Samples) of this Regulation ~~No-Number~~ 19, Part A, to determine if they contain detectable levels of lead that can be quantified numerically.

IV.C.10. The certified risk assessor ~~shall~~must prepare a risk assessment report that ~~shall~~must include the following information:

IV.C.10.a. date of assessment;

IV.C.10.b. address of each building;

IV.C.10.c. date of construction of buildings;

IV.C.10.d. apartment number (if applicable);

IV.C.10.e. name, address, and telephone number of each owner of each building;

IV.C.10.f. name, signature, and certification of the certified risk assessor conducting the assessment;

- IV.C.10.g. name, address, and telephone number of the certified firm employing each certified risk assessor if applicable;
- IV.C.10.h. name, address, and telephone number of each recognized laboratory conducting analysis of collected samples;
- IV.C.10.i. results of the visual inspection;
- IV.C.10.j. testing method and sampling procedure for paint analysis employed;
- IV.C.10.k. specific locations of each painted component tested for the presence of lead;
- IV.C.10.l. all data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device;
- IV.C.10.m. all results of laboratory analysis on collected paint, soil, and dust samples;
- IV.C.10.n. any other sampling results;
- IV.C.10.o. any background information collected pursuant to Section IV.C.3. of this Regulation ~~No-Number~~ 19, Part A;
- IV.C.10.p. to the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards;
- IV.C.10.q. a description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards; and
- IV.C.10.r. a description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard; if the use of an encapsulant or enclosure is recommended, the report ~~shall~~must recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

IV.D. Collection and Laboratory Analysis of Samples

Any paint chip, dust, or soil samples collected as required by the work practice standards contained in this Section IV. (Inspections, Lead Hazard Screens, and Risk Assessments) of this Regulation ~~No-Number~~ 19, Part A ~~shall~~must be:

- IV.D.1. collected by persons certified by the division pursuant to this Regulation ~~No-Number~~ 19, Part A as an inspector or risk assessor; and
- IV.D.2. analyzed by a recognized laboratory.

IV.E. Composite Dust Sampling

Composite dust sampling may only be conducted in the situations specified in Sections IV.B. (Lead Hazard Screen) and IV.C. (Risk Assessment) of this Regulation ~~No-Number~~ 19, Part A. If such sampling is conducted, the following conditions ~~will~~shall apply:

- IV.E.1. composite dust samples shall must consist of at least two subsamples;
- IV.E.2. every component that is being tested shall must be included in the sampling; and
- IV.E.3. composite dust samples shall must not consist of subsamples from more than one type of component.

IV.F. Recordkeeping

All reports or plans required in this Section shall must be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall must provide copies of these reports to the building owner who contracted for its services.

IV.G. Alternative Procedures and Variances

The division may, at its discretion, grant a variance from the requirements in this Section IV. (Inspections, Lead Hazard Screens, and Risk Assessments) of this Regulation No. Number 19, Part A, allowing use of an alternative procedure for the inspection, risk assessment, and lead hazard screen provided that the person requesting the variance submit an alternative procedure in writing to the division and demonstrates to the satisfaction of the division that compliance with this Regulation No. Number 19, Part A is not practical or that the proposed alternative procedures provides equivalent means for determining the presence of lead and lead-based paint hazards.

IV.H. Determinations

IV.H.1. Lead-based paint is present:

- IV.H.1.a. On any surface that is tested and found to contain lead equal to or in excess of 1.0 milligrams per square centimeter or equal to or in excess of 0.5% by weight; and
- IV.H.1.b. On any surface like a surface tested in the same room equivalent that has a similar painting history and that is found to be lead-based paint.

IV.H.2. A paint-lead hazard is present:

- IV.H.2.a. On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust hazard levels identified in this Regulation No. Number 19, Part A.
- IV.H.2.b. On any chewable lead-based paint surface on which there is evidence of teeth marks;
- IV.H.2.c. Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is cause by impact from a related component (such as a door knob that knocks into a wall or a door that knocks against its door frame: and
- IV.H.2.d. If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

IV.H.3. A dust-lead hazard is present in a residential dwelling or child-occupied facility:

IV.H.3.a. ~~In a residential dwelling or~~ On the floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than ~~1040~~ 10250 µg/ft² for floors and ~~100250~~ µg/ft² for interior window sills, respectively:

IV.H.3.b. On floors or interior window sills in an unsampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property; and

IV.H.3.c. On floors or interior window sills in an unsampled common area in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area group on the property.

IV.H.4. A soil-lead hazard is present:

IV.H.4.a. In a play area when the soil-lead concentration from a composite area sample of bare soil is equal to or greater than 400 parts per million: or

IV.H.4.b. In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

V. Abatement Requirements

V.A. General Requirements

V.A.1. Except for those persons and activities exempted in Section I. (Scope and Applicability) of this Regulation ~~No-Number~~ 19, Part A, persons performing lead-based paint abatement in or to a pre-1978 residential dwelling or child-occupied facility ~~shall~~must comply with all the requirements of Section III. (Training and Certification Requirements) and this Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A, if ~~any~~either one of the following conditions apply:

V.A.1.a. two or more square feet of lead-based paint or lead contaminated dust is being abated per room or equivalent.

V.A.1.b. twenty or more square feet of lead-based paint, lead contaminated dust, or lead contaminated soil is being abated from or on the exterior building.

V.A.1.c. at least one window is being abated.

V.A.2. An abatement ~~must~~shall be conducted only by ~~an~~ individuals certified by the division working for a certified LAF, and if conducted, ~~shall~~must be conducted according to the procedures in this Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A.

V.A.3. A certified supervisor is required for each abatement project and ~~shall~~must be onsite during all abatement activities, work site preparation and during the post-abatement cleanup of work areas.

V.A.4. The certified supervisor and the certified LAF firm employing that supervisor ~~shall~~must ensure that all abatement activities are conducted according to the requirements of this Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A, and all other Federal, State and local requirements.

V.A.5. Notification

V.A.5.a. Notification of the commencement of lead-based paint abatement in or to a pre-1978 residential dwelling or child-occupied facility ~~shall~~must be provided on a ~~division-approved~~ form specified by the Division and postmarked or ~~hand-~~delivered to the division, ~~the local county health department and the local building department~~ a minimum of 10 working days prior to the commencement of abatement activities.

V.A.5.b. The 10 working day notification may be waived by the Division if one or more of the following conditions exist:

V.A.5.b.(i) a child with an elevated blood lead level resides within the pre-1978 residential dwelling or child-occupied facility or regularly visits the child-occupied facility where the abatement will occur; or

V.A.5.b.(ii) the Division determines that an imminent danger to health exists; or

V.A.5.b.(iii) the Division determines that an unavoidable hardship would result.

V.A.5.c. The applicable notification fee given ~~below~~ ~~shall~~must accompany the notification form for the notice to be accepted by the Division.

VALUATION OF WORK	NOTIFICATION FEE
\$2,000 or less	\$155
\$2,001 - \$50,000	\$145 base plus \$8.00 per \$1,000 in valuation or fraction thereof of total valuation
\$50,001 - \$100,000	\$195 base plus \$7.00 per \$1,000 in valuation or fraction thereof of total valuation
\$100,001 - \$500,000	\$295 base plus \$6.00 per \$1,000 in valuation or fraction thereof of total valuation
Over \$500,000	\$795 base plus \$5.00 per \$1,000 in valuation or fraction thereof of total valuation

V.A.6. Occupant Protection Plan

A written occupant protection plan ~~shall~~must be developed for all abatement projects and ~~shall~~must be prepared according to the following procedures:

V.A.6.a. The occupant protection plan ~~shall~~must be unique to each pre-1978 residential dwelling or child-occupied facility, ~~and~~ be developed prior to the abatement ~~and~~ submitted with the lead abatement permit application for review and approval. The occupant protection plan ~~shall~~must describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards. At a minimum, the plan ~~shall~~must include a site-specific description of how the contractor will

implement the applicable occupant protection measures contained in Sections V.B. (Work Practice Restrictions and Prohibitions) through V.K. (Waste Handling) of this Regulation ~~No-Number~~ 19, Part A. In addition, the plan shallmust specifically address whether occupant relocation during abatement activities is necessary.

V.A.6.b. A certified supervisor or project designer shallmust prepare the occupant protection plan.

V.A.6.c. The occupant protection plan must also provide sufficient detail for the Division to understand and evaluate the following:

V.A.6.c.(i). The scope of work for the project. Include types and amounts of material to be abated.

V.A.6.c.(ii) Submit a floor plan or drawing of the project location. Indicate on the floor plan or drawing, the location of lead hazard(s) to be abated as well as the work areas and containments labelled accordingly.

V.A.6.c.(iii) Describe the work practices to be implemented. Describe specific work practices for each unique abatement activity.

V.A.6.c.(iv) Explain the abatement methods that will be used.

V.A.6.c.(v) Explain the clearance procedures that will be used to clear this project, including the sampling methods, number of samples that will be taken, the final clearance inspector name and their certification number.

V.A.6.c.(vi) Provide the name and certification number of the individual who prepared the occupant protection plan. This person must also sign and date the occupant protection plan.

V.A.7. The integrity of all containment systems shallmust be maintained during abatement to prevent the potential spread of any lead contamination outside the work area. Should a breach occur, the areas contaminated with lead shallmust be cleaned in accordance with the applicable requirements in Section V.H (Cleaning) of this Regulation ~~No-Number~~ 19, Part A, and cleared in accordance with the applicable requirements in Section V.J (Final Clearance) of this Regulation ~~No-Number~~ 19, Part A.

V.B. Work Practice Restrictions and Prohibitions

The work practices listed ~~below~~ willshall be restricted as follows during an abatement.

V.B.1. Open-flame burning or torching of lead-based paint is prohibited.

V.B.2. Machine sanding or grinding or abrasive blasting or sandblasting or drilling or cutting of lead-based paint is prohibited unless used with High Efficiency Particulate Air (HEPA) exhaust control that continually captures all particulate from the surface being abated.

V.B.3. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets.

- V.B.4. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.
- V.B.5. Uncontained hydroblasting or high-pressure water washing is prohibited unless the point of operation is completely self-contained within a local shroud and the water is captured within the shroud.
- V.B.6. Chemical stripping methods may only be used to remove lead-based paint from highly decorative or ornate components or surfaces that are otherwise difficult to abate by any other method.
- V.B.7. Dry, hand sanding is prohibited.

V.C. Interior Abatement Requirements (excluding window abatements)

- V.C.1. The following containment system shall be used for all interior abatement projects. For window abatement see Section V.E except window abatements:

V.C.1.a. A containment level I-1, I-2 or I-3, as described in this Section V.C. (Interior Abatement Requirements) of this Regulation No-Number 19, Part A, shall be used in those work areas if the amount of lead-based paint or lead-contaminated dust that will be disturbed per room, hallway, or stairwell is less than 2 square feet.

V.C.1.b. A containment level I-2 or I-3, as described in this Section V.C. (Interior Abatement Requirements) of this Regulation No-Number 19, Part A, shall be used in those work areas if the amount of lead-based paint or lead-contaminated dust that will be disturbed per room, hallway, or stairwell is 2 or more square feet.

V.C.1.c. Regardless of the requirements in Sections V.C.1.a. and b. of this Regulation No-Number 19, Part A, an interior containment level I-3, as described in Section V.C.4. of this Regulation No-Number 19, Part A, shall be used to contain the work area if either one of the following conditions apply:

V.C.1.c.(i) if any amount of floor surface that is painted with lead-based paint, or was at one time painted with lead-based paint, is machine sanded; or

V.C.1.c.(ii) if any amount of lead-based paint is abated by abrasive blasting.

- V.C.2. Interior containment level I-1 shall consist of the following elements:

V.C.2.a. Warning Signs. At a minimum, warning signs shall be posted at all entryways to the work area. The warning signs shall, in a language understandable by all occupants, state the following warning:

WARNING
LEAD ABATEMENT WORK AREA
HAZARDOUS LEAD DUST
POISON
DO NOT ENTER

V.C.2.b. Warning Barriers. A physical barrier (furniture, wood planking) ~~shall~~must be placed around the work area perimeter so as to prevent inadvertent access by children.

V.C.2.c. _____ Ventilation System Shutdown. Vents that are within 5 feet from the surface being abated must be sealed with 6-mil thickness polyethylene sheeting to prevent contaminated air from leaving the work area.

V.C.2.d. Protection of Objects. Furniture and other movable objects within 5 feet in all directions of the surface to be abated ~~shall~~must be moved outside the room, hallway, or stairwell. Objects or furniture that cannot be moved ~~shall~~must be ~~covered~~sealed with a minimum of one layer of 6-mil polyethylene sheeting sealed to the floor, wall or ceiling as applicable.

V.C.2.e. Floor Protection. At a minimum, one layer of 6-mil thickness polyethylene sheeting or greater ~~shall~~must be sealed to the floor at least 5 feet beyond the perimeter of the surface being abated in all directions, so as to prevent contamination of the floor. Floors ~~shall~~must be pre-cleaned of debris as required in Section V.H.1. (Pre-cleaning) of this Regulation ~~No-Number~~ 19, Part A prior to sealing polyethylene sheeting on the floor.

V.C.2.f. _____ Cleanup. All surfaces and floors extending 5 feet in all directions from the abated surface, and all adjacent areas used as a pathway to the work area, ~~shall~~must be cleaned by HEPA vacuuming, wet washing, and HEPA vacuuming, and as required in Section V.H. (Cleaning) of this Regulation ~~No-Number~~ 19, Part A.

V.C.3. Interior containment level I-2 ~~shall~~must consist of the following elements:

V.C.3.a. Warning Signs. At a minimum, warning signs ~~shall~~must be posted at all entryways to the work area. The warning signs ~~shall~~must, in a language understandable by all occupants, at least state the following warning:

WARNING
LEAD ABATEMENT WORK AREA
HAZARDOUS LEAD DUST
POISON
DO NOT ENTER

V.C.3.b. Ventilation System Shutdown. The ventilation system supplying air to the work area ~~shall~~must be turned off or otherwise prevented from supplying air to the work area until clearance has been achieved. All registers, vents and openings in the work area ~~shall~~must be sealed with 6-mil thickness polyethylene sheeting.

V.C.3.c. _____ Barriers. All openings to the work area ~~shall~~must be sealed off from the rest of the building with a minimum of 1 layer of 6-mil thickness polyethylene sheeting to prevent air flow out of the work area.

V.C.3.d. Work Area Egress. Entry into and egress out of the work area ~~shall~~must be through an airlock that, at a minimum, ~~shall~~must consist of a single chamber with self-closing triple flaps or "Z-flaps" on either side of the chamber. Disposable

clothing and footwear shall~~must~~ be worn by all persons entering the containment area. Disposable clothing and footwear used inside the containment shall~~must~~ be deposited in this airlock chamber prior to personnel exiting containment.

V.C.3.e. Protection of Objects. Furniture and other movable objects shall~~must~~ be moved outside the room, hallway, or stairwell. Objects or furniture that cannot be moved shall~~must~~ be sealed~~covered~~ with a minimum of one layer of 6-mil polyethylene sheeting ~~sealed to the floor, wall or ceiling as applicable.~~

V.C.3.f. Floor Protection. The entire floor within the work area shall~~must~~ be sealed with a minimum of 2 layers of 6-mil thickness polyethylene sheeting. The polyethylene sheeting shall~~must~~ be installed such that removal of the top most layer of polyethylene sheeting will not cause the underlying polyethylene sheeting to lose its seal. Floors shall~~must~~ be pre-cleaned of debris as required in Section V.H.1. (Pre-cleaning) of this Regulation No-Number 19, Part A prior to sealing polyethylene sheeting on the floor.

V.C.3.g. Cleanup. All surfaces in the work area and all adjacent areas used as a pathway to the work area shall~~must~~ be cleaned by HEPA vacuuming, wet washing, and HEPA vacuuming, and as required in Section V.H. (Cleaning) of this Regulation No-Number 19, Part A. Polyethylene sheeting shall~~must~~ be removed in accordance with Section V.H.4. (Polyethylene Sheet Removal Procedures) of this Regulation No-Number 19, Part A.

V.C.4. Interior containment level I-3 shall~~must~~ consist of the following elements:

V.C.4.a. Containment. At a minimum, all the level I-2 containment requirements as described in Section V.C.3. of this Regulation No-Number 19, Part A.

V.C.4.b. Work Area Egress. Entry into and egress out of the work area shall~~must~~ be through a 3-stage decontamination unit with a shower equipped with hot and cold water that is adjustable inside the shower unit. Each airlock in the decontamination unit shall~~must~~ be constructed with self-closing triple flaps or "Z-flaps" separating each individual chamber. Persons entering the abatement work area prior to final clearance shall~~must~~ don disposable clothing and footwear. Prior to exiting the containment, personnel shall~~must~~ dispose of the suits in the chamber adjacent to the work area and shower.

V.C.4.c. Negative Pressure/Airflow. The containment shall~~must~~ have a negative pressure differential of at least -0.02 inches' water column between the inside of the work area and the adjacent outside area ~~clean area inside the pre-1978 residential dwelling or child-occupied facility.~~ The pressure differential shall~~must~~ be continuously recorded with a recording manometer. The air within the work area shall~~must~~ be exchanged at a minimum rate of 10 times per hour and exhausted to the exterior of the building. Air flow shall~~must~~ always be from the outside of containment to within, as verified by smoke testing. Smoke tubes shall~~must~~ be on site at all times during abatement.

V.D. Exterior Abatement Requirements

V.D.1. Exterior Abatement Project Restrictions

All exterior abatement projects subject to this Regulation No-Number 19, Part A, except for abatement work areas sufficiently contained with an exterior containment level of X-2 or X-3, shall~~must~~ comply with the following restrictions.

V.D.1.a. Exterior abatement, except for cleanup to prevent the spread of lead contamination, shall must not proceed if the local wind gusts are, or are expected to be, greater than 20 miles per hour.

V.D.1.b. Exterior abatement shall must stop and cleanup shall must occur before rain begins.

V.D.2. Containment Requirements

V.D.2.a. The following containment system shall must be used for all exterior abatement projects. For window abatement see Section V.E., for soil abatement see Section V.F. except window and soil abatements:

V.D.2.a.(i) An exterior containment level X-1, X-2, or X-3, as described in this Section V.D.2. (Containment Requirements) of this Regulation No-Number 19, Part A, shall must be used if the amount of lead-based paint that will be disturbed is less than 20 square feet.

V.D.2.a.(ii) An exterior containment level X-2 or X-3, as described in this Section V.D.2. (Containment Requirements) of this Regulation No-Number 19, Part A, shall must be used if the amount of lead-based paint that will be disturbed is 20 or more square feet.

V.D.2.a.(iii) Regardless of the requirements in Sections V.D.2.a.(i) and (ii) of this Regulation No-Number 19, Part A, an exterior containment level X-3 as described in Section V.D.2.d. of this Regulation No-Number 19, Part A shall must be used if either one of the following conditions apply:

V.D.2.a.(iii)(A) any amount of floor surface (e.g. patio, step, deck) that is painted with lead-based paint, or was at one time painted with lead-based paint, is power sanded; or

V.D.2.a.(iii)(B) any amount of lead-based paint is abated by abrasive blasting.

V.D.2.b. Exterior containment level X-1 shall must consist of the following elements:

V.D.2.b.(i) Warning Signs. Post warning signs on the building and at a 20-foot perimeter around the building (or less if distance to the next building or sidewalk is less than 20 feet). The warning signs shall must, in a language understandable by all occupants, state the following warning:

WARNING
LEAD ABATEMENT WORK AREA
HAZARDOUS LEAD DUST
POISON
DO NOT ENTER

V.D.2.b.(ii) Warning Barriers. Erect temporary fencing or barrier tape at a 20-foot perimeter around working surfaces (or less if distance to the next building or sidewalk is less than 20 feet). If an entryway to the building is

within 10 feet of the working surfaces, an alternate entryway shallmust be provided. At least one lead-safe entryway shallmust be made available to occupants at all times, unless the occupants have been relocated until final clearance has been achieved.

V.D.2.b.(iii) Barriers. All windows within 20 feet of the working surfaces shallmust be closed or sealed, including windows in adjacent structures.

V.D.2.b.(iv) Protection of Objects. All movable objects shallmust be removed to a minimum of 20 feet away from abatement surfaces in all directions. Objects that cannot be removed shallmust be ~~covered~~sealed with a minimum of 1 layer of 6-mil thickness polyethylene sheeting sealed to the floor, wall or ceiling as applicable..

V.D.2.b.(v) Ground Protection. At a minimum, the ground, including decks, driveways, and porches, extending 10 feet beyond the perimeter of the abatement surfaces in all directions shallmust be covered with one layer of 6-mil thickness polyethylene sheeting. The edges of the polyethylene sheeting shallmust be sealed to the building such that no gaps between the polyethylene sheeting and the building exist. The edges of the polyethylene sheeting shallmust be raised to create a basin to contain contaminated runoff. The polyethylene sheeting shallmust be weighted down or otherwise secured to prevent movement. The ground shallmust be pre-cleaned of visible debris as required in Section V.H.1. (Pre-cleaning) of this Regulation ~~No. Number~~ 19, Part A prior to sealing it with polyethylene sheeting.

V.D.2.b.(vi) Cleanup. All debris and ground polyethylene sheeting must be removed from the work area before leaving the site each night. Polyethylene sheeting shallmust be cleaned and removed in accordance with Section V.H.4. (Polyethylene Sheeting Removal Procedures) of this Regulation ~~No. Number~~ 19, Part A. Paint chips in the soil shallmust be HEPA vacuumed and properly disposed.

V.D.2.c. Exterior containment level X-2 shallmust consist of the following elements:

V.D.2.c.(i) Warning Signs. Post visible warning signs on the building and on the outside of the containment barriers. The warning signs shallmust, in a language understandable by all occupants, state the following warning:

WARNING
LEAD ABATEMENT WORK AREA
HAZARDOUS LEAD DUST
POISON
DO NOT ENTER

V.D.2.c.(ii) Barriers. All openings to the work area shallmust be sealed off with a minimum of 1 layer of 6-mil thickness polyethylene sheeting to prevent air flow out of the work area.

V.D.2.c.(iii) Work Area Egress. Entry into and egress out of the work area shall be through an airlock that, at a minimum, must consist of a single chamber with self-closing triple flaps or “Z-flaps” on either side of the chamber. Disposable clothing and footwear shall be worn by all persons entering the containment area. Disposable clothing and footwear used inside the containment shall be deposited in this airlock chamber prior to personnel exiting containment.

V.D.2.c.(iv) Protection of Objects. All movable objects shall be removed from the work area. Objects that cannot be removed shall be covered with a minimum of 1 layer of 6-mil thickness polyethylene sheeting sealed to the floor, wall or ceiling as applicable.

V.D.2.c.(v) Ground Protection. At a minimum, the ground, including decks, driveways and porches, within the work area shall be covered with two layers of 6-mil thickness polyethylene sheeting. The edges of the polyethylene sheeting shall be sealed to the building such that no gaps between the polyethylene sheeting and the building exist. The edges of the polyethylene sheeting shall be raised to create a basin to contain contaminated runoff. The polyethylene sheeting shall be weighted down or otherwise secured to prevent movement. The ground shall be pre-cleaned of visible debris as required in Section V.H.1. (Pre-cleaning) of this Regulation No-Number 19, Part A prior to sealing it with polyethylene sheeting.

V.D.2.c.(vi) Cleanup. Polyethylene barriers shall be cleaned and removed in accordance with Section V.H.4. (Polyethylene Sheeting Removal Procedures) of this Regulation No-Number 19, Part A. All surfaces and floors within the containment and all adjacent areas used as a pathway to the work area, shall be cleaned by HEPA vacuuming, wet washing, and HEPA vacuuming, and as required in Section V.H. (Cleaning) of this Regulation No-Number 19, Part A. Paint chips in the soil shall be HEPA vacuumed and properly disposed.

V.D.2.d. Exterior containment level X-3 shall consist of the following elements:

V.D.2.d.(i) Containment. At a minimum, all the exterior level X-2 containment requirements as described in Section V.D.2.c. of this Regulation No-Number 19, Part A.

V.D.2.d.(ii) Work Area Egress. Entry into and egress out of the work area shall be through a 3-stage decontamination unit with a shower equipped with hot and cold water that is adjustable inside the shower. Each airlock in the decontamination unit shall be constructed with self-closing triple flaps or “Z-flaps” separating each individual chamber. Persons entering the abatement work area prior to final clearance shall don disposable clothing and footwear. Prior to exiting the containment, personnel shall dispose of the suits in the chamber adjacent to the work area and shower.

V.D.2.d.(iii) Negative Pressure/Airflow. The containment shall have a negative pressure differential of at least -0.02 inches' water column between the work area and the clean area. The pressure differential shall be continuously recorded with a recording manometer. The air within the work area shall be exchanged at a minimum rate of 10 times per hour. Air flow shall always be from the outside of

containment to within, as verified by smoke testing. Smoke tubes ~~shall~~must be on site at all times during abatement.

V.E. Window Abatement

Window abatement requires the person performing the abatement to select and utilize one of the three options (V.E.1., V.E.2., or V.E.3.)

V.E.1. When abating windows from the exterior of a pre-1978 residential dwelling or child-occupied facility, the person performing the abatement ~~shall~~must comply with the following requirements:

V.E.1.a. Comply with the restrictions in Section V.D.1. (Exterior Abatement Project Restrictions) of this Regulation ~~No-Number~~ 19, Part A.

V.E.1.b. At a minimum, seal two layers of 6-mil thickness polyethylene sheeting to the inside wall covering the window so as to prevent dust from migrating inside the building during abatement; and

V.E.1.c. At a minimum, comply with all the exterior containment level X-1, level X-2 or level X-3 requirements described in Section V.D.2. (Containment Requirements) of this Regulation ~~No-Number~~ 19, Part A.

V.E.2. When abating windows from the interior of a pre-1978 residential dwelling or child-occupied facility, the person performing the abatement ~~shall~~must comply with the following requirements:

V.E.2.a. at a minimum, secure two layers of 6-mil thickness polyethylene sheeting to the exterior wall so as to prevent dust from migrating outside the building during abatement; and

V.E.2.b. comply with all interior containment level I-2 or level I-3 requirements as described in Section V.C. (Interior Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A.

V.E.3. When abating windows, the person performing the abatement can do so by following all three elements:

V.E.3.a. Comply with all interior containment level I-2 or level I-3 requirements as described in Section V.C.3 and V.C.4. (Interior Abatement Requirements) of this Regulation Number 19, Part A.

V.E.3.b. Comply with the restrictions in Section V.D.1. (Exterior Abatement Project Restrictions) of this Regulation Number 19, Part A.

V.E.3.c. At a minimum, comply with all the exterior containment level X-2 or level X-3 requirements described in Section V.D.2.c. and V.D.2.d. (Exterior Abatement Requirements) of this Regulation Number 19, Part A.

V.E.43. If ~~containment~~ the polyethylene sheeting described in Sections V.E.1.b or V.E.2.a. is breached, then surfaces on both sides of the window ~~shall~~must be cleaned in accordance

with the applicable requirements in Section V.H. (Cleaning) of this Regulation ~~No-Number~~ 19, Part A, and cleared in accordance with the applicable requirements in Section V.J. (Final Clearance) of this Regulation ~~No-Number~~ 19, Part A.

V.F. Soil Abatement

V.F.1. If conducted, or required pursuant to Section V.J.1.g.(ii) of this Regulation ~~No-Number~~ 19, Part A, soil abatement ~~shall~~must be conducted in one of the following ways:

_____ V.F.1.a. If soil is removed the person performing the removal ~~shall~~must:

_____ V.F.1.a.(i) comply with the exterior abatement project restrictions as described in Section V.D.1. (Exterior Abatement Project Restrictions) of this Regulation ~~No-Number~~ 19, Part A and the exterior containment level X-1, level X-2, or level X-3 requirements, as described in Section V.D. (Exterior Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A; and

_____ V.F.1.a.(ii) replace the lead-contaminated soil with soil ~~as close to local background as practical, but~~ no greater than 400 µg/g of lead.

_____ V.F.1.a.(iii) ~~t~~The soil that is removed ~~shall~~must not be used as top soil at another residential property or child-occupied facility.

V.F.1.b. _____ If soil is not removed, the lead-contaminated soil ~~shall~~must be permanently covered, as defined in Section II.B. ~~6159~~ of this Regulation ~~No-Number~~ 19, Part A.

V.F.2. The abatement, handling, transportation, and disposal of lead-contaminated soil ~~shall~~must be performed in a manner that prevents the spread of lead contamination to areas outside the abatement work area and the approved landfill.

V.G. Encapsulation and Enclosure Requirements

V.G.1. Encapsulation and enclosure systems ~~shall~~must be dust tight for a design life of at least 20 years. Encapsulation and enclosure systems ~~shall~~must not be used on unsound substrates that cannot be stabilized or repaired to support the enclosure or encapsulation systems for at least 20 years.

V.G.2. Encapsulation and enclosure systems ~~shall~~must be sealed in accordance with Section V.I.2. (Sealing Replacement Components, Enclosure and Encapsulation) of this Regulation ~~No-Number~~ 19, Part A.

V.G.3. ~~To prevent a breach of an enclosure,~~The surface behind the enclosure ~~shall~~must be permanently labeled every 2 feet with the following warning, "Danger: Lead-Based Paint." A durable drawing of the property floor plan identifying the enclosed areas ~~shall~~must be mounted in a visible location within the structure (e.g. utility room, furnace area, garage).

V.G.4. Only those encapsulants explicitly recognized by the ~~D~~ivision ~~may~~shall be used for abatement projects subject to this Regulation ~~No-Number~~ 19, Part A. The list of Division approved lead encapsulants can be found on the Division's lead web page. <https://cdpe>

V.H. Cleaning

V.H.1. Pre-cleaning. Visible paint chips and lead-contaminated dust shall be removed from the work area prior to laying polyethylene sheeting on the floor but after all other containment barriers have been erected.

V.H.2. Daily Cleaning. All horizontal surfaces in the work area shall be cleaned of visible dust and debris prior to ceasing work for the day.

V.H.3. Carpet, Upholstery and Forced Air Duct Cleaning

V.H.3.a. Carpet and Rugs. All carpets or rugs that are contaminated with lead-contaminated dust that will be cleaned, and all carpet in the work area that will not be disposed of as lead-contaminated waste, shall be cleaned as set forth ~~below~~:

V.H.3.a.(i) HEPA vacuums shall be used to vacuum all rugs and carpets. A HEPA vacuum equipped with a beater bar or agitator attachment on the vacuum head to dislodge embedded dust shall be used when vacuuming the pile side of carpets.

V.H.3.a.(ii) For wall to wall carpeting, the carpet shall be vacuumed for not less than 4 minutes per 10 square feet of carpeting, divided into two time segments of at least 2 minutes for each 10 square feet. The two time vacuuming segments shall be performed in perpendicular directions.

V.H.3.a.(iii) For area rugs, the top and bottom of the carpet shall be vacuumed for not less than 1 minute for every 10 square feet per side. After the initial vacuuming of the carpet, the floor below the area rug shall also be vacuumed ~~at normal speed~~. Following the vacuuming of the floor, the pile side of the rug shall again be vacuumed at a rate not less than 2 minutes per 10 square feet of rug.

V.H.3.a.(iv) When carpet or rugs are removed from the work area for off-site cleaning or disposal, the carpet or rugs shall be misted, carefully rolled and sealed with 6-mil thickness polyethylene sheeting to prevent the release of dust.

V.H.3.b. Upholstery. All upholstery that is contaminated with lead-contaminated dust that will be cleaned, and all upholstered surfaces in the work area that are not disposed of as lead-contaminated waste, shall be HEPA vacuumed with a minimum of three passes over each surface at a total rate of 2 minutes per 10 square feet.

V.H.3.c. ~~Forced~~ Air Ducts. Air vent registers within the work area shall be HEPA vacuumed and wet cleaned. Horizontal surfaces in the duct work that can be reached with a vacuum attachment shall be cleaned of visible dust and debris. The ~~D~~ivision recommends that air filters on heating units and air conditioners be replaced at the same time as dust removal.

V.H.4. Polyethylene Sheeting Removal Procedures. Prior to final cleaning, protective polyethylene sheeting coverings shall be cleaned of visible debris by HEPA vacuuming and/or wet wiped so that they are visibly clean prior to removal. Multiple layers of polyethylene sheeting shall be removed one layer at a time and only after each individual layer has been wet wiped clean of visible debris.

V.H.5. Final Cleaning. No sooner than 1 hour after the completion of removal, encapsulation, or enclosure activities have ceased, and prior to final clearance, all surfaces in the work area ~~shall~~must be cleaned by HEPA vacuuming, followed by wet cleaning, followed by a second HEPA vacuuming. In addition, persons performing the cleaning ~~shall~~must comply with the following requirements:

V.H.5.a. HEPA vacuuming ~~shall~~must take place only after the surfaces in the work area being vacuumed are dry.

V.H.5.b. Wet cleaning ~~shall~~must use clean water mixed with a cleaning agent. The proportion of cleaning agent to water ~~shall~~must be in accordance with the manufacturer's specifications. At a minimum, the cleaning mixture ~~shall~~must be changed after its use in each room, hallway, or stairwell to avoid recontaminating an area by cleaning it with dirty water.

V.I. Coating and Sealing

V.I.1. Coating

~~V.I.1.a. All abated surfaces in the work area shall be sealed with polyurethane or deck enamel, painted, or similarly coated so that the surfaces are easily cleanable by occupants. The coating may be applied prior to conducting final clearance wipe sampling.~~

V.I.1.~~ab~~. A visual inspection to ensure that lead-based paint hazards in the work area are eliminated ~~shall~~must be conducted prior to the coating of surfaces as required in Section V.I.1.a. of this Regulation ~~No-Number~~ 19, Part A. The visual inspection ~~shall~~must be performed only by a certified inspector or risk assessor.

~~V.I.1.b. All abated surfaces in the work area shall be sealed with polyurethane or deck enamel, painted, or similarly coated so that the surfaces are easily cleanable by occupants. The coating may be applied prior to conducting final clearance wipe sampling.~~

V.I.1.c. The installation of resilient coverings over an existing lead-based paint enclosure system is exempt from this Section V.I.1. (Coating) of this Regulation ~~No-Number~~ 19, Part A. Surfaces enclosed with resilient coverings such as vinyl, aluminum coil stock, or materials traditionally not repainted are exempt from this Section V.I.1. (Coating) of this Regulation ~~No-Number~~ 19, Part A.

V.I.2. Sealing Replacement Components, Enclosures and Encapsulation. All replacement components, encapsulation systems and enclosures ~~shall~~must be made dust-tight for at least 20 years. All crevices, holes, seams, edges, joints, and cracks ~~shall~~must be caulked. The underside of all components and enclosures ~~shall~~must be back-caulked to further prevent leaded dust and lead residues from escaping the abated surface.

V.J. Final Clearance

V.J.1. The following post-abatement clearance procedures ~~shall~~must be performed only by a certified inspector or risk assessor.

V.J.1.a. Visual inspection. Following an abatement, a visual inspection ~~shall~~must be performed to determine that all of the following conditions have been met prior to the continuation of the clearance procedures:

V.J.1.a.(i) Deteriorated painted surfaces and/or visible amounts of dust, debris or residue are not still present in the work area. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

V.J.1.a.(ii) All surfaces in the work area are properly sealed and re-painted in accordance with Section V.I. (Coating and Sealing) of this Regulation ~~No-Number~~ 19, Part A, such that the surfaces are easily cleanable. These surfaces must be dry to the touch before the visual inspection and wipe sampling takes place.

V.J.1.a.(iii) All enclosure and encapsulation systems are properly installed, caulked and are dust tight in accordance with Sections V.G. (Encapsulation and Enclosure Requirements), and V.I. (Coating and Sealing) of this Regulation ~~No-Number~~ 19, Part A.

V.J.1.a.(iv) All areas adjacent to the work areas that were used as pathways to the work area are visibly free of lead-contaminated dust, debris or residue.

V.J.1.b. Following the visual inspection and any post-abatement cleanup required this-by Section V.J.1.a. (Visual Inspection) of this Regulation ~~No-Number~~ 19, Part A, clearance sampling for lead-contaminated dust and soil ~~shall~~must be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

V.J.1.c. Dust and soil samples for clearance purposes ~~shall~~must be taken using documented methodologies that incorporate adequate quality control procedures.

V.J.1.d. Dust and soil samples for clearance purposes ~~shall~~must be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.

V.J.1.e. The following post-abatement clearance activities ~~shall~~must be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the pre-1978 residential dwelling, or child-occupied facility:

V.J.1.e.(i) Clearance Sampling of Interior Abatement Projects

V.J.1.e.(i)(A) After conducting an abatement, at least one dust sample ~~shall~~must be taken from one interior window sill and from one window trough (if available) and at least one dust sample ~~shall~~must be taken from the floor of no less than four rooms, hallways or stairwells within the containment area. In addition, at least one dust sample ~~shall~~must be taken from the floor outside the containment area and within 10 feet of containment where potential contamination is likely. If there are less than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells ~~shall~~must be sampled.

V.J.1.e.(ii) Clearance Sampling of Exterior Abatement Projects

V.J.1.e.(ii)(A) After conducting an exterior lead-based paint abatement, the following samples ~~shall~~must be collected:

V.J.1.e.(ii)(A)(1) At least two dust samples shall be collected from the work area if a paved surface or window are within the work area. At a minimum, one dust sample shall be taken from one window (if any) and one dust sample shall be collected from the floor of each patio, deck, driveway, or paved surface (if any) within the work area. Window samples shall be collected from the window sill or window trough, alternating between rooms.

V.J.1.e.(ii)(A)(2) At least two composite soil samples shall be collected from the soil within the work area. At a minimum, one composite soil sample shall be collected from the soil along the building perimeter and one composite soil sample shall be collected from the child's principle play area (if any in the work area). Each composite soil sample shall consist of at least 5 and no more than 10 aliquots of soil from areas selected in accordance with documented methodologies.

V.J.1.e.(ii)(B) If the exterior abatement project involved only the covering or removing of bare soil then the collection of clearance soil samples specified in this Section V.J.1.e.(ii)(A) of this Regulation No-Number 19, Part A is not required. The visual inspection requirement specified in Section V.J.1.a. (Visual Inspection) of this Regulation No-Number 19, Part A, still applies to soil-only abatement projects.

V.J.1.f. The rooms, hallways or stairwells or exterior areas selected for sampling shall be selected according to documented methodologies.

V.J.1.g. The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each dust and soil sample with applicable clearance levels for lead in dust and soil on floors, windows, and other surfaces.

V.J.1.g.(i) If the residual lead level in a single surface dust sample equals or exceeds 1040 $\mu\text{g}/\text{ft}^2$ on interior floors, 100250 $\mu\text{g}/\text{ft}^2$ on interior window sills, 400 $\mu\text{g}/\text{ft}^2$ on window troughs, 500 $\mu\text{g}/\text{ft}^2$ on exterior window sills, or 800 $\mu\text{g}/\text{ft}^2$ on exterior surfaces (e.g. patios, porches, sidewalks), or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, all the components represented by the failed sample shall be re-cleaned and re-tested until clearance levels are met.

V.J.1.g.(ii) If the residual lead levels in a soil sample exceed 400 $\mu\text{g}/\text{g}$ in a play area, or 1,200 $\mu\text{g}/\text{g}$ in the rest of the yard, the soil must be abated in accordance with Section V.F. (Soil Abatement) of this Regulation No-Number 19, Part A.

V.J.2. In a pre-1978 multi-family dwelling with similarly constructed and maintained pre-1978 residential dwellings, random sampling for the purposes of clearance may be conducted provided:

- V.J.2.a. the certified individuals who abate or clean the pre-1978 residential dwellings do not know which residential dwellings will be selected for the random samples;
- V.J.2.b. in accordance with Appendix A, a sufficient number of pre-1978 residential dwellings are selected for dust and soil sampling to provide a 95 percent level of confidence that no more than 5 percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels specified in Section V.J.1.g. of this Regulation ~~No-Number~~ 19, Part A; and
- V.J.2.c. the randomly selected pre-1978 residential dwellings are sampled and evaluated for clearance according to the procedures found in Section V.J.1. of this Regulation ~~No-Number~~ 19, Part A.
- V.J.3. An abatement report ~~shall~~must be prepared by a certified supervisor or project designer. The abatement report ~~shall~~must be completed within ninety days following the successful clearance of the project and include the following information:
 - V.J.3.a. start and completion dates of abatement;
 - V.J.3.b. the name and address of each certified ~~LAF~~firm conducting the abatement and the name of each supervisor assigned to the abatement project;
 - V.J.3.c. the occupant protection plan prepared pursuant to Section V.A.6. (Occupant Protection Plan) of this Regulation ~~No-Number~~ 19, Part A;
 - V.J.3.d. the name ~~and~~and address ~~of~~of ~~each~~each certified LEF and ~~the name, address and~~signature of each ~~and~~and certified ~~risk~~risk assessor or inspector conducting clearance sampling and the date of clearance testing;
 - V.J.3.e. the results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses; and
 - V.J.3.f. a detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, any suggested monitoring of encapsulants or enclosure, and any suggested post-abatement maintenance and cleaning methods.
- V.J.4. Collection and laboratory analysis of samples. Any dust or soil samples collected pursuant to this Section V.J. (Final Clearance) of this Regulation ~~No-Number~~ 19, Part A ~~shall~~must be:
 - V.J.4.a. collected by persons certified by the ~~D~~Division as an inspector or risk assessor ~~working for a LEF~~working for a LEF; and
 - V.J.4.b. analyzed by a recognized laboratory.
- V.J.5. Composite dust sampling. Composite dust sampling may only be conducted in the situations specified in this Section V.J. (Final Clearance) of this Regulation ~~No-Number~~ 19, Part A. If such sampling is conducted, the following conditions ~~shall~~must apply:
 - V.J.5.a. composite dust samples ~~shall~~must consist of at least two subsamples, but no more than four subsamples;

V.J.5.b. every component that is being tested ~~shall~~must be included in the sampling; and

V.J.5.c. composite dust samples ~~shall~~must not consist of subsamples from more than one type of component.

V.K. Waste Handling

Each person handling any lead-contaminated waste ~~shall~~must comply with the following requirements:

V.K.1. wrap and seal lead-contaminated waste in at least 6-mil thick polyethylene sheeting prior to removing the waste from the containment or abatement work area;

V.K.2. store the waste in a covered container within a designated secure (locked) area, if not transported immediately off-site;

V.K.3. do not cut or break painted materials or perform any action that is likely to generate leaded dust;

V.K.4. comply with all local, State and Federal waste handling and disposal requirements; and

V.K.5. discharge no visible emissions during any handling of lead-contaminated waste outside the work area.

V.L. Recordkeeping

All reports or plans required in this Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A, ~~shall~~must be ~~retained~~maintained for no fewer than 3 years by the certified firm or individual who prepared the report. The certified firm or individual also ~~shall~~must provide copies of these reports to the building owner who contracted for its services. Additionally, these records, if requested, must be made available to the Division to demonstrate compliance with this Section V.L.

V.M. Alternative Procedures and Variances

The ~~D~~ivision may, at its discretion, grant a variance from the requirements in this Section V. (Abatement Requirements) of this Regulation ~~No-Number~~ 19, Part A, allowing use of an alternative procedure for the clearance of abatement projects or the control of emissions from a lead abatement project provided that the person conducting the abatement submit an alternative procedure in writing to the ~~D~~ivision and demonstrates to the satisfaction of the ~~D~~ivision that compliance with this Regulation ~~No-Number~~ 19, Part A is not practical or that the proposed alternative procedures provide equivalent control of lead.

Within forty-five (45) days of the receipt of the request the Division will notify the applicant in writing of its decision to either grant or deny the variance. If the variance is denied, the Division will provide a reason for the denial to the applicant. No person may begin abatement using such a procedure until a variance has been requested and approved in writing. Any violation of any condition of the variance will be considered a violation of this Regulation.

VI. Delegation to Local Health or Building Departments

VI.A. Other than training and certification requirements specified in Section III. (Training and Certification Requirements) of this Regulation ~~No-Number~~ 19, Part A, the ~~D~~ivision may delegate, at its discretion, the implementation or enforcement of standards in this Regulation ~~No-Number~~ 19, Part A to any local health or building department, if requested by such a local department.

VI.B. To receive delegation of a program for regulating lead-based paint activities pursuant to Section VI.A. of this Regulation ~~No-Number~~ 19, Part A, the local department must:

- VI.B.1. adopt standards that are at least as stringent as the standards in this Regulation ~~No. Number~~ 19, Part A;
- VI.B.2. demonstrate to the ~~D~~ivision that the local enforcement program is equivalent to the ~~D~~ivision's enforcement program; and
- VI.B.3. demonstrate to the ~~D~~ivision that the appropriate infrastructure or government capacity exists to effectively carry out a local program.

~~VII. Statement of Basis, Specific Statutory Authority, and Purpose~~

~~VII.A. August 21, 1998~~

~~1. Background~~

~~This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Colorado Administrative Procedures Act, section 24-4-103(4), C.R.S. and the Colorado Air Pollution Prevention and Control Act, sections 25-7-110 and 25-7-110.5, C.R.S.~~

~~2. Basis~~

~~U.S. Environmental Protection Agency ("US EPA") promulgated a regulation that allows states to promulgate US EPA approved lead-based paint abatement programs and receive monies from US EPA to fund the initial development of state programs. (40 C.F.R. Part 745.) In 1997, the Colorado Legislature passed an act granting the Commission authority to promulgate a regulatory program for lead-based paint abatement. (SB 97-136, Prevention, Intervention, and Reduction of Lead Exposure.)~~

~~3. Authority~~

~~The authority for this regulation is contained in the Colorado Air Pollution Prevention and Control Act ("Colorado Act"), sections 25-7-1101 through 1107, which provides the Commission the authority to develop and adopt a lead-based paint abatement program.~~

~~4. Purpose~~

~~The Colorado Legislature has declared that exposure of children to lead represents a significant environmental health problem that is preventable by developing a regulatory program that leads to the creation of housing and facilities where no significant lead-based paint hazard is present. In addition, the Legislature declared that the achievement of uniformity in the regulation of lead abatement practices and uniformity in the qualifications for and certification of persons who perform such abatement is necessary statewide. The purpose of this regulation is to protect children from exposure to lead from lead-based paint by regulating how lead-based paint abatement is conducted in "target housing" and "child-occupied facilities". As a result, the scope of Regulation No. 19, Part A is limited to homes constructed prior to 1978, child-occupied facilities, and only those projects where the intent is to abate lead-based paint hazards. Regulation No. 19, Part A is intended to fulfill the requirements of the Lead-based Paint Hazard Reduction Act of 1992, pertaining to target housing and child-care facilities. The Commission finds that the work practice requirements contained in Regulation No. 19, Part A are necessary for the protection of the public in targeted housing and child-care facilities.~~

~~5. Action Taken~~

~~The Commission concludes that adoption of this regulation is an appropriate step to begin to protect children from exposure to lead from lead-based paint as a result of lead-based paint~~

abatement in "target housing" and "child-occupied facilities". At this time, the Commission adopts language substantially similar to the federal lead-based paint abatement requirements. In the Commission's view, the requirements adopted will satisfy US EPA's requirements for a state lead-based paint abatement program.

a. Training and Certification

The Commission concludes that implementation of the training and certification provisions in this regulation will result in uniformity in the qualifications for and certification of persons who perform such abatement. The training and certification provisions will also aid in ensuring that trained and qualified individuals are available to advise consumers about lead hazards in general and about specific measures that may be needed to control such hazards. The training and certification requirements in the rule are identical to the training and certification requirements in the federal rule, except that the State rule: (1) establishes fees pursuant to section 25-7-1103, C.R.S.; (2) requires division approval of training courses; and (3) Does not include the provisions of the federal rule that allow accredited training courses to issue an interim certification valid for six months. Such interim certification is not necessary in the State program because, unlike the US EPA, the division is prepared to begin implementing the certification requirements immediately. Such variations from the federal rule are consistent with state statute, are administrative in nature, and do not constitute training and certification requirements that are more stringent than the federal requirements. Therefore, the training and certification provisions are not more stringent than the training and certification requirements established by the federal "Residential Lead-based Paint Hazard Reduction Act of 1992" and federal rules promulgated pursuant to that act or any training and certification requirements of any US EPA approved state program that has been established under the Federal "Residential Lead-based Paint Hazard Reduction Act of 1992."

b. Performance Standards and Practices

Pursuant to section 25-7-1103(1)(b), C.R.S., the Commission adopts performance standards and practices for lead abatement. The Commission concludes that the performance standards and practices in Regulation No. 19, Part A will result in uniformity in the regulation of lead abatement practices in the State of Colorado. These standards and practices require that abatement contractors employ consistent standards and procedures to remove, enclose, and encapsulate lead-based paint to remove lead hazards from target housing and child-occupied facilities. The standards and practices include US EPA's work practice standards and work practice measures that an abatement contractor must include in an occupant protection plan and comply with before, during, and after abatement. The work practice standards and measures were developed based upon US EPA's regulatory requirements and U.S. Department of Housing and Urban Development's ("HUD's") requirements.

The State rule includes work practices that are not required by the federal act, and that are, in some cases, otherwise more stringent than the federal requirements. The additional work practices in the State rule include the prohibition of uncontained hydroblasting and high-pressure washing, the prohibition of dry sanding, the restriction of chemical stripping, and the requirement that a supervisor be on-site at all times while abatement is occurring. Such requirements are not incorporated into the State implementation plan and, therefore, are consistent with section 25-7-105.1, C.R.S.

In addition, the federal rule does not explicitly require the establishment of containment barriers; however, they do require an occupant protection plan that may require the use of containment barriers. The State rule expressly requires containment barriers.

US EPA requires a written occupant protection plan be developed for each residential dwelling or child-occupied facility prior to the abatement. (40 C.F.R. 745.227(e)(5).) The occupant protection plan "shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards." (40 C.F.R. 745.227(e)(5)(i).) US EPA does not provide the abatement contractor the minimum abatement work practice measures that will be required for the occupant protection plan. The Commission pursuant to its authority in section 25-7-1103(1)(b), C.R.S., adopts the work practice measures in Regulation No. 19, Part A as the minimum work practice measures that must be included in an occupant protection plan and followed during abatement to ensure building occupants are protected from exposure to any lead-based paint hazards.

Certain standards and methodologies adopted by the Commission were developed by the HUD. The Commission adopts such standards and methodologies, because: 1) HUD has successfully implemented and enforced its lead-based paint abatement program and the associated guidelines and methodologies for the past eight years; 2) US EPA cites to HUD guidelines and methodologies in the Federal regulation (i.e., 40 C.F.R. section 745.227(a)(3)) as acceptable standards for Federal and state programs; 3) the HUD Guidelines are considered by industry as state-of-the-art; 4) several commenters in the workgroup stressed the importance of not reinventing the wheel and being consistent with HUD; and 5) the HUD Guideline incorporates the results of studies that indicate work practices and standards necessary to contain lead-based paint hazards and protect children's health.

The Commission adopts the requirement that a certified supervisor to be onsite during all work site preparation, abatement, and during post-abatement cleanup of the work areas, because such a practice is necessary to ensure workers properly conduct lead-based paint abatement. The Commission agrees that US EPA's requirement that a certified supervisor need only be reachable by telephone and is not required to be onsite is inadequate for the State of Colorado.

In addition, the State rule contains project notification requirements and establishes a project clearance level. The federal rule also requires notification but US EPA has not yet specified rules for such notification. US EPA may propose specific notification requirements before August 31, 1998. US EPA proposed a regulation for public comment identifying dangerous levels of lead in June of 1998. US EPA's proposal for soil hazard levels differs from HUD standard and the division's proposal by not including a separate, more stringent, standard for high contact play areas. Although US EPA's regulation is not final, it's justification for a single soil level is persuasive and the Commission adopts that single soil level.

c. ——— Procedures for Approval of Trained Persons

Regulation No. 19, Part A, as adopted, includes procedures for the approval of persons or companies who provide training or accreditation for workers, supervisors, inspectors, risk assessors, or project designers performing lead-based paint activities in target housing or child-occupied facilities pursuant to the Commission's authority in section 25-7-1103(1)(c), C.R.S.

d. ——— Notification of Appropriate Persons

The Commission finds that the notification requirements in Regulation No. 19, Part A are necessary and adequate to provide the Air Pollution Control Division ("Division") with notice of lead-based paint abatement projects occurring in the State of Colorado. The Division recommends that the Commission adopt a requirement that an abatement contractor notify the Division ten days prior to the commencement of lead-based paint

abatement activities if the amount of lead-based paint, lead-contaminated soil, or lead-contaminated dust is greater than two square feet on interior surfaces or ten square feet on exterior surfaces. The Commission also adopts fee provisions intended to cover the cost of processing notifications. The Commission agrees with the division and includes such a requirement in the notification provisions of Regulation No. 19, Part A.

~~e. Fees for Certification of Persons~~

Regulation No. 19, Part A includes requirements for fees for certification of persons conducting lead abatement services, for any necessary monitoring of such persons to ensure compliance with Regulation No. 19, Part A, and for approval of persons or companies involved in the training or accreditation of workers pursuant to the Commission's authority at section 25-7-1103(1)(e), C.R.S. The Commission concludes that the fee provisions in this Regulation No. 19, Part A are adequate to fully fund the division's lead-based paint abatement program, if projected activity levels are accurate.

~~6. Definition of Child-Occupied Facilities~~

The rule incorporates the definition of the term "child-occupied facility" set out in section 25-7-1102(2)(a), C.R.S. Pursuant to the statutory definition, day-care centers, pre-schools and kindergarten classrooms constructed prior to 1978 are "child-occupied facilities" whether or not such facilities are visited by children for a total of at least six hours per visit. That is, the definitions set out in paragraphs (a) and (b) of sub-section (2) of section 25-7-1102, C.R.S., are independent definitions. Day-care centers, pre-schools and kindergarten classrooms are child-occupied facilities whether or not they meet the definition set out in section 25-7-1102(2)(a), C.R.S.

The foregoing interpretation of section 25-7-1102(2), C.R.S., is based on the plain language of the statute. Furthermore, such a reading furthers the legislative intent evident in section 25-7-1103(1), C.R.S., to establish a program that implements the requirements of the federal program. The definition of "child-occupied facility" set out in section 25-7-1102(2)(a), C.R.S., differs from the federal definition expressed in 40 C.F.R. section 745.223. The difference between the two definitions concerns the length of time in which a child must visit a facility in order for the facility to be a "child-occupied facility." Pursuant to the federal definition, the critical time is defined as "combined weekly visits [of at least] six hours." The definition in section 25-7-1102(2)(a), C.R.S., requires each visit to total at least six hours. Many pre-schools and kindergarten classrooms operate more than six hours per week, but less than six hours per day. Such classrooms are included in the federal definition, but would not be included in the definition set out in section 25-7-1102(2)(a), C.R.S. Reading sections 25-7-1102(2)(a) and (2)(b), C.R.S., as independent definitions captures most, if not all, of the facilities that are included in the federal definition but excluded from the definition in section 25-7-1102(2)(a), C.R.S. Such a reading furthers the legislative intent to implement the federal program.

~~7. Findings Pursuant to Section 25-7-110.8, C.R.S.~~

The regulation promulgated by the Commission is based on reasonably available, validated, reviewed and sound scientific methodologies demonstrating that exposure to lead is hazardous to children under the age of seven, and that lead-based paint was commonly in use in residences and child-occupied facilities prior to 1978. Interested parties did not provide the Commission with any other validated, reviewed, and sound scientific methodologies or information.

The work practices in the regulation are designed to minimize airborne lead-contaminated dust during lead abatement projects. Therefore, such practices will result in a demonstrable reduction in air pollution associated with such projects. The remaining requirements of the regulation are administrative in nature and are not subject to the requirements of section 25-7-110.8(1)(b), C.R.S.

No one proposed an alternative that would comply with the state statutory requirements in a more cost-effective manner.

8. ~~Delay of Effective Date of Regulation~~

The Commission delayed the effective date of this regulation for persons conducting abatement activities in dwellings that they own and occupy in order to provide homeowners time to be able to comply with this regulation.

9. ~~Commission Directions to Staff~~

The Commission intends that the Department of Public Health and Environment's lead program, in September 1998, notify the primary care giver of known children with elevated blood lead levels of this regulation. The Commission intends that the division review the application of this regulation to renovation activities, and that it complete this review by December 31, 1998. The Commission intends that the division will maintain current lists of certified lead abatement contractors, supervisors and certification courses, and will make these lists available to the public.

VII.B. ~~Revisions to Regulation No. 19, Part A; December 19, 2002~~

1. ~~Background~~

This Statement of Basis, Specific Statutory Authority and Purpose comply with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4) and (12.5), C.R.S. for new and revised regulations.

2. ~~Basis~~

Regulation No. 19, Part A sets forth the Air Quality Control Commission's lead-based paint abatement program. Colorado's program is tailored after the Federal program. In January of 2001, the United States Environmental Protection Agency ("EPA") adopted revisions to the Federal program. EPA has given the state until June 7, 2003 to revise its regulation in order to make Colorado's program consistent with EPA's newly revised regulation. These revisions to Regulation No. 19, Part A are intended to comply with this mandate. Additionally, obsolete provisions have been deleted and certain minor language changes have been made to help clarify the regulation. Finally, changes to the certification fee structure have been made to minimize the burden on the regulated community and encourage the type of growth necessary to serve the needs of the public while allowing the program to be fully funded from the collection of fees as required pursuant to § 25-7-1105, C.R.S.

3. ~~Specific Statutory Authority~~

The specific statutory authority for these revisions is set forth in various sections of the Colorado Air Pollution Prevention and Control Act. Section, 25-7-105(1), C.R.S., gives the Air Quality Control Commission general authority to promulgate rules and regulations necessary for the proper implementation of the Air Pollution Prevention and Control Act ("Act"). Section 25-7-1103(1), C.R.S. gives the Commission specific authority to promulgate regulations necessary to establish and implement a state lead-based paint abatement program, including regulations regarding lead-based paint abatement performance standards and certification requirements. Finally, § 25-7-1105, C.R.S. allows the Commission to set fees that are sufficient to cover the costs of the program.

4. ~~Purpose~~

The purpose of the revised regulation is to continue to protect children from lead exposure by establishing standards for lead-based paint abatement in "target housing" and "child-occupied facilities." The primary purpose of these revisions is to make the Colorado regulation consistent with the recently adopted Federal regulations governing lead-based paint abatement. To accomplish this, revisions have been made to Sections II. (Definitions), III. (Training and Certification Requirements), IV. (Inspections, Lead Hazard Screens, and Risk Assessments) and V. (Abatement Requirements) of Regulation No. 19, Part A. Changes have also been made to the table in Appendix A, governing the number of sample that must be taken in clearing projects in multi-family dwellings constructed prior to 1978. The new table is consistent with the revised HUD Guidelines for Lead-Based Paint, and therefore serves to make Regulation No. 19, Part A consistent with the federal program.

5. ——— Action Taken

In addition to the changes necessary to make the State program consistent with Federal requirements, certain additional changes were made in order to clarify program requirements. For example, surplus language was removed from the provisions set forth in Section III.B.1.b., while the language in Section IV.B.1 was expanded to clarify that risk assessments are to be conducted in accordance with requirements of Section IV. (Inspections, Lead Hazard Screens, and Risk Assessments). These changes are not substantive and are not intended to change any program requirements.

A limited number of minor substantive changes were made to remove obsolete provisions, correct unintended consequences of the old regulatory language, and eliminate unnecessarily burdensome requirements. For example, the notification fee table set forth in Section V.A.5.c. sets forth the amount of fees that need to be paid based on the size of the project. Due to errors in the table, fees for larger projects could actually be less than fees for smaller projects. These errors have been corrected to create a graduated fee schedule. Section V.J.3. of the old regulation required that a supervisor or project designer prepare an abatement report, but failed to specify a time frame for completion of the report, thereby rendering enforcement of this requirement difficult. The revisions correct this oversight by providing a ninety-day time frame for report completion. Finally, Section V.C.2.c. has been changed to eliminate the requirement that ventilation systems be shut down during level I-1 projects. This requirement was deemed unnecessary given the nature of such projects and the fact that vents must be adequately sealed prior to abatement.

Several changes were made with respect to certification requirements. EPA's regulations require that all abatement, inspection and risk assessment firms be certified. For some reason, the prior version of Regulation No. 19, Part A failed to require certification for inspection or risk assessment firms. The revisions correct this oversight. The revisions also set certification fees for risk assessment and inspection firms, as well as modify the fees for abatement firms. The fee levels were based on an analysis of the amount of money that needs to be collected through fees in order to cover the costs of the program as required pursuant to § 25-7-1105, C.R.S. Given the continued growth of the program, and the addition of certification fees for inspection and risk assessment firms, the fee levels for abatement firms were able to be substantially reduced. These new fees will apply to firms seeking certification after the effective date of these revisions. Firms certified prior to the effective date shall not be entitled to a refund of any previously paid fees.

6. ——— Findings Pursuant to § 25-7-110.8, C.R.S.

These revisions are based on reasonably available, validated and reviewed, and sound scientific methodologies demonstrating that exposure to lead is hazardous to children under the age of seven, and that lead-based paint was commonly used in residences and child-occupied facilities prior to 1978. Interested parties did not provide the Commission with any other validated, reviewed and scientifically sound methodologies or information.

Based on the evidence presented on the record, the requirements of this revised regulation will reduce the amount of airborne lead-contaminated dust occurring during lead-based paint abatement projects, and therefore reduce the risks to human health and the environment thereby justifying the costs associated with this regulation.

The revisions represent the regulatory alternative presented to the Commission, which best balances cost-effectiveness, flexibility to the regulated community and maximization of air quality benefits.

~~VII.C.—Revisions to Regulation No. 19 Part A, Sections III.B.1., III.B.5., III.B.6., and V.A.5.~~

~~This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4), C.R.S. for new and revised regulations.~~

~~Basis~~

~~The Air Quality Control Commission has adopted revisions to Part A, Sections III.B.1., III.B.5., III.B.6., and V.A.5. in order to increase the certification and permit fees charged to persons certified to perform lead-based paint activities in target housing and child-occupied facilities in Colorado, commencing in 2008. The increases are necessary to help offset increasing program costs.~~

~~Specific Statutory Authority~~

~~The specific statutory authority for these revisions is set forth in Section 25-7-1105, C.R.S., which allows the Commission to adjust fees so that the revenue generated is sufficient to cover direct and indirect costs to implement the lead hazard reduction program.~~

~~Purpose~~

~~The revisions to Part A, Sections III.B.1., III.B.5., III.B.6., and V.A.5. were adopted to cover existing and anticipated revenue shortfalls.~~

~~COLORADO AIR QUALITY CONTROL COMMISSION~~

~~ADOPTED: December 20, 2007~~

APPENDIX A

Number of Units to be Tested in Pre-1978 Multifamily Developments

(Section V.J.2.b.)

Number of Similar Units, Similar Common Areas or Exterior Sites in a Building or Development	Pre-1960 or Unknown-age building or Development: Number to Test	1960-1977 Building or Development: Number to Test
1-9	All	All
10-13	All	10
14	All	11

15	All	12
16-17	All	13
18	All	14
19	All	15
20	All	16
21-26	20	16
27	21	17
28	22	18
29	23	18
30	23	19
31	24	19
32	25	19
33-34	26	19
35	27	19
36	28	19
37	29	19
38-39	30	20
40-48	31	21
49-50	31	22
51	32	22
52-53	33	22
54	34	22
55-56	35	22
57-58	36	22
59	37	23
60-69	38	23

70-73	38	24
74-75	39	24
76-77	40	24
78-79	41	24
80-88	42	24
89-95	42	25
96-97	43	25
98-99	44	25
100-109	45	25
110-117	45	26
118-119	46	26
120-138	47	26
139-157	48	26
158-159	49	26
160-177	49	27
178-197	50	27
198-218	51	27
219-258	52	27
259-279	53	27
280-299	53	28
300-279	54	28
380499	55	28
500-776	56	28
777-939	57	28
970-1004	57	29
1005-1022	58	29

1023-1032	59	29
1033-1039	59	30
1500	87	44
2000	116	58
2500	145	73
3000	174	87
3500	203	102
4000	232	116

PART B **PRE-RENOVATION EDUCATION IN TARGET HOUSING AND CHILD-OCCUPIED FACILITIES**

I. Scope and Applicability

I.A. This Regulation ~~No-Number~~ 19, Part B, applies to all renovations of target housing or child-occupied facilities performed for compensation except as provided in Section I.B. of this Regulation ~~No-Number~~ 19, Part B.

I.B. This Regulation ~~No-Number~~ 19, Part B, does not apply to renovation activities that are limited to the following:

I.B.1. ~~Minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt 2 square feet or less of painted surface per component. Minor Repair and Maintenance acti activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disturb 2 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practice restrictions and prohibitions in Section V. B. are used and where the work does not involve window replacement or destruction of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface area disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.~~

I.B.2. Emergency renovation operations.

I.B.3. Renovations in target housing or child-occupied facilities in which a written determination has been made by an inspector or risk assessor, certified by the Division pursuant to Regulation ~~No-Number~~ 19, Part A, that the components affected by the renovation are free of lead-based paint, or other surface coatings, that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination.

II. Definitions

For purposes of this Regulation ~~No. Number~~ 19, Part B, the definitions in Regulation ~~No. Number~~ 19, Part A, as well as the following definitions, apply. Any terms that are not defined in Regulation ~~No. Number~~ 19, Part A, are given the same meaning as in the Air Quality Control Commission's Common Provisions Regulation.

- II.A. Emergency renovation operations means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.
- II.B. Multi-family housing means a housing property consisting of more than four dwelling units.
- II.C. Owner means any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor.
- II.D. Pamphlet means the Environmental Protection Agency (EPA) pamphlet developed under section 406(a) of the Toxic Substance Control Act (TSCA) for use in complying with this and other rulemakings under Title IV of TSCA and the Residential Lead-Based Paint Hazard Reduction Act, or a State of Colorado pamphlet approved by EPA pursuant to 40 Code of Federal Regulations (CFR) 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information in the EPA pamphlet). The pamphlet can be found on the Division's lead web page.
- II.E. Renovation means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by Regulation ~~No. Number~~ 19, Part A. The term renovation includes, but is not limited to: the removal, ~~or~~ modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of large structures (e.g., walls, ceiling, large surface re-plastering, major re-plumbing); and window replacement.
- II.F. Renovator means any person who performs or directs workers who perform or compensation a renovation for compensation.

III. Information Distribution Requirements

- III.A. Renovations in target housing - rRenovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the renovator ~~shall~~must:

III.A.1. Provide the owner of the unit with the pamphlet, and comply with one of the following:

III.A.1.a. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or

III.A.1.b. Obtain a certificate of mailing at least 7 days prior to the renovation.

III.A.2. In addition to the requirements in Section III.A.1. of this Regulation ~~No. Number~~ 19, Part B, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

III.A.2.a. Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet, or certify in writing that a pamphlet has been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of the renovator, and the date of signature. Sample language for such certifications is provided in Section V.B. (Certification of attempted delivery) of this Regulation ~~No. Number~~ 19, Part B; or

III.A.2.b. Obtain a certificate of mailing at least 7 days prior to the renovation.

III.B. Renovations in target housing - rRenovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-family housing, the renovator ~~shall~~must:

III.B.1. Provide the owner with the pamphlet, and comply with one of the following:

III.B.1.a. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or

III.B.1.b. Obtain a certificate of mailing at least 7 days prior to the renovation.

III.B.2. Comply with one of the following:

III.B.2.a. Notify in writing, or ensure written notification of, each unit of the multifamily housing and make the pamphlet available upon request prior to the start of renovation. Such notification ~~shall~~must be accomplished by distributing written notice to each affected unit. The notice ~~shall~~must describe the general nature and locations of the planned renovation activities; the ~~anticipated~~expected starting and ~~completion~~ending dates; and a statement of how the occupant can obtain the pamphlet and a copy of the records required by this Regulation Number 19, Part B, Section IV.B. at no cost to the occupant, or ~~charge, from the renovator.~~

III.B.2.b. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by this Regulation Number 19, Part B, Section IV.B or obtain a copy from the renovation firm at no cost to the occupants.

III.B.3. Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

III.B.4. If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, the renovator ~~shall~~must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the renovator initiates work beyond that which was described in the original notice.

~~III.C. Written acknowledgment. Sample language for such acknowledgments is provided in Section V.A. (Acknowledgement statement) of this Regulation No. Number 19, Part B. The written~~

~~acknowledgments required in Sections III.A.1.a., III.A.2.a., and III.B.1.a. of this Regulation-~~
~~No. Number 19, Part B mustshallmust:~~

~~III.C.1.— Include a statement recording the owner or occupant's name and acknowledging receipt-~~
~~of the pamphlet prior to the start of renovation, the address of the unit undergoing-~~
~~renovation, the signature of the owner or occupant as applicable, and the date of-~~
~~signature.~~

~~III.C.2.— Be either a separate sheet or part of any written contract or service agreement for the-~~
~~renovation.~~

~~III.C.3.— Be written in the same language as the text of the contract or agreement for the-~~
~~renovation or, in the case of non-non-owner-occupied target housing, in the same-~~
~~language as the lease or rental agreement or the pamphlet.~~

III.CD. Renovations in child-occupied facilities. No more than 60 days before beginning renovation
activities in any child-occupied facility, the person performing the renovation must:

III.CD.1. Provide the owner of the building with the pamphlet, and comply with one of the
following:

III.CD.1.a. Obtain, from the owner, a written acknowledgment that the owner has
received the pamphlet or,

III.CD.1.b. Obtain a certificate of mailing at least 7 days prior to the renovation.

III.CD.2. If the child-occupied facility is not the owner of the building, provide an adult
representative of the child-occupied facility with the pamphlet, and comply with one of the
following:

III.CD.2.a. Obtain, from the adult representative, a written acknowledgment that the
adult representative has received the pamphlet; or certify in writing that a
pamphlet has been delivered to the facility and that the firm performing the
renovation has been unsuccessful in obtaining a written acknowledgment from
an adult representative. Such certification must include the address of the child-
occupied facility undergoing renovation, the date and method of delivery of the
pamphlet, names of the persons delivering the pamphlet, reason for lack of
acknowledgment (e.g., representative refuses to sign), the signature of a
representative of the firm performing the renovation, and the date of signature
or,;

III.CD.2.b. Obtain a certificate of mailing at least 7 days prior to the renovation.

III.C.3. Provide the parents and guardians of children using the child-occupied facility with the
pamphlet, information describing the general nature and locations of the renovation and
the anticipated start and completion dates, and information on how interested parents or
guardians of children frequenting the child-occupied facility can review a copy of the
records required by this Rregulation 19, Section IV.B, or obtain a copy at no cost to the
occupants by complying with one of the following:

III.C.3.a. Mail or hand-deliver the pamphlet and the renovation information to each
parent or guardian of a child using the child-occupied facility or,;

III.C.3.b. While the renovation is ongoing, post informational signs describing the general
nature and locations of the renovation and the anticipated completion date.
These signs must be posted in areas where they can be seen by the parents or

guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records or obtain a copy at no cost to the parents or guardians.

III.C.4. The renovator must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

III.D. Written acknowledgment. Sample language for such acknowledgments is provided in Section V.A. (Acknowledgement statement) of this Regulation Number 19, Part B. The written acknowledgments required in Sections III.A.1.a., III.A.2.a., III.B.1.a., III.C.1.a. and III.C.2.a. of this Regulation Number 19, Part B must:

III.D.1. Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

III.D.2. Be either a separate page or part of any written contract or service agreement for the renovation.

III.D.3. Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner-occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

IV. Recordkeeping Requirements

IV.A. Renovators ~~must~~shall retain and, if requested, make available to the ~~D~~ivision all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation activities in target housing or child-occupied facilities. This 3-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable Federal, Tribal or local laws or regulations.

IV.B. Records that must be retained pursuant to Section IV.A. of this Regulation ~~No-Number~~ 19, Part B ~~must~~shall include (where applicable):

IV.B.1. Reports certifying that a determination had been made by an inspector or risk assessor, certified by the ~~D~~ivision pursuant to Regulation ~~No-Number~~ 19, Part A, that lead-based paint is not present in the area affected by the renovation, as described in Section I.B.3. of this Regulation ~~No-Number~~ 19, Part B.

IV.B.2. Signed and dated acknowledgments of receipt as described in Sections III.A.1.a., III.A.2.a., ~~and~~ III.B.1.a., III.C.1.a. or III.C.2.a. of this Regulation ~~No-Number~~ 19, Part B.

IV.B.3. Certifications of attempted delivery as described in Section III.A.2.a. or III.C.2.a. of this Regulation ~~No-Number~~ 19, Part B.

IV.B.4. Certificates of mailing as described in Sections III.A.1.b., III.A.2.b., ~~and~~ III.B.1.b., III.C.1.b. or III.C.2.b. of this Regulation ~~No-Number~~ 19, Part B.

IV.B.5. Records of notification activities performed regarding renovations in target housing common areas renovations, as described in Sections III.B.3. and III.B.4. or renovations in child-occupied facilities as described in Section III.CB.4. of this Regulation No-Number 19, Part B.

V. Acknowledgment and eCertification sStatements

V.A. Acknowledgment statement

V.A.1. As required in Section III.DC.1. of this Regulation No-Number 19, Part B, acknowledgments mustshall include a statement of receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

V.A.2. Sample acknowledgment language. The following is a sample of language that could be used for such acknowledgments:

I have received a copy of the lead hazard information pamphlet, [insert the title of the pamphlet provided], informing me of the potential risk of lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

Printed Name

~~Printed Name and~~ Signature

Date

Unit Address

V.B. Certification of attempted delivery

V.B.1. When an occupant is unavailable for signature or refuses to sign the acknowledgment of receipt of the pamphlet, the renovator is permitted by Section III.A.2.b. of this Regulation No-Number 19, Part B to certify delivery for each instance. The certification mustshall include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g. occupant refuses to sign, no adult occupant available), the signature of the renovator, and the date of signature.

V.B.2. Sample certification language. The following is a sample of language that could be used under those circumstances:

V.B.2.a. Refusal to sign

I certify that I have made a good faith effort to deliver the lead hazard information pamphlet, [insert the title of the pamphlet], to the unit listed below, and that the occupant refused to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

Printed Name

~~Printed Name and~~ Signature

Date

Unit Address

Attempted delivery dates and times:

V.B.2.b. Unavailable for signature

I certify that I have made a good faith effort to deliver the lead hazard information pamphlet, [insert the title of the pamphlet], to the unit listed below at the dates and times indicated, and that the occupant was unavailable to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit by sliding it under the door or by [fill in how the pamphlet was left at the dwelling unit].

Printed Name

~~Printed Name and~~ Signature

Date

Unit Address

Attempted delivery dates and times:

VI. Statement of Basis, Specific Statutory Authority, and Purpose

VI.A. Adoption of the Pre-Renovation Education in Target Housing rule, Regulation No. 19, Part B (February 15, 2007)

1. Background

This Statement of Basis, Specific Statutory Authority and Purpose comply with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4) and (12.5), C.R.S. for new and revised regulations.

2. Basis

In 1996 the U.S. Environmental Protection Agency ("US-EPA") promulgated a regulation that establishes the requirements that state programs must meet for authorization by the Administrator to administer requirements established under the Toxic Substance Control Act section 406 and establishes the procedures EPA will follow in approving state programs. (40 CFR 745, Subpart Q.) In 1998 the US-EPA promulgated a regulation that requires contractors to provide owners and occupants a lead hazard information pamphlet before renovating target housing. (40 C.F.R. Part 745, Subpart E.) In 2006 the Colorado Legislature passed an act granting the Air Quality Control Commission ("Commission") authority to promulgate a regulatory program for lead hazard education before renovation of target housing. (HB 06-1265, Concerning Additional Requirements Pertaining To Lead-Based Paint Abatement.)

3. Specific Statutory Authority

The specific statutory authority for these revisions is set forth in Section 25-7-1103(1)(f), C.R.S., which gives the Commission specific authority to promulgate regulations necessary to establish and implement requirements for each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

4. Purpose

The purpose of the proposed revised regulation is to continue to protect children from lead exposure by simply requiring contractors to distribute a lead hazard information pamphlet to owners and occupants of target housing before renovation takes place. This requirement already exists in Colorado under US-EPA's *Lead; Requirements for Hazard Education Before Renovation of Target Housing*, final rule. Creating and implementing a state lead hazard education program allows Colorado to make improvements to the required pamphlet by including up-to-date and state-specific information and allows the State to take over lead hazard education outreach, compliance, and related enforcement activities from the US-EPA, and therefore serves to make Regulation No. 19 consistent with the federal program.

5. Action Taken

In addition to the changes necessary to make the State program consistent with Federal requirements, certain additional changes were made in order to make the US-EPA regulation work on a state level. For example, the US-EPA's table of contents, self references and references to other state and tribal programs do not make sense in the context of Colorado Air Quality Control Commission regulations.

6. Findings Pursuant to §25-7-110.8, C.R.S.

These revisions are based on reasonably available, validated and reviewed, and sound scientific methodologies, which demonstrate that exposure to lead is hazardous to children under the age of seven, and that lead-based paint was commonly used in residences prior to 1978.

The requirements of this revised regulation will allow individuals to reduce their exposure and their family's exposure to airborne lead-contaminated dust occurring during renovation projects, and therefore reduce the risks to human health.

Further, these revisions will include any typographical and grammatical errors throughout the regulation.

PART C Statements of Basis, Specific Statutory Authority and Purpose

I. Adopted: August 21, 1998

Background

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Colorado Administrative Procedures Act, section 24-4-103(4), C.R.S. and the Colorado Air Pollution Prevention and Control Act, sections 25-7-110 and 25-7-110.5, C.R.S.

Basis

U.S. Environmental Protection Agency ("US EPA") promulgated a regulation that allows states to promulgate US EPA-approved lead-based paint abatement programs and receive monies from US EPA to fund the initial development of state programs. (40 C.F.R. Part 745.) In 1997, the Colorado Legislature passed an act granting the Commission authority to promulgate a regulatory program for lead-based paint abatement. (SB 97-136, Prevention, Intervention, and Reduction of Lead Exposure.)

Authority

The authority for this regulation is contained in the Colorado Air Pollution Prevention and Control Act ("Colorado Act"), sections 25-7-1101 through 1107, which provides the Commission the authority to develop and adopt a lead-based paint abatement program.

Purpose

The Colorado Legislature has declared that exposure of children to lead represents a significant environmental health problem that is preventable by developing a regulatory program that leads to the creation of housing and facilities where no significant lead-based paint hazard is present. In addition, the Legislature declared that the achievement of uniformity in the regulation of lead abatement practices and uniformity in the qualifications for and certification of persons who perform such abatement is necessary statewide. The purpose of this regulation is to protect children from exposure to lead from lead-based paint by regulating how lead-based paint abatement is conducted in "target housing" and "child-occupied facilities". As a result, the scope of Regulation Number 19, Part A is limited to homes constructed prior to 1978, child-occupied facilities, and only those projects where the intent is to abate lead-based paint hazards. Regulation Number 19, Part A is intended to fulfill the requirements of the Lead-based Paint Hazard Reduction Act of 1992, pertaining to target housing and child-care facilities. The Commission finds that the work practice requirements contained in Regulation Number 19, Part A are necessary for the protection of the public in targeted housing and child-care facilities.

Action Taken

The Commission concludes that adoption of this regulation is an appropriate step to begin to protect children from exposure to lead from lead-based paint as a result of lead-based paint abatement in "target housing" and "child-occupied facilities". At this time, the Commission adopts language substantially similar to the federal lead-based paint abatement requirements. In the Commission's view, the requirements adopted will satisfy US EPA's requirements for a state lead-based paint abatement program.

Training and Certification

The Commission concludes that implementation of the training and certification provisions in this regulation will result in uniformity in the qualifications for and certification of persons who perform such abatement. The training and certification provisions will also aid in ensuring that trained and qualified individuals are available to advise consumers about lead hazards in general and about specific measures that may be needed to control such hazards. The training and certification requirements in the rule are identical to the training and certification requirements in the federal rule, except that the State rule: (1) establishes fees pursuant to section 25-7-1103, C.R.S.; (2) requires division approval of training courses; and (3) Does not include the provisions of the federal rule that allow accredited training courses to issue an interim certification valid for six months. Such interim certification is not necessary in the State program because, unlike the US EPA, the division is prepared to begin implementing the certification requirements immediately. Such variations from the federal rule are consistent with state statute, are administrative in nature, and do not constitute training and certification requirements that are more stringent than the federal requirements. Therefore, the training and certification provisions are not more stringent than the training and certification requirements established by the federal "Residential Lead-based Paint Hazard Reduction Act of 1992" and federal rules promulgated pursuant to that act or any training and certification requirements of any US EPA-approved state program that has been established under the Federal "Residential Lead-based Paint Hazard Reduction Act of 1992."

Performance Standards and Practices

Pursuant to section 25-7-1103(1)(b), C.R.S., the Commission adopts performance standards and practices for lead abatement. The Commission concludes that the performance standards and practices in Regulation Number 19, Part A will result in uniformity in the regulation of lead abatement practices in the State of Colorado. These standards and practices require that abatement contractors employ consistent standards and procedures to remove, enclose, and encapsulate lead-based paint to remove lead hazards from target housing and child-occupied facilities. The standards and practices include US EPA's work practice standards and work practice measures that an abatement contractor must include in an occupant protection plan and comply with before, during, and after abatement. The work practice standards and measures were developed based upon US EPA's regulatory requirements and U.S. Department of Housing and Urban Development's ("HUD's") requirements.

The State rule includes work practices that are not required by the federal act, and that are, in some cases, otherwise more stringent than the federal requirements. The additional work practices in the State rule include the prohibition of uncontained hydroblasting and high-pressure washing, the prohibition of dry sanding, the restriction of chemical stripping, and the requirement that a supervisor be on-site at all times while abatement is occurring. Such requirements are not incorporated into the State implementation plan and, therefore, are consistent with section 25-7-105.1, C.R.S. In addition, the federal rule does not explicitly require the establishment of containment barriers; however, they do require an occupant protection plan that may require the use of containment barriers. The State rule expressly requires containment barriers.

US EPA requires a written occupant protection plan be developed for each residential dwelling or child-occupied facility prior to the abatement. (40 C.F.R. 745.227(e)(5).) The occupant protection plan "shallmust describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards." (40 C.F.R. 745.227(e)(5)(i).) US EPA does not provide the abatement contractor the minimum abatement work practice measures that will be required for the occupant protection plan. The Commission pursuant to its authority in section 25-7-1103(1)(b), C.R.S., adopts the work practice measures in Regulation Number 19, Part A

as the minimum work practice measures that must be included in an occupant protection plan and followed during abatement to ensure building occupants are protected from exposure to any lead-based paint hazards.

Certain standards and methodologies adopted by the Commission were developed by the HUD. The Commission adopts such standards and methodologies, because: 1) HUD has successfully implemented and enforced its lead-based paint abatement program and the associated guidelines and methodologies for the past eight years; 2) US EPA cites to HUD guidelines and methodologies in the Federal regulation (i.e., 40 C.F.R. section 745.227(a)(3)) as acceptable standards for Federal and state programs; 3) the HUD Guidelines are considered by industry as state-of-the-art; 4) several commenters in the workgroup stressed the importance of not reinventing the wheel and being consistent with HUD; and 5) the HUD Guideline incorporates the results of studies that indicate work practices and standards necessary to contain lead-based paint hazards and protect children's health.

The Commission adopts the requirement that a certified supervisor to be onsite during all work site preparation, abatement, and during post-abatement cleanup of the work areas, because such a practice is necessary to ensure workers properly conduct lead-based paint abatement. The Commission agrees that US EPA's requirement that a certified supervisor need only be reachable by telephone and is not required to be onsite is inadequate for the State of Colorado. In addition, the State rule contains project notification requirements and establishes a project clearance level. The federal rule also requires notification but US EPA has not yet specified rules for such notification. US EPA may propose specific notification requirements before August 31, 1998. US EPA proposed a regulation for public comment identifying dangerous levels of lead in June of 1998. US EPA's proposal for soil hazard levels differs from HUD standard and the division's proposal by not including a separate, more stringent, standard for high contact play areas. Although US EPA's regulation is not final, it's justification for a single soil level is persuasive and the Commission adopts that single soil level.

Procedures for Approval of Trained Persons

Regulation Number 19, Part A, as adopted, includes procedures for the approval of persons or companies who provide training or accreditation for workers, supervisors, inspectors, risk assessors, or project designers performing lead-based paint activities in target housing or child-occupied facilities pursuant to the Commission's authority in section 25-7-1103(1)(c), C.R.S.

Notification of Appropriate Persons

The Commission finds that the notification requirements in Regulation Number 19, Part A are necessary and adequate to provide the Air Pollution Control Division ("Division") with notice of lead-based paint abatement projects occurring in the State of Colorado. The Division recommends that the Commission adopt a requirement that an abatement contractor notify the Division ten days prior to the commencement of lead-based paint abatement activities if the amount of lead-based paint, lead contaminated soil, or lead contaminated dust is greater than two square feet on interior surfaces or ten square feet on exterior surfaces. The Commission also adopts fee provisions intended to cover the cost of processing notifications. The Commission agrees with the division and includes such a requirement in the notification provisions of Regulation Number 19, Part A.

Fees for Certification of Persons

Regulation Number 19, Part A includes requirements for fees for certification of persons conducting lead abatement services, for any necessary monitoring of such persons to ensure compliance with Regulation Number 19, Part A, and for approval of persons or companies involved in the training or accreditation of workers pursuant to the Commission's authority at section 25-7-1103(1)(e), C.R.S. The Commission concludes that the fee provisions in this Regulation Number 19, Part A are adequate to fully fund the division's lead-based paint abatement program, if projected activity levels are accurate.

Definition of Child-Occupied Facilities

The rule incorporates the definition of the term "child-occupied facility" set out in section 25-7-1102(2)(a), C.R.S. Pursuant to the statutory definition, day-care centers, pre-schools and kindergarten classrooms constructed prior to 1978 are "child-occupied facilities" whether or not such facilities are visited by children for a total of at least six hours per visit. That is, the definitions set out in paragraphs (a) and (b) of subsection (2) of section 25-7-1102, C.R.S., are independent definitions. Day-care centers, pre-schools and kindergarten classrooms are child-occupied facilities whether or not they meet the definition set out in section 25-7-1102(2)(a), C.R.S.

The foregoing interpretation of section 25-7-1102(2), C.R.S., is based on the plain language of the statute. Furthermore, such a reading furthers the legislative intent evident in section 25-7-1103(1), C.R.S., to establish a program that implements the requirements of the federal program. The definition of "child-occupied facility" set out in section 25-7-1102(2)(a), C.R.S., differs from the federal definition expressed in 40 C.F.R. section 745.223. The difference between the two definitions concerns the length of time in which a child must visit a facility in order for the facility to be a "child-occupied facility." Pursuant to the federal definition, the critical time is defined as "combined weekly visits [of at least] six hours." The definition in section 25-7-1102(2)(a), C.R.S., requires each visit to total at least six hours. Many pre-schools and kindergarten classrooms operate more than six hours per week, but less than six hours per day. Such classrooms are included in the federal definition, but would not be included in the definition set out in section 25-7-1102(2)(a), C.R.S. Reading sections 25-7-1102(2)(a) and (2)(b), C.R.S., as independent definitions captures most, if not all, of the facilities that are included in the federal definition but excluded from the definition in section 25-7-1102(2)(a), C.R.S. Such a reading furthers the legislative intent to implement the federal program.

Findings Pursuant to Section 25-7-110.8, C.R.S.

The regulation promulgated by the Commission is based on reasonably available, validated, reviewed and sound scientific methodologies demonstrating that exposure to lead is hazardous to children under the age of seven, and that lead-based paint was commonly in use in residences and child-occupied facilities prior to 1978. Interested parties did not provide the Commission with any other validated, reviewed, and sound scientific methodologies or information. The work practices in the regulation are designed to minimize airborne lead-contaminated dust during lead abatement projects. Therefore, such practices will result in a demonstrable reduction in air pollution associated with such projects. The remaining requirements of the regulation are administrative in nature and are not subject to the requirements of section 25-7-110.8(1)(b), C.R.S. No one proposed an alternative that would comply with the state statutory requirements in a more cost-effective manner.

Delay of Effective Date of Regulation

The Commission delayed the effective date of this regulation for persons conducting abatement activities in dwellings that they own and occupy in order to provide homeowners time to be able to comply with this regulation.

Commission Directions to Staff

The Commission intends that the Department of Public Health and Environment's lead program, in September 1998, notify the primary care giver of known children with elevated blood lead levels of this regulation. The Commission intends that the division review the application of this regulation to renovation activities, and that it complete this review by December 31, 1998. The Commission intends that the division will maintain current lists of certified lead abatement contractors, supervisors and certification courses, and will make these lists available to the public.

II. Adopted: December 19, 2002 Revisions to Regulation Number 19, Part A

Background

This Statement of Basis, Specific Statutory Authority and Purpose comply with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4) and (12.5), C.R.S. for new and revised regulations.

Basis

Regulation Number 19, Part A sets forth the Air Quality Control Commission's lead-based paint abatement program. Colorado's program is tailored after the Federal program. In January of 2001, the United States Environmental Protection Agency ("EPA") adopted revisions to the Federal program. EPA has given the state until June 7, 2003 to revise its regulation in order to make Colorado's program consistent with EPA's newly revised regulation. These revisions to Regulation Number 19, Part A are intended to comply with this mandate. Additionally, obsolete provisions have been deleted and certain minor language changes have been made to help clarify the regulation. Finally, changes to the certification fee structure have been made to minimize the burden on the regulated community and encourage the type of growth necessary to serve the needs of the public while allowing the program to be fully funded from the collection of fees as required pursuant to § 25-7-1105, C.R.S.

Specific Statutory Authority

The specific statutory authority for these revisions is set forth in various sections of the Colorado Air Pollution Prevention and Control Act. Section, 25-7-105(1), C.R.S., gives the Air Quality Control Commission general authority to promulgate rules and regulations necessary for the proper implementation of the Air Pollution Prevention and Control Act ("Act"). Section 25-7-1103(1), C.R.S. gives the Commission specific authority to promulgate regulations necessary to establish and implement a state lead-based paint abatement program, including regulations regarding lead-based paint abatement performance standards and certification requirements. Finally, § 25-7-1105, C.R.S. allows the Commission to set fees that are sufficient to cover the costs of the program.

Purpose

The purpose of the revised regulation is to continue to protect children from lead exposure by establishing standards for lead-based paint abatement in "target housing" and "child occupied-facilities." The primary purpose of these revisions is to make the Colorado regulation consistent with the recently adopted Federal regulations governing lead-based paint abatement. To accomplish this, revisions have been made to Sections II. (Definitions), III. (Training and Certification Requirements), IV. (Inspections, Lead Hazard Screens, and Risk Assessments) and V. (Abatement Requirements) of Regulation Number 19, Part A. Changes have also been made to the table in Appendix A, governing the number of sample that must be taken in clearing projects in multi-family dwellings constructed prior to 1978. The new table is consistent with the revised HUD Guidelines for Lead-Based Paint, and therefore serves to make Regulation Number 19, Part A consistent with the federal program.

Action Taken

In addition to the changes necessary to make the State program consistent with Federal requirements, certain additional changes were made in order to clarify program requirements. For example, surplus language was removed from the provisions set forth in Section III.B.1.b., while the language in Section IV.B.1 was expanded to clarify that risk assessments are to be conducted in accordance with requirements of Section IV. (Inspections, Lead Hazard Screens, and Risk Assessments). These changes are not substantive and are not intended to change any program requirements.

A limited number of minor substantive changes were made to remove obsolete provisions, correct unintended consequences of the old regulatory language, and eliminate unnecessarily burdensome requirements. For example, the notification fee table set forth in Section V.A.5.c. sets forth the amount of

fees that need to be paid based on the size of the project. Due to errors in the table, fees for larger projects could actually be less than fees for smaller projects. These errors have been corrected to create a graduated fee schedule. Section V.J.3. of the old regulation required that a supervisor or project designer prepare an abatement report, but failed to specify a time frame for completion of the report, thereby rendering enforcement of this requirement difficult. The revisions correct this oversight by providing a ninety-day time frame for report completion. Finally, Section V.C.2.c. has been changed to eliminate the requirement that ventilation systems be shut down during level I-1 projects. This requirement was deemed unnecessary given the nature of such projects and the fact that vents must be adequately sealed prior to abatement.

Several changes were made with respect to certification requirements. EPA's regulations require that all abatement, inspection and risk assessment firms be certified. For some reason, the prior version of Regulation Number 19, Part A failed to require certification for inspection or risk assessment firms. The revisions correct this oversight. The revisions also set certification fees for risk assessment and inspection firms, as well as modify the fees for abatement firms. The fee levels were based on an analysis of the amount of money that needs to be collected through fees in order to cover the costs of the program as required pursuant to § 25-7-1105, C.R.S. Given the continued growth of the program, and the addition of certification fees for inspection and risk assessment firms, the fee levels for abatement firms were able to be substantially reduced. These new fees will apply to firms seeking certification after the effective date of these revisions. Firms certified prior to the effective date shall not be entitled to a refund of any previously paid fees.

Findings Pursuant to § 25-7-110.8, C.R.S.

These revisions are based on reasonably available, validated and reviewed, and sound scientific methodologies demonstrating that exposure to lead is hazardous to children under the age of seven, and that lead based-paint was commonly used in residences and child-occupied facilities prior to 1978. Interested parties did not provide the Commission with any other validated, reviewed and scientifically sound methodologies or information. Based on the evidence presented on the record, the requirements of this revised regulation will reduce the amount of airborne lead-contaminated dust occurring during lead-based paint abatement projects, and therefore reduce the risks to human health and the environment thereby justifying the costs associated with this regulation. The revisions represent the regulatory alternative presented to the Commission, which best balances cost-effectiveness, flexibility to the regulated community and maximization of air quality benefits.

III. Adopted: February 15, 2007 Revisions to Pre-Renovation Education in Target Housing in Regulation Number 19, Part B

Background

This Statement of Basis, Specific Statutory Authority and Purpose comply with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4) and (12.5), C.R.S. for new and revised regulations.

Basis

In 1996 the U.S. Environmental Protection Agency ("US EPA") promulgated a regulation that establishes the requirements that state programs must meet for authorization by the Administrator to administer requirements established under the Toxic Substance Control Act section 406 and establishes the procedures EPA will follow in approving state programs. (40 CFR 745, Subpart Q.) In 1998 the US EPA promulgated a regulation that requires contractors to provide owners and occupants a lead hazard information pamphlet before renovating target housing. (40 C.F.R. Part 745, Subpart E.) In 2006 the Colorado Legislature passed an act granting the Air Quality Control Commission ("Commission") authority to promulgate a regulatory program for lead hazard education before renovation of target housing. (HB 06-1265, Concerning Additional Requirements Pertaining to Lead-Based Paint Abatement.)

Specific Statutory Authority

The specific statutory authority for these revisions is set forth in Section 25-7-1103(1)(f), C.R.S., which gives the Commission specific authority to promulgate regulations necessary to establish and implement requirements for each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

Purpose

The purpose of the proposed revised regulation is to continue to protect children from lead exposure by simply requiring contractors to distribute a lead hazard information pamphlet to owners and occupants of target housing before renovation takes place. This requirement already exists in Colorado under US EPA's *Lead: Requirements for Hazard Education Before Renovation of Target Housing*, final rule. Creating and implementing a state lead hazard education program allows Colorado to make improvements to the required pamphlet by including up-to-date and state-specific information and allows the State to take over lead hazard education outreach, compliance, and related enforcement activities from the US EPA, and therefore serves to make Regulation Number 19 consistent with the federal program.

Action Taken

In addition to the changes necessary to make the State program consistent with Federal requirements, certain additional changes were made in order to make the US EPA regulation work on a state level. For example, the US EPA's table of contents, self-references and references to other state and tribal programs do not make sense in the context of Colorado Air Quality Control Commission regulations.

Findings Pursuant to §25-7-110.8, C.R.S.

These revisions are based on reasonably available, validated and reviewed, and sound scientific methodologies, which demonstrate that exposure to lead is hazardous to children under the age of seven, and that lead-based paint was commonly used in residences prior to 1978.

The requirements of this revised regulation will allow individuals to reduce their exposure and their family's exposure to airborne lead-contaminated dust occurring during renovation projects, and therefore reduce the risks to human health.

Further, these revisions will include any typographical and grammatical errors throughout the regulation.

IV. Adopted: December 20, 2007 Revisions to Regulation Number 19 Part A, Sections III.B.1., III.B.5., III.B.6., and V.A.5.

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103(4), C.R.S. for new and revised regulations.

Basis

The Air Quality Control Commission has adopted revisions to Part A, Sections III.B.1., III.B.5., III.B.6., and V.A.5. in order to increase the certification and permit fees charged to persons certified to perform lead-based paint activities in target housing and child-occupied facilities in Colorado, commencing in 2008. The increases are necessary to help offset increasing program costs.

Specific Statutory Authority

The specific statutory authority for these revisions is set forth in Section 25-7-1105, C.R.S., which allows the Commission to adjust fees so that the revenue generated is sufficient to cover direct and indirect costs to implement the lead hazard reduction program.

Purpose

The revisions to Part A, Sections III.B.1., III.B.5., III.B.6., and V.A.5. were adopted to cover existing and anticipated revenue shortfalls.

V. Adopted: November 18, 2021 Revisions to Regulation Number 19, Parts A and B

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Colorado Administrative Procedure Act § 24-4-103(4), C.R.S., the Colorado Air Pollution Prevention and Control Act ("Act"), and the Air Quality Control Commission's ("Commission") Procedural Rules

Basis

Regulation Number 19 sets forth the Commission's lead control program which is tailored after the Federal program. Subchapter IV of the Federal Toxic Substances Control Act ("TSCA") addresses Lead Exposure Reduction. See 15 U.S.C. §§ 2681-2692. The U.S. Environmental Protection Agency ("EPA") promulgated regulations implementing requirements for Lead-Based Paint Poisoning in Certain Residential Structures. See 40 C.F.R. 745, Subparts A-Q. Colorado has delegated authority from EPA to administer and enforce the lead control program. However, to receive and maintain such delegated authority, Colorado's lead control program must be at least as protective of human health and the environment as the Federal program, contain certain requirements and provide adequate enforcement. See 40 C.F.R. 745, Subpart Q. These revisions to Regulation 19 ensure that Colorado's program is at least as protective as the Federal program and contains certain federal requirements. Additionally, certain definitions have been added, minor reorganization and language changes have been made to clarify the regulation and reference materials have been updated. Lastly, language has been added to clarify requirements for abatement activities; and extend the requirements of Part B to child-occupied facilities.

Specific Statutory Authority

The Act, §§ 25-7-101, C.R.S., *et seq.*, specifically § 25-7-105(1), gives the Commission general authority to promulgate rules and regulations, necessary for the proper implementation of the Act. Part 11 of the Act, §§ 25-7-1101, C.R.S., *et seq.*, addresses lead-based paint abatement. Section 25-7-1103, C.R.S. directs the Commission to promulgate such rules as are necessary to implement Part 11 "under the requirements of federal 'Residential Lead-Based Paint Hazard Reduction Act of 1992', 15 U.S.C. secs. 2682, 2684, and 2686", which is part of TSCA.

Section 25-7-1103(1)(a), C.R.S. directs the Commission to promulgate rules that address procedures for a training and certification program for persons and companies involved in inspection, risk assessment, planning, project design, supervision, or conduct of the abatement of surfaces containing lead-based paint. Section 25-7-1103(1)(c), C.R.S. directs the Commission to promulgate rules regarding procedures for the approval of persons or companies who provide training or accreditation for workers, supervisors, inspectors, risk assessors, or project designers performing lead-based paint activities in target housing or child-occupied facilities. Section 25-7-1103(1)(d), C.R.S. directs the Commission to promulgate rules that address procedures for notification to appropriate persons regarding lead-based paint projects in target housing or child-occupied facilities.

Purpose

The purpose of the revisions is to continue to protect children from lead exposure by establishing standards for lead-based paint abatement in "target housing" and "child occupied-facilities." A primary purpose of these revisions is to make the Colorado regulation consistent with updated Federal regulations

as well as the Centers for Disease Control and Prevention (CDC) and the Colorado Board of Health (BOH) rule.

In addition to the changes necessary to make Colorado's program consistent with Federal requirements, certain changes were made in order to clarify program requirements.

The revisions also correct typographical, grammatical, and formatting errors found throughout the regulation, made global stylistic changes and reorganized the regulation to conform to current AQCC language requirements.

The following explanations provide further insight into the Commission's intention for certain revisions and, where appropriate, the technological or scientific rationale for the revision.

PART A. LEAD-BASED PAINT ACTIVITIES

Incorporated Materials (Section II.B.)

Section 24-4-103(12.5), C.R.S. of the State Administrative Procedure Act allows the Commission to incorporate by reference codes, standards, guidelines or rules. The Commission included updates to reference methods incorporated in Regulation Number 19.

Terms (Section II.B.)

The Commission updated definitions that were unclear or incomplete. The Commission also added definitions for Certified Lead Abatement Firm, Certified Lead Evaluation Firm, Movable Objects, Records and Zero-bedroom dwelling as these are all commonly used terms that were not previously defined.

In Section II.B.30., the Commission changed the numerical standard and testing protocols in the definition of Elevated Blood Level to mirror changes in the CDC definition as well as the BOH Rule.

In Sections II.B.48.b and II.B.49. respectively, the Commission lowered the numerical standards in the definitions of Dust-lead hazard and Lead-contaminated dust to mirror changes in the federal regulation.

Section III. Training and Certification Requirements

Certification Based on Prior Training (Section III.B.4)

The Commission removed this section as it is no longer applicable or used.

Recertification (Section III.B.5)

The Commission clarified the process for when and how an individual can be re-certified.

Certification of Lead Abatement or Lead Evaluation Firms (Section III.B.6.)

The Commission also clarified that cities, counties and municipalities or other governmental entity employing appropriately trained and certified personnel, as required by this Regulation 19, will be exempt from paying the Certified Lead Evaluation Firm fee. The Commission's intent in exempting these entities is to allow for the governmental agencies to provide a service to their constituents where commercial services are less readily available.

Section IV. Inspections, Lead-Hazard Screens, and Risk Assessments

In Section IV.H.3.a., the Commission updated the residual lead levels to ensure it is equally protective as the Federal regulation.

Section V. Abatement Requirements

General Requirements

The Commission clarified that persons intending to conduct lead-based paint abatement must comply with the requirements of Regulation Number 19 if at least one window is being abated.

Occupant Protection Plan (Section V.A.6.)

The Commission clarified what must be included in an occupant protection plan ("OPP") for the Division to understand and evaluate the OPP and that it must be submitted to the Division along with the permit application.

Window Abatement (Section V.E.3.)

The Commission clarified the steps that must be taken when abating windows and added a third abatement option.

Coating and Sealing (Section V.I.1.b.)

The Commission moved the section regarding when coating must be applied to abated surfaces to more accurately reflect when coatings should be applied during the abatement sequence.

Final Clearance (Section V.J.1.g.)

The Commission updated the clearance levels to comply with changes to the Federal regulation.

Final Clearance (Section V.J.3.d.)

The Commission required that the name and address of the certified Lead Evaluation Firm is included in the abatement report.

Recordkeeping (Section V.L.)

The Commission clarified that records must be available to the Division upon request in order to demonstrate compliance.

Alternative Procedures and Variances (Section V.M.)

The Commission added a requirement that within forty-five (45) days of the receipt of a variance request the Division will notify the applicant in writing of its decision to either grant or deny the variance. Previously, there was no timeframe for the Division to respond to a variance request.

PART B. PRE-RENOVATION EDUCATION IN TARGET HOUSING AND CHILD-OCCUPIED FACILITIES

Section I. Scope and Applicability

Definition of Minor Repair and Maintenance (Section I.B.1.)

The Commission clarified what minor repair and maintenance means, which is an activity that is exempt from Regulation Number 19, Part B requirements.

Section III. Information and Distribution Requirements

Renovations in child-occupied facilities (Section III.D)

The Commission added a section regarding information distribution in child-occupied facilities in order to be as stringent as Federal requirements. See 40 C.F.R. § 745.84(c).

Findings Pursuant to § 25-7-110.5(5), C.R.S.

EPA's lead rules do not limit states from developing more stringent requirements for lead. However, in accordance with C.R.S. § 25-7-110.5(5)(b) and after considering all of the evidence in the record, the Commission determines:

- (I) EPA established national standards for lead. EPA's national rules do not limit states from developing more stringent requirements for lead.
- (II) The federal rules discussed in (I) are primarily performance-based and there is flexibility in those requirements.
- (III) The TSCA does not address the issues that are of concern to Colorado and did not take into account concerns unique to Colorado.
- (IV) The proposed revisions will improve the ability of the regulated community to comply in a more cost-effective way by clarifying confusing or potentially conflicting requirements and increasing certainty.
- (V) Federal lead regulation has already been implemented in Colorado, however changes to this federal regulation requires updates to ensure Regulation 19 is equally as protective.
- (VI) The proposed revisions will assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth.
- (VII) The proposed revisions maintain reasonable equity in the requirements for various sources by evaluating the overall concerns and instituting the same requirements to reduce and/or eliminate lead-based paint poisoning in certain residential structures.
- (VIII) Colorado residents and building owners may face increased costs from lead-based paint poisoning if the proposed revisions are not adopted.
- (IX) The proposed revisions include minimal monitoring, recordkeeping, and procedural requirements that correlate to the federal requirements.
- (X) Demonstrated technology is available to comply with the proposed revisions since the revisions will only clarify what has already been implemented or previously enforced by other agencies.
- (XI) As set forth in the Economic Impact Analysis, the proposed revisions contribute to the prevention of harmful lead-based paint poisoning in a cost-effective manner.
- (XII) Although alternative revisions may reduce lead exposure, the Commission determined that the Division's proposal was reasonable and cost-effective.

Findings Pursuant to §25-7-110.8, C.R.S.

After considering all of the information in the record, the Commission makes the determination that:

- (I) These revisions are based on reasonably available, validated and reviewed, and sound scientific methodologies demonstrating that exposure to lead creates a public health hazard. The Commission has considered all information submitted by interested parties.

- (II) Evidence in the record supports the finding that the requirements of these revisions will reduce public exposure to lead-based paint poisoning and therefore reduce the risks to human health and the environment thereby justifying the costs associated with this regulation.
- (III) Evidence in the record supports the finding that the revisions are the most cost-effective, which best balances cost-effectiveness, flexibility to the regulated community and maximization of air quality benefits



COLORADO

Air Quality Control Commission

Department of Public Health & Environment

NOTICE OF RULEMAKING HEARING

Regarding proposed revisions to:

Regulation Number 19 5 CCR 1001-23

SUBJECT:

The Air Quality Control Commission will hold a rulemaking hearing to consider revisions to the lead-based paint abatement regulation. Proposed revisions will include updating regulatory language and lowering clearance and lead dust hazard levels to reflect changes in federal regulation.

All required documents for this rulemaking can be found on the Commission website at: <https://www.colorado.gov/pacific/cdphe/aqcc>

PARTY TESTIMONY & DELIBERATIONS

DATE: November 18, 2021

TIME: To begin at or after 9:00 a.m.

PLACE: The hearing will be held online only; there will be no in-person participation. Details related to participation and registration can be found at: <https://cdphe.colorado.gov/aqcc>

NOTE: No additional public comment will be taken during this time.

IMPORTANT: As Colorado begins to re-open from COVID-19, the Commission may reestablish conducting meetings at the Colorado Department of Public Health and Environment in its entirety or structured as a hybrid meeting. Any such changes will be noticed on the Commission's website at: <https://cdphe.colorado.gov/aqcc>

The hearing may be continued at such places and time as the Commission may announce. Any such changes will be noticed on the Commission's website. Interested parties may contact the Commission Office at cdphe.aqcc-comments@state.co.us to confirm meeting details.

PUBLIC COMMENT:

The Commission encourages input from the public, either orally during the public comment session or in writing prior to the hearing. However, oral public comment will generally not be permitted by persons who offer comment on behalf of an entity that is a party. Those persons may, however, submit written public comment. Instructions for registering to provide oral public comment will be posted in the agenda on the Commission's website at <https://cdphe.colorado.gov/aqcc> on November 5, 2021.

Written comments should be submitted no later than **November 2, 2021** by emailing cdphe.aqcc-comments@state.co.us or mailing to:

Colorado Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, Colorado 80246

IMPORTANT DATES AND DEADLINES:

PROCESS DESCRIPTION	DUE DATE & TIME	NOTES
Request for Party Status	September 15, 2021 by 5:00 p.m.	Additional information below
Status Conference	September 22, 2021 at 2:00 p.m.	Virtual Meeting or as noticed on the Commission website at: https://cdphe.colorado.gov/aqcc
Alternate Proposal	October 14, 2021 by 5:00 p.m.	Additional information below
Prehearing Statement	October 14, 2021 by 5:00 p.m.	Additional information below
Prehearing Conference	October 20, 2021 at 1:00 p.m.	Virtual Meeting or as noticed on the Commission website at: https://cdphe.colorado.gov/aqcc
Rebuttal Statement	October 27, 2021 by 5:00 p.m.	Additional information below
Written Public Comments	November 2, 2021 by 5:00 p.m.	Additional information above

Submittals for this hearing should be emailed to cdphe.aqcc-comments@state.co.us unless an exception is granted pursuant to Subsection III.I.3. of the Commissions Procedural Rules.

REQUEST FOR PARTY STATUS:

A request for party status must:

- 1) identify the applicant (this could be a company and/or contact name);
- 2) provide the name, address, telephone and email address of the applicant's representative or counsel; and
- 3) briefly summarize what, if any, policy, factual, and legal issues the applicant has with the proposal(s) as of the time of filing the application.

In addition, requests for party status should indicate whether the applicant intends to file an alternate proposal and, if so, briefly describe the scope and nature of the alternate proposal.

The request for party status must be electronically mailed to:

- Air Quality Control Commission staff: theresa.martin@state.co.us
- Air Quality Control Commission attorney: tom.roan@coag.gov
- Air Pollution Control Division staff: laura.manyak@state.co.us
- Air Pollution Control Division attorney: laura.mehew@coag.gov

Requests received beyond the stated deadline shall only be considered upon a written motion for good cause shown. The Commission reserves the right to deny party status to anyone that does not comply with the Commission's Procedural Rules.

STATUS CONFERENCE:

Attendance at the status conference is mandatory for anyone who has requested party status, though each party need only have one representative present. The status conference is intended to ascertain and discuss the issues involved, and to ensure that parties are making all necessary efforts to discuss and resolve such issues prior to the submission of prehearing statements. Parties will be confirmed and a party list will be generated and distributed. The status conference will be held virtually via video conference. A registration link will be provided by the Commission's office prior to the status conference. Note that if the Hearing Officer deems the status conference unnecessary, the status conference may be cancelled.

ALTERNATE PROPOSAL:

Alternate proposals will be considered by the Commission "only if the subject matter of the alternative proposal is consistent with and fits within the scope of the notice." 5 CCR 1001-1, Section (V)(E)(4)(b). The submittal of an alternate proposal must be accompanied by a separate electronic copy of the alternate proposed rule and statement of basis and purpose language and all other associated documents as required by the Commission's Procedural Rules, including an economic impact analysis. Alternate proposals and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission.

PREHEARING STATEMENTS:

Each party must submit a prehearing statement. Exhibits to a prehearing statement must be submitted in a separate electronic transmission. Prehearing statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. Prehearing statements must

contain all the necessary elements described in subsection V.E.6.c of the Commission's Procedural Rules (5 CCR 1001-1).

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all parties to this hearing, though each party need only have one representative present. The prehearing conference will be held virtually, and registration information will be provided by the Commission's office prior to the prehearing conference.

REBUTTAL STATEMENTS:

Rebuttal statements may be submitted by the Division and any party to the hearing to respond to issues and arguments identified in prehearing statements. Rebuttal statements may not raise any issues, or be accompanied by alternate proposals, that could have been raised in the party's prehearing statement. Rebuttal statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. The filing of rebuttal statements is optional.

DELIBERATION AND FINAL ACTION:

The Commission intends to deliberate and take final action on the proposed changes to these Regulations at the conclusion of the testimony.

STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

The Act, §§ 25-7-101, C.R.S., *et seq.*, specifically § 25-7-105(1), gives the Commission general authority to promulgate rules and regulations, necessary for the proper implementation of the Act. Part 11 of the Act, §§ 25-7-1101, C.R.S., *et seq.*, addresses lead-based paint abatement. Section 25-7-1103, C.R.S. directs the Commission to promulgate such rules as are necessary to implement Part 11 "under the requirements of federal 'Residential Lead-Based Paint Hazard Reduction Act of 1992', 15 U.S.C. secs. 2682, 2684, and 2686", which is part of TSCA.

Section 25-7-1103(1)(a), C.R.S. directs the Commission to promulgate rules that address procedures for a training and certification program for persons and companies involved in inspection, risk assessment, planning, project design, supervision, or conduct of the abatement of surfaces containing lead-based paint. Section 25-7-1103(1)(c), C.R.S. directs the Commission to promulgate rules regarding procedures for the approval of persons or companies who provide training or accreditation for workers, supervisors, inspectors, risk assessors, or project designers performing lead-based paint activities in target housing or child-occupied facilities. Section 25-7-1103(1)(d), C.R.S. directs the Commission to promulgate rules that address procedures for notification to appropriate persons regarding lead-based paint projects in target housing or child-occupied facilities.

The rulemaking hearing will be conducted in accordance with Sections 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended, the Commission's Procedural Rules, all other applicable rules and regulations, and as otherwise stated in this notice. This list of statutory authority is not intended as an exhaustive list of the Commission's statutory authority to act in this matter.

Dated this 19th day of August 2021 at Denver, Colorado

Colorado Air Quality Control Commission

A handwritten signature in black ink, appearing to read "Jeremy Neustifter", written over a light gray rectangular background.

Jeremy Neustifter, Administrator

Notice of Proposed Rulemaking

Tracking number

2021-00519

Department

1000 - Department of Public Health and Environment

Agency

1001 - Air Quality Control Commission

CCR number

5 CCR 1001-27

Rule title

REGULATION NUMBER 23 REGIONAL HAZE LIMITS

Rulemaking Hearing

Date

11/17/2021

Time

04:30 PM

Location

This hearing will be held online only via the Zoom platform; there will be no in-person participation. See Notice for details.

Subjects and issues involved

To consider Regional Haze Phase 2 revisions related to the control of oxides of nitrogen (NO_x), sulfur dioxide (SO₂), and particulate matter (PM) emissions from the remaining Reasonable Progress sources identified as impacting Class 1 areas that were not addressed in the Regional Haze Phase 1 rulemaking. Finally, these revisions will include corrections to any typographical, grammatical, and formatting errors throughout the regulation.

The Commission will not consider any Alternate Proposal for the mandatory involuntary shutdown of a facility. Further, alternate proposals that would impose requirements for facilities that were not analyzed as a part of this proposal will only be considered if accompanied by a full technical analysis and revised Regional Haze State Implementation Plan, in addition to meeting the procedural requirements described in this notice and the Commissions Procedural Rules.

Statutory authority

Sections 25-7-102, 25-7-105, 25-7-106, 25-7-106(6), 25-7-109 and Sections 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended.

Contact information**Name**

Josh Korth

Title

Program Supervisor

Telephone

303-692-3265

Email

joshua.korth@state.co.us

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 23

Regional Haze Limits

5 CCR 1001-27

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

Outline of Regulation

PART A Best Available Retrofit Technology (BART) and Reasonable Progress (RP)

- I. Applicability
- II. Definitions
- III. Challenge of Division BART Determinations and Enforceable Agreements
- IV. Regional Haze Determinations
- V. Monitoring, Recordkeeping, and Reporting for Regional Haze Limits

PART B Statements of Basis, Specific Statutory Authority, and Purpose

Pursuant to Colorado Revised Statutes Section 24-4-103 (12.5), materials incorporated by reference are available for public inspection during normal business hours, or copies may be obtained at a reasonable cost from the Technical Secretary of the Air Quality Control Commission (the Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference is also available through the United States Government Printing Office, online at www.gpo.gov/fdsys. Materials incorporated by reference are those editions in existence as of the date of this regulation as promulgated or revised by the Commission and references do not include later amendments to or editions of the incorporated materials.

Federal Regulations Adopted by Reference

40 CFR Part 60 and Appendices (July 1, 2020)

40 CFR Part 63, Subpart A - National Emission Standards for Hazardous Air Pollutants General Provisions (August 23, 2019) and Subpart LLL - National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry (August 3, 2018)

40 CFR Part 64 (October 22, 1997)

40 CFR Part 75 including Performance Specifications and Appendices (January 18, 2012)

40 CFR Part 51, Appendix Y (July 6, 2005)

PART A Regional Haze Limits – Best Available Retrofit Technology (BART) and Reasonable Progress (RP)

I. Applicability

The provisions of this regulation apply to existing stationary facilities (BART eligible sources), as defined in Section II.M. of this regulation, as well as to reasonable progress (RP) sources.

The provisions of Section IV. (Regional Haze Determinations) and V. (MRR) of Regulation Number 23 are incorporated into Colorado's Regional Haze State Implementation Plan. All other sections of Regulation Number 23 are State-Only.

II. Definitions

II.A. "Adverse Impact on Visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with (1) times of visitor use of the Federal Class I area, and (2) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

II.B. "Area Classifications" mean

II.B.1. Class I areas (may not be redesignated)

II.B.1.a. National Parks

II.B.1.a.(i) Rocky Mountain

II.B.1.a.(ii) Mesa Verde

II.B.1.b. National Wilderness Areas

II.B.1.b.(i) Black Canyon of the Gunnison

II.B.1.b.(ii) Eagle's Nest

II.B.1.b.(iii) Flattops

II.B.1.b.(iv) Great Sand Dunes

II.B.1.b.(v) La Garita

II.B.1.b.(vi) Maroon Bells – Snowmass

II.B.1.b.(vii) Mount Zirkel

II.B.1.b.(viii) Rawah

II.B.1.b.(ix) Weminuche

II.B.1.b.(x) West Elk

II.B.2. All other areas of Colorado, unless otherwise specified by Act of Congress or the Colorado legislature, or the Commission pursuant to Regulation Number 3, Part D, Section IX. are designated Class II; provided, however that in the following areas as they existed on August 7, 1977 (maps available from the Division), the increase allowed in sulfur dioxide concentrations over the baseline concentration shall be the same as the increase established by Section 163(b) of the Federal Act for Class I areas, except that such allowable increases may not be allowed if a Federal Land Manager should make an adverse impact determination under Regulation Number 3, Part D, Section XIII.C. with which the Division concurs and except that such allowable increases, may be exceeded by compliance with the provisions of Regulation Number 3, Part D, Sections XIII.D., XIII.E., or XIII.F.:

II.B.2.a. National Monuments

- II.B.2.a.(i) Florissant Fossil Beds
- II.B.2.a.(ii) Colorado
- II.B.2.a.(iii) Dinosaur
- II.B.2.a.(iv) Great Sand Dunes (those portions not included as National Wilderness Areas in Section II.B.1.b.)

II.B.2.b. Forest Service Primitive Areas

- II.B.2.b.(i) Uncompahgre Mountain
- II.B.2.b.(ii) Wilson Mountain

II.B.2.c. Lands administered by the Federal Bureau of Land Management in the Gunnison Gorge Recreation Area as of October 27, 1977. All areas designated Class II under this section may be redesignated as provided in Regulation Number 3, Part D, Section IX.

II.B.2.d. National Parks: Black Canyon of the Gunnison (those portions not included as National Wilderness Areas in Section II.B.1.b.)

II.B.3. The following areas may be redesignated only as Class I or II.

II.B.3.a. An area that exceeds ten thousand acres in size and is a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, a national lakeshore; and

II.B.3.b. A national park or national wilderness area established after August 7, 1977, that exceeds ten thousand acres in size.

II.B.4. The Commission recognizes out of state Class I areas that have been listed in the Federal Register (44 Fed. Reg. 69124). Emissions from sources in Colorado must not violate any standard in these areas.

II.C. "Available Technology" means that a technology is licensed and available through commercial sales.

- II.D. “Applicable Technology” means a commercially available control option that has been or may soon be deployed on the same or a similar source type or a technology that has been used on a pollutant-bearing gas stream that is the same or similar to the gas stream characteristics of the source.
- II.E. “Average Cost Effectiveness” means the total annualized costs of control divided by annual emissions reductions (the difference between baseline annual emissions and the estimate of emissions after controls). For the purposes of calculating average cost effectiveness, baseline annual emissions mean a realistic depiction of anticipated annual emissions for the source. The source or the Division may use state or federally enforceable permit limits or estimate the anticipated annual emissions based upon actual emissions from a representative baseline period.
- II.F. “BART Alternative” means an alternative measure to the installation, operation, and maintenance of BART that will achieve greater reasonable progress toward national visibility goals than would have resulted from the installation, operation, and maintenance of BART at BART-eligible sources within industry source categories subject to BART requirements.
- II.G. “BART Alternative Program Unit” means any unit subject to a Regional Haze emission limit contained in the Table in Regulation Number 23, Section IV.C.
- II.H. “BART-Eligible Source” means an existing stationary facility as defined in Section II.M.
- II.I. “BART Unit” means any unit subject to a Regional Haze emission limit contained in the Table in Regulation Number 23, Section IV.A.
- II.J. “Best Available Retrofit Technology (BART)” means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source or unit, the remaining useful life of the source or unit, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.
- II.K. “Continuous Emission Monitoring System” or “CEMS” means the equipment required by Regulation Number 23, Section VII., to sample, analyze, measure, and provide (using an automated data acquisition and handling system (DAHS)), a permanent record of SO₂ or NO_x emissions, other pollutant emissions, diluents, or stack gas volumetric flow rate.
- II.L. “Deciview” means a measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements)

$$\text{Deciview haze index} = 10 \ln_e (b_{\text{ext}}/10 \text{ Mm}^{-1})$$

Where b_{ext} = the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1}).

- II.M. "Existing Stationary Facility" means any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any visibility impairing air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted.
- II.M.1. Fossil-fuel fired steam electric plants of more than 250 million British thermal units (BTU) per hour heat input that generate electricity for sale.
- II.M.1.a. Boiler capacities shall be aggregated to determine the heat input of a plant.
- II.M.1.b. Includes plants that co-generate steam and electricity and combined cycle turbines.
- II.M.2. Coal cleaning plants (thermal dryers).
- II.M.3. Kraft pulp mills.
- II.M.4. Portland cement plants.
- II.M.5. Primary zinc smelters.
- II.M.6. Iron and steel mill plants.
- II.M.7. Primary aluminum ore reduction plants.
- II.M.8. Primary copper smelters.
- II.M.9. Municipal incinerators capable of charging more than 250 tons of refuse per day.
- II.M.10. Hydrofluoric, sulfuric, and nitric acid plants.
- II.M.11. Petroleum refineries.
- II.M.12. Lime plants.
- II.M.13. Phosphate rock processing plants, including all types of phosphate rock processing facilities, including elemental phosphorous plants as well as fertilizer production plants.
- II.M.14. Coke oven batteries.
- II.M.15. Sulfur recovery plants.
- II.M.16. Carbon black plants (furnace process).
- II.M.17. Primary lead smelters.
- II.M.18. Fuel conversion plants.
- II.M.19. Sintering plants.

- II.M.20. Secondary metal production facilities, including nonferrous metal facilities included within Standard Industrial Classification code 3341, and secondary ferrous metal facilities in the category “iron and steel mill plants.”
- II.M.21. Chemical process plants, including those facilities within the 2-digit Standard Industrial Classification 28, including pharmaceutical manufacturing facilities.
- II.M.22. Fossil-fuel boilers of more than 250 million BTUs per hour heat input.
- II.M.22.a. Individual boilers greater than 250 million BTU/hr, considering federally enforceable operational limits.
- II.M.22.b. Includes multi-fuel boilers that burn at least fifty percent fossil fuels.
- II.M.23. Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels.
- II.M.23.a. 300,000 barrels refers to total facility-wide tank capacity for tanks put in place after August 7, 1962 and in existence on August 7, 1977.
- II.M.23.b. Includes gasoline and other petroleum-derived liquids.
- II.M.24. Taconite ore processing facilities.
- II.M.25. Glass fiber processing plants.
- II.M.26. Charcoal production facilities, including charcoal briquette manufacturing and activated carbon production.
- II.N. “Incremental Cost Effectiveness” means the comparison of the costs and emissions performance level of a control option to those of the next most stringent option, as shown in the following formula
- Incremental Cost Effectiveness (dollars per incremental ton removed) = [(Total annualized costs of control option) - (Total annualized costs of next control option)] ÷ [(Next Control option annual emissions) - (control option annual emissions)]
- II.O. “In Existence” means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (1) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (2) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed in a reasonable time.
- II.P. “In Operation” means engaged in activity related to the primary design function of the source.
- II.Q. “Integral Vista” means a view perceived from within the mandatory Class I Federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal area.
- II.R. “Natural Conditions” means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

- II.S. “Operating Day” means any twenty-four-hour period between midnight and the following midnight during which any fuel is combusted at any time in a BART unit, BART alternative program unit, or reasonable progress unit.
- II.T. “Plant” means all emissions units at a stationary source.
- II.U. “Reasonable Progress unit” or “RP unit” means any unit subject to a Regional Haze emission limit contained in the Table in Regulation Number 23, Section IV.B.
- II.V. “Regional Haze emission limit” means any of the emission limits specified in the tables contained in Regulation Number 23, Section IV.
- II.W. “Visibility-Impairing Air Pollutant” includes the following
- II.W.1. Sulfur dioxide (SO₂).
- II.W.2. Nitrogen oxides (NO_x).
- II.W.3. Particulate matter. (PM₁₀ will be used as the indicator for particulate matter. Emissions of PM₁₀ include the components of PM_{2.5} as a subset.).

III. Challenge of Division BART Determinations and Enforceable Agreements

- III.A. Persons affected or aggrieved by a BART determination may challenge the decision of the Commission pursuant to Article 4 of Title 24, C.R.S.

IV. Regional Haze Determinations

IV.A. BART Determinations

IV.A.1. The provisions of this Section IV.A. of Regulation Number 23 will be incorporated into Colorado's Regional Haze State Implementation Plan.

IV.A.2. The sources listed [below](#) must not emit or cause to be emitted nitrogen oxides (NO_x), sulfur dioxide (SO₂), or particulate in excess of the following limits

BART Determinations for Colorado Sources			
Unit	NO _x Emission Limit	SO ₂ Emission Limit	Particulate Emission Limit
CENC Unit 4	0.37 lb/MMBtu (30-day rolling average) or 0.26 lb/MMBtu Combined Average for Units 4 and 5 (30-day rolling average)	1.0 lb/MMBtu (30-day rolling average)	0.07 lb/MMBtu

BART Determinations for Colorado Sources			
Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
CENC Unit 5	0.19 lb/MMBtu (30-day rolling average) or 0.26 lb/MMBtu Combined Average for Units 4 and 5 (30-day rolling average)	1.0lb/MMBtu (30-day rolling average)	0.07 lb/MMBtu
Craig Unit 1	*	0.11 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
Craig Unit 2	0.08 lb/MMBtu (30-day rolling average)	0.11 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu

*Refer to Section IV.D. for requirements

Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Comanche Unit 1	0.20 lb/MMBtu (30-day rolling average) 0.15 lb/MMBtu (combined annual average for units 1 & 2)	0.12 lb/MMBtu (individual unit 30-day rolling average) 0.10 lb/MMBtu (combined annual average for units 1 & 2)	0.03 lb/MMBtu
Comanche Unit 2	0.20 lb/MMBtu (30-day rolling average) 0.15 lb/MMBtu (combined annual average for units 1 & 2)	0.12 lb/MMBtu (individual unit 30-day rolling average) 0.10 lb/MMBtu (combined annual average for units 1 & 2)	0.03 lb/MMBtu
Hayden Unit 1	0.08lb/MMBtu (30-day rolling average)	0.13 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu

Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Hayden Unit 2	0.07 lb/MMBtu (30-day rolling average)	0.13 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
Martin Drake Unit 5	0.31 lb/MMBtu (30-day rolling average)	0.26 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
Martin Drake Unit 6	0.31lb/MMBtu (30-day rolling average)	0.13lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
Martin Drake Unit 7	0.29 lb/MMBtu (30-day rolling average)	0.13lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
CEMEX –Lyons Kiln	255.3 lbs/hr (30-day rolling average) 901.0 tons/year (12-month rolling average)	25.3 lbs/hr (12-month rolling average) 95.0 tons/yr (12-month rolling average)	0.275 lb/ton of dry feed 20% opacity
CEMEX – Lyons Dryer	13.9 tons/yr	36.7 tons/yr	22.8 tons/yr 10% opacity

IV.A.3. Each source listed in the [above](#) tables must comply with the above limits and averaging times as expeditiously as practicable, but in no event later than five years after EPA approval of Colorado's state implementation plan for regional haze, which was January 30, 2013, with the exception of Craig Unit 1, or relevant component thereof. Each source listed in the [above](#) tables must maintain control equipment or operational practices required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained.

IV.B. Reasonable Progress Determinations

IV.B.1. The provisions of this Section IV.B of Regulation Number 23 will be incorporated into Colorado's Regional Haze State Implementation Plan.

IV.B.2. The sources listed [below](#) must not emit or cause to be emitted nitrogen oxides (NOx), sulfur dioxide (SO2), or particulate in excess of the following limits

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Rawhide Unit 101	0.145 lb/MMBtu (30-day rolling average)	0.11 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
CENC Unit 3	246 tons per year (12-month rolling total)	1.2 lb/MMBtu	0.07 lb/MMBtu
Nixon	0.21 lb/MMBtu (30-day rolling average)	0.11 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu
Clark Units 1 & 2 Shutdown 12/31/2013	Shutdown 12/31/2013	Shutdown 12/31/2013	Shutdown 12/31/2013
Holcim - Florence Kiln	2.73 lbs/ton clinker (30-day rolling average) 2,086.8 tons/year	1.30 lbs/ton clinker (30-day rolling average) 721.4 tons/year	246.3 tons/year
Nucla	0.5 lb/MMBtu (30-day rolling average)*	0.4 lb/MMBtu (30-day rolling average)	0.03 lb/MMBtu

*Refer to Section IV.E. for requirements

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Craig Unit 3	0.28 lb/MMBtu (30-day rolling average)	0.15 lb/MMBtu (30-day rolling average)	0.013 lb/MMBtu filterable PM 0.012 lb/MMBtu filterable PM10
Cameo Shutdown 12/31/2011	Shutdown 12/31/2011	Shutdown 12/31/2011	Shutdown 12/31/2011

IV.B.3. Each source listed in the [above](#) table must comply with the above limits and averaging times as expeditiously as practicable, but in no event later than December 31, 2017, except for Nucla. Each source listed in the [above](#) table must maintain control equipment or operational practices required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained.

IV.C. Public Service Company of Colorado (PSCo) BART Alternative Program

IV.C.1. The provisions of this Section IV.C. of Regulation Number 23 (with the exception of the SO2 cap of Section IV.C.4.) will be incorporated into Colorado's Regional Haze State Implementation Plan.

IV.C.2. The sources listed [below](#) must not emit or cause to be emitted nitrogen oxides (NOx), sulfur dioxide (SO2), or particulate in excess of the following limits, after the following compliance dates

BART Alternative Program Determinations for PSCo Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Cherokee * Unit 1 Shutdown No later than 7/1/2012	0 Shutdown No later than 7/1/2012	0 Shutdown No later than 7/1/2012	0 Shutdown No later than 7/1/2012

BART Alternative Program Determinations for PSCo Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Cherokee Unit 2 Shutdown 12/31/2011	0 Shutdown 12/31/2011	0 Shutdown 12/31/2011	0 Shutdown 12/31/2011
Cherokee Unit 3 Shutdown No later than 12/31/2016	0 Shutdown No later than 12/31/2016	0 Shutdown No later than 12/31/2016	0 Shutdown No later than 12/31/2016
Cherokee Unit 4	0.12 lb/MMBTU (30-day rolling average) by 12/31/2017 Natural Gas Operation 12/31/2017	7.81 tpy (rolling 12-month average) Natural Gas Operation 12/31/2017	0.03 lbs/MMBtu Natural Gas Operation 12/31/2017
Valmont Unit 5 Shutdown 12/31/2017 (closed April 2017)	0 Shutdown 12/31/2017	0 Shutdown 12/31/2017	0 Shutdown 12/31/2017
Pawnee	0.07 lb/MMBTU (30-day rolling average) by 12/31/2014	0.12 lbs/MMBtu (30-day rolling average) by 12/31/2014	0.03 lbs/MMBtu
Arapahoe** Unit 3 Shutdown 12/31/2013	0 Shutdown 12/31/2013	0 Shutdown 12/31/2013	0 Shutdown 12/31/2013
Arapahoe Unit 4	600 tpy on (rolling 12-month average) Natural Gas operation 12/31/2014	1.28 tpy (rolling 12-month average) Natural Gas operation 12/31/2014	0.03 lbs/MMBtu Natural Gas operation 12/31/2014

* 500 tpy NOx will be reserved from Cherokee Station for netting or offsets

** 300 tpy NOx will be reserved from Arapahoe Station for netting or offsets for additional natural gas generation

IV.C.3. Each source listed in the ~~above~~-table must either shut down or comply with the above limits and averaging times no later than the compliance date set forth in the ~~above~~-table. Each source listed in the ~~above~~-table must maintain any applicable control equipment required to comply with the above limits and averaging times, and establish procedures to ensure that such equipment is properly operated and maintained.

IV.C.4. In addition to the ~~above~~-listed emission limits and compliance dates, between January 1, 2013, and December 31, 2015, Cherokee Units 3 and 4 and Valmont, considered as a whole, must not emit in excess of 4,200 tons of SO2 per year as determined on a calendar year annual basis. Between January 1, 2016, and December 31, 2017, Cherokee Unit 4 and Valmont considered as a whole, must not emit in excess of 3,450 tons of SO2 per year as determined on a calendar year annual basis.

IV.D. Craig Unit 1 Additional Compliance Requirements

IV.D.1. Craig Unit 1 will close on or before December 31, 2025.

IV.D.2. Craig Unit 1 will meet a NOx emission limit of 0.28 lb/MMBtu 30-day rolling average going forward from January 1, 2017 (first compliance date January 31, 2017), until closure.

IV.D.3. Craig Unit 1 will meet an annual NOx limit of 4,065 tons per year by December 31, 2019, on a calendar year basis beginning in 2020.

IV.E. Nucla Compliance Requirements

IV.E.1. Nucla Station will close on or before December 31, 2022. Nucla Station closed in September 2019.

IV.F. Regional Haze Second Implementation Period, Reasonable Progress Determinations

IV.F.1. The following sources will close no later than the associated date. The sources must comply with the applicable emission limits in Section IV. and monitoring, recordkeeping, and reporting requirements in Section V. until the closure date.

IV.F.1.a. Cherokee Unit 4 will close no later than December 31, 2028.

IV.F.1.b. ColoWyo Coal Mine will cease coal production no later than December 31, 2031.

IV.F.1.c. Comanche Unit 1 will close no later than December 31, 2022.

IV.F.1.d. Comanche Unit 2 will close no later than December 31, 2025.

IV.F.1.d.(i) Comanche Unit 2 will comply with the following SO2 and NOx emission rates beginning when Comanche Unit 1 closes and until Comanche Unit 2 closes.

NOx Emission Limit	SO2 Emission Limit
--------------------	--------------------

0.20 lb/MMBtu (30-day rolling average) 3,050 tpy (12-month rolling average)	0.12 lb/MMBtu (30-day rolling average) 1,830 tpy (12-month rolling average)
--	--

IV.F.1.e.Craig Unit 2 will close no later than September 30, 2028.

IV.F.1.f. Craig Unit 3 will close no later than December 31, 2029.

IV.F.1.g.Martin Drake Units 6 and 7 will close no later than December 31, 2022.

IV.F.1.g.(i) 375 tpy NOx, 10 tpy SO₂, and 29 tpy of PM/PM₁₀ will be reserved for Drake Units 6 and 7 for netting or offsets. PM/PM₁₀ includes condensable and filterable fractions from this coal-fired unit. Offsets are subject to requirements in Regulation Number 3, Part A, Section V.

IV.F.1.h.Nixon Unit 1 will close no later than December 31, 2029.

IV.F.1.h.(i) 375 tpy NOx, 10 tpy SO₂, and 29 tpy of PM/PM₁₀ will be reserved for Nixon Unit 1 for netting or offsets. PM/PM₁₀ includes condensable and filterable fractions from this coal-fired unit. Offsets are subject to requirements in Regulation Number 3, Part A, Section V.

IV.F.1.i. Rawhide Unit 1 will close no later than December 31, 2029.

IV.F.1.i.(i) 200 tpy NOx, 50 tpy SO₂, and 50 tpy of PM/PM₁₀ will be reserved for Rawhide Unit 1 for netting or offsets. PM/PM₁₀ includes condensable and filterable fractions from this coal-fired unit. Offsets are subject to requirements in Regulation Number 3, Part A, Section V.

IV.F.2. Emission reductions reserved for netting or offsets provide for reasonable progress toward national visibility goals.

IV.F.3. The following sources are anticipated to remain in operation during the second implementation period. The sources must comply with the applicable emission limits in Section IV. and monitoring, recordkeeping, and reporting requirements in Section V. until closure.

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Nixon Coal Handling	<u>N/A⁺</u>	<u>N/A⁺</u>	<u>30.2 tons per year (12-month rolling total)</u> <u>Cessation of coal unloading and crushing no later than 12/31/2029</u>
Nixon - Front Range Power Plant Turbine 1 & Turbine 2	<u>111 ppmvd @ 15% O₂</u>	<u>N/A⁺</u>	<u>N/A⁺</u>
Nixon - Clear Spring Ranch Sludge Handling and Disposal Facility (SDHF)	<u>N/A⁺</u>	<u>186.4 lb/hr</u> <u>(12-month rolling calculation)</u> <u>52.20 tpy</u> <u>(12-month rolling total)</u> <u>5,000 ppmv H₂S in digester gas</u>	<u>N/A⁺</u>
Comanche Unit 3	<u>0.08 lb/MMBtu</u> <u>(30-day rolling average)</u> <u>0.07 lb/MMBtu</u> <u>(annual average)</u>	<u>0.10 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.02 lb/MMBtu</u> <u>0.012 lb/MMBtu</u> <u>(24-hour average)</u>
Hayden¹ Unit 1	<u>0.08 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.13 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.03 lb/MMBtu</u>
Hayden² Unit 2	<u>0.07 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.13 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.03 lb/MMBtu</u>
Hayden Coal Ash Handling &	<u>N/A⁺</u>	<u>N/A⁺</u>	<u>22.39 tons/yr from coal ash and sorbent loading and unloading only (12-month</u>

1 Refer to Section IV.F.6 for applicable means of compliance if the PUC approves the PSCo ERP.

2 Refer to Section IV.F.6 for applicable means of compliance if the PUC approves the PSCo ERP.

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
<u>Disposal and Unpaved Roads</u>			<u>rolling total)</u>
<u>Cherokee</u> <u>Turbine 5</u>	<u>Applicable limits in 40 CFR 60.4300 Table 1 (NSPS KKKK)</u>	<u>NA*</u>	<u>0.1 lb/MMBtu</u> <u>Average of three 1-hr runs</u>
<u>Cherokee</u> <u>Turbine 6</u>	<u>Applicable limits in 40 CFR 60.4300 Table 1 (NSPS KKKK)</u>	<u>NA*</u>	<u>0.1 lb/MMBtu</u> <u>Average of three 1-hr runs</u>
<u>Pawnee³</u> <u>Unit 1</u>	<u>0.07 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.12 lb/MMBtu</u> <u>(30-day rolling average)</u>	<u>0.03 lb/MMBtu</u>
<u>Pawnee</u> <u>Cooling Tower</u>	<u>N/A*</u>	<u>N/A*</u>	<u>36.5 tons per year (12-month rolling total)</u>
<u>Manchief</u> <u>Turbine 1</u>	<u>15 ppmvd @ 15% O₂ (1-hr average)</u> <u>100 ppmvd @ 15% O₂ and 186 lb/hr during startup (1-hr average)</u> <u>100 ppmvd @ 15% O₂ and 140 lb/hr during shutdown (1-hr average)</u> <u>25 ppmvd @ 15% O₂ low load operation between March 1 and October 31 (1-hr average)</u>	<u>N/A*</u>	<u>N/A*</u>
<u>Manchief</u> <u>Turbine 2</u>	<u>15 ppmvd @ 15% O₂ (1-hr average)</u> <u>100 ppmvd @ 15% O₂ and 186 lb/hr during startup (1-hr average)</u> <u>100 ppmvd @ 15% O₂ and 140 lb/hr during shutdown (1-hr average)</u> <u>25 ppmvd @ 15% O₂ low load operation between March 1 and October 31 (1-hr average)</u>	<u>N/A*</u>	<u>N/A*</u>

³ Refer to Section IV.F.7 for applicable means of compliance if the PUC approves the PSCo ERP.

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
CEMEX Lyons Kiln	<u>1.85 lb/ton of clinker</u> (30-day rolling average) <u>901.0 tpy</u> (12-month rolling average)	<u>25.3 lb/hr</u> (12-month rolling average) <u>95.0 tpy</u> (12-month rolling average)	<u>N/A *</u>
CEMEX Dowe Flats & Lyons Quarries	<u>N/A*</u>	<u>N/A*</u>	<u>58.4 tpy (Dowe Flats Quarry, 12-month rolling average)</u> <u>Current permitted limit for Lyons Quarry below 10 TPY screening threshold</u>
CEMEX Raw Materials Grinding	<u>N/A*</u>	<u>N/A*</u>	<u>Reporting based on approved AP-42 factors</u>
Holcim Florence Kiln	<u>2.73 lb/ton of clinker</u> (30-day rolling average) <u>2,086.8 tpy</u> (12-month rolling average)	<u>1.3 lb/ton of clinker</u> (30-day rolling average) <u>721.4 tpy</u> (12-month rolling average)	<u>lb/ton of clinker limit calculated using 40 CFR 63.1343(b)(2) Equation 1</u> <u>247.6 tpy</u> (12-month rolling average)
Holcim Florence Quarry	<u>N/A *</u>	<u>N/A *</u>	<u>67.3 tpy</u> (12-month rolling average)
Holcim Florence Finish Mill	<u>N/A*</u>	<u>N/A*</u>	<u>34.3 tpy</u> (12-month rolling average)
GCC Pueblo Kiln	<u>2.70 lb/ton of clinker</u> (30-day rolling average) <u>2.32 lb/ton of clinker</u> (12-month rolling average) <u>1,100.0 tpy</u> (12-month rolling average)	<u>N/A *</u>	<u>36.01 tpy (Filterable, 12-month rolling average)</u> <u>293.56 tpy (Condensable, 12-month rolling average)</u>
GCC Pueblo Clinker Cooler	<u>N/A*</u>	<u>N/A*</u>	<u>33.92 tpy</u> (12-month rolling average)

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
<u>Molson Coors Boiler Facility</u> <u>Boiler 1</u>	<u>0.20 lb/MMBtu</u> <u>(Stack-testing or CEMS)</u> <u>625.4 tpy</u> <u>(Combined 12-month rolling average for Boilers 1, 2, 4, and 5)</u>	<u>N/A*</u>	<u>N/A *</u>
<u>Molson Coors Boiler Facility</u> <u>Boiler 2</u>	<u>0.20 lb/MMBtu</u> <u>(Stack-testing or CEMS)</u> <u>625.4 tpy</u> <u>(Combined 12-month rolling average for Boilers 1, 2, 4, and 5)</u>	<u>N/A*</u>	<u>N/A *</u>
<u>Molson Coors Boiler Facility</u> <u>Boiler 4</u>	<u>0.12 lb/MMBtu</u> <u>(30-day rolling average)</u> <u>242.9 tpy</u> <u>(12-month rolling average, Boiler 4 only)</u> <u>625.4 tpy</u> <u>(Combined 12-month rolling average for Boilers 1, 2, 4, and 5)</u>	<u>N/A *</u>	<u>N/A *</u>
<u>Molson Coors Boiler Facility</u> <u>Boiler 5</u>	<u>0.10 lb/MMBtu</u> <u>(30-day rolling average)</u> <u>256.3 tpy</u> <u>(12-month rolling average, Boiler 4 only)</u> <u>625.4 tpy</u> <u>(Combined 12-month rolling average for Boilers 1, 2, 4, and 5)</u>	<u>N/A *</u>	<u>N/A *</u>
<u>EVRAZ</u>	<u>0.28 lb/ton of steel</u>	<u>0.15 lb/ton of steel</u>	<u>0.0018 grains/dscf</u>

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Electric Arc Furnace (EAF)	(30-day rolling average) 189.0 tpy (12-month rolling average)	(30-day rolling average) 101.25 tpy (12-month rolling average)	(filterable) 0.0052 grains/dscf (filterable+condensable) 163.11 tpy (12-month rolling average)
EVRAZ Ladle Metallurgy Station (LMS)	84.1 tpy (12-month rolling average)	2 ton/day (3-hour rolling average) 234.3 tpy (12-month rolling average)	N/A *
EVRAZ Round Caster	36.30 tpy (12-month rolling average)	N/A *	19.10 tpy (12-month rolling average)
EVRAZ Seamless Mill - Rotary Furnace	169.26 tpy (12-month rolling average)	N/A *	N/A *
EVRAZ Seamless Mill - Quench Furnace	Reporting based on 280 lbs/MMscf AP-42 emission factor	N/A *	N/A *
EVRAZ Seamless Mill - Tempering Furnace	Reporting based on 280 lbs/MMscf AP-42 emission factor	N/A *	N/A *
EVRAZ Rod/Bar Mill Furnace	0.07 lb/MMBtu (Stack testing, frequency per Title V permit) 30.28 tpy (12-month rolling average)	N/A *	N/A *
EVRAZ Rail Mill Furnace	0.07 lb/MMBtu (30-day rolling average) 32.34 tpy	N/A *	N/A *

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
	(12-month rolling average)		
EVRAZ Haul Roads	N/A ⁺	N/A ⁺	Compliance with Fugitive Dust Control Plan
EVRAZ Vacuum Tank Degasser Boiler	16.21 tpy (12-month rolling average)	N/A*	N/A *
EVRAZ Ladle Preheaters	24.95 tpy (12-month rolling average, combined for 5 preheaters)	N/A *	N/A *
Rocky Mountain Bottle Company Furnaces B+ and C (common stack)	1.1 lb/ton of glass (30-day rolling average) 157.8 tpy (12-month rolling average)	0.8 lb/ton of glass (30-day rolling average) 114.8 tpy (12-month rolling average)	0.27 lb/ton of glass (Performance testing every 5 years) 38.7 tpy (Filterable + Condensable, 12-month rolling average)
Suncor Plant 1 Fluidized Catalytic Cracking Unit Catalyst Regenerator (FCCU)	86.8 ppmvd @ 0% O2 (7-day rolling average) 58.7 ppmvd @ 0% O2 (365-day rolling average)	50 ppmvd @ 0% O2 (7-day rolling average) 25 ppmvd @ 0% O2 (365-day rolling average) 0.3 lb SO2/barrel oil processed/day (Facility-wide SO2 limit, 24-hour average)	1 lb/1,000 lbs coke burn-off
Suncor Plant 2 Fluidized Catalytic Cracking Unit Catalyst Regenerator (FCCU)	160 ppmvd @ 0% O2 (7-day rolling average) 80 ppmvd @ 0% O2 (365-day rolling average)	74.4 ppmvd @ 0% O2 (7-day rolling average) 37.2 ppmvd @ 0% O2 (365-day rolling average)	1 lb/1,000 lbs coke burn-off
Suncor Plant 1 Sulfur Recovery Unit Tail Gas Unit (SRC TGU)	N/A*	250 ppmvd @ 0% O2 (12-hour rolling average)	N/A*

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Suncor <u>Plant 2 Sulfur Recovery Unit Tail Gas Incinerator (SRC TGI)</u>	<u>N/A*</u>	<u>1.2% volume SO2 (12-hour rolling average)</u> <u>271 tons/year</u> <u>(12-month rolling total)</u> <u>until [PLACEHOLDER DATE]</u> <u>[PLACEHOLDER LIMIT]</u> <u>No later than 1/1/2029</u>	<u>N/A*</u>
Suncor <u>Plant 1 Main Plant Flare</u>	<u>Flare management plan</u>	<u>Flare management plan</u>	<u>N/A*</u>
Suncor <u>Heater H-11</u>	<u>0.098 lb/MMBtu</u> <u>(Annual average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor <u>Heater H-17</u>	<u>0.098 lb/MMBtu</u> <u>(Monthly average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor <u>Heater H-27</u>	<u>0.098 lb/MMBtu</u> <u>(Annual average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor <u>Heaters H-28/29/30</u>	<u>0.049 lb/MMBtu</u> <u>(Monthly average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor <u>Heater H-37</u>	<u>0.057 lb/MMBtu</u> <u>(365-day rolling average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor <u>Heater H-101</u>	<u>0.083 lb/MMBtu</u> <u>(Annual average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor <u>Heater H-402</u>	<u>0.075 lb/MMBtu</u> <u>(Monthly average)</u>	<u>N/A*</u>	<u>N/A*</u>
Suncor	<u>0.05 lb/MMBtu</u>	<u>N/A*</u>	<u>N/A*</u>

RP Determinations for Colorado Sources			
Emission Unit	NOx Emission Limit	SO2 Emission Limit	Particulate Emission Limit
Heater H-2101	(Annual average)		
Suncor	0.075 lb/MMBtu	N/A*	N/A*
Boiler 4	(365-day rolling average)		
Suncor	0.044 lb/MMBtu	N/A*	N/A*
Boiler 505	(Monthly average)		

*Emissions did not meet the screening threshold established by the Regional Haze program. Thus, this point was not subject to four-factor analysis for [Colorado's Round 2 regional haze SIP planning period](#).

+This pollutant is not emitted.

IV.F.4. Each source listed in the table must comply with the limits and averaging times, record keeping, and reporting requirements in addition to its applicable permit requirements as expeditiously as practicable, but in no event later than five years after EPA approval of Colorado's Round 2 SIP for regional haze. Sources must maintain control equipment or operational practices required to comply with the above limits and averaging times, record keeping, and reporting requirements, and establish procedures to ensure that such equipment or operational practices are properly operated and maintained.

IV.F.5. Fugitive emissions from coal ash handling and disposal and unpaved haul roads at the Hayden Station will be controlled by proper baghouse operation and maintenance using good engineering practices, water spray during silo unloading, proper truck loading, and use of posted speed limits, gravel, water, and dust suppressants as needed on haul roads and at the disposal site.

IV.F.6. Hayden Units 1 and 2 must comply with the applicable emission limits in Section IV. and monitoring, recordkeeping, and reporting requirements in Section V. if the PUC does not approve the ERP/CEP or until the approved closure date. Contingent upon PUC approval of the proposed PSCo Electric Resource Plan and Clean Energy Plan in 2022 and specific approval of the proposed closure dates in PUC Docket No. 21A-0141E, Hayden Unit 1 will close no later than December 31, 2028 and Hayden Unit 2 will close no later than December 31, 2027. If closure is approved by the PUC, 28 tpy of SO₂, 22 tpy of PM₁₀, and 135 tpy of NO_x will be reserved for netting or offsets. Offsets are subject to requirements in Regulation Number 3, Part A, Section V.

IV.F.7. Pawnee Unit 1 must comply with the applicable emission limits in Section IV. and monitoring, recordkeeping, and reporting requirements in Section V. if the PUC does not approve the ERP/CEP or until the approved closure date. Contingent upon PUC approval of the proposed PSCo Electric Resource Plan and Clean Energy Plan in 2022 and specific approval of the proposed date in PUC Docket No. 21A-0141E, Pawnee Unit 1 will convert from coal to natural gas fuel no later than December 31, 2028. If approved, some amount of emissions may be reserved for netting or offsets. Offsets are subject to requirements in Regulation Number 3, Part A, Section V.

V. Monitoring, Recordkeeping, and Reporting for Regional Haze Limits

The provisions of this Section V. of Regulation Number 23 will be incorporated into Colorado's Regional Haze State Implementation Plan.

V.A. Monitoring/Compliance Determination: SO₂ and NO_x Regional Haze Limits

V.A.1. BART, RP, and BART alternative program units with SO₂ and NO_x CEMS.

V.A.1.a. All Boilers, except CENC and Clark boilers.

The owner or operator of a boiler subject to this section must comply with the 40 CFR Part 75 monitoring and recordkeeping requirements as incorporated by reference into this regulation with the exception of the continuous emission monitoring system (CEMS) data substitution and bias adjustment requirements.

At all times after the compliance deadline specified in Regulation Number 23, Sections IV.A.3., IV.B.3. or IV.C.3., the owner/operator of each BART, RP, or BART alternative program unit must maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR Part 75 not excluded ~~above~~, to accurately measure from such unit SO₂, NO_x, diluents, and stack gas volumetric flow rate as such parameters are relevant to the applicable emission limit. The CEMS must be used to determine compliance with the SO₂ and NO_x regional haze emission limits for each such unit. Such limits are expressed in units of pounds per million Btu. The owner/operator must calculate emissions in the applicable units.

In determining compliance with the SO₂ and NO_x regional haze limits, all periods of emissions must be included, including startups, shutdowns, emergencies, and malfunctions.

V.A.1.a.(i) Pounds per Million Btu Regional Haze Limits

For any hour in which fuel is combusted in the BART, RP, or BART alternative program unit, owner/operator must calculate hourly average SO₂ and NO_x concentrations in pounds per million Btu at the CEMS in accordance with the requirements of 40 CFR Part 75 except for 40 CFR Part 75 requirements excluded by Section V.A.1.a. These hourly averages must then be used to determine compliance in accordance with the particular limit's averaging period, as follows.

V.A.1.a.(i)(A) Regional haze limits with a 3-hour averaging period: emissions must be calculated on a 3-hour rolling average basis. At the end of each operating hour, the owner/operator must calculate and record a new 3-hour average emission rate in lb/MMBtu from the arithmetic average of the valid hourly emission rates from the CEMS for the previous three operating hours. (An operating hour is any hour in which fuel is combusted for any time in the unit.)

V.A.1.a.(i)(B) Regional haze limits with a 30-day averaging period: before the end of each operating day, the owner/operator must calculate and record the 30-day rolling average emission rate in lb/MMBtu from all valid hourly emission values from the CEMS for the previous 30 operating days.

- V.A.1.a.(i)(C) Regional haze limits with a 90-day averaging period: before the end of each operating day, the owner/operator must calculate and record the 90-day rolling average emission rate in lb/MMBtu from all valid hourly emission values from the CEMS for the previous 90 operating days.
- V.A.1.a.(i)(D) Regional haze limits with a 12-month averaging period: before the end of each month, the owner/operator must calculate and record the 12-month rolling average emission rate in lb/MMBtu from all valid hourly emission values from the CEMS for the previous 12 months.
- V.A.1.a.(i)(E) Regional haze limits with an annual calendar averaging period: emissions must be calculated on a calendar year basis. Within 30 days after the end of each calendar year, the owner/operator must calculate and record a new emission rate in lb/MMBtu from the arithmetic average of all valid hourly emission rates from the CEMS for the preceding year.
- V.A.1.a.(i)(F) Comanche Units 1 and 2 regional haze combined annual average limits. The combined annual limitations for NOX and SO2 are on a 365-operating day rolling average. Before the end of each operating day, the owner/operator must calculate and record an annual rolling average using data from the previous 365 operating days in accordance with the following equation.

$$\text{Combined emission rate (lb/MMBtu)} = [(ER1)(HI1) + (ER2)(HI2)] / (HI1 + HI2)$$

Where: ER1 = average emission rate over the 365 operating day period. This is an average of all valid hours within the 365 operating day period for Unit 1.

HI1 = total heat input over the 365 operating day period for Unit 1.

ER2 = average emission rate over the 365 operating day period. This is an average of all valid hours within the 365 operating day period for Unit 2.

HI2 = total heat input over the 365 operating day period for Unit 2.

V.A.1.b. Portland Cement Kilns and CENC and Clark Boilers: At all times after the compliance deadline specified in Regulation Number 23, Sections IV.A.3. or IV.B.3., the owner/operator of each BART or RP unit must maintain, calibrate, and operate a CEMS in full compliance with the requirements in 40 CFR Part 60, Section 60.13 and 40 CFR Part 60, Appendices A, B, and F to accurately measure SO2, NOX, and diluents, if diluent is required. The CEMS must be used to determine compliance with the SO2 and NOx regional haze emission limits for each such unit. For particular units, such limits are expressed in units of pounds per hour, tons per year, pounds per ton clinker, or pounds per million Btu. The owner/operator must calculate emissions in the applicable units. In determining

compliance with the SO₂ and NO_x regional haze limits, all periods of emissions must be included, including startups, shutdowns, emergencies, and malfunctions.

V.A.1.b.(i) Pounds per Hour and Tons per Year Regional Haze Limits and Pounds per Million Btu Regional Haze Limits.

For any hour in which fuel is combusted in the BART or RP unit, the owner/operator must calculate hourly NO_x and SO₂ emissions in the appropriate units (lbs/hr) or (lbs/MMBtu) in accordance with the provisions in 40 CFR Part 60. These hourly values must be used to determine compliance in accordance with the particular limits averaging time, as follows.

V.A.1.b.(i)(A) Pounds per Hour or Pounds per Million Btu Regional Haze Limits on a 30-day rolling average. Before the end of each operating day, the owner/operator must calculate and record the 30-day rolling average emission rate in lb/MMBtu or lb/hr from all valid hourly emission values from the CEMS for the previous 30 operating days.

V.A.1.b.(i)(B) Pounds per Hour on a 12-month rolling average. Before the end of each month, the owner/operator must calculate and record the 12-month rolling average emission rate in lb/hr from all valid hourly emission values from the CEMS for the previous 12 months.

V.A.1.b.(i)(C) Tons per year regional haze Limits on a 12-month rolling average. Before the end of each month, the owner/operator must calculate and record the total emissions in tons/yr from all valid hourly emission values from the CEMS for the previous 12 months.

V.A.1.b.(ii) 30-Day Rolling Average Pounds per Ton Clinker Regional Haze Limits. Hourly clinker production must be determined in accordance with the requirements in 40 CFR Part 60, Subpart F, Section 60.63(b). An operating day includes all valid data obtained in any daily 24-hour period during which the kiln operates and excludes any measurements made during the daily 24-hour period when the kiln was not operating. The 30-operating day rolling emission rate of NO_x and SO_x must be calculated and recorded as the total of all hourly emissions data for a cement kiln in the preceding 30 operating days, divided by the total tons of clinker produced in that kiln during the same 30-day operating period in accordance with the equation in 40 CFR Part 60, Subpart F, Section 60.64(c).

V.A.1.b.(iii) CENC Units 4 and 5 NO_x Regional Haze limits

For any hour in which fuel is combusted in CENC Unit 4 or Unit 5, the owner/operator must calculate hourly NO_x emissions in the appropriate units (lbs/MMBtu) in accordance with the provisions in 40 CFR Part 60. These hourly values must be used to determine compliance with the Regional Haze limits, as follows.

V.A.1.b.(iii)(A) Individual unit pound per Million Btu on a 30-day rolling average regional haze limit: before the end of each

operating day, the owner/operator must calculate and record the 30-day rolling average emission rate in lb/MMBtu from all valid hourly emission values from the CEMS for the previous 30 operating days, or

- V.A.1.b.(iii)(B) Combined units 4 and 5 lbs/MMbtu 30-day rolling average regional haze limit: before the end of each operating day, the owner/operator must calculate and record a 30-day rolling average using data from the previous 30 operating days in accordance with the following equation.

$$\text{Average ER} = [(ER4)(HI4)+(ER5)(HI5)] / [(HI4)+(HI5)]$$

Where:

ER4 = average NOX emission rate, in pounds per MMBtu over the 30-day period. This is an average of all valid hours within the 30 operating day period for Unit 4.

ER5 = average NOX emission rate, in pounds per MMBtu over the 30-day period. This is an average of all valid hours within the 30 operating day period for Unit 5.

HI4 = Total heat input over the 30 operating day period for Unit 4.

HI5 = Total heat input over the 30 operating day period for Unit 5.

- V.B.1.b.(iii)(C) The owner or operator must indicate in the excess emission reports required by Section V.E., which compliance demonstration method has been followed for the reporting period.

V.A.2. BART and RP Units without NOx and SO2 CEMS

- V.A.2.a. CENC Unit 3. Compliance with the SO2 limitations must be determined by sampling and analyzing each shipment of coal for the sulfur and heat content using the appropriate ASTM Methods. In lieu of sampling, vendor receipts may be used provided the sampling and analysis was conducted in accordance with the appropriate ASTM Method. Each sample or vendor receipt must indicate compliance with the SO2 limitation. Compliance with the annual NOx limits must be monitored by recording fuel consumption and calculating emissions monthly using the appropriate AP-42 emission factor. Monthly emissions must be calculated by the end of the subsequent month and must be used in a rolling twelve-month total to monitor compliance with the annual limitations. Each month a new twelve-month total must be calculated using the previous 12 months' data. [*Note: CENC Unit 3 is not subject to annual SO2 limits.]
- V.A.2.b. CEMEX Dryer. Unless performance tests were completed within the previous 6 months, within 60 days of the compliance deadline specified in Regulation Number 23, Section IV.A.3., the owner/operator must conduct a stack test to measure NOx and SO2 emissions in accordance with the appropriate EPA test methods. Frequency of testing thereafter

must be every five years. Each test must consist of three test runs, with each run at least 60 minutes in duration.

In addition to the stack tests described ~~above~~, compliance with the annual NO_x and SO₂ limits must be monitored by calculating emissions monthly using the emission factors (in lb/hr) determined from the most recent Division-approved stack test and hours of operation for the month. Monthly emissions must be calculated by the end of the subsequent month and used in a twelve-month rolling total to monitor compliance with the annual limitations. Each month a new twelve-month total must be calculated using the previous 12 months' data.

V.A.2.c. Molson Coors Boiler Support Facility Boilers 1 and 2. Compliance with the RP NO_x limit of 0.20 lb/MMBtu must be demonstrated using stack testing or CEMS. Stack testing frequency is as follows.

V.A.2.c.(i) A performance test must be performed during the next planned maintenance outage for which each boiler provides scheduled service for the plant or by 12/31/2024, whichever occurs first.

V.A.2.c.(ii) Subsequent performance tests must be performed according to the following schedule, based on annual capacity factor of each boiler, according to the most stringent schedule that applies.

V.A.2.c.(ii)(A) If the annual capacity factor exceeds 40% for a calendar year, the next test shall be performed during the following calendar year.

V.A.2.c.(ii)(B) If the annual capacity factor exceeds 20% and is equal to or less than 40% for a calendar year, the next test shall be performed within 2 calendar years of the exceedance of the 20% capacity factor, or

V.A.2.c.(ii)(C) If the annual capacity factor is maintained at or below 20% for the calendar year, the next test shall be performed within 5 years of the previous test.

V.A.2.c.(iii) The performance test requirement will no longer apply if a CEMS is installed and certified per the requirements of 40 CFR Part 60 to measure NO_x emissions and used to demonstrate compliance with the applicable limit. Upon certification of the CEMS, compliance with the limit will be demonstrated on a 30-day rolling average.

V.B. Monitoring/Compliance Determination: Particulate Regional Haze Limits

V.B.1. Particulate Regional Haze Limits for all boilers except CENC and Clark boilers

Unless particulate compliance testing was completed within the previous 6 months, within 60 days of the compliance deadline specified in Regulation Number 23, Sections IV.A.3., IV.B.3., or IV.C.3., the owner/operator must conduct a stack test to measure particulate emissions in accordance with the requirements and procedures set forth in EPA Test Method 5 as set forth in 40 CFR Part 60, Appendix A. Stack testing for particulate matter must be performed annually, except that: (1) if any test results indicate emissions are less than or equal to 50% of the emission limit, another test is required within five years; (2) if any test results indicate emissions are more than 50%, but less than or equal to 75% of the emission limit, another test is required within three years; and (3) if any test results indicate emissions are greater than 75% of the emission limit, an

annual test is required until the provisions of (1) or (2) are met. A test run must consist of three test runs, with each run at least 120 minutes in duration. Test results must be converted to the applicable units and compliance will be based on the average of the three test runs.

In addition, to the stack tests described [above](#), the owner/operator must monitor compliance with the particulate matter limits in accordance with the applicable compliance assurance monitoring plan developed and approved in accordance with 40 CFR Part 64.

V.B.2. Portland Cement Plant Particulate Regional Haze Limits.

V.B.2.a. Kilns. Compliance with the particulate matter limitations must be monitored using a PM CEMS that meets the requirements in 40 CFR Part 63, Subpart LLL. The owner or operator must calculate emissions in the applicable units. If a PM CEMS is used to monitor compliance with the PM limits, the opacity limits specified in this Regulation Number 23 do not apply.

In the event that the provisions in 40 CFR Part 63, Subpart LLL are revised, stayed or vacated, such that a PM CEMS is not required, compliance with the PM limitations must be monitored by conducting stack tests in accordance with the requirements of Section V.C.3. except that the results of the test must be converted to the appropriate units (lb/ton clinker or lb/ton dry feed) and compliance will be based on the average of three test runs.

In addition, if no PM CEMS is required, as discussed [in the above paragraph](#), the opacity limits specified in this Regulation Number 23 still apply. In order to monitor compliance with the opacity limit, the owner or operator must install, calibrate, maintain, and continuously operate a COM located at the outlet of the PM control device to continuously monitor opacity. The COM must be installed, maintained, calibrated, and operated as required by 40 CFR Part 63, Subpart A, and according to PS-1 of 40 CFR Part 60, Appendix B

V.B.2.b. Dryers. Performance tests must be conducted in accordance with the requirements in Section V.C.3. Opacity monitoring must be conducted in accordance with the requirements in 40 CFR Part 63, Subpart LLL.

V.B.3. Particulate Regional Haze Limits for the CENC and Clark boilers and the CEMEX dryer. Within 60 days of the compliance deadline specified in Regulation Number 23, Sections IV.A.3. or IV.B.3., the owner/operator must conduct a stack test to measure particulate emissions in accordance with the requirements and procedures set forth in EPA Test Method 5, 5B, 5D or 17, as appropriate, as set forth in 40 CFR Part 60, Appendix A. Stack testing for particulate matter must be performed annually, except that: (1) if any test results indicate emissions are less than or equal to 50% of the emission limit, another test is required within five years; (2) if any test results indicate emissions are more than 50%, but less than or equal to 75% of the emission limit, another test is required within three years; and (3) if any test results indicate emissions are greater than 75% of the emission limit, an annual test is required until the provisions of (1) or (2) are met. Each test must consist of three test runs, with each run at least 60 minutes in duration.

In addition, to the stack tests described [above](#), compliance with the annual limitations (ton/yr limits) applicable to the Clark boilers and CEMEX dryer must be monitored by calculating emissions monthly using the emission factors (in lb/hr) determined from the most recent Division-approved stack test and hours of operation for the month. Monthly emissions must be calculated by the end of the subsequent month and used in a twelve-month rolling total to monitor compliance with the annual limitations. Each month a new twelve-month total must be calculated using the previous 12 months' data.

In addition to the stack tests described ~~above~~, the owner/operator must monitor compliance with the particulate matter limits in accordance with the applicable compliance assurance monitoring plan developed and approved in accordance with 40 CFR Part 64.

V.C. Recordkeeping

Owner/operator must maintain the following records for at least five years

- V.C.1. All CEMS data as required in the applicable regulation, stack test data, and data collected pursuant to the CAM plan, including the date, place, and time of sampling, measurement, or testing; parameters sampled, measured, or tested and results; the company, entity, or person that performed the testing, if applicable; and any field data sheets from testing.
- V.C.2. Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR Parts 60, 63, or 75.
- V.C.3. Any other records required by 40 CFR Part 60, Subpart F, Sections 60.65 and 63, Subpart LLL, 64 or 75.

V.D. Reporting requirements

The owner/operator of a BART, RP or BART alternative program unit must submit semi-annual excess emissions reports no later than the 30th day following the end of each semi-annual period unless more frequent reporting is required. Excess emissions means emissions that exceed the regional haze emissions limits. Excess emission reports must include the information specified in 40 CFR Part 60, Section 60.7(c).

The owner/operator of a BART, RP, or BART alternative program unit must submit reports of any required performance stack tests for particulate matter to the Division within 60 calendar days after completion of the test. The owner/operator must also submit semi-annual reports of any excursions under the approved compliance assurance monitoring plan in accordance with the schedule specified in the source's Title V permit. The owners or operators of units in Sections IV.D. or IV.F. must submit APENs to the Division within 90 days of the applicable, or actual if sooner, closure date.

PART B STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

I.A. Adopted: November 20, 2020

Relocation of and revisions to Regulation Number 3, Part F into the new Regulation Number 23.

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the State Administrative Procedure Act, § 24-4-103(4), C.R.S., the Colorado Air Pollution Prevention and Control Act, §§ 25-7-110 and 25-7-110.5., C.R.S., and the Air Quality Control Commission's ("Commission") Procedural Rules, 5 Code Colo. Reg. §1001-1.

Basis

In 1999, EPA promulgated the final Regional Haze Rule, which requires each state to submit a state implementation plan (SIP) to address regional haze (see 40 CFR Sections 51.300-51.309). Colorado submitted its regional haze SIP to EPA in 2008 and 2009. The Commission adopted revisions to the regional haze requirements in 2011, 2014, and 2016. The regional haze rule, Section 51.308(f), requires states to revise and submit its regional haze SIP to EPA by July 31, 2021 (i.e., second implementation period). States must continue to make progress toward their reasonable progress goals. In this rulemaking, the Commission moved the regional haze requirements from Regulation Number 3, Part F to a new Regulation Number 23, removed past provisions, and adopted closure dates for specific sources.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, § 25-7-106, C.R.S. provides the Commission the maximum flexibility in establishing an air quality control program and authorizes the Commission to promulgate regulations as necessary or desirable to carry out that program. Section 25-7-105 directs the Commission to promulgate such rules and regulations as are consistent with the legislative declaration set forth in Section 25-7-102 and are necessary for the proper implementation and administration of Article 7, including a comprehensive state implementation plan which will prevent significant deterioration of air quality. Section 25-7-109 authorizes the Commission to adopt emission control regulations pertaining to air pollutants. Section 25-7-106(6) further authorizes the Commission to require owners and operators of any air pollution source to monitor, record, and report information.

Purpose

EPA's regional haze rule requires states to reduce emissions of visibility impairing pollutants that negatively impact class I areas. The Commission has previously approved revisions to Regulation Number 3 that included emission reduction requirements for sources subject to Best Available Retrofit Technology (BART) and Reasonable Progress (RP) requirements during the first planning period of the regional haze program. Moving the revisions from Regulations Number 3 to Regulation Number 23 is intended to improve the readability of both Regulation Number 3 and the regional haze requirements.

The Commission moved the provisions discussing applicability of the regional haze provisions, relevant definitions, the BART and RP determinations from the first 10-year planning period, and the monitoring and recordkeeping requirements to Regulation Number 23. Regulation Number 23 will also contain new emissions reductions requirements to meet or exceed the RP goals for the second 10-year planning period. The existing emission limits and new requirements placed on identified sources will eliminate significant emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), and particulate matter (PM₁₀) to improve visibility in Colorado's twelve class I areas. These emission reductions, even accounting for emissions reserved for netting or offset purposes provide for reasonable progress toward national visibility goals, and therefore, meet the Clean Air Act requirements for the second 10-year Regional Haze planning period. For units using emission reservations for offsets, an application for Emission Reduction Credits (ERC) should be submitted to the division approximately 60 days prior to unit closure.

Specifically, the Commission adopted closure dates for the following units: Cherokee Unit 4; ColoWyo Coal Mine; Comanche Units 1 and 2; Craig Units 2 and 3; Martin Drake Units 6 and 7; Nixon Unit 1; and Rawhide Unit 1. The Commission revised the requirements for Craig Unit 1 to remove the alternative compliance option to convert to natural gas. Craig Unit 1 will now only close on or before December 31, 2025. The Commission also updated the provisions for Valmont Station to include the date Valmont closed. Lastly, the Commission updated the provisions for Nucla Station to include the date Nucla Station closed, which was before the specified date, and remove requirements that were no longer necessary as they would have applied after the actual closure date. The Commission uses the terms “closure” and “retirement” of the electric units to mean that the burning of coal for electric generation and the resulting air emissions would cease by the closure dates. It is understood that the decommissioning period following cessation of electric generation is a multi-year process involving significant dedication of resource. These closures achieve reductions and co-benefits beyond RP recommendations that do not consider closure options.

The closure of these units will result in significant reductions of NO_x, SO₂, PM₁₀, and GHG emissions. In addition to meeting the requirements for these units for the second 10-year Regional Haze planning period, closure of these units will have important co-benefits that will contribute to Colorado achieving other important air quality goals. Specifically, the emission reduction requirements from these unit closures will help achieve Colorado’s GHG emission reduction goals set forth in HB19-1261, reduce ground level ozone, reduce nitrogen deposition in Rocky Mountain National Park, and reduce GHG emissions pursuant to the requirements of the federal Affordable Clean Energy (ACE) rule.

The Commission recognizes concerns regarding grid reliability and demand needs are substantiated. Utilities have noted publicly in Electric Resource Plans (ERPs) and Electric Integrated Resource Plans (EIRPs) filed with the PUC as required by 4 CCR 723-3 Rules 3600 and 3605 that these issues are key to the closure date announcements. The Commission considered an alternative proposal to advance the closure dates for the Nixon, Rawhide, and Craig 3 power plants to the end of 2028. While this proposal was not ultimately adopted, the Commission encourages the utilities and the PUC to further advance closure dates for these facilities in order to secure cost effective emissions reductions that are needed to address Colorado’s GHG and Regional Haze goals.

The Commission did not move into Regulation Number 23 but deleted Regulation Number 3, Part F, Sections III. and IV. As discussed in the March 16, 2006, Regulation Number 3 Statement of Basis and Purpose, EPA’s regional haze regulations require states to define BART-eligible facilities and require sources subject to BART to complete a BART analysis. Regulation Number 3, Part F, Sections III. and IV. identified which sources were required to perform a BART analysis and specified the elements of the BART analysis. The federal rules also require states to submit a SIP identifying the BART-eligible sources and either the BART controls or the BART alternative. The Commission adopted BART controls and/or BART alternatives for the BART-eligible sources in December 19, 2008, January 7, 2011, November 20, 2014, and December 15, 2016. EPA last approved Colorado’s Regional Haze SIP on July 5, 2018 (83 Fed. Reg. 31332). Therefore, the provisions identifying which sources must perform a BART analysis and specifying the elements of a BART analysis are no longer necessary. The Commission also did not move but deleted Regulation Number 3, Part F, Sections VI.A.4. and VI.B.4. These provisions required sources to submit and the Division to publish compliance schedules for the sources in the ~~above~~ BART and RP determinations tables. As these requirements have passed, and were complied with, they are no longer necessary. Removing these provisions will improve and facilitate the readability and better allow the regulated community and other interested persons to identify and understand the provisions governing their activities.

The revisions also correct typographical, grammatical, and formatting errors found in the regional haze provisions.

Incorporation by Reference

Section 24-4-103(12.5) of the State Administrative Procedure Act allows the Commission to incorporate by reference federal regulations. The criteria of Section 24-4-103(12.5) are met by including specific information and making the regulations available because repeating the full text of each of the federal regulations incorporated would be unduly cumbersome and inexpedient. To fully comply with these criteria, the Commission includes reference dates to rules and reference methods incorporated in Regulation Number 23.

The Commission also notes that other Air Quality Control Commission regulations reference the regional haze provisions, either as regional haze or Regulation Number 3 Part F. Specifically, regional haze requirements are referenced in Regulation Number 6, Part B, Section VIII.C.3.f.(ii) and the SBAP Section XXV; Regulation Number 7, Part E, Sections I.D.3.a., II.A.2.f., and III.B.4.n and the SBAP Sections L., O., Q., R., and S., and Regulation Number 9, SBAP Section N. The Commission will update regulatory references as needed as opportunities arrive.

Additional Considerations

These revisions do not exceed or differ from the federal act due to state flexibility in determining what strategies to implement to reduce impacts to visibility under the Regional Haze rule. However, where the proposal may differ from federal rules under the federal act, in accordance with Section 25-7-110.5(5)(b), C.R.S., the Commission determines:

- (I) EPA's regional haze requirements are performance based. The regional haze rule sets forth factors that the states must consider when determining Reasonable Progress (RP) for sources reasonably anticipated to cause or contribute to the impairment of visibility in federal Class I areas. States have the discretion to select the appropriate controls for such sources.
- (II) EPA's regional haze rule guides how states must determine RP for their RP-eligible sources. However, state discretion is a cornerstone of the regional haze rule (*70 FR 39137*). Colorado considered Colorado's issues of concern when developing these revisions.
- (III) EPA's regional haze rule was not determined taking into account concerns unique to Colorado. The adopted revisions will improve Colorado's ability to comply with the goals of the regional haze rule while preventing or reducing the need for costly retrofits potentially required in Colorado's next reasonable progress planning period.
- (IV) Concerning this revision, the Division must submit a SIP revision to EPA no later than July 31, 2021. The proposed shut-downs will reduce the need for costly retrofit to meet more stringent requirements later.
- (V) EPA has established a SIP submittal due date of July 31, 2021. There is no timing issue that might justify changing the time frame for implementation of federal requirements.
- (VI) The adopted rule will assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth.
- (VII) The adopted rule establishes reasonable equity for sources because the Regional Haze Rule applies the same standards for determining RP to all RP-eligible sources. RP determinations are source specific and different controls and emission limits are to be expected.
- (VIII) If the revisions were not adopted and EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan; thus potentially determining requirements for Colorado's sources. This outcome could subject others to increased costs.

- (IX) These revisions do not modify the currently approved procedural, reporting, or monitoring requirements in Colorado's Regional Haze SIP.
- (X) Demonstrated technology is available to comply with the revisions.
- (XI) The revisions will contribute to further reductions of NOx emissions and therefore contribute to the prevention of pollution.
- (XII) A no action alternative would not address the required standard as these revisions; however, alternative rules could achieve the emission reductions to be achieved through these revisions, including setting specific RP control requirements instead of closure or specifying different closure dates.

As part of adopting the revisions to Regulation Number 3, Part F, the Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b).

To the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of NOx emissions.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary reduction in air pollution and provide the regulated entity flexibility.
- (V) The selected regulatory alternative will maximize the air quality benefits of regulation in the most cost-effective manner.

II. Adopted: November 19, 2021

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the State Administrative Procedure Act, § 24-4-103(4), C.R.S., the Colorado Air Pollution Prevention and Control Act, §§ 25-7-110 and 25-7-110.5., C.R.S., and the Air Quality Control Commission's ("Commission") Procedural Rules, 5 Code Colo. Reg. §1001-1.

Basis

In 1999, EPA promulgated the final Regional Haze Rule, which requires each state to submit a state implementation plan (SIP) to address Regional Haze (see 40 CFR Sections 51.300-51.309). Colorado submitted its Regional Haze SIP to EPA in 2008 and 2009. The Commission adopted revisions to the Regional Haze requirements in 2011, 2014, and 2016.

Under Regional Haze, states must continue to make progress toward their reasonable progress goals. The Regional Haze Rule, Section 51.308(f), requires states to revise and submit its Regional Haze SIP to EPA by July 31, 2021 (i.e., second implementation period). In December 2020, the Commission adopted a partial update to the SIP to address the phase 1 sources. This action is the second phase ("phase 2") of the SIP adoption to meet the requirements for round 2 progress by 2028.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, § 25-7-106, C.R.S. provides the Commission the maximum flexibility in establishing an air quality control program and authorizes the Commission to promulgate regulations as necessary or desirable to carry out that program. Section 25-7-105 directs the Commission to promulgate such rules and regulations as are consistent with the legislative declaration set forth in Section 25-7-102 and are necessary for the proper implementation and administration of Article 7, including a comprehensive SIP which will prevent significant deterioration of air quality. Section 25-7-109 authorizes the Commission to adopt emission control regulations pertaining to air pollutants. Section 25-7-106(6) further authorizes the Commission to require owners and operators of any air pollution source to monitor, record, and report information.

Pursuant to HB 21-1266, signed into law on July 2, 2021, the Division must enhance to create new ways to gather input from disproportionately impacted communities across the state. The Division shall conduct outreach to and engagement of these communities by (1) giving proper notice of public input opportunities; (2) utilizing a variety of locations and methods to receive public input; (3) creating outreach materials concerning the proposed rule in laypersons' terms; (4) translating the outreach materials into the top two languages spoken in that community; and (5) scheduling variable times of day and days of the week for public input on the proposed rule. The Division continues incorporating these enhanced requirements as effectively as possible.

Purpose

EPA's Regional Haze Rule requires states to reduce emissions of visibility impairing pollutants that negatively impact class I areas. The Commission has previously approved revisions to Regulation Number 3, which were later moved into new Regulation Number 23 in 2020, that included emission reduction requirements for sources subject to Best Available Retrofit Technology (BART) and Reasonable Progress (RP) requirements during the first planning period of the Regional Haze program.

Regulation Number 23 contains the new emissions reductions requirements to meet or exceed the RP goals for the second 10-year planning period (through 2028). The existing emission limits and new requirements placed on identified sources will eliminate significant emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), and particulate matter (PM₁₀) to improve visibility in Colorado's twelve class I areas. These emission reductions, even accounting for emissions reserved for netting or offset purposes, provide for reasonable progress toward national visibility goals, and therefore, meet the Clean Air Act requirements for the second 10-year Regional Haze planning period. Where emission reductions are or may be reserved for offsets, an application for Emission Reduction Credits (ERCs) should be submitted to the division approximately sixty (60) days prior to unit closure.

Specifically, the Commission adopted closure dates in December 2020's phase 1 proceeding for thirteen units at nine facilities. The Commission revised the requirements for sources from the first planning period in accordance with changes made at those facilities, specifically Craig Unit 1, Nucla Station, and Valmont Station. The Commission uses the terms "closure" and "retirement" of the electric units to mean that the burning of coal and/or other fossil fuels for electric generation and the resulting air emissions would cease by the closure dates. It is understood that the decommissioning period following cessation of electric generation is a multi-year process involving significant dedication of resources. These closures achieve reductions and co-benefits beyond other RP recommendations that do not consider closure options.

In HB 19-1261, the General Assembly declared that "climate change adversely affects Colorado's economy, air quality and public health, ecosystems, natural resources, and quality of life[.]" acknowledged that "Colorado is already experiencing harmful climate impacts[.]" and that "many of these impacts disproportionately affect" certain disadvantaged communities. Colorado's statewide GHG reduction goals require the Commission to implement regulations to achieve a 26% reduction of statewide GHG emissions by 2025; 50% reduction by 2030; and 90% reduction by 2050 as compared to 2005 levels. Voluntary closure of the EGUs and additional controls to the other facilities proposed in this second Regional Haze planning period will result in significant reductions of NO_x, SO₂, and PM₁₀.

In addition to meeting the requirements for these units for the second 10-year Regional Haze planning period, voluntary closure of the EGUs have important co-benefits that will contribute to Colorado achieving other important air quality goals. Specifically, the emission reduction requirements from the EGU closures will provide the co-benefit of assisting in the achievement of Colorado GHG emission reduction goals, and reduce ground level ozone.

The Division did not propose any unit retirements, fuel switching, or changes to permitted fuel consumption limits as a reasonable progress control strategy. Therefore, no proposed control strategies for this Regional Haze SIP revision can be stated to directly reduce GHG emissions. However, voluntary closures will achieve the additional co-benefit of reducing GHG emissions contingent upon PUC approval of the utility-proposed EGU closure and fuel switching dates.

Phase II of the second round implementation period proposes additional controls, and accounts for voluntary closures and fuel switching of seventeen facilities across the state. The facilities analyzed under the RP four-factor analysis are:

- Utilities Nixon Power Plant Coal Handling;
- Utilities Front Range Power Plant (FRPP) Turbines 1 and 2;
- Utilities Clear Spring Ranch Sludge Handling and Disposal Facility, 4 digester gas-fired boilers and 2 flares;
- PSCo Comanche Station Unit 3;
- PSCo Hayden Station Units 1 and 2, coal ash and sorbent handling and disposal, and fugitive dust from unpaved roads;
- Tri-State Craig Station, 3 cooling towers;
- PSCo Cherokee Station Turbines 5 and 6;
- PSCo Pawnee Station Unit 1 and the cooling tower;
- Manchief Generating Station Turbines 1 and 2, co-located with PSCo Pawnee Station;
- CEMEX Lyons Portland cement plant Kiln, Quarries, and Raw Materials Grinding;
- Holcim Florence Portland cement plant Kiln, Quarry, and Finish Mills;
- GCC Pueblo Portland cement plant Kiln and Clinker Cooler;
- Molson Coors Boiler Support Facility Boilers 1, 2, 4, and 5;
- EVRAZ Rocky Mountain Steel Mill Points Electric Arc Furnace (EAF), Ladle Metallurgy Station (LMS), Ladle Preheaters, Round Caster, Rotary Furnace, Quench Furnace, Tempering Furnace, Rod/Bar Mill Furnace, Rail Mill Furnace, Vacuum Tank Degasser (VTD) Boiler, Haul Roads;
- Rocky Mountain Bottle Company Furnaces B+ and C;
- Suncor Energy Denver Refinery; Plant 1 and 2 Fluid Catalytic Cracking Units (FCCU), Plant 1 and 2 Sulfur Recovery Complexes (SRCs), Plant 1 Main Plant Flare, Process Heaters H-11, H-17, H-27, H-28/29/30, H-37, H-101, H-401/402, and H-2101, and Boilers 4 and 505;

- [Denver International Airport \(DIA\) Boilers, Cooling Tower, Emergency Generators, and Miscellaneous Engines \(smaller generators and fire water pump engines\)⁴](#)
- [Craig Cooling Towers 1, 2, and 3.⁵](#)

[The Commission recognizes concerns regarding grid reliability and demand needs are substantiated. Utilities have noted publicly in Electric Resource Plans \(ERPs\) and Electric Integrated Resource Plans \(EIRPs\) filed with the PUC as required by 4 CCR 723-3 Rules 3600 and 3605 that these issues are key to the closure date announcements. To the extent technically feasible and cost effective, the Commission encourages the utilities and the PUC to further advance closure dates for these facilities in order to secure cost effective emissions reductions.](#)

[The revisions made to Regulation Number 23 in Phase 2 also correct typographical, grammatical, and formatting errors found in the Regional Haze provisions.](#)

[Incorporation by Reference](#)

[Section 24-4-103\(12.5\) of the State Administrative Procedure Act allows the Commission to incorporate by reference federal regulations. The criteria of Section 24-4-103\(12.5\) are met by including specific information and making the regulations available because repeating the full text of each of the federal regulations incorporated would be unduly cumbersome and inexpedient. To fully comply with these criteria, the Commission includes reference dates to rules and reference methods incorporated in Regulation Number 23.](#)

[The Commission also notes that other Air Quality Control Commission regulations reference the Regional Haze provisions, either as Regional Haze or Regulation Number 3 Part F. Specifically, Regional Haze requirements are referenced in Regulation Number 6, Part B, Section VIII.C.3.f.\(ii\) and the SBAP Section XXV; Regulation Number 7, Part E, Sections I.D.3.a., II.A.2.f., and III.B.4.n and the SBAP Sections L., O., Q., R., and S., and Regulation Number 9, SBAP Section N. The Commission will update regulatory references as needed as opportunities arrive.](#)

[Additional Considerations](#)

[These revisions do not exceed or differ from the federal act due to state flexibility in determining what strategies to implement to reduce impacts to visibility under the Regional Haze rule. However, where the proposal may differ from federal rules under the federal act, in accordance with Section 25-7-110.5\(5\)\(b\), C.R.S., the Commission determines:](#)

- (I) [EPA's Regional Haze requirements are performance based. The Regional Haze rule sets forth factors that the states must consider when determining Reasonable Progress \(RP\) for sources reasonably anticipated to cause or contribute to the impairment of visibility in federal Class I areas. States have the discretion to select the appropriate controls for such sources.](#)
- (II) [EPA's Regional Haze rule guides how states must determine RP for their RP-eligible sources. However, state discretion is a cornerstone of the Regional Haze rule \(70 FR 39137\). Colorado considered Colorado's issues of concern when developing these revisions.](#)
- (III) [EPA's Regional Haze rule was not determined taking into account concerns unique to Colorado. The adopted revisions will improve Colorado's ability to comply with the goals of the Regional Haze rule while preventing or reducing the need for costly retrofits potentially required in Colorado's next reasonable progress planning period.](#)

⁴ [Point sources at DIA were not subject to a full 4-factor analysis based on actual emissions below the 10 TPY threshold.](#)

⁵ [Craig cooling towers were not subject to a full 4-factor analysis based on actual emissions below the 10 TPY threshold.](#)

- (IV) EPA has established a SIP submittal due date for round 2 of July 31, 2021. During round 2, the complexity of the Regional Haze technical analysis coupled with coordination among so many states, tribes, federal land managers (FLMs), and EPA has produced delays in the release of some of the data products that are instrumental to completing the Regional Haze SIP. Final data products were just recently completed from this coordinated process.
- (V) The adopted rule will assist in establishing and maintaining a reasonable margin for accommodation of uncertainty and future growth.
- (VI) The adopted rule establishes reasonable equity for sources because the Regional Haze Rule applies the same standards for determining RP to all RP-eligible sources. RP determinations are source specific and different controls and emission limits are to be expected.
- (VII) If the revisions were not adopted and EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan (FIP); thus potentially determining requirements for Colorado's sources. This outcome could subject others to increased costs.
- (VIII) These revisions do not modify the currently approved procedural, reporting, or monitoring requirements in Colorado's Regional Haze SIP.
- (IX) Demonstrated technology is available to comply with the revisions.
- (X) The revisions will contribute to further reductions of NOx emissions and therefore contribute to the prevention of pollution.
- (XI) A no action alternative would not address the required standard as these revisions; however, alternative rules could achieve the emission reductions to be achieved through these revisions, including setting specific RP control requirements instead of closure or specifying different closure dates.

The Commission has taken into consideration each of the factors set forth in C.R.S. § 25-7-109(1)(b) when revising Regulation Number 23.

To the extent that C.R.S. § 25-7-110.8 requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that:

- (I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.
- (II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of NOx, SO2, and PM emissions.
- (III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.
- (IV) The rules are the most cost-effective to achieve the necessary reduction in air pollution and provide the regulated entity flexibility.
- (V) The selected regulatory alternative will maximize the air quality benefits of regulation in the most cost-effective manner.



COLORADO

Air Quality Control Commission

Department of Public Health & Environment

NOTICE OF RULEMAKING HEARING

Regarding proposed revisions to:

Regional Haze State Implementation Plan (SIP) & Regulation Number 23 5 CCR 1001-27

SUBJECT:

The Air Quality Control Commission will hold a rulemaking hearing to consider Regional Haze Phase 2 revisions related to the control of oxides of nitrogen (NO_x), sulfur dioxide (SO₂), and particulate matter (PM) emissions from the remaining Reasonable Progress sources identified as impacting Class 1 areas that were not addressed in the Regional Haze Phase 1 rulemaking. Finally, these revisions will include corrections to any typographical, grammatical, and formatting errors throughout the regulation.

The Commission will not consider any Alternate Proposal for the mandatory involuntary shutdown of a facility. Further, alternate proposals that would impose requirements for facilities that were not analyzed as a part of this proposal will only be considered if accompanied by a full technical analysis and revised Regional Haze State Implementation Plan, in addition to meeting the procedural requirements described in this notice and the Commission's Procedural Rules.

All required documents for this rulemaking can be found on the Commission website at: <https://www.colorado.gov/pacific/cdphe/aqcc>

PUBLIC COMMENT SESSION

DATE: November 17, 2021

TIME: 4:30 p.m. to 7:30 p.m.

PLACE: The hearing will be held online only; there will be no in-person participation. Details related to participation and registration can be found at: <https://cdphe.colorado.gov/aqcc>

NOTE: The public comment session may end early if all commenters that are registered and in attendance before 6:30 have had an opportunity to speak prior to 7:30.

PARTY TESTIMONY & DELIBERATIONS

DATE: November 18-19, 2021

TIME: To begin at or after 9:00 a.m.

PLACE: The hearing will be held online only; there will be no in-person participation. Details related to participation and registration can be found at: <https://cdphe.colorado.gov/aqcc>

NOTE: No additional public comment will be taken during this time.

IMPORTANT: As Colorado begins to re-open from COVID-19, the Commission may reestablish conducting meetings at the Colorado Department of Public Health and Environment in its entirety or structured as a hybrid meeting. Any such changes will be noticed on the Commission's website at: <https://cdphe.colorado.gov/aqcc>

The hearing may be continued at such places and time as the Commission may announce. Any such changes will be noticed on the Commission's website. Interested parties may contact the Commission Office at cdphe.aqcc-comments@state.co.us to confirm meeting details.

PUBLIC COMMENT:

The Commission encourages input from the public, either orally during the public comment session or in writing prior to the hearing. However, oral public comment will generally not be permitted by persons who offer comment on behalf of an entity that is a party. Those persons may, however, submit written public comment. Instructions for registering to provide oral public comment will be posted in the agenda on the Commission's website at <https://cdphe.colorado.gov/aqcc> on November 5, 2021.

Written comments should be submitted no later than **November 2, 2021** by emailing cdphe.aqcc-comments@state.co.us or mailing to:

Colorado Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, Colorado 80246

IMPORTANT DATES AND DEADLINES:

PROCESS DESCRIPTION	DUE DATE & TIME	NOTES
Request for Party Status	September 15, 2021 by 5:00 p.m.	Additional information below
Status Conference	September 22, 2021 at 3:00 p.m.	Virtual Meeting or as noticed on the Commission website at: https://cdphe.colorado.gov/aqcc
Alternate Proposal	October 7, 2021 by 5:00 p.m.	Additional information below
Prehearing Statement	October 7, 2021 by 5:00 p.m.	Additional information below
Prehearing Conference	October 20, 2021 at 2:00 p.m.	Virtual Meeting or as noticed on the Commission website at: https://cdphe.colorado.gov/aqcc
Rebuttal Statement	October 27, 2021 by 5:00 p.m.	Additional information below
Written Public Comments	November 2, 2021 by 5:00 p.m.	Additional information above

Submittals for this hearing should be emailed to cdphe.aqcc-comments@state.co.us unless an exception is granted pursuant to Subsection III.I.3. of the Commissions Procedural Rules.

REQUEST FOR PARTY STATUS:

A request for party status must:

- 1) identify the applicant (this could be a company and/or contact name);
- 2) provide the name, address, telephone and email address of the applicant's representative or counsel; and
- 3) briefly summarize what, if any, policy, factual, and legal issues the applicant has with the proposal(s) as of the time of filing the application.

In addition, requests for party status should indicate whether the applicant intends to file an alternate proposal and, if so, indicate which facilities or emission sources the alternate proposal may affect.

The request for party status must be electronically mailed to:

- Air Quality Control Commission staff: theresa.martin@state.co.us
- Air Quality Control Commission attorney: tom.roan@coag.gov
- Air Pollution Control Division staff: joshua.korth@state.co.us
- Air Pollution Control Division attorney: jackie.calicchio@coag.gov

Requests received beyond the stated deadline shall only be considered upon a written motion for good cause shown. The Commission reserves the right to deny party status to anyone that does not comply with the Commission's Procedural Rules.

STATUS CONFERENCE:

Attendance at the status conference is mandatory for anyone who has requested party status, though each party need only have one representative present. The status conference is intended to ascertain and discuss the issues involved, and to ensure that parties are making all necessary efforts to discuss and resolve such issues prior to the submission of prehearing statements. Parties will be confirmed and a party list will be generated and distributed. The status conference will be held virtually via video conference. A registration link will be provided by the Commission's office prior to the status conference. Note that if the Hearing Officer deems the status conference unnecessary, the status conference may be cancelled.

ALTERNATE PROPOSAL:

Alternate proposals will be considered by the Commission "only if the subject matter of the alternative proposal is consistent with and fits within the scope of the notice." 5 CCR 1001-1, Section (V)(E)(4)(b). The submittal of an alternate proposal must be accompanied by a separate electronic copy of the alternate proposed rule and statement of basis and purpose language and all other associated documents as required by the Commission's Procedural Rules, including an economic impact analysis. Alternate proposals and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission.

PREHEARING STATEMENTS:

Each party must submit a prehearing statement. Exhibits to a prehearing statement must be submitted in a separate electronic transmission. Prehearing statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. Prehearing statements must contain all the necessary elements described in subsection V.E.6.c of the Commission's Procedural Rules (5 CCR 1001-1).

PREHEARING CONFERENCE:

Attendance at the prehearing conference is mandatory for all parties to this hearing, though each party need only have one representative present. The prehearing conference will be held virtually, and registration information will be provided by the Commission's office prior to the prehearing conference.

REBUTTAL STATEMENTS:

Rebuttal statements may be submitted by the Division and any party to the hearing to respond to issues and arguments identified in prehearing statements. Rebuttal statements may not raise any issues, or be accompanied by alternate proposals, that could have been raised in the party's prehearing statement. Rebuttal statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. The filing of rebuttal statements is optional.

DELIBERATION AND FINAL ACTION:

The Commission intends to deliberate and take final action on the proposed changes to these Regulations at the conclusion of the testimony.

STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

The Colorado Air Pollution Prevention and Control Act, § 25-7-106, C.R.S. provides the Commission the maximum flexibility in establishing an air quality control program and authorizes the Commission to promulgate regulations as necessary or desirable to carry out that program. Section 25-7-105 directs the Commission to promulgate such rules and regulations as are consistent with the legislative declaration set forth in Section 25-7-102 and are necessary for the proper implementation and administration of Article 7, including a comprehensive SIP which will prevent significant deterioration of air quality. Section 25-7-109 authorizes the Commission to adopt emission control regulations pertaining to air pollutants. Section 25-7-106(6) further authorizes the Commission to require owners and operators of any air pollution source to monitor, record, and report information.

Pursuant to HB 21-1266, signed into law on July 2, 2021, the Division must enhance to create new ways to gather input from disproportionately impacted communities across the state. The Division shall conduct outreach to and engagement of these communities by (1) giving proper notice of public input opportunities; (2) utilizing a variety of locations and methods to receive public input; (3) creating outreach materials concerning the proposed rule in laypersons' terms; (4) translating the outreach materials into the top two languages spoken in that community; and (5) scheduling variable times of day and days of the week for public input on the proposed rule. The Division continues incorporating these enhanced requirements as effectively as possible.

The rulemaking hearing will be conducted in accordance with Sections 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended, the Commission's Procedural Rules, all other applicable rules and regulations, and as otherwise stated in this notice. This list of statutory authority is not intended as an exhaustive list of the Commission's statutory authority to act in this matter.

Dated this 26th day of August 2021 at Denver, Colorado

Colorado Air Quality Control Commission

A handwritten signature in black ink, appearing to read "Jeremy Neustifter". The signature is stylized with a large initial "J" and a long, horizontal flourish.

Jeremy Neustifter, Administrator

Notice of Proposed Rulemaking

Tracking number

2021-00541

Department

1000 - Department of Public Health and Environment

Agency

1011 - Health Facilities and Emergency Medical Services Division (1011, 1015 Series)

CCR number

6 CCR 1011-1 Chapter 02

Rule title

CHAPTER 2 - GENERAL LICENSURE STANDARDS

Rulemaking Hearing

Date

10/21/2021

Time

12:00 PM

Location

4300 Cherry Creek Drive South, Denver, CO 80246 or https://us02web.zoom.us/jEZZwcD8V_q-EQ93TH

Subjects and issues involved

Though the COVID-19 vaccine is widely available in the state, approximately 30% of the healthcare workforce in the facilities the Department has authority over remain unvaccinated. With the rise of the Delta variant, ensuring that all workers in licensed healthcare facilities are vaccinated is one of the most effective means the state can take to protect the public health, safety, and welfare of all Coloradans and end the ongoing pandemic. The proposed rules require all licensed healthcare facilities to ensure their employees and direct contractors are fully vaccinated against COVID-19 by October 31, 2021.

Statutory authority

Section 24-4-103(6), C.R.S., Section 25-1.5-102, C.R.S., Section 25-1.5-103, C.R.S., and Section 25-3-103, C.R.S.

Contact information

Name

Anne Strawbridge

Title

Policy and Regulation Services Manager

Telephone

720-766-7925

Email

anne.strawbridge@state.co.us

**COLORADO**Department of Public
Health & Environment

To: Members of the State Board of Health

From: D. Randy Kuykendall, Director, Health Facilities and Emergency Medical Services Division (DRK)

Date: August 30, 2021

Subject: Emergency Rulemaking Hearing concerning 6 CCR 1011-1, Chapter 2- General Licensure Standards and the COVID-19 Vaccine.

On August 17, 2021, Governor Polis sent a letter to the State Board of Health requesting that the Board immediately consider rulemaking mandating the COVID-19 vaccination for all individuals “involved in health care and support staff who regularly come into contact and share spaces with vulnerable populations including patients seeking medical care in essential medical settings and in congregate senior living facilities.” In response to this request, the Department has drafted the following proposed regulations, which meet the intent of the Governor’s request within the bounds of the Department’s statutory authority.

The Department has authority to enact and enforce regulations over all licensed healthcare facilities and agencies: Acute Treatment Units, Ambulatory Surgical Centers, Assisted Living Residences, Behavioral Health Entities, Birth Centers, Community Clinics, Community Clinics with Emergency Centers, Community Integrated Health Care Services Agencies, Community Mental Health Centers, Dialysis Treatment Clinics, Freestanding Emergency Departments, Home Care Agencies, Home Care Placement Agencies, Hospices, Hospitals (General, Rehabilitation, Psychiatric, and Hospital Units), Facilities for Individuals with Intellectual and Developmental Disabilities (Group Homes and Intermediate Care Facilities), and Nursing Homes. The Department does not have authority over individual healthcare practitioners or staff, nor does it oversee other settings where patients seek medical care including primary care offices and urgent care locations. However, the Department anticipates the proposed regulations will have an immediate, widespread, and positive impact on the health, safety, and welfare of Coloradans, as they will apply to many of the employees of the approximately 3800 licensed healthcare facilities and agencies regulated by the Department. Accordingly, the Department requests the Board adopt the following regulations requiring all licensed healthcare facilities ensure their employees and direct contractors are fully vaccinated against COVID-19 by October 31, 2021.

Findings Pursuant to Section 24-4-103(6), C.R.S.

In response to COVID-19, Governor Polis verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. Since that time there have been 7,327 deaths due to COVID-19 in Colorado, 2,625 of which occurred in licensed healthcare facilities. Although the COVID-19 vaccine is now widely available, approximately 30% of the healthcare workforce in these facilities and agencies remain unvaccinated. With the rise in the Delta variant, ensuring that all workers in licensed healthcare facilities are vaccinated is one of the most effective means the state can take to protect the public health, safety, and welfare of all Coloradans and end this ongoing pandemic. Studies show that the rate of hospitalization due to COVID-19 infection is greatest in the unvaccinated. As Colorado approaches the back-to-school and influenza seasons, it is imperative the Department takes all available measures to increase vaccination rates to keep as many Coloradans as healthy as possible in order to reduce the burden on the already overstretched healthcare system and workforce. Therefore, the Board finds that immediate adoption of these revisions is imperative to preserve the public health, safety and welfare,

and that compliance with the normal rulemaking requirements of Section 24-4-103, C.R.S. would be contrary to the public interest.

**STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY AND FINDINGS IN SUPPORT OF ADOPTION OF
EMERGENCY REVISIONS TO**

**6 CCR 1011-1, Standards for Hospitals and Health Facilities
Chapter 2 - General Licensure Standards**

Basis and Purpose.

In response to COVID-19, Governor Polis verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. Since that time there have been 7,327 deaths due to COVID-19 in Colorado, 2,625 of which occurred in licensed healthcare facilities. With the rise in the Delta variant, ensuring that all workers in licensed healthcare facilities are vaccinated is one of the most effective means the state can take to protect the public health, safety, and welfare of all Coloradans and end this ongoing pandemic. As Colorado approaches the back-to-school and influenza seasons, it is imperative that the Department takes all available measures to increase vaccination rates to keep as many Coloradans as healthy as possible to reduce the burden on the already overstretched healthcare system and workforce.

On August 23, 2021, the FDA announced that it had granted full approval to the Pfizer/BioNTech COVID-19 vaccine (now known as Comirnaty) for individuals age 16 and older. Prior to this announcement, Colorado (and many other states) had seen some businesses enact mandatory vaccination requirement for their staff. Additionally, there is a movement on the federal level to require full vaccination among healthcare workers, with an announcement that the Centers for Medicare and Medicaid Services will promulgate an emergency regulation to this effect for nursing homes. While these different measures will certainly affect some areas of the Colorado's healthcare system, enacting the proposed regulations ensures parity across facility types.

Furthermore, the Department recognizes the concern that enacting these proposed regulations may cause a decrease in the healthcare workforce, as individuals may choose to leave the field rather than obtain a vaccine. The Department is cognizant of these concerns, and continues to work to increase its staffing support and hopes to be able to fill any gaps that may result from the proposed revisions. Additionally, the Department believes enacting these regulations will have a positive impact on the workforce, by lessening the strain felt by the entire system when staff and employees become infected with COVID-19. While the Department has identified only 16 total deaths among facility staff; however, there have been 13,062 total cases among facility staff. Each time a staff member tests positive, there is an impact to that individual's coworkers in increased workload and acute staffing shortages as more staff get sick and/or have to quarantine. Increasing the overall staff vaccination rate should decrease the amount of positive cases amongst staff, in addition to patients and clients.

The Department has authority to enact and enforce regulations over all licensed healthcare facilities and agencies: Acute Treatment Units, Ambulatory Surgical Centers, Assisted Living Residences, Behavioral Health Entities, Birth Centers, Community Clinics, Community Clinics with Emergency Centers, Community Integrated Health Care Services Agencies, Community Mental Health Centers, Dialysis Treatment Clinics, Freestanding Emergency Departments, Home Care Agencies, Home Care Placement Agencies, Hospices, Hospitals (General, Rehabilitation, Psychiatric, and Hospital Units), Facilities for Individuals with Intellectual and Development Disabilities (Group Homes and Intermediate Care Facilities), and Nursing Homes. The Department does not have authority over individual healthcare practitioners or staff, nor

does it oversee other settings where patients seek medical care, including primary care offices and urgent care locations.

Although the COVID-19 vaccine is now widely available, approximately 30% of the healthcare workforce in these facilities and agencies remain unvaccinated. The Department currently collects data on vaccination rates among long-term care facilities, (Nursing Facilities, Assisted Living Residences, and Group Homes/Intermediate Care Facilities), which is a small subset of the licensed facilities regulated by the Department. In these settings, 27% of staff remain unvaccinated. However, when examining historical flu vaccination data for the same facility-types, the unvaccinated rate among staff is only 15%. One major difference is that since 2012 the Department has had regulations in place requiring facilities to implement policies and procedures requiring flu vaccinations among staff members with the potential for exposure to the flu.

While the existing flu regulation served as a baseline for these proposed regulations, there are differences. The first major difference is the expectation that facilities and agencies maintain 100% vaccination among eligible employees, direct contractors, and support staff. Based on the nature of the COVID-19 virus, especially the airborne spread, the Department anticipates the category of eligible individuals will be quite broad. However, each facility/agency will have the ability to identify individuals it has determined are safe to be exempt from this requirement in its policies and procedures, with justification for that decision. Additionally, the reporting requirements in the proposed regulations are more robust than the current flu regulation. Rather than annual reporting, the proposed regulations require twice monthly reporting, beginning October 1, 2021. This will enable the Department to maintain comprehensive and current data on the rate of vaccination among staff in licensed healthcare facilities, track trends to ensure the rates continue to increase, and identify facilities and agencies that may need technical assistance complying with the regulations. The Department anticipates it will modify the reporting requirements for the future state after conducting further stakeholder engagement.

The Department anticipates these regulations will have an immediate, widespread, and positive impact on the health, safety, and welfare of Coloradans, as they will apply to most of the employees of the approximately 3800 licensed healthcare facilities and agencies regulated by the Department. Accordingly, the Department requests the Board adopt the following regulations requiring all licensed healthcare facilities to ensure their eligible employees, direct contractors, and support staff are fully vaccinated against COVID-19.

Specific Statutory Authority.

Statutes that require or authorize rulemaking:

Section 24-4-103(6), C.R.S.

Section 25-1.5-102, C.R.S.

Section 25-1.5-103, C.R.S.

Section 25-3-103, C.R.S.

Is this rulemaking due to a change in state statute?

_____ Yes, the bill number is _____. Rules are ____ authorized ____ required.

___X___ No

Does this rulemaking include proposed rule language that incorporate materials by reference?

_____ Yes _____ URL

☒X_ No

Does this rulemaking include proposed rule language to create or modify fines or fees?

☐ Yes

☒X_ No

Does the proposed rule language create (or increase) a state mandate on local government?

☒X_ No.

- The proposed rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed;
- The proposed rule requires a local government to perform or increase a specific activity because the local government has opted to perform an activity, or;
- The proposed rule reduces or eliminates a state mandate on local government.

REGULATORY ANALYSIS FOR EMERGENCY REVISIONS TO
6 CCR 1011-1, Standards for Hospitals and Health Facilities
Chapter 2 - General Licensure Standards

1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.

Group of persons/entities Affected by the Proposed Rule	Size of the Group	Relationship to the Proposed Rule Select category: C/S/B
All licensed healthcare facilities and agencies (as listed below)	3800 total	C
Acute Treatment Units		
Ambulatory Surgical Centers		
Assisted Living Residences		
Behavioral Health Entity		
Birth Centers		
Community Mental Health Center		
Community Clinic		
Community Integrated Health Care Services Agency		
Dialysis Treatment Clinics		
Home Care Agencies		
Home Care Placement Agencies		
Hospice		
Hospitals		
Facilities for Individuals with Intellectual and Developmental Disabilities		
Nursing Homes		
Patients/clients receiving care and services from a licensed healthcare facility or agency	Over 63,000 (based on the number of licensed beds across all facility/agency types)	B
Employees and Direct contractors of licensed healthcare facilities and agencies.	Unknown	B

While all are stakeholders, groups of persons/entities connect to the rule and the problem being solved by the rule in different ways. To better understand those different relationships, please use this relationship categorization key:

- C = individuals/entities that implement or apply the rule.
- S = individuals/entities that do not implement or apply the rule but are interested in others applying the rule.
- B = the individuals that are ultimately served, including the customers of our customers. These individuals may benefit, be harmed by or be at-risk because of the standard communicated in the rule or the manner in which the rule is implemented.

More than one category may be appropriate for some stakeholders.

2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

C: The potential impact upon the healthcare facilities and agencies that will implement this requirement include: decreased number of positive COVID-19 cases, outbreaks, and deaths experienced in licensed healthcare facilities, decreased costs incurred as a result of staff and client illness, increased positive outcomes for patients and clients, decreased number of staffing shortages related to COVID-19 illness or exposure, and a decrease in the overall healthcare workforce if healthcare providers and support staff choose to leave the profession as a result of this requirement.

B: The impact upon clients, patients, and residents served in and by licensed healthcare facilities and agencies will be lessened exposure to COVID-19, decreasing their chances of experiencing illness or death as a result. The impact upon employees of licensed healthcare facilities and agencies will be that these individuals are also at a decreased risk of exposure in the workforce. However, some of these individuals may choose to leave employment in this field due to these requirements.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

- A. Anticipated CDPHE personal services, operating costs or other expenditures:

The proposed amendments are cost neutral.

Anticipated CDPHE Revenues:

The proposed amendments are revenue neutral.

- B. Anticipated personal services, operating costs or other expenditures by another state agency:

N/A

Anticipated Revenues for another state agency:

N/A

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Along with the costs and benefits discussed above, the proposed revisions:

☐ Comply with a statutory mandate to promulgate rules.

☐ Comply with federal or state statutory mandates, federal or state regulations, and department funding obligations.

☒ Maintain alignment with other states or national standards.

☐ Implement a Regulatory Efficiency Review (rule review) result

☒ Improve public and environmental health practice.

☒ Implement stakeholder feedback.

Advance the following CDPHE Strategic Plan priorities (select all that apply):

<p>Reduce Greenhouse Gas (GHG) emissions economy-wide from 125.716 million metric tons of CO₂e (carbon dioxide equivalent) per year to 119.430 million metric tons of CO₂e per year by June 30, 2020 and to 113.144 million metric tons of CO₂e by June 30, 2023.</p> <p><input type="checkbox"/> Contributes to the blueprint for pollution reduction</p> <p><input type="checkbox"/> Reduces carbon dioxide from transportation</p> <p><input type="checkbox"/> Reduces methane emissions from oil and gas industry</p> <p><input type="checkbox"/> Reduces carbon dioxide emissions from electricity sector</p>
<p>Reduce ozone from 83 parts per billion (ppb) to 80 ppb by June 30, 2020 and 75 ppb by June 30, 2023.</p> <p><input type="checkbox"/> Reduces volatile organic compounds (VOC) and oxides of nitrogen (NO_x) from the oil and gas industry.</p> <p><input type="checkbox"/> Supports local agencies and COGCC in oil and gas regulations.</p> <p><input type="checkbox"/> Reduces VOC and NO_x emissions from non-oil and gas contributors</p>
<p>Decrease the number of Colorado adults who have obesity by 2,838 by June 30, 2020 and by 12,207 by June 30, 2023.</p> <p><input type="checkbox"/> Increases the consumption of healthy food and beverages through education, policy, practice and environmental changes.</p> <p><input type="checkbox"/> Increases physical activity by promoting local and state policies to improve active transportation and access to recreation.</p> <p><input type="checkbox"/> Increases the reach of the National Diabetes Prevention Program and Diabetes Self-Management Education and Support by collaborating with the Department of Health Care Policy and Financing.</p>
<p>Decrease the number of Colorado children (age 2-4 years) who participate in the WIC Program and have obesity from 2120 to 2115 by June 30, 2020 and to 2100 by June 30, 2023.</p> <p><input type="checkbox"/> Ensures access to breastfeeding-friendly environments.</p>
<p>Reverse the downward trend and increase the percent of kindergartners protected against measles, mumps and rubella (MMR) from 87.4% to 90% (1,669 more kids) by June 30, 2020 and increase to 95% by June 30, 2023.</p> <p><input type="checkbox"/> Reverses the downward trend and increase the percent of kindergartners protected against measles, mumps and rubella (MMR) from 87.4% to 90% (1,669 more kids) by June 30, 2020 and increase to 95% by June 30, 2023.</p> <p><input type="checkbox"/> Performs targeted programming to increase immunization rates.</p> <p><input type="checkbox"/> Supports legislation and policies that promote complete immunization and exemption data in the Colorado Immunization Information System (CIIS).</p>
<p>Colorado will reduce the suicide death rate by 5% by June 30, 2020 and 15% by June 30, 2023.</p> <p><input type="checkbox"/> Creates a roadmap to address suicide in Colorado.</p> <p><input type="checkbox"/> Improves youth connections to school, positive peers and caring adults, and promotes healthy behaviors and positive school climate.</p>

<p>___ Decreases stigma associated with mental health and suicide, and increases help-seeking behaviors among working-age males, particularly within high-risk industries.</p> <p>___ Saves health care costs by reducing reliance on emergency departments and connects to responsive community-based resources.</p>
<p>The Office of Emergency Preparedness and Response (OEPR) will identify 100% of jurisdictional gaps to inform the required work of the Operational Readiness Review by June 30, 2020.</p> <p>___ Conducts a gap assessment.</p> <p>___ Updates existing plans to address identified gaps.</p> <p>___ Develops and conducts various exercises to close gaps.</p>
<p>For each identified threat, increase the competency rating from 0% to 54% for outbreak/incident investigation steps by June 30, 2020 and increase to 92% competency rating by June 30, 2023.</p> <p>___ Uses an assessment tool to measure competency for CDPHE's response to an outbreak or environmental incident.</p> <p>___ Works cross-departmentally to update and draft plans to address identified gaps noted in the assessment.</p> <p>___ Conducts exercises to measure and increase performance related to identified gaps in the outbreak or incident response plan.</p>
<p>100% of new technology applications will be virtually available to customers, anytime and anywhere, by June 20, 2020 and 90 of the existing applications by June 30, 2023.</p> <p>___ Implements the CDPHE Digital Transformation Plan.</p> <p>___ Optimizes processes prior to digitizing them.</p> <p>___ Improves data dissemination and interoperability methods and timeliness.</p>
<p>10. Reduce CDPHE's Scope 1 & 2 Greenhouse Gas emissions (GHG) from 6,561 metric tons (in FY2015) to 5,249 metric tons (20% reduction) by June 30, 2020 and 4,593 tons (30% reduction) by June 30, 2023.</p> <p>___ Reduces emissions from employee commuting</p> <p>___ Reduces emissions from CDPHE operations</p>
<p>11. Fully implement the roadmap to create and pilot using a budget equity assessment by June 30, 2020 and increase the percent of selected budgets using the equity assessment from 0% to 50% by June 30, 2023.</p> <p>___ Used a budget equity assessment</p>

___ Advance CDPHE Division-level strategic priorities.

The costs and benefits of the proposed rule will not be incurred if inaction was chosen. Costs and benefits of inaction not previously discussed include:

Inaction has neither monetary cost nor benefit; however, inaction will result in the further spread of COVID-19 across the state of Colorado. This will result in increased

burden on an already overtaxed healthcare system, including the healthcare workforce, economic burdens as individuals are unable to work due to illness or quarantine requirements, disruptions in learning for students K-12, and increased deaths across all sectors of our population.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The less costly or less intrusive methods available in this scenario are for employees, direct contractors, and support staff to voluntarily receive the COVID-19 vaccination and/or for employers to enact vaccination requirements on an individual basis. While that approach has led to a majority of the healthcare workforce receiving the COVID-19 vaccine, approximately 30% of the healthcare workforce remains unvaccinated, and large sectors of the healthcare industry that have not enacted individual vaccination mandates. As such, this regulation is the next step to ensure vulnerable Coloradans are protected from the spread of COVID-19.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

There were no alternatives to rulemaking considered except inaction. For the reasons set forth in the above, inaction will result in the further spread of COVID-19 across the state of Colorado, including in our licensed healthcare facilities.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

The Department utilized data collected from various sources by different programs across the Department. This includes information from the Outbreak team on deaths, flu data from the immunization branch, and reported vaccination rates from EMResource. Much of this data is publicly available on the Department website. Flu vaccination information is found at: <https://cdphe.colorado.gov/immunization-rates-reports-and-data>. COVID-19 data is found at: <https://covid19.colorado.gov/data>.

The Department also reviewed recent literature and studies around vaccine efficacy, including: Griffin JB, Haddix M, Danza P, et al. SARS-CoV-2 Infections and Hospitalizations Among Persons Aged ≥ 16 Years, by Vaccination Status — Los Angeles County, California, May 1–July 25, 2021. MMWR Morb Mortal Wkly Rep. ePub: 24 August 2021. DOI: <http://dx.doi.org/10.15585/mmwr.mm7034e5external icon>.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Health Facilities and Emergency Medical Services Division****STANDARDS FOR HOSPITALS AND HEALTH FACILITIES CHAPTER 2 – GENERAL LICENSURE STANDARDS****6 CCR 1011-1 Chapter 2**

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

Adopted by the Board of Health on _____.

Copies of these regulations may be obtained at cost by contacting:

Division Director
Colorado Department of Public Health and Environment
Health Facilities and Emergency Medical Services Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Main switchboard: (303) 692-2800

Pursuant to section 24-4-103(12.5), C.R.S., the Health Facilities and Emergency Medical Services Division of the Colorado Department of Public Health and Environment maintains copies of the incorporated materials for public inspection during regular business hours. The requirements in Part 3.2.3 do not include any amendments, editions, or changes published after November 1, 2019. Interested persons may obtain certified copies of any non-copyrighted material from the Department at cost upon request. Information regarding how incorporated material may be obtained or examined is available by contacting:

Division Director
Colorado Department of Public Health and Environment
Health Facilities and Emergency Medical Services Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Main switchboard: (303) 692-2800

Additionally, materials incorporated by reference have been submitted to the state publications depository and distribution center, and are available for interlibrary loans and through the state librarian.

INDEX**Part 1 – Definitions****Part 2 – Licensure Process****Part 3 – General Building and Fire Safety Provisions****Part 4 – Quality Management Program, Occurrence Reporting, Palliative Care****Part 5 – Waivers of Regulations for Facilities and Agencies****Part 6 – Access to Client Records****Part 7 – Client Rights****Part 8 – Protection of Clients from Involuntary Restraint or Seclusion****Part 9 – Medications, Medical Devices, and Medical Supplies****Part 10 – Healthcare-Associated Infection Reporting****Part 11 – Influenza Immunization of Employees and Direct Contractors****PART 12—COVID-19 IMMUNIZATION OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF**

PART 11. Influenza Immunization of Employees and Direct Contractors

11.2.3 Facilities and agencies shall ensure that ninety percent (90%) of employees and direct contractors have received the influenza vaccine during a given influenza season. In order to demonstrate that the ninety percent (90%) rate has been met, facilities and agencies shall:

(A) By May 15th of every year, report to the Department, in the form and manner specified by the Department, the vaccination rate for employees and direct contractors for the most recent influenza season.

(B) Have defined procedures to prevent the spread of influenza from unvaccinated healthcare workers.

(C) Maintain for three (3) years the following documentation that may be examined by the Department in a random audit process:

(1) Proof of immunization, as defined at Part 4.461.51 of this Chapter, or

PART 12. COVID-19 IMMUNIZATION OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF

12.1 STATUTORY AUTHORITY AND APPLICABILITY

12.1.1 THE STATUTORY AUTHORITY FOR THE PROMULGATION OF THESE RULES IS SET FORTH IN SECTION 25-1.5-102, 25-1.5-103, AND 25-3-103, C.R.S.

12.1.2 THE REQUIREMENTS OF THIS PART 12 SHALL BE OVERSEEN AND ENFORCED BY THE DEPARTMENT IN A MANNER CONSISTENT WITH PARTS 2.10 AND 2.11 OF THIS CHAPTER 2 (FOR ALL FACILITY AND AGENCY TYPES), 6 CCR 1011-1, CHAPTER 3, PART 2.1.7 (FOR BEHAVIORAL HEALTH ENTITIES), 6 CCR 1011-1, CHAPTER 7, PART 3.14 (FOR ASSISTED LIVING RESIDENCES), AND 6 CCR 1011-1, CHAPTER 26, PART 5.7 (FOR HOME CARE AGENCIES).

12.2 GENERAL PROVISIONS

12.2.1 EACH FACILITY SHALL DEVELOP AND IMPLEMENT A POLICY AND PROCEDURE TO ENSURE 100% OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF HAVE OBTAINED FULL COVID-19 VACCINATION STATUS IN ACCORDANCE WITH THE SCHEDULE BELOW.

(A) ALL EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF MUST HAVE RECEIVED THEIR FIRST DOSE OF THE COVID-19 VACCINATION NO LATER THAN SEPTEMBER 30, 2021.

(B) ALL EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF MUST HAVE RECEIVED THEIR SECOND DOSE OF THE COVID-19 VACCINATION (IF APPLICABLE) NO LATER THAN OCTOBER 31, 2021.

(C) ALL EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF MUST OBTAIN A SUBSEQUENT, OR BOOSTER, DOSE OF THE COVID-19 VACCINATION SHOULD ONE BE RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES (ACIP), IN ACCORDANCE WITH THE RECOMMENDED TIMELINES.

(D) AN EMPLOYEE, DIRECT CONTRACTOR, AND SUPPORT STAFF MEMBER WHO WAS DIAGNOSED WITH COVID-19, WHO RECEIVED MONOCLONAL ANTIBODY TREATMENT, OR CONVALESCENT PLASMA TREATMENT SHALL OBTAIN THEIR VACCINATION IN A TIMEFRAME THAT IS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CENTERS FOR DISEASE CONTROL (CDC), ACIP, AND THE INDIVIDUAL'S LICENSED INDEPENDENT PRACTITIONER.

(E) ON OR AFTER OCTOBER 31, 2021, EACH FACILITY SHALL ENSURE ALL NEWLY HIRED EMPLOYEES, DIRECT CONTRACTORS, OR SUPPORT STAFF MEMBERS HAVE OBTAINED FULL COVID-19 VACCINATION STATUS, IN ACCORDANCE WITH THIS PART 12.

12.2.2 FOR PURPOSES OF THIS PART 12, AN EMPLOYEE, DIRECT CONTRACTOR, AND SUPPORT STAFF SUBJECT TO THIS PART 12 IS DEFINED AS AN INDIVIDUAL WHO HAS THE POTENTIAL FOR EXPOSURE TO CLIENTS OF THE FACILITY OR AGENCY AND/OR TO INFECTIOUS MATERIALS, INCLUDING BODILY SUBSTANCES, CONTAMINATED MEDICAL SUPPLIES AND EQUIPMENT, CONTAMINATED ENVIRONMENTAL SURFACES, OR CONTAMINATED AIR.

(A) THESE INDIVIDUALS MAY INCLUDE, BUT ARE NOT LIMITED TO: LICENSED INDEPENDENT PRACTITIONERS; STUDENTS AND TRAINEES; INDIVIDUALS WHO DIRECTLY CONTRACT WITH THE FACILITY OR AGENCY TO PROVIDE SERVICES, WHETHER ON A PERMANENT OR TEMPORARY BASIS; VISITING NURSING STAFF; INDIVIDUALS WHO ARE AFFILIATED WITH THE FACILITY OR AGENCY, BUT DO NOT RECEIVE WAGES OR OTHER REMUNERATION FROM THE FACILITY OR AGENCY; AND PERSONS NOT DIRECTLY INVOLVED IN CLIENT CARE BUT ARE POTENTIALLY EXPOSED TO INFECTIOUS AGENTS THAT CAN BE TRANSMITTED TO AND FROM THE INDIVIDUAL PROVIDING SERVICES AND CLIENTS OF THE FACILITY OR AGENCY.

12.2.3 THE POLICY AND PROCEDURE SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING TOPICS:

(A) A LIST OF THE CATEGORIES OR POSITION DESCRIPTIONS OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF EXEMPT FROM THE REQUIREMENT AT PART 12.2.1, INCLUDING JUSTIFICATION FOR THAT DECISION.

(B) THE FACILITY'S CRITERIA FOR ACCEPTING OR REJECTING MEDICAL OR RELIGIOUS EXEMPTIONS.

(C) MEASURES TAKEN BY THE FACILITY TO PROTECT CLIENTS AND MEMBERS OF THE PUBLIC FROM EXPOSURE BY UNVACCINATED INDIVIDUALS, WHICH SHALL BE BASED ON STATE AND NATIONAL STANDARDS AND GUIDELINES. THE POLICY SHALL INCLUDE, AT A MINIMUM, HOW THE FACILITY WILL IMPLEMENT TESTING AND MASKING FOR UNVACCINATED INDIVIDUALS.

12.2.4 EACH FACILITY SHALL MAINTAIN THE FOLLOWING DOCUMENTATION THAT MAY BE EXAMINED BY THE DEPARTMENT, AT ANY TIME, FOR PURPOSES OF VERIFYING COMPLIANCE WITH THIS PART 12.

(A) PROOF OF IMMUNIZATION, AS DEFINED AT 6 CCR 1011-1, CHAPTER 2, PART 1.51, OR

(B) A MEDICAL EXEMPTION SIGNED BY A PHYSICIAN, PHYSICIAN ASSISTANT, ADVANCED PRACTICE NURSE, OR CERTIFIED NURSE MIDWIFE LICENSED IN THE STATE OF COLORADO STATING THAT THE COVID-19 VACCINATION FOR THE EMPLOYEE, DIRECT CONTRACTOR, OR SUPPORT STAFF IS MEDICALLY CONTRAINDICATED AS DESCRIBED IN THE PRODUCT LABELING APPROVED OR AUTHORIZED BY THE FDA, OR

(C) DOCUMENTATION OF A RELIGIOUS EXEMPTION, AS DEFINED BY FACILITY POLICY.

12.3 WAIVER REQUESTS

(A) A FACILITY MAY SEEK A WAIVER OF THE 100% VACCINATION REQUIREMENT AT PART 12.2.1 ON THE BASIS THAT ONE OR MORE INDIVIDUALS HAVE CLAIMED A RELIGIOUS EXEMPTION, PURSUANT TO FACILITY POLICY.

- (B) ALL WAIVER APPLICATIONS SHALL BE SUBMITTED IN ACCORDANCE WITH THE PROCESS OUTLINED AT 6 CCR 1011-1, CHAPTER 2, PART 5 – WAIVER OF REGULATIONS FOR FACILITIES AND AGENCIES.

12.4 REPORTING REQUIREMENTS

12.4.1 BEGINNING OCTOBER 1, 2021, EACH FACILITY SHALL REPORT ITS COVID-19 VACCINATION RATE TO THE DEPARTMENT ON THE 1ST AND THE 15TH DAY OF THE MONTH.

12.4.2 THIS INFORMATION SHALL BE REPORTED IN THE FORM AND MANNER SPECIFIED BY THE DEPARTMENT.

12.4.3 EACH FACILITY SHALL REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT:

- (A) THE TOTAL NUMBER OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF, WHETHER OR NOT THE INDIVIDUAL IS SUBJECT TO THE REQUIREMENTS OF THIS PART 12.
- (B) TOTAL NUMBER OF VACCINATED EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF AND THE TOTAL NUMBER OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF.
- (C) NUMBER OF MEDICAL EXEMPTIONS CLAIMED BY EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF.
- (D) NUMBER OF RELIGIOUS EXEMPTIONS CLAIMED BY EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF.
- (E) NUMBER OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF IDENTIFIED BY THE FACILITY AS EXEMPT FROM THE REQUIREMENTS OF THIS PART 12.
- (F) NUMBER OF EMPLOYEES, DIRECT CONTRACTORS, AND SUPPORT STAFF WHO HAVE LEFT EMPLOYMENT WITH THE FACILITY OR AGENCY DUE TO THE REQUIREMENTS OF THIS PART 12, SINCE THE LAST REPORTING DATE.

12.4.4 INFORMATION REPORTED TO THE DEPARTMENT UNDER THIS PART 12 SHALL BE MADE PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE.



COLORADO

Board of Health

Department of Public Health & Environment

Notice of Public Rule-Making Hearing October 21, 2021

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on October 21, 2021 at 12 p.m., either in person in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, remotely via [Zoom](#), or via both mediums, to consider the revision of 6 CCR 1011-1 Chapter 2, General Licensure Standards. The proposed rule has been developed by the Health Facilities and Emergency Medical Services Division of the Colorado Department of Public Health and Environment pursuant to Sections 24-4-103(6), 25-1.5-102, 25-1.5-103, and 25-3-103, C.R.S.

The agenda for the meeting and the proposed amendments will also be available on the Board's website, <https://cdphe.colorado.gov/board-of-health> at least seven (7) days prior to the meeting. The proposed rule, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rule may be obtained by contacting the Colorado Department of Public Health and Environment, Health Facilities and Emergency Medical Services Division, 4300 Cherry Creek Drive S., Denver, CO 80246, 303-692-2836.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments. Written testimony is encouraged; oral testimony will be received only to the extent the Board finds it necessary. For those that are permitted to provide oral testimony, the time may be limited to 3 minutes or less. Testimony is limited to the scope of the rulemaking hearing. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than five (5) calendar days prior to the rulemaking hearing. Written testimony must be received by 5:00 p.m., Friday, October 15, 2021. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Board of Health Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: cdphe.bohrequests@state.co.us

Dated this 31st day of August, 2021.

Alexandra S. Haas
Alexandra Haas
Board of Health Administrator

Notice of Proposed Rulemaking

Tracking number

2021-00530

Department

1000 - Department of Public Health and Environment

Agency

1015 - Prevention Services Division (1009, 1015, 1016 Series)

CCR number

6 CCR 1016-2

Rule title

PREVENTION, INTERVENTION, AND TREATMENT PROGRAMS FOR CHILDREN AND YOUTH

Rulemaking Hearing**Date**

10/21/2021

Time

12:00 PM

Location

4300 Cherry Creek Drive South, Denver, CO 80246 or https://us02web.zoom.us/jEZZwcD8V_q-EQ93TH

Subjects and issues involved

The Department is proposing to repeal 6 CCR 1016-2 pertaining to the Prevention, Intervention, and Treatment Services Act, as House Bill 20-1038 repealed parts of the act, including the requirements to develop and update a statewide plan for children and youth. The Department no longer has statutory authority to perform these duties and the rules are no longer authorized.

Statutory authority

House Bill 20-1038.

Contact information**Name**

Alicia Haywood

Title

Director of Legislative Services

Telephone

303-692-2039

Email

alicia.haywood@state.co.us

**COLORADO**Department of Public
Health & Environment

To: Members of the State Board of Health

From: Alicia Haywood, Legislative Services Director, Prevention Services Division

Through: Carrie Cortiglio, Director, Prevention Services Division *CC* 7/27/2021

Date: August 18, 2019

Subject: Request for a Rulemaking Hearing Concerning 6 CCR 1016-2 Prevention, Intervention, and Treatment Programs for Children and Youth

The Prevention Services Division (PSD) in the Colorado Department of Public Health and Environment is proposing to repeal rules pertaining to the Prevention, Intervention, and Treatment Services Act. HB 20-1058 repealed portions of the Act, including the requirement to develop and update a statewide plan for children and youth. The Department no longer has statutory authority to perform these duties, and the rules are no longer authorized. Therefore, PSD is requesting to repeal 6 CCR 1016-2.

STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY

For Repeal of
6 CCR 1016-2

Prevention, Intervention, and Treatment Programs for Children and Youth

Basis and Purpose.

The Prevention, Intervention, and Treatment Services Act (§ 25-20.5-101 through 110 C.R.S.) was signed into law in 2000. The Act defined a “prevention, intervention, and treatment program;” defined “prevention, intervention, and treatment services;” created the Prevention Services Division in the Colorado Department of Public Health and Environment (CDPHE); set the functions of the division; required the development and updates to a state plan for delivery of prevention, intervention, and treatment services to children and youth throughout the state; and directed the State Board of Health to promulgate rules necessary for the development and updates to the state plan.

The Board of Health promulgated 6 CCR 1016-2 related to the state plan for prevention, intervention, and treatment programs for children and youth. The goal of the plan was to ensure collaboration among youth programs operated by the division and to ensure collaboration among programs that result in a continuum of services available to youth throughout the state.

In 2013, the legislature passed HB 13-1117, transferring various children and youth development programs from CDPHE, Prevention Services Division to the Colorado Department of Human Services (CDHS). The programs included:

- Nurse Home Visitation Program;
- Tony Grampsas Youth Services Program;
- Colorado Student Dropout Prevention and Intervention Program;
- Colorado Before-and-After School Project;
- Colorado Children's Trust Fund and its board;
- Family Resource Center Program

Also in 2013, the legislature passed HB 13-1239. It tasked CDHS with creating and updating a Statewide Youth Development Plan in partnership with stakeholders and the Tony Grampsas Youth Services board. The plan is a guide for understanding the gaps in programs and services for youth and the recommended strategies for addressing these gaps. Essentially, with the passage of HB 13-1239, the requirement for the creation of a statewide youth plan formerly under the purview of CDPHE, was now under the purview of CDHS.

In 2020, the Colorado Statutory Revision Committee sponsored a bill to repeal portions of the Prevention, Intervention, and Treatment Services Act citing the youth service functions were moved to CDHS from CDPHE in 2013. HB 20-1038, signed into law, March 20, 2020, repealed the requirement for CDPHE to create a statewide youth plan. Therefore, the Department no longer has statutory authority to perform these duties, and the Board of Health is no longer authorized to promulgate these rules.

Is this rulemaking due to a change in state statute?

☒ Yes, this request relates to the rules corresponding to the statute repealed via HB20-1038.

Does this rulemaking include proposed rule language that incorporate materials by reference?

☐ Yes ☐ URL
☒ No

Does this rulemaking include proposed rule language to create or modify fines or fees?

☐ Yes
☒ No

Does the proposed rule language create (or increase) a state mandate on local government?

☒ No.

- The proposed rule does not require a local government to perform or increase a specific activity for which the local government will not be reimbursed.

REGULATORY ANALYSIS
For Repeal of
6 CCR 1016-2
Prevention, Intervention, and Treatment Programs for Children and Youth

1. A description of the classes of persons affected by the proposed rule, including the classes that will bear the costs and the classes that will benefit from the proposed rule.

The repeal of the rule does not negatively impact any classes; those that benefit from repealing an obsolete rule include:

B: Staff in the Colorado Department of Public Health and Environment.

B: Constituents.

C = individuals/entities that implement or apply the rule.

CLG = local governments that must implement the rule in order to remain in compliance with the law.

S = individuals/entities that do not implement or apply the rule but are interested in others applying the rule.

B = the individuals that are ultimately served, including the customers of our customers. These individuals may benefit, be harmed or be at-risk because of the rule, the "C" or "CLG" category individuals/entities that implement or apply the rule, or "S" category individuals/entities that are interested in the rule or its implementation.

2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

C: There is no economic impact as a result of repealing this rule. The department has been unable to complete the plan since 2013, as a result of no longer having statutory authority over the children and youth programs transferred to CDHS. Staff from the Prevention Services Division participate with a broad array of stakeholders to update the Colorado Statewide Youth Development Plan as required by § 26-1-111.3 C.R.S.

B: CDPHE will benefit as there will no longer be misalignment in statute and rule.

B: Constituents will not receive inaccurate and outdated information about government programs or requirements.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

- A. Anticipated CDPHE personal services, operating costs or other expenditures:

There is no economic impact as a result of repealing this rule. The department has been unable to complete the plan since 2013, as a result of no longer having statutory authority over the children and youth programs transferred to CDHS. Staff from the

Prevention Services Division participate with a broad array of stakeholders to update the Colorado Statewide Youth Development Plan as required by § 26-1-111.3 C.R.S.

- B. Anticipated personal services, operating costs or other expenditures by another state agency:

Anticipated Revenues for another state agency:

N/A

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Along with the costs and benefits discussed above, the proposed revisions:

☒ Comply with a statutory mandate to promulgate [repeal] rules.

Advance the following CDPHE Strategic Plan priorities (select all that apply):

<p>1. Reduce Greenhouse Gas (GHG) emissions economy-wide from 125.716 million metric tons of CO₂e (carbon dioxide equivalent) per year to 119.430 million metric tons of CO₂e per year by June 30, 2020 and to 113.144 million metric tons of CO₂e by June 30, 2023.</p> <p><input type="checkbox"/> Contributes to the blueprint for pollution reduction</p> <p><input type="checkbox"/> Reduces carbon dioxide from transportation</p> <p><input type="checkbox"/> Reduces methane emissions from oil and gas industry</p> <p><input type="checkbox"/> Reduces carbon dioxide emissions from electricity sector</p>
<p>2. Reduce ozone from 83 parts per billion (ppb) to 80 ppb by June 30, 2020 and 75 ppb by June 30, 2023.</p> <p><input type="checkbox"/> Reduces volatile organic compounds (VOC) and oxides of nitrogen (NO_x) from the oil and gas industry.</p> <p><input type="checkbox"/> Supports local agencies and COGCC in oil and gas regulations.</p> <p><input type="checkbox"/> Reduces VOC and NO_x emissions from non-oil and gas contributors</p>
<p>3. Decrease the number of Colorado adults who have obesity by 2,838 by June 30, 2020 and by 12,207 by June 30, 2023.</p> <p><input type="checkbox"/> Increases the consumption of healthy food and beverages through education, policy, practice and environmental changes.</p> <p><input type="checkbox"/> Increases physical activity by promoting local and state policies to improve active transportation and access to recreation.</p> <p><input type="checkbox"/> Increases the reach of the National Diabetes Prevention Program and Diabetes Self-Management Education and Support by collaborating with the Department of Health Care Policy and Financing.</p>
<p>4. Decrease the number of Colorado children (age 2-4 years) who participate in the WIC Program and have obesity from 2120 to 2115 by June 30, 2020 and to 2100 by June 30, 2023.</p>

<p>___ Ensures access to breastfeeding-friendly environments.</p>
<p>5. Reverse the downward trend and increase the percent of kindergartners protected against measles, mumps and rubella (MMR) from 87.4% to 90% (1,669 more kids) by June 30, 2020 and increase to 95% by June 30, 2023.</p> <p>___ Reverses the downward trend and increase the percent of kindergartners protected against measles, mumps and rubella (MMR) from 87.4% to 90% (1,669 more kids) by June 30, 2020 and increase to 95% by June 30, 2023.</p> <p>___ Performs targeted programming to increase immunization rates.</p> <p>___ Supports legislation and policies that promote complete immunization and exemption data in the Colorado Immunization Information System (CIIS).</p>
<p>6. Colorado will reduce the suicide death rate by 5% by June 30, 2020 and 15% by June 30, 2023.</p> <p>___ Creates a roadmap to address suicide in Colorado.</p> <p>___ Improves youth connections to school, positive peers and caring adults, and promotes healthy behaviors and positive school climate.</p> <p>___ Decreases stigma associated with mental health and suicide, and increases help-seeking behaviors among working-age males, particularly within high-risk industries.</p> <p>___ Saves health care costs by reducing reliance on emergency departments and connects to responsive community-based resources.</p>
<p>7. The Office of Emergency Preparedness and Response (OEPR) will identify 100% of jurisdictional gaps to inform the required work of the Operational Readiness Review by June 30, 2020.</p> <p>___ Conducts a gap assessment.</p> <p>___ Updates existing plans to address identified gaps.</p> <p>___ Develops and conducts various exercises to close gaps.</p>
<p>8. For each identified threat, increase the competency rating from 0% to 54% for outbreak/incident investigation steps by June 30, 2020 and increase to 92% competency rating by June 30, 2023.</p> <p>___ Uses an assessment tool to measure competency for CDPHE's response to an outbreak or environmental incident.</p> <p>___ Works cross-departmentally to update and draft plans to address identified gaps noted in the assessment.</p> <p>___ Conducts exercises to measure and increase performance related to identified gaps in the outbreak or incident response plan.</p>
<p>9. 100% of new technology applications will be virtually available to customers, anytime and anywhere, by June 20, 2020 and 90 of the existing applications by June 30, 2023.</p> <p>___ Implements the CDPHE Digital Transformation Plan.</p> <p>___ Optimizes processes prior to digitizing them.</p>

___ Improves data dissemination and interoperability methods and timeliness.
<p>10. Reduce CDPHE's Scope 1 & 2 Greenhouse Gas emissions (GHG) from 6,561 metric tons (in FY2015) to 5,249 metric tons (20% reduction) by June 30, 2020 and 4,593 tons (30% reduction) by June 30, 2023.</p> <p>___ Reduces emissions from employee commuting</p> <p>___ Reduces emissions from CDPHE operations</p>
<p>11. Fully implement the roadmap to create and pilot using a budget equity assessment by June 30, 2020 and increase the percent of selected budgets using the equity assessment from 0% to 50% by June 30, 2023.</p> <p>___ Used a budget equity assessment</p>

___ Advance CDPHE Division-level strategic priorities.

The costs and benefits of the proposed rule will not be incurred if inaction was chosen. Costs and benefits of inaction not previously discussed include:

Inaction is not an option as the rules are no longer authorized under Colorado law.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no other less costly or less intrusive methods to repeal the rules. The rules are no longer authorized by state statute.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

There are no other alternative methods for achieving the purpose of this rulemaking.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

HB 20-1038 serves as the basis for the request to repeal these rules.

STAKEHOLDER ENGAGEMENT

For Repeal of
6 CCR 1016-2

Prevention, Intervention, and Treatment Programs for Children and Youth

The Department developed the proposed repeal.

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health and had the opportunity to provide feedback:

- Colorado Department of Human Services

Stakeholder Group Notification

The stakeholder group was provided notice of the rulemaking hearing and provided a copy of the proposed rules or the internet location where the rules may be viewed. Notice was provided prior to the date the notice of rulemaking was published in the Colorado Register (typically, the 10th of the month following the Request for Rulemaking).

☒ Not applicable. This is a Request for Rulemaking Packet. Notification will occur if the Board of Health sets this matter for rulemaking.

☐ Yes.

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

To date, no major factual and policy issues have been encountered.

Please identify the determinants of health or other health equity and environmental justice considerations, values or outcomes related to this rulemaking.

Overall, after considering the benefits, risks and costs, the proposed rule:

Select all that apply.

	Improves behavioral health and mental health; or, reduces substance abuse or suicide risk.	Reduces or eliminates health care costs, improves access to health care or the system of care; stabilizes individual participation; or, improves the quality of care for unserved or underserved populations.
	Improves housing, land use, neighborhoods, local infrastructure, community services, built environment, safe physical spaces or transportation.	Reduces occupational hazards; improves an individual's ability to secure or maintain employment; or, increases stability in an employer's workforce.
	Improves access to food and healthy food options.	Reduces exposure to toxins, pollutants, contaminants or hazardous substances; or ensures the safe application of radioactive material or chemicals.
	Improves access to public and environmental health information; improves the readability of the rule; or, increases the shared understanding of roles and responsibilities, or what occurs under a rule.	Supports community partnerships; community planning efforts; community needs for data to inform decisions; community needs to evaluate the effectiveness of its efforts and outcomes.
	Increases a child's ability to participate in early education and educational opportunities through prevention efforts that increase protective factors and decrease risk factors, or stabilizes individual participation in the opportunity.	Considers the value of different lived experiences and the increased opportunity to be effective when services are culturally responsive.
	Monitors, diagnoses and investigates health problems, and health or environmental hazards in the community.	Ensures a competent public and environmental health workforce or health care workforce.
X	Other: Ensure rules are current so constituents do not receive inaccurate and outdated information about government programs.	Other: _____ _____

~~DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT~~

~~Prevention Services Division~~

~~PREVENTION, INTERVENTION, AND TREATMENT PROGRAMS FOR CHILDREN AND YOUTH~~

~~6 CCR 1016-2~~

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

~~PART 1. GENERAL PROVISIONS~~

~~1.1 Statutory Authority.~~

~~These regulations are promulgated pursuant to section 25-20.5-101, et. seq., C.R.S.~~

~~1.2 Definitions.~~

~~(1) "Department" means the Colorado Department of Public Health and Environment.~~

~~(2) "Division" means the Division of Prevention and Intervention Services for Children and Youth.~~

~~(3) "Executive Director" means the executive director of the Colorado Department of Public Health and Environment.~~

~~(4) "Prevention, intervention, and treatment program" means a program that provides prevention, intervention, or treatment services. Prevention, intervention, and treatment programs shall include those within the Division, and within the Department and in other state departments, as identified by the Division, using the criteria in Section 2.2 below.~~

~~(5) "Prevention, intervention, and treatment services" means services designed to promote the well-being of children and youth and their families by decreasing high-risk behaviors, strengthening healthy behaviors, and promoting family stability.~~

~~(a) "Prevention services" means proactive, interdisciplinary efforts to empower individuals to choose and maintain healthy life behaviors and lifestyles, thus fostering an environment that encourages law-abiding and non-troubled behavior.~~

~~(b) "Intervention services" means proactive efforts to intervene at early signs of problems to stop disease, reduce crises and to change problem behaviors.~~

~~(c) "Treatment services" are individualized care services to treat and rehabilitate individuals and/or groups in crisis situations and to aid in changing problem behaviors.~~

~~(6) "State Plan" means the state plan for the delivery of prevention, intervention, and treatment services to children and youth throughout the state.~~

~~(7) "Tony Grampsas Youth Services (TGYS) Board" means the board created pursuant to section 25-20.5-201, C.R.S.~~

~~1.3 Desired Program Outcomes.~~

~~Prevention, intervention, and treatment programs are designed to address one or more of the following desired outcomes:~~

~~(1) All infants and children thrive;~~

~~(2) All children are ready for school;~~

~~(3) All children and youth succeed in school;~~

~~(4) All youth choose healthy behaviors;~~

~~(5) All youth avoid trouble/illegal behavior;~~

~~(6) All children live in caring and supportive families; and~~

~~(7) All children and youth live in safe and supporting communities.~~

~~PART 2. DEPARTMENT AND DIVISION RESPONSIBILITIES~~

~~2.1 Applicability.~~

~~This Part 2 applies to the Department and Division.~~

~~2.2 Criteria for Determining Whether a Program Constitutes a Prevention, Intervention, and Treatment Program for Children and Youth.~~

~~(1) The criteria listed in paragraphs (a) through (d) of this subsection shall be used to determine whether a program qualifies as a "prevention, intervention, and treatment program" for the purposes of section 25-20.5-106 (2)(e) C.R.S. The program:~~

~~(a) Is operated by or funded through a state agency;~~

~~(b) Provides one or more of the services listed under 1.2 (5);~~

~~(c) Is designed to address one or more of the outcomes listed under 1.3; and~~

~~(d) Is not a juvenile program operated by the Division of Youth Corrections in the Department of Human Services, a program operated for juveniles in connection with the state judicial system, or a program pertaining to out-of-home placement of children pursuant to title 19, C.R.S.~~

~~(2) In addition, the Division may review any pertinent information submitted by the program under review.~~

~~PART 3. STATE PLAN~~

~~3.1 Applicability.~~

~~This part 3 applies to the Department, the Division, and any other person that reviews the state plan.~~

~~3.2 Review of state plan.~~

~~(1) The Division shall review the state plan biennially. The Division shall complete the review by no later than March 31st biennially beginning in the year 2003.~~

~~(2) The Division review shall include, but not be limited to:~~

- ~~(a) Holding at least two public meetings to receive input from members of the public and from state agencies and entities operating preventing, intervention, and treatment programs; and~~
- ~~(b) Ensuring the state plan provides the most efficient and effective delivery of prevention, intervention, and treatment services throughout the state, and meets the following minimum requirements:~~
- ~~i. Target and prioritize community prevention, intervention, and treatment service needs throughout the state;~~
 - ~~ii. Specify the standards for measurable outcomes anticipated to be achieved by prevention, intervention and treatment programs that receive state and federal funds and the outcomes to be achieved through the coordination of said prevention, intervention, and treatment programs;~~
 - ~~iii. Identify all state and community-based prevention, intervention, and treatment programs that are receiving state and federal funds during the fiscal years for which the plan is submitted and the schedule for review of said prevention, intervention, and treatment programs; and~~
 - ~~iv. Identify the methods by which the Division shall encourage collaboration at the local level among public and private entities, including but not limited to private for-profit and nonprofit providers and faith-based service providers, in providing prevention, intervention, and treatment services.~~

3.3 Submittal Of State Plan

- ~~(1) If the Division revises the state plan during a biennial review, the Division shall submit the revised state plan to the governor, the Tony Grampsas Youth Services Board, and the executive director of the Department for approval no later than June 30th after the review was complete.~~
- ~~(2) The Division shall provide a copy of any approved revised state plan to the board of health, general assembly, and each state department that operates a prevention, intervention, and treatment program, within thirty (30) days of approval of the revised state plan by the governor, the Tony Grampsas Youth Services Board, and the executive director of the Department.~~
- ~~(3) The Division shall place the approved revised state plan on the internet within 30 days of approval of the revised plan by the governor, the Tony Grampsas Youth Services Board, and the executive director of the Department.~~
- ~~(4) The Division shall provide copies of the approved state plan and approved revised state plans to any person upon request.~~

PART 4. PREVENTION, INTERVENTION, AND TREATMENT PROGRAM REPORTS

4.1 Applicability.

~~This part 4 applies to each state agency that operates or uses state or federal funds to operate a prevention, intervention, and treatment program.~~

~~4.2 Each state agency that operates a prevention, intervention, and treatment program shall annually submit a report to the Division within thirty (30) days of either: the beginning of the contract period for which the program receives money or the beginning of the fiscal year for which the state agency receives funding. The report shall include the following information for each prevention, intervention, and treatment program operated by the state agency:~~

- ~~(1) The name of the agency, the name of the program, the name of the unit where the program is housed, contact information for the person managing the program;~~
- ~~(2) The statutory authority, funding source, beginning and ending dates of funding, and the amount of funding for the program;~~
- ~~(3) The general parameters and a written description of the program not to exceed 250 words; and~~
- ~~(4) Specific information regarding the program, including, but not limited to:~~
 - ~~(a) The overall goal or purpose of the program,~~
 - ~~(b) Primary problem area(s) to be addressed,~~
 - ~~(c) The population to be served by the program,~~
 - ~~(d) The geographic area(s) to be served by the program,~~
 - ~~(e) The prevention, intervention and treatment services to be provided by the program, and~~
 - ~~(f) The specific, measurable outcomes to be achieved by the program.~~

~~4.3 Each state agency using state or federal monies to fund local prevention, intervention, and treatment programs or statewide prevention, intervention and treatment initiatives shall annually submit to the Division a description of each prevention, intervention, and treatment program funded, which includes, but is not limited to:~~

- ~~(1) The name of the agency and the name of the program funded, address, contact information and type of entity for each program receiving funds;~~
- ~~(2) The amount awarded and beginning and end date of each award, and prior year funding;~~
- ~~(3) A written abstract or summary of the program or project not to exceed 100 words; and~~
- ~~(4) Specific information regarding the program, including:~~
 - ~~(a) The overall goals or purpose of the program,~~
 - ~~(b) Primary problem area(s) to be addressed,~~
 - ~~(c) The population to be served by the program,~~
 - ~~(d) The geographic areas(s) to be served including a list of counties receiving services,~~
 - ~~(e) The prevention, intervention, and treatment services to be provided, and~~

(f) ~~The specific, measurable outcomes to be achieved by the program. The above information shall be submitted to the Division within 30 days of notice of grant award to the agency receiving funding.~~

~~4.4 At the close of the fiscal year for each of the programs referenced in paragraph 43 above, each state agency funding these programs shall, on behalf of these programs, submit evidence of the prevention, intervention, and treatment program's progress in meeting its stated outcomes and goals during the preceding fiscal year and in previous fiscal years, depending on how long the prevention, intervention, and treatment program has been in operation, including, but not limited to:~~

~~(1) Sources from which the program received funding and amount received from each source;~~

~~(2) Number of statewide initiatives and local programs funded;~~

~~(3) A description of the population served by the program; and the total number of people receiving services during the previous year;~~

~~(4) The services provided by the program during the previous year;~~

~~(5) The program's progress in meeting stated goals and outcomes for the previous year; and~~

~~(6) A list of any entity (ies) collaborating in the delivery of prevention, intervention, and treatment services through the program.~~

~~The above information shall be submitted to the Division within ninety (90) days of the close of the fiscal year for the program, in a format to be established by the Division. The state agency shall combine like-kind programs into a single program report based upon guidance developed by the Division.~~

~~Part 5. Uniform, Minimum Standards~~

~~5.1 Applicability.~~

~~This part 5 applies to state and federally funded prevention, intervention, and treatment programs for children and youth.~~

~~5.2 Each prevention, intervention, and treatment program that receives state or federal funds shall meet the following uniform, minimum standards:~~

~~(1) Clear statement of problem/issue to be addressed. The program/project shall identify the specific problem/issue(s) to be addressed, and describe a population or geographic area where the problem/issue exists. Estimates of the extent and nature of the problem in the population or geographic area to be served shall be based on relevant existing local, regional, state or national data (e.g. data from health, human services, education, law enforcement agencies, relevant studies, or program data).~~

~~(2) Focus on contributing factors. The program/project shall address risk factors known to contribute to the problem and/or protective factors known to prevent or reduce the problem; and shall focus its resources on changing these risk and protective factors. If specific risk and protective factors for the problem have not been identified in the literature, the program/project shall provide a clear rationale for the program focus, based on relevant prevention/intervention or child/youth development principles, theories or frameworks.~~

~~(3) Intended outcomes specified. The program/project shall specify one or more outcomes it intends to achieve as a result of the prevention and intervention program/services to be provided. These intended outcomes shall be related to changing the factors contributing to the problem or factors contributing to prevention or reduction of the problem. The intended outcomes shall specify the changes in knowledge, attitudes/beliefs, skills, behaviors, obstacles/enabling factors in the physical or social environment and/or changes in the physical and emotional health status, educational achievement or well-being of the individual, group or community being served.~~

~~(4) Evidence-based programs/services. The program/project shall provide prevention and intervention services that have been previously implemented in one or more communities with demonstrated success in achieving the intended results; or that otherwise demonstrate a reasonable potential for success based on research, sound prevention/intervention principles and/or relevant theory.~~

~~(5) Services and target population specified. The program/project shall specify the amount and type of services to be provided, and the proposed number of individuals, groups or the target population that will receive or benefit from the various program activities/services provided.~~

~~(6) Evaluation. (a) the program/project shall systematically document and be able to provide data regarding services provided/activities carried out, and the number of individuals, groups and/or target population(s) receiving the services or benefiting from program activities; and (b) the program/project shall systematically document changes occurring as a result of the program services and activities provided; and shall provide evidence of progress in meeting one or more of its outcomes.~~

~~(7) Agency capacity. (a) staff carrying out the program/project shall be trained in the specific program, services or model that they will be implementing; or they shall have at least two years prior experience in the successful implementation of similar prevention or intervention programs, practices and/or policies; and (b) the agency shall maintain records of revenues and expenditures by funding source, and shall be able to produce verification of expenses upon request. The agency shall assure that an independent review of the fiscal records/practices is conducted periodically, but no less frequently than annually.~~

~~(8) Collaboration. The program/project shall regularly exchange information with other public, private and non-profit prevention, intervention and treatment programs at the state, regional or local level (e.g. faith-based organizations, health, education, human service, law enforcement agencies or other units of government) for the purposes of resource sharing, coordination of efforts, case management and to avoid duplication of services.~~

Part 6. Uniform Standards and Procedures for Reviewing State and Local Prevention, Intervention and Treatment Programs

6.1 Applicability.

~~This part 6 applies to all prevention and intervention programs for children and youth within the state that are operated or funded by a state agency using either state or federal funding.~~

6.2 The following standards and procedures shall be used in reviewing state and local prevention, intervention, and treatment programs that receive state or federal funds:

~~(1) Identification of programs to be reviewed. The Division shall use the criteria/definitions established by the State Board of Health in part 1.2.4 and 1.2.5 in determining which programs are subject to review. The Division shall notify the state agency funding and/or operating the program and advise them that they are subject to review. The review will focus on state level programs and practices. Entities receiving funds from the above mentioned state level programs will be reviewed as part of the overall state level program review.~~

~~(2) Exceptions to review requirement. The division may determine that programs are exempt from review based on the following criteria:~~

~~(a) The program is currently required to carry out a review similar in nature to the one required by 25-20.5-108 C.R.S. If a program is currently required to carry out a review similar in nature to the review required by 25-20.5-108 C.R.S. and this review addresses the elements and criteria specified under this rule, the Division may accept that review in lieu of conducting its own review; and may forward a summary of that review to the parties designated in subsection (9) below;~~

~~(b) The program is the result of one-time funding, with no expectation of additional state or federal funding in the near future;~~

~~(c) The program is clinical in nature and is governed by clinical practice standards, professional certification and/or licensing standards; or~~

~~(d) The program is specifically excluded in 25-20.5-109 C.R.S.~~

~~(3) Timelines for review. The Division shall, at least every four years, review or cause to be reviewed each prevention, intervention, and treatment program operated within this state. All programs subject to review, shall undergo an initial review by June 30, 2004. In subsequent years, the Division in conjunction with the affected agencies and programs, shall establish a schedule for review. Programs must have completed at least one year of operation prior to review. Timing of the review shall, to the extent possible, be scheduled to coincide with existing program cycles.~~

~~(4) Review criteria. State programs shall be reviewed to determine the extent to which they:~~

~~(a) Meet their intended goals and outcomes;~~

~~(b) Comply with the applicable rules adopted by the State Board of Health;~~

~~(c) Comply with all requirements of the agency overseeing the operation of the prevention, intervention or treatment program;~~

~~(d) Meet the uniform minimum standards for state and federally funded prevention and intervention programs for children and youth specified in part 5.2;~~

~~(e) Support and require their grantees/contractors to comply with the uniform, minimum standards for state and federally funded prevention and intervention programs in part 5.2;~~

~~(5) Documentation. Each program to be reviewed shall provide the Division, or its contractor, with the following documents, upon request:~~

~~(a) A copy of the grant or proposal submitted to the state or federal funding source that outlines the overall goals and intended outcomes of the program;~~

~~(b) A copy of the request for proposal, or similar document, used to solicit proposals for services to be provided by local, state or regional prevention and intervention service providers;~~

~~(c) A copy of the criteria used in making decisions regarding which programs and services to fund;~~

~~(d) A sample, as requested by the Division or contractor, of successful proposals and/or contracts with successful applicants;~~

~~(e) A sample of quarterly, biannual or annual reports submitted by grantees which includes information on the implementation of the project/services provided and an evaluation of the extent to which the program reached its intended goals and outcomes;~~

~~(f) A copy of an annual report, or similar document, provided to the original state or federal funding source which includes information on program implementation/ services provided and an evaluation of the extent to which the program reached its intended goals and outcomes;~~

~~(g) A statement that certifies that the program is complying with all requirements of the agency overseeing the operation of the program;~~

~~(h) Additional information may be requested or considered, as necessary. The information provided in the above documents will be reviewed and summarized by the Division or its contractor, and an executive summary of each program review will be drafted.~~

~~(6) Involvement of program staff. During the process of the program review, the Division or its contractor shall communicate with the program staff to gather information, review findings, and assure accuracy prior to development of the final program review summary. The Division will retain overall responsibility for the final review summary of programs.~~

~~(7) Unsatisfactory ratings. If the division determines that a state-operated prevention, intervention, and treatment program is not meeting or making adequate progress toward meeting the outcomes specified for the program, or is otherwise failing to comply with statutory or regulatory requirements, the Division shall notify the program of its findings in writing. Within 30 days of notification, the program will submit to the Division an improvement plan to correct deficiencies. At 90-day intervals from the time the plan is filed, the program will submit progress reports to the division on the manner in which they are implementing the improvement plan. If, after six months, the program is not making satisfactory progress in addressing program deficiencies, the division shall recommend to the Governor or to the general assembly, whichever is appropriate, that the prevention, intervention, and treatment program cease receiving state or federal funding.~~

~~If the Division determines that a community-based prevention, intervention and treatment program is not meeting or making adequate progress toward meeting the outcomes specified for the program, or is otherwise failing to comply with statutory or regulatory requirements, the Division, shall revoke the grant issued to the program, if it was issued by the Division, or recommend revocation to the state agency that issued the grant.~~

~~A community-based prevention, intervention and treatment program for which the grant is revoked may appeal as provided in the "State Administrative Procedure Act", Article 4 of Title 24, C.R.S.~~

~~(8) Contract for review. The Division may contract with one or more public or private entities to conduct the reviews of prevention and intervention programs and assist in preparing the annual executive report as required in this section.~~

~~(9) Report dissemination. The Division shall annually prepare or oversee the preparation of an executive summary of the prevention, intervention, and treatment program reviews conducted during the preceding year, and submit such summary to the Governor, to the General Assembly, to each state department that operates a prevention, intervention, and treatment program, and upon request, to each entity that receive state or federal funds for operation of a prevention, intervention, and treatment program during the fiscal year for which the summary is prepared. In addition, the Division shall provide copies of the executive summary to any person upon request.~~

6.3 Cost allocation formula.

The Division shall receive a percentage, as determined by rule, of the operating cost of each state prevention, intervention, and treatment program reviewed to offset the costs incurred by the Division in performing such reviews 25-20.5-108 (4), except as set forth in section 6.3(1)(a)(b)(c).

(1) Program review options. Because of the different funding mechanisms across state agencies, the varying level of work required to complete a program review, the need for flexibility, and the desire to make the best use of existing resources, the Division may offer options to programs to offset the cost of review, including:

(a) The program may demonstrate, using procedures and format determined by the Division, that it has completed a review which is similar in nature to the one required by 25-20.5-108 C.R.S. and, will supply documentation of the results of that review to the Division, in a format to be determined by the Division;

(b) The program may assign staff with expertise in program evaluation/review to prepare the necessary documentation, using procedures and format determined by the Division, to assess the extent to which the program meets the uniform, minimum standards and demonstrates progress in meeting its intended goals and outcomes, thereby substantially reducing outside costs;

(c) The program may directly contract with an evaluator, approved by the Division, who will complete the review, using criteria, procedures and format outlined by the Division; or

(d) The program may forward an amount to the Division, based on hourly rate and the total amount of time required to conduct the review as calculated by the Division.

(2) Cost allocation. The plan for review of the program will include an assessment of the cost, if any, to the Division of conducting the review and the manner by which those costs will be covered by the Division and/or by the program being reviewed. If state general fund or other funding is not available to the Division to carry out or contract for the program review, all costs associated with the review will be allocated to programs reviewed based on the amount of Division staff and/or contractor time required to complete the review.

Editor's Notes

History



COLORADO

Board of Health

Department of Public Health & Environment

Notice of Public Rule-Making Hearing October 21, 2021

NOTICE is hereby given pursuant to the provisions of Section 24-4-103, C.R.S., that the Colorado Board of Health will conduct a public rule-making hearing on October 21, 2021 at 12 p.m. either in person in the Sabin-Cleere Conference Room of the Colorado Department of Public Health and Environment, Bldg. A, First Floor, 4300 Cherry Creek Drive, South, Denver, CO 80246, remotely via [Zoom](#), or via both mediums,, to consider the repeal of 6 CCR 1016-2, Prevention, Intervention, and Treatment Programs for Children and Youth. The repeal is proposed by the Prevention Services Division of the Colorado Department of Public Health and Environment pursuant to House Bill 20-1038.

The agenda for the meeting and the proposed repeal will also be available on the Board's website, <https://cdphe.colorado.gov/board-of-health> at least seven (7) days prior to the meeting. The proposed rule, together with the proposed statement of basis and purpose, specific statutory authority and regulatory analysis will be available for inspection at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 at least five working days prior to the hearing. Copies of the proposed rules may be obtained by contacting the Colorado Department of Public Health and Environment, Prevention Services Division, 4300 Cherry Creek Drive S., Denver, CO 80246, 303-692-2039.

The Board encourages all interested persons to participate in the hearing by providing written data, views, or comments. Written testimony is encouraged; oral testimony will be received only to the extent the Board finds it necessary. For those that are permitted to provide oral testimony, the time may be limited to 3 minutes or less. Testimony is limited to the scope of the rulemaking hearing. Pursuant to 6 CCR 1014-8, §3.02.1, written testimony must be submitted no later than five (5) calendar days prior to the rulemaking hearing. Written testimony must be received by 5:00 p.m., Friday, October 15, 2021. Persons wishing to submit written comments should submit them to: Colorado Board of Health, ATTN: Board of Health Program Assistant, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South EDO-A5, Denver, Colorado 80246-1530 or by e-mail at: cdphe.bohrequests@state.co.us

Dated this 23th day of August, 2021.

Alexandra S. Haas
Alexandra Haas
Board of Health Administrator

Notice of Proposed Rulemaking

Tracking number

2021-00543

Department

1300 - Department of Local Affairs

Agency

1302 - Division of Housing

CCR number

8 CCR 1302-15

Rule title

MOBILE HOME PARK ACT DISPUTE RESOLUTION & ENFORCEMENT PROGRAM

Rulemaking Hearing**Date**

10/05/2021

Time

01:00 PM

Location

Zoom: <https://us02web.zoom.us/j/89559034364>

Subjects and issues involved

To implement and clarify the Mobile Home Park Act, Title 38, Article 12, Part 2 of the Colorado Revised Statutes (C.R.S.), and the Mobile Home Park Act Dispute Resolution And Enforcement Program, Title 38, Article 12, Part 11, C.R.S., pursuant to statutory authority and changes made through House Bill 19-1309 Creating the Mobile Home Park Act Dispute Resolution and Enforcement Program (effective May 23, 2019), HB20-1196 Mobile Home Park Act Updates (effective June 30, 2020), HB20-1201 Mobile Home Park Residents Opportunity to Purchase (effective June 30, 2020), and HB21-1121 Residential Tenancy Procedures (effective June 25, 2021).

Statutory authority

Pursuant to section 38-12-1104(2)(j), C.R.S.

Contact information**Name**

Christina Postolowski

Title

Program Manager

Telephone

3038647859

Email

christina.postolowski@state.co.us

DEPARTMENT OF LOCAL AFFAIRS

Division of Housing

8 CCR 1302-15

Mobile Home Park Act Dispute Resolution & Enforcement Program

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

AUTHORITY

Pursuant to section 38-12-1104(2)(j), C.R.S.

SCOPE AND PURPOSE

To implement and clarify the Mobile Home Park Act, Title 38, Article 12, Part 2 of the Colorado Revised Statutes (C.R.S.), and the Mobile Home Park Act Dispute Resolution And Enforcement Program, Title 38, Article 12, Part 11, C.R.S., pursuant to statutory authority and changes made through House Bill 19-1309 Creating the Mobile Home Park Act Dispute Resolution and Enforcement Program (effective May 23, 2019), HB20-1196 Mobile Home Park Act Updates (effective June 30, 2020), ~~and~~ HB20-1201 Mobile Home Park Residents Opportunity to Purchase (effective June 30, 2020), and HB21-1121 Residential Tenancy Procedures (effective June 25, 2021).

RULE 1. DEFINITIONS

In addition to the definitions provided in sections 38-12-201.5 and 38-12-1103, C.R.S., the following definitions apply to enforcement of the Act (Part 2 of Article 12 of Title 38) and the Program (Part 11 of Article 12 of Title 38):

- 1.1 "Consecutive occupancy" as used in section 38-12-204(3), C.R.S., means the consecutive period of time that:
 - A. The tenant(s) have a rental agreement with the management or landlord for occupancy of the mobile home space;
 - B. The management or landlord is receiving rent payments for the mobile home space from the tenant(s) or a third party; or
 - C. The tenant(s) is residing in the mobile home or mobile home space after establishing lawful tenancy by signing a rental agreement pursuant or paying rent pursuant to Rule 1.1(A) or (B) of these rules.
- 1.2 "Mobile home" as defined in section 38-12-201.5(5), C.R.S., includes a factory-built residential structure (modular home) if it is situated in a mobile home park and has all of the characteristics of a "mobile home" described in section 38-12-201.5(5)(a), C.R.S. (including being built on a permanent chassis); any pre-1976 mobile home; and any manufactured home constructed to the federal standards on or after June 15, 1976.
- 1.23 "Mobile home park" as defined in section 38-12-201.5(6), C.R.S. –

- A. Includes a park that is owned by a government entity, federally recognized tax-exempt charitable organization registered with the Colorado Secretary of State, or a Community Land Trust, if it has all of the characteristics of a “mobile home park” described in section 38-12-201.5(6), C.R.S. (including being operated for the pecuniary benefit of the owner of the parcel of land or the owner’s agents, lessees, or assignees).
- B. Does not include a park that rents lots to camper coaches, camper trailers, fifth wheel trailers, motor homes, recreational park trailers, recreational vehicles, travel trailers, or truck campers, unless it also rents space to five (5) or more occupied “mobile homes” as defined in section 38-12-201.5(5), C.R.S., and Rule 1.1 of these rules.

1.34 “Mobile home subdivision” or “manufactured home subdivision” as used in section 38-12-201.5(6), C.R.S., means any parcel of land that is divided into two or more parcels, separate interests, or interests in common, where each parcel or interest is owned by separate owners who own both the mobile home and the land underneath the mobile home, except when the same owner owns two or more subdivided parcels or interests that are collectively used for the continuous accommodation of five (5) or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, their agents, lessees, or assignees.

1.34.1 Pursuant to section 38-12-201.5(6), C.R.S., “mobile home park” does not include property zoned by a local government for manufactured home subdivisions or mobile home subdivisions.

1.45 “New mobile home park or manufactured housing community development” as used in section 38-12-215(1)-(2), C.R.S., and “new park” as used in section 38-12-1106(9), C.R.S., do not include:

- A. The addition of a “mobile home space(s),” as defined in section 38-12-201.5(7), C.R.S., to an existing mobile home park, as defined in section 38-12-201.5(6), C.R.S., and Rule 1.2 of these rules;
- B. The sale, transfer, or conveyance of an existing mobile home park to a new owner(s); nor
- C. The merger of two or more existing mobile home parks.

1.56 “Occupied mobile homes” as used in sections 38-12-201.5(6) and 38-12-217(4)(c), C.R.S., and Rules 1.2(B), 1.3, and 2.2(G) of these rules means mobile homes for which the management or landlord:

- A. Has a rental agreement with a tenant for the home or lot; or
- B. Is receiving rent payments for the home or lot from a tenant or a third party.

1.67 “Rent” as defined in section 38-12-201.5(9), C.R.S., does not include attorney fees.

1.78 “Vacant mobile homes” as used in Rule 2.2(H) of these rules means mobile homes for which the management or landlord:

- A. Does not have a rental agreement with a tenant for the home or lot; and
- B. Is not receiving rent payments for the home or lot from a tenant or a third party.

RULE 2. REGISTRATION REQUIREMENTS

- 2.1 Initial Registration – for new mobile home parks must occur within three (3) months of the availability of five (5) or more mobile home lots for rent within a new park.
- 2.1.1 The “management” or “landlord,” as defined in section 38-12-201.5(3), C.R.S., who is designated as the primary contact for the mobile home park must file a registration form including full payment on behalf of the park with the Division.
- 2.2 Required Information – as part of the registration process, a mobile home park must provide the following information in addition to the information required under section 38-12-1106(7), C.R.S.:
- A. The physical address, phone number, and website address (if any) of the mobile home park;
 - B. The business name (if any), business contact name or owner name, mailing address, phone number, and email address (if any) of the owner of the mobile home park;
 - C. The business name (if any), business contact name or manager name, mailing address, phone number, and email address (if any) of the management of the mobile home park, if different from the owner of the mobile home park;
 - D. Identify which individual or business – the park owner or management – is designated as the primary contact for the mobile home park;
 - E. The physical address of each mobile home;
 - F. Identify which homes a tenant home owner independently owns, and which homes the mobile home park landlord owns;
 - G. The total number of occupied mobile homes;
 - H. The total number of vacant mobile homes;
 - I. If the park is owned by a business entity, whether that business is owned by another business entity (i.e. a parent company);
 - J. If the park is managed by a business entity, whether that business is owned by another business entity (i.e. a parent company);
 - K. If the business entity that owns the park is owned by another business entity (i.e. a parent company), the business name, first and last name of a contact person, mailing address, phone number, and email address (if any) for the parent company;
 - L. If the business entity that manages the park is owned by another business entity (i.e. a parent company), the business name, first and last name of a contact person, mailing address, phone number, and email address (if any) for the parent company;
 - M. If the park does business under any other name(s), the “Doing Business As (DBA)” name(s) and the Secretary of State Identification Number(s) for that DBA(s) (if any); and
 - N. The signature of a landlord, as defined in section 38-12-201.5(3), C.R.S., filing for registration or registration renewal for the mobile home park pursuant to section 38-12-1106(4), C.R.S.

- 2.3 Complete, Accurate, and Truthful Information Required – initial registration and registration renewal forms filed pursuant to section 38-12-1106(4), C.R.S., and Rules 2.1, 2.2, and 2.5 of these rules must be complete, accurate, and truthful and include all attachments and supplementation information. The Division may not accept incomplete forms.
- 2.4 Registration Delinquency Fee – landlords who do not submit complete, accurate, and truthful information on their initial registration or registration renewal forms may be subject to a registration delinquency fee pursuant to section 38-12-1106(9), C.R.S., and Rule 4.2 of these rules.
- 2.5 Expiration Date – will be one year from the first day of the following month after registration approval by Division staff, i.e. February 1, 2021 if approved in January of 2020, and must be renewed by that date if still operating as a mobile home park.
- 2.6 If any of the provided information required in Rules 2.2(A)-(D) of these rules changes between the time of initial registration and renewal, or between registration renewals, the management or landlord is required to notify the Division within thirty (30) calendar days of the change to ensure timely delivery of Program communications.
- 2.7 Fee - Pursuant to section 38-12-1106(8), C.R.S., for the 2021 and 2022 calendar years, an annual registration fee of \$24.00 must be paid by the mobile home park for each mobile home independently owned by a tenant home owner on rented land within the park.
- 2.7.1 Pursuant to section 38-12-1106(8), C.R.S., the management or landlord may charge a home owner not more than half of the registration fee annually. If the management or landlord attempts to recoup up to 50 percent of this fee from the home owner, the management or landlord must:
- A. Notify the home owner in writing at least 60 calendar days before the management or landlord expects the home owner to pay the additional fee, or a longer time period if required by the home owner's lease; and
 - B. Do so in a clear and consistent manner within one (1) year of paying the registration fee to the Division.

RULE 3. DISPUTE RESOLUTION AND ENFORCEMENT

- 3.1 Complaints filed with the Division pursuant to section 38-12-1105(1), C.R.S., must be made in writing on a Division-approved form.
- 3.1.1 The Division will make reasonable accommodations to Rule 3.1 of these rules when such accommodations may be necessary to afford a person with a disability an equal opportunity to file a complaint with the Division.
- 3.2 A home owner acting in the capacity of a "complainant" as defined in section 38-12-1103(2), C.R.S., may file a complaint:
- A. On behalf of their tenant, if they are leasing their mobile home and the renter has experienced and communicated an alleged violation of the Act or Program to the home owner, provided that the home owner has made it clear in the complaint that it is being filed in a representative capacity; or
 - B. Alleging a violation(s) of section 38-12-217, C.R.S., by the previous owner of the mobile home park.

- 3.3 Before imposing a penalty under section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules, the Division will give the management or landlord an opportunity to rebut a presumption of retaliation with sufficient evidence of a nonretaliatory purpose pursuant to section 38-12-212.5(4), C.R.S.
- 3.3.1 As used in section 38-12-212.5(4), C.R.S. and Rule 3.3 of these rules, “sufficient evidence” means a preponderance of the evidence.
- 3.3.2 The Division will consider as sufficient evidence of a nonretaliatory purpose, when provided by the management or landlord in response to a retaliation complaint, evidence including, but not limited to:
- A. In response to an allegation of retaliatory action pursuant to section 38-12-201.5(12)(i), C.R.S., evidence that the management is asking all tenants on a particular rental agreement to update a specific section(s) of their existing rental agreement, to bring that section(s) of the rental agreement into compliance with federal, state, or local law.
 - B. In response to an allegation of retaliatory action pursuant to section 38-12-201.5(12)(k), C.R.S., evidence that:
 - i. The management or landlord reported, to an appropriate government agency, home owner conduct on park premises that materially harmed or threatened real or personal property or the health, safety, or welfare of one or more individuals or animals, including pet animals; or
 - ii. The information reported to a government agency was, to the management or landlord’s knowledge, truthful and relevant to an ongoing investigation by that federal, state, or local government agency.
- 3.4 A landlord found to be in violation of the Act or Program cannot pass on the costs of any remedial action(s), including penalties, fines, or fees, required by the Division or an Administrative Law Judge in a Final Agency Order to any home owner.
- 3.5 A landlord shall not pass on the costs of any attorney fees, witness fees, or other legal fees incurred by a landlord in responding to a complaint filed pursuant to section 38-12-1105(1), C.R.S., or an investigation by the Division of an alleged violation of the Program (Title 38, Article 12, Part 11, C.R.S.) to any home owner, notwithstanding any language to the contrary in a rental agreement.
- 3.6 The following deadlines are in calendar days:
- A. Respond to a subpoena within fourteen (14) days pursuant to section 38-12-1105(3)(a), C.R.S.
 - B. Comply with the requirements of a Notice of Violation within seven (7) days of it becoming a Final Agency Order pursuant to section 38-12-1105(5), C.R.S.
 - C. A landlord must notify the Division within thirty (30) days of a change in the ownership of the mobile home park pursuant to section 38-12-1106(5), C.R.S.
- 3.7 Pursuant to section 24-72-204(2)(a)(IX), C.R.S., any records of ongoing administrative investigations conducted by the Division of Housing in furtherance of its statutory authority to protect the public health, welfare, or safety are not subject to a request filed under the Colorado Open Records Act (CORA) during the pendency of the investigation and dispute resolution process.

- 3.8 Pursuant to section 38-12-1105(1), C.R.S., two or more home owners may file a complaint against the management or landlord of their mobile home park with the Division alleging similar or related violations of the Act or Program. The management or landlord of a mobile home park may also file a complaint against two or more home owners in the same park with the Division alleging similar or related violations of the Act or Program.
- 3.9 When filing a complaint with the Division under section 38-12-1105(1), C.R.S., aggrieved parties are not required to allege what specific statutory section(s) of the Act or Program have been violated. The Division will apply the appropriate reference(s) to statute or rule upon review of the information provided in the complaint form and any additional information provided to the Division in connection with the complaint.
- 3.10 Pursuant to section 38-12-214(3)(a), C.R.S., when a home owner files a complaint with the Division within sixty (60) days after receiving a written notice of the management's intent to add or amend any written rule or regulation, alleging that a new or amended park rule or regulation will increase a cost to the home owner in an amount that equals or exceeds ten percent of the home owner's monthly rent obligation:
- 3.10.1 The Division will notify the management of the complaint and the specific rule(s), regulation(s), or amendment(s) being challenged in the complaint.
- 3.10.2 The management shall not engage in any action to enforce the challenged rule(s), regulation(s), or amendment(s) against any resident in the park that is the subject of the complaint, unless and until the parties to the complaint reach an agreement or the dispute resolution process concludes as described in section 38-12-214(3)(a), C.R.S.
- 3.10.3 Once the management receives notice from the Division of a complaint described in Rule 3.10 of these rules, the management shall notify all residents in the park that is the subject of the complaint in writing within fourteen (14) calendar days that the management will not enforce the challenged rule(s), regulation(s), or amendment(s) until further notice.
- 3.10.4 Unless otherwise prohibited by law, the management may enforce the other new or amended rules or regulations against residents that are not the subject of any complaint(s) described in Rule 3.10 of these rules, after the sixty (60) day written notice period expires.

3.11 A landlord acting in the capacity of a "complainant," as defined in section 38-12-1103(2), C.R.S., may file a complaint with the Division alleging that a home owner does not have and will not sign a written rental agreement in violation of section 38-12-213(2), C.R.S.

3.11.1 When investigating a complaint alleging that a home owner has not signed a written rental agreement in violation of section 38-12-213(2), C.R.S., the Division will consider:

A. Whether the current or previous management provided a written rental agreement to the home owner prior to the rental or occupancy of a mobile home space or lot pursuant to section 38-12-213(1), C.R.S. (effective July 1, 1981); and

B. Whether the written rental agreement the current management provided the home owner would make significant changes to the terms and conditions of the home owner's existing tenancy as described in subsections 38-12-213(1)(a)-(f), C.R.S. In evaluating what the terms and conditions of an existing tenancy are, the Division may consider the following including, but not limited to:

i. Other written agreements between the management and the home owner;

ii. Verbal agreements between the management and the home owner; and

iii. Past charges to and payments made by the home owner as described in subsections 38-12-213(1)(a) and (f), C.R.S.

3.12 Pursuant to 38-12-204(3), C.R.S., effective June 25, 2021, when investigating a complaint alleging that a landlord has increased rent more than one time in any twelve-month period of consecutive occupancy by a tenant, the Division will compare the proposed or effective date of the current rent increase to the effective date of the tenant's last rent increase, even if the effective date of the tenant's last rent increase was before June 25, 2021.

RULE 4. PENALTIES

4.1 The Division will apply the following criteria when assessing a registration delinquency fee pursuant to section 38-12-1106(9), C.R.S., and Rule 4.2 of these rules, a penalty for failure to appropriately post, maintain, or provide copies of the required Home Owner Notice pursuant to section 38-12-1104(2)(d), C.R.S., and Rule 4.3 of these rules, or a penalty for taking any "retaliatory action(s)" against a home owner pursuant to section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules:

- A. The severity of the violation;
- B. The type of violation;
- C. The duration of the violation;
- D. Whether the person or entity committed repeated violations;
- E. Whether the person or entity submitted complete, accurate, and truthful information to the Division; and
- F. Any other mitigating or aggravating circumstances, including the impact on others, cooperation with the investigation process, and the sufficiency of the penalty to deter future violations.

4.2 The Division will scale any registration delinquency fees assessed under section 38-12-1106(9), C.R.S., as follows:

- A. First offense, may be fined up to \$3,000.
- B. Second offense, may be fined up to \$4,000.
- C. Third or subsequent offense, may be fined up to \$5,000.

4.3 The Division will scale any penalties assessed under section 38-12-1104(2)(d), C.R.S., for failing to appropriately post, maintain, or provide copies of the required Home Owner Notice described in section 38-12-1104(2)(a), C.R.S., in the time frame, manner, and locations provided in section 38-12-1104(2)(c), C.R.S., and Rule 5 of these rules, as follows:

- A. First offense, may be fined up to \$3,000.
- B. Second offense, may be fined up to \$4,000.

- C. Third or subsequent offense, may be fined up to \$5,000.
- 4.4 The Division will scale any penalties assessed under section 38-12-1105(13), C.R.S., for taking any “retaliatory action(s)” against a home owner, as defined in section 38-12-201.5(12), C.R.S., and further clarified in section 38-12-212.5, C.R.S., and Rule 3.3 of these rules, as follows:
 - A. First offense, may be fined up to \$5,000.
 - B. Second offense, may be fined up to \$7,500.
 - C. Third or subsequent offense, may be fined up to \$10,000.
- 4.5 The Division will scale any penalties assessed under section 38-12-1105(5), C.R.S., for failing to comply with the requirements of a Notice of Violation as follows:
 - A. First offense, may be fined up to \$3,000, per violation per day.
 - B. Second offense, may be fined up to \$4,000, per violation per day.
 - C. Third or subsequent offense, may be fined up to \$5,000, per violation per day.

RULE 5. HOME OWNER NOTICE REQUIREMENTS

- 5.1 Pursuant to section 38-12-1104(2)(c), C.R.S., the management or landlord must post and maintain the Home Owner Notice described in section 38-12-1104(2)(a), C.R.S., in a clearly visible and accessible location in every common area of the mobile home park, including every common resident mailbox location; every rent payment dropbox or other rent payment location; and every community hall, recreation hall, and clubhouse. The management or landlord must post this Home Owner Notice in a form authorized by the Division within seven (7) calendar days of receiving the Home Owner Notice from the Division.
 - 5.1.1 If there is no common resident mailbox location, rent payment location, community hall, recreation hall, or clubhouse in the mobile home park, the management or landlord must post and maintain the Home Owner Notice, in a clearly visible and accessible location, at every location of another type of physical common area in the park. The types of common areas where the management or landlord may post and maintain the Home Owner Notice include, but are not limited to:
 - A. Outside every management office;
 - B. At every park entrance; or
 - C. On the front of every dumpster provided for use by residents.
 - 5.1.2 If there are no physical common areas in the park the same as or similar to those described in Rule 5.1 and 5.1.1 of these rules, the management or landlord may post and maintain the Home Owner Notice in a clearly visible and accessible location on the mobile home park’s online rent payment portal or other website intended for use by residents.
 - 5.1.3 In addition to complying with Rules 5.1, 5.1.1, and 5.1.2 of these rules, the management or landlord must provide the Home Owner Notice in an accessible format for any home owner with disabilities (e.g. Braille or audio recording) upon request. These formats are available to the management or landlord from the Division by request.

- 5.2 In addition to complying with Rules 5.1 and 5.3 of these rules, the management or landlord must provide a copy of the required Home Owner Notice to each individual home owner within seven (7) calendar days of receiving the Home Owner Notice from the Division and on an annual basis, by posting it on the door of every home owner's mobile home or mailing it to each home owner at either the address provided in the rental agreement or the most recent mailing address of the home owner on file with the management or landlord.
- 5.2.1 As an alternative to Rule 5.2, the management or landlord may email a copy of the Home Owner Notice to a home owner(s) only if the home owner has an email address on file with the management or landlord, and the management or landlord regularly uses that email address for other communications with the home owner, like rent payment or maintenance notices.
- 5.3 In addition to complying with Rules 5.1 and 5.2 of these rules, the management or landlord must also provide a copy of the required Home Owner Notice with each new lease executed with a home owner, and to each home owner after a change in park ownership.
- 5.4 In mobile home parks where the landlord owns all of the mobile homes and there are no independent mobile home owners with rights and responsibilities under the Act (Part 2 of Article 12 of Title 38) or Program (Part 11 of Article 12 of Title 38), the management or landlord is not required to post, maintain, or provide a copy of the Home Owner Notice pursuant to section 38-12-1104(2)(a), C.R.S., and Rules 5.1 to 5.3 of these rules.
- 5.4.1 However, once a mobile home park has one or more independently-owned mobile homes, the management or landlord is no longer exempt from the Home Owner Notice requirements under section 38-12-1104(2)(a), C.R.S., and Rules 5.1 to 5.3 of these rules, and must post and provide a copy of the required Home Owner Notice to each individual home owner within seven (7) calendar days of the change in ownership of the mobile home(s) in compliance with Rules 5.1 to 5.3 of these rules.

RULE 6. MANAGEMENT, LANDLORD, AND HOME OWNER RESPONSIBILITIES

- 6.1 **Trees** – Notwithstanding the landlord's responsibility to maintain trees on the premises under section 38-12-212.3(2)(b)(IV), C.R.S., a home owner may enter a voluntary, written agreement with their landlord to take on the responsibility for simple trimming that does not affect the safety of park residents or their property of trees located on the lot they are renting from the park, so long as the home owner was not required to assume this responsibility as a condition of tenancy in the mobile home park in violation of section 38-12-212.3(3), C.R.S.
- 6.2 **Fences** – Fences located on the "premises" as defined in section 38-12-201.5(8), C.R.S., are presumed to be the responsibility of the landlord pursuant to section 38-12-212.3(2)(b), C.R.S., unless:
- A. The home owner built the fence;
 - B. The current home owner bought the fence from the previous home owner; or
 - C. The home owner agreed in their rental agreement to take on the responsibility for maintaining and repairing the fence and paying the cost thereof in their rental agreement, so long as the home owner was not required to assume this responsibility as a condition of tenancy in the mobile home park in violation of section 38-12-212.3(3), C.R.S.
- 6.3 **Mobile Home Sales and Transfers** – When the owner of a mobile home located in a mobile home park notifies the management or landlord of the park (whether as required by management or as a courtesy) that the owner intends to sell or transfer their mobile home in place, and the

management or landlord seeks to require compliance with park rules and regulations at the time of sale or transfer of the mobile home to a new owner pursuant to section 38-12-214(2), C.R.S., the management shall promptly provide the seller and any prospective buyer(s) of the mobile home a written list of the item(s) for which the management is requiring corrections at the time of sale or transfer. The written list shall include:

- A. Any and all items the management knows, or reasonably should have known, would require correction at the time of sale or transfer of the mobile home;
- B. A detailed description of each item; and
- C. A citation to the specific park rule or regulation that applies to each item on the list. Any park rule or regulation cited must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.

6.4 Limitations on Charges for Noncompliance – The following rules apply when the management intends to enter a mobile home space to ensure compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; or the rules and regulations of the park pursuant to section 38-12-222(2), C.R.S.

6.4.1 Before entering the mobile home space, the management shall first provide the home owner with a reasonable time to cure the alleged noncompliance and an estimate of the cost if the landlord cures the noncompliance instead (when an estimate is reasonably available and a charge would be permitted by the rental agreement).

6.4.2 If the home owner fails to cure or contest the noncompliance (ex. by communicating with the management or filing a complaint with the Program) within a reasonable amount of time, the management shall make a reasonable effort to notify the home owner of the management's intention to enter the mobile home space and cure the noncompliance at least forty-eight (48) hours before entry.

6.4.3 All of the following conditions must be met for the management to charge a home owner for the cost of ensuring compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; or the rules and regulations of the park:

- A. The potential for a charge must be adequately disclosed in writing in the rental agreement pursuant to section 38-12-213(1)(f), C.R.S.;
- B. The amount of the charge or the charge itself cannot be a prohibited "entry fee," as defined in section 38-12-201.5(1), C.R.S., and prohibited by section 38-12-209(1), C.R.S.; and
- C. If the charge is for the cost of ensuring compliance with a rule or regulation of the park, the rule or regulation must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.

6.5 Limitations on Pet Deposits – Pursuant to sections 38-12-201.5(1), 38-12-209(1), 38-12-207(1) and -207(3), 38-12-102(2) (effective until October 1, 2021), 38-12-102(6) (effective October 1, 2021), and 38-12-103(1), C.R.S.:

6.5.1 The management or landlord cannot charge or collect a nonrefundable pet deposit from a home owner or prospective home owner.

- 6.5.2 The management or landlord may only charge or collect a refundable pet deposit from a home owner or prospective home owner, if the total combined amount of the security deposit and refundable pet deposit is no greater than one month's rent.
- 6.6 Pet Rent Definition – Pursuant to sections 38-12-201.5(1) and 38-12-209(1), C.R.S., any recurring charges to home owners with pets must either be part of the “rent,” as defined in section 38-12-201.5(9), C.R.S., or fall under an exception to the prohibition on “entry fee[s]” under section 38-12-201.5(1)(c) or (e), C.R.S.
- 6.6.1 If the management or landlord charges or collects pet rent as part of a home owner's rent, instead of as an exception to the prohibition on entry fees:
- A. The amount or application of pet rent shall not be discriminatory nor retaliatory in nature; and
- B. All statutes and rules applicable to rent, including, but not limited to sections 38-12-213(1)(a), 38-12-204(2), and 38-12-204(3), C.R.S., apply to pet rent as part of the home owner's rent.

RULE 7. WATER USAGE, BILLING, AND LEAKS

- 7.1 The requirements in section 38-12-212.4(1), C.R.S., apply to all types of water usage, including sewer and storm water usage.
- 7.2 The management or landlord may change the method of utility billing by providing sixty (60) calendar days written notice to the home owners, provided that the new method of billing is reasonable, equitable, and consistent; does not violate any of the provisions in section 38-12-212.4, C.R.S.; and is not in violation of the home owner's rental agreement established pursuant to section 38-12-213, C.R.S.
- 7.3 Only in cases where the management purchases water from a provider and charges home owners for water usage in the park, but the management does not get the master meter charge(s) from the provider until after the management calculates each home owner's monthly water bill, the management may provide the following information to each home owner to meet the billing disclosure requirements under section 38-12-212.4(2), C.R.S.:
- A. The amount owed by the home owner for the current month;
- B. The total amount owed by all the residents in the mobile home park for the current month; and
- C. The total amount paid by the management to the provider for the previous month.
- 7.4 In the event that any water usage, billing, or payment information required under section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules is not available to the management due solely to circumstances beyond the management's control, the management shall take reasonable steps to comply with section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules, and to provide accurate disclosures to home owner as soon as reasonably possible and in a manner that meets the intent of section 38-12-212.4, C.R.S.

RULE 8. PARK CHANGE OF USE, SALES, OR CLOSURES AND HOME OWNER OPPORTUNITY TO PURCHASE

- 8.1 Notice of Intent to Sell – For purposes of giving notice pursuant to section 38-12-217(1)(a), C.R.S., a mobile home park owner demonstrates intent to sell the park when the park owner takes actions including, but not limited to:
- A. Signing a contract with a real estate broker or brokerage firm to list the park for sale, sell, or transfer the park;
 - B. Signing a letter of intent or other conditional written agreement with a potential buyer for the sale or transfer of the park, which includes the estimated price, terms, and conditions of the proposed sale or transfer, even if such price, terms, or conditions are subject to change;
 - C. Signing a contract with a potential buyer's real estate broker or brokerage firm related to the potential in the sale or transfer of the park;
 - D. Accepting an earnest money promissory note or deposit from a potential buyer;
 - E. Responding to a potential buyer's due diligence request list; or
 - F. Providing a signed property disclosure form to a potential buyer.
- 8.2 Listing – For purposes of section 38-12-217(2)(a)(I), C.R.S., the landlord lists the park for sale when the owner of the mobile home park or their agent, employee, broker, or representative authorized to act on the owner's behalf offers the property for sale.
- 8.3 Contents of Park Sale Notice – Pursuant to section 38-12-217(3), C.R.S., the "price, terms, and conditions" to sell the park include, but are not limited to:
- A. Any money or compensation the seller or seller's agent has paid or intends to pay to the potential buyer or buyer's agent, including due diligence costs or brokerage fees;
 - B. Whether or not the seller has signed a conditional contract for the sale of the park with a potential buyer, or intends to do so within the next ninety (90) calendar days;
 - C. Any other terms or conditions which, if not met, would be sufficient grounds, in the seller's discretion, for rejecting an offer from residents, their agents, or their assignees; and
 - D. For sales that include more than one mobile home park or piece of real estate, like portfolio or bundled sales:
 - i. The name and property description of any and all other mobile home parks or real estate included in the proposed sale;
 - ii. The total price, terms, and conditions of an acceptable offer to sell all of the properties; and
 - iii. The price, terms, and conditions of an acceptable offer to sell each of the mobile home parks located in the State of Colorado that are included in the proposed sale.
- 8.4 Landlord's Duty to Consider Offer – Pursuant to section 38-217(5)(b), C.R.S., a landlord that receives an offer(s) to purchase a mobile home park from a group or association of home owners

or their assignees must provide a written response to each offer within ten (10) calendar days. The landlord's response to the group or association of home owners or their assignees shall include:

- A. Whether the landlord will accept, will consider, or will not accept the most recent offer submitted by the group or association of home owners or their assignees;
- B. The current price, terms, or conditions of an acceptable offer the landlord has received to sell the mobile home park, or for which the landlord intends to sell the park, if such price, terms, or conditions have changed since the landlord gave notice to the home owners pursuant to sections 38-12-217(1) or (2), C.R.S.; and
- C. If the landlord finds the most recent offer submitted by the group or association of home owners or their assignees unacceptable, an explanation of why the landlord finds the offer unacceptable.

8.5 Affidavit of Compliance – Pursuant to section 38-12-217(11), C.R.S., the landlord:

- A. Shall not file the affidavit of compliance before the home owners' opportunity to purchase terminates or expires pursuant to sections 38-12-217(1)(c) or (6)(a), C.R.S.; and
- B. Shall file the affidavit of compliance on a Division-approved form within thirty (30) calendar days after the sale or transfer of the park is final.

8.6 Exemption Form – If a park sale or transfer qualifies for an exemption from the notice and opportunity to purchase requirements pursuant to sections 38-12-217(12) and (13), C.R.S., the landlord shall provide evidence of compliance by filing a Division-approved exemption form within thirty (30) calendar days after the closing date of the exempt sale or transfer with:

- A. The municipality or, if the park is in an unincorporated area, the county, within which the park is located; and
- B. The Division of Housing in the Department of Local Affairs.

8.7 Sale and Transfer Records – Pursuant to sections 38-12-1105(1) and (3), C.R.S., the seller or transferor of a mobile home park that is located in Colorado shall maintain any and all records related to compliance with section 38-12-217, C.R.S., for a minimum of thirty-six (36) months after any sale or transfer of a mobile home park is complete, including but not limited to:

- A. Records related to Rule 8.1(A)-(B) of these rules;
- B. Notices mailed or given to home owners pursuant to sections 38-12-217(1) and (2), C.R.S.;
- C. Postings pursuant to section 38-12-217(1)(c), C.R.S., including any forms for home owners to provide notice that they do not wish to participate in efforts to purchase the community;
- D. Signed writings provided by home owners to the park owner expressing no interest in purchasing the park pursuant to section 38-12-217(1)(c), C.R.S.;
- E. Offers to purchase and proposed purchase and sale agreements submitted to the landlord by a group or association of home owners or their assignees pursuant to section 38-12-217(4), C.R.S.;

F. Requests for information from a group or association of home owners or their assignees participating in the opportunity to purchase and the landlord's response(s) to these requests for information pursuant to section 38-12-217(5)(a), C.R.S.; and

G. Offers to purchase and any conditional and unconditional purchase and sale agreements submitted by the successful purchaser of the mobile home park.

Adopted on November 8, 2019, to implement House Bill 19-1309 effective December 30, 2019.

The following changes were adopted on March 11, 2020 and are effective April 30, 2020:

- Created: Rules 1.3, 2.5.1(A)-(B), 3.3.2, 3.7, 3.8, 5.1.1- 5.1.2, 5.2.1, 5.4, 6.2
- Amended: Rules 1.4(I)-(J), 2.1, 2.2, 2.5.1, 3.2, 3.3, 3.3.1, 3.3.3, 4, 4.1-4.4 (restated statute), 5.1, 5.2, 5.3, 6.1
- Renumbered: Rules 1.4, 2.1- 2.5, 3.6, 5.1.3, 6.1
- Deleted: Rules 2.1 (restated statute)

The following changes were adopted on October 11, 2020 and are effective November 30, 2020:

- Created: Rules 1.2(A); 1.4; 1.5; 1.6; 1.7; 2.2(B)-(D) and (I)-(N); 2.3; 2.4; 3.1.1; 3.3.2(A)-(B); 3.5; 3.10-3.10.4; 4.1(E); 6.3; 6.4; 7.1; 7.2; 7.3; 7.4; 8.1
- Amended: Rules 1.1; 1.2 and 1.2(B) (updated statutory cite); 1.3 and 1.3.1 (updated statutory cite); 2.1.1; 2.2(A) and (F); 2.6; 2.7-2.7.1(A); 3.1; 3.8; 4.1; 4.1(A)-(D) and (F); 4.3; 4.4 (updated statutory cite); 5.1-5.1.3; 5.2-5.2.1; 5.3; 5.4-5.4.1; 6.1; 6.2 and 6.2(C) (updated statutory cite)
- Renumbered: Rules 2.2(A), (E) and (G)-(H); 2.5; 3.3-3.3.2; 3.6; 3.7; 3.9; 4.2; 4.5
- Deleted: Rules 1.2 (added to statute); 2.2(A); 3.3 (added to statute); 3.3.2 (added to statute)

DEPARTMENT OF LOCAL AFFAIRS

Division of Housing

8 CCR 1302-15

Mobile Home Park Act Dispute Resolution & Enforcement Program

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

AUTHORITY

Pursuant to section 38-12-1104(2)(j), C.R.S.

SCOPE AND PURPOSE

To implement and clarify the Mobile Home Park Act, Title 38, Article 12, Part 2 of the Colorado Revised Statutes (C.R.S.), and the Mobile Home Park Act Dispute Resolution And Enforcement Program, Title 38, Article 12, Part 11, C.R.S., pursuant to statutory authority and changes made through House Bill 19-1309 Creating the Mobile Home Park Act Dispute Resolution and Enforcement Program (effective May 23, 2019), HB20-1196 Mobile Home Park Act Updates (effective June 30, 2020), HB20-1201 Mobile Home Park Residents Opportunity to Purchase (effective June 30, 2020), and HB21-1121 Residential Tenancy Procedures (effective June 25, 2021).

RULE 1. DEFINITIONS

In addition to the definitions provided in sections 38-12-201.5 and 38-12-1103, C.R.S., the following definitions apply to enforcement of the Act (Part 2 of Article 12 of Title 38) and the Program (Part 11 of Article 12 of Title 38):

- 1.1 "Consecutive occupancy" as used in section 38-12-204(3), C.R.S., means the consecutive period of time that:
 - A. The tenant(s) have a rental agreement with the management or landlord for occupancy of the mobile home space;
 - B. The management or landlord is receiving rent payments for the mobile home space from the tenant(s) or a third party; or
 - C. The tenant(s) is residing in the mobile home or mobile home space after establishing lawful tenancy by signing a rental agreement pursuant or paying rent pursuant to Rule 1.1(A) or (B) of these rules.
- 1.2 "Mobile home" as defined in section 38-12-201.5(5), C.R.S., includes a factory-built residential structure (modular home) if it is situated in a mobile home park and has all of the characteristics of a "mobile home" described in section 38-12-201.5(5)(a), C.R.S. (including being built on a permanent chassis); any pre-1976 mobile home; and any manufactured home constructed to the federal standards on or after June 15, 1976.
- 1.3 "Mobile home park" as defined in section 38-12-201.5(6), C.R.S. –

- A. Includes a park that is owned by a government entity, federally recognized tax-exempt charitable organization registered with the Colorado Secretary of State, or a Community Land Trust, if it has all of the characteristics of a “mobile home park” described in section 38-12-201.5(6), C.R.S. (including being operated for the pecuniary benefit of the owner of the parcel of land or the owner’s agents, lessees, or assignees).
 - B. Does not include a park that rents lots to camper coaches, camper trailers, fifth wheel trailers, motor homes, recreational park trailers, recreational vehicles, travel trailers, or truck campers, unless it also rents space to five (5) or more occupied “mobile homes” as defined in section 38-12-201.5(5), C.R.S., and Rule 1.1 of these rules.
- 1.4 “Mobile home subdivision” or “manufactured home subdivision” as used in section 38-12-201.5(6), C.R.S., means any parcel of land that is divided into two or more parcels, separate interests, or interests in common, where each parcel or interest is owned by separate owners who own both the mobile home and the land underneath the mobile home, except when the same owner owns two or more subdivided parcels or interests that are collectively used for the continuous accommodation of five (5) or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, their agents, lessees, or assignees.
 - 1.4.1 Pursuant to section 38-12-201.5(6), C.R.S., “mobile home park” does not include property zoned by a local government for manufactured home subdivisions or mobile home subdivisions.
- 1.5 “New mobile home park or manufactured housing community development” as used in section 38-12-215(1)-(2), C.R.S., and “new park” as used in section 38-12-1106(9), C.R.S., do not include:
 - A. The addition of a “mobile home space(s),” as defined in section 38-12-201.5(7), C.R.S., to an existing mobile home park, as defined in section 38-12-201.5(6), C.R.S., and Rule 1.2 of these rules;
 - B. The sale, transfer, or conveyance of an existing mobile home park to a new owner(s); nor
 - C. The merger of two or more existing mobile home parks.
- 1.6 “Occupied mobile homes” as used in sections 38-12-201.5(6) and 38-12-217(4)(c), C.R.S., and Rules 1.2(B), 1.3, and 2.2(G) of these rules means mobile homes for which the management or landlord:
 - A. Has a rental agreement with a tenant for the home or lot; or
 - B. Is receiving rent payments for the home or lot from a tenant or a third party.
- 1.7 “Rent” as defined in section 38-12-201.5(9), C.R.S., does not include attorney fees.
- 1.8 “Vacant mobile homes” as used in Rule 2.2(H) of these rules means mobile homes for which the management or landlord:
 - A. Does not have a rental agreement with a tenant for the home or lot; and
 - B. Is not receiving rent payments for the home or lot from a tenant or a third party.

RULE 2. REGISTRATION REQUIREMENTS

- 2.1 Initial Registration – for new mobile home parks must occur within three (3) months of the availability of five (5) or more mobile home lots for rent within a new park.
- 2.1.1 The “management” or “landlord,” as defined in section 38-12-201.5(3), C.R.S., who is designated as the primary contact for the mobile home park must file a registration form including full payment on behalf of the park with the Division.
- 2.2 Required Information – as part of the registration process, a mobile home park must provide the following information in addition to the information required under section 38-12-1106(7), C.R.S.:
- A. The physical address, phone number, and website address (if any) of the mobile home park;
 - B. The business name (if any), business contact name or owner name, mailing address, phone number, and email address (if any) of the owner of the mobile home park;
 - C. The business name (if any), business contact name or manager name, mailing address, phone number, and email address (if any) of the management of the mobile home park, if different from the owner of the mobile home park;
 - D. Identify which individual or business – the park owner or management – is designated as the primary contact for the mobile home park;
 - E. The physical address of each mobile home;
 - F. Identify which homes a tenant home owner independently owns, and which homes the mobile home park landlord owns;
 - G. The total number of occupied mobile homes;
 - H. The total number of vacant mobile homes;
 - I. If the park is owned by a business entity, whether that business is owned by another business entity (i.e. a parent company);
 - J. If the park is managed by a business entity, whether that business is owned by another business entity (i.e. a parent company);
 - K. If the business entity that owns the park is owned by another business entity (i.e. a parent company), the business name, first and last name of a contact person, mailing address, phone number, and email address (if any) for the parent company;
 - L. If the business entity that manages the park is owned by another business entity (i.e. a parent company), the business name, first and last name of a contact person, mailing address, phone number, and email address (if any) for the parent company;
 - M. If the park does business under any other name(s), the “Doing Business As (DBA)” name(s) and the Secretary of State Identification Number(s) for that DBA(s) (if any); and
 - N. The signature of a landlord, as defined in section 38-12-201.5(3), C.R.S., filing for registration or registration renewal for the mobile home park pursuant to section 38-12-1106(4), C.R.S.

- 2.3 Complete, Accurate, and Truthful Information Required – initial registration and registration renewal forms filed pursuant to section 38-12-1106(4), C.R.S., and Rules 2.1, 2.2, and 2.5 of these rules must be complete, accurate, and truthful and include all attachments and supplementation information. The Division may not accept incomplete forms.
- 2.4 Registration Delinquency Fee – landlords who do not submit complete, accurate, and truthful information on their initial registration or registration renewal forms may be subject to a registration delinquency fee pursuant to section 38-12-1106(9), C.R.S., and Rule 4.2 of these rules.
- 2.5 Expiration Date – will be one year from the first day of the following month after registration approval by Division staff, i.e. February 1, 2021 if approved in January of 2020, and must be renewed by that date if still operating as a mobile home park.
- 2.6 If any of the provided information required in Rules 2.2(A)-(D) of these rules changes between the time of initial registration and renewal, or between registration renewals, the management or landlord is required to notify the Division within thirty (30) calendar days of the change to ensure timely delivery of Program communications.
- 2.7 Fee - Pursuant to section 38-12-1106(8), C.R.S., for the 2021 and 2022 calendar years, an annual registration fee of \$24.00 must be paid by the mobile home park for each mobile home independently owned by a tenant home owner on rented land within the park.
 - 2.7.1 Pursuant to section 38-12-1106(8), C.R.S., the management or landlord may charge a home owner not more than half of the registration fee annually. If the management or landlord attempts to recoup up to 50 percent of this fee from the home owner, the management or landlord must:
 - A. Notify the home owner in writing at least 60 calendar days before the management or landlord expects the home owner to pay the additional fee, or a longer time period if required by the home owner's lease; and
 - B. Do so in a clear and consistent manner within one (1) year of paying the registration fee to the Division.

RULE 3. DISPUTE RESOLUTION AND ENFORCEMENT

- 3.1 Complaints filed with the Division pursuant to section 38-12-1105(1), C.R.S., must be made in writing on a Division-approved form.
 - 3.1.1 The Division will make reasonable accommodations to Rule 3.1 of these rules when such accommodations may be necessary to afford a person with a disability an equal opportunity to file a complaint with the Division.
- 3.2 A home owner acting in the capacity of a "complainant" as defined in section 38-12-1103(2), C.R.S., may file a complaint:
 - A. On behalf of their tenant, if they are leasing their mobile home and the renter has experienced and communicated an alleged violation of the Act or Program to the home owner, provided that the home owner has made it clear in the complaint that it is being filed in a representative capacity; or
 - B. Alleging a violation(s) of section 38-12-217, C.R.S., by the previous owner of the mobile home park.

- 3.3 Before imposing a penalty under section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules, the Division will give the management or landlord an opportunity to rebut a presumption of retaliation with sufficient evidence of a nonretaliatory purpose pursuant to section 38-12-212.5(4), C.R.S.
- 3.3.1 As used in section 38-12-212.5(4), C.R.S. and Rule 3.3 of these rules, “sufficient evidence” means a preponderance of the evidence.
- 3.3.2 The Division will consider as sufficient evidence of a nonretaliatory purpose, when provided by the management or landlord in response to a retaliation complaint, evidence including, but not limited to:
- A. In response to an allegation of retaliatory action pursuant to section 38-12-201.5(12)(i), C.R.S., evidence that the management is asking all tenants on a particular rental agreement to update a specific section(s) of their existing rental agreement, to bring that section(s) of the rental agreement into compliance with federal, state, or local law.
 - B. In response to an allegation of retaliatory action pursuant to section 38-12-201.5(12)(k), C.R.S., evidence that:
 - i. The management or landlord reported, to an appropriate government agency, home owner conduct on park premises that materially harmed or threatened real or personal property or the health, safety, or welfare of one or more individuals or animals, including pet animals; or
 - ii. The information reported to a government agency was, to the management or landlord’s knowledge, truthful and relevant to an ongoing investigation by that federal, state, or local government agency.
- 3.4 A landlord found to be in violation of the Act or Program cannot pass on the costs of any remedial action(s), including penalties, fines, or fees, required by the Division or an Administrative Law Judge in a Final Agency Order to any home owner.
- 3.5 A landlord shall not pass on the costs of any attorney fees, witness fees, or other legal fees incurred by a landlord in responding to a complaint filed pursuant to section 38-12-1105(1), C.R.S., or an investigation by the Division of an alleged violation of the Program (Title 38, Article 12, Part 11, C.R.S.) to any home owner, notwithstanding any language to the contrary in a rental agreement.
- 3.6 The following deadlines are in calendar days:
- A. Respond to a subpoena within fourteen (14) days pursuant to section 38-12-1105(3)(a), C.R.S.
 - B. Comply with the requirements of a Notice of Violation within seven (7) days of it becoming a Final Agency Order pursuant to section 38-12-1105(5), C.R.S.
 - C. A landlord must notify the Division within thirty (30) days of a change in the ownership of the mobile home park pursuant to section 38-12-1106(5), C.R.S.
- 3.7 Pursuant to section 24-72-204(2)(a)(IX), C.R.S., any records of ongoing administrative investigations conducted by the Division of Housing in furtherance of its statutory authority to protect the public health, welfare, or safety are not subject to a request filed under the Colorado Open Records Act (CORA) during the pendency of the investigation and dispute resolution process.

- 3.8 Pursuant to section 38-12-1105(1), C.R.S., two or more home owners may file a complaint against the management or landlord of their mobile home park with the Division alleging similar or related violations of the Act or Program. The management or landlord of a mobile home park may also file a complaint against two or more home owners in the same park with the Division alleging similar or related violations of the Act or Program.
- 3.9 When filing a complaint with the Division under section 38-12-1105(1), C.R.S., aggrieved parties are not required to allege what specific statutory section(s) of the Act or Program have been violated. The Division will apply the appropriate reference(s) to statute or rule upon review of the information provided in the complaint form and any additional information provided to the Division in connection with the complaint.
- 3.10 Pursuant to section 38-12-214(3)(a), C.R.S., when a home owner files a complaint with the Division within sixty (60) days after receiving a written notice of the management's intent to add or amend any written rule or regulation, alleging that a new or amended park rule or regulation will increase a cost to the home owner in an amount that equals or exceeds ten percent of the home owner's monthly rent obligation:
- 3.10.1 The Division will notify the management of the complaint and the specific rule(s), regulation(s), or amendment(s) being challenged in the complaint.
- 3.10.2 The management shall not engage in any action to enforce the challenged rule(s), regulation(s), or amendment(s) against any resident in the park that is the subject of the complaint, unless and until the parties to the complaint reach an agreement or the dispute resolution process concludes as described in section 38-12-214(3)(a), C.R.S.
- 3.10.3 Once the management receives notice from the Division of a complaint described in Rule 3.10 of these rules, the management shall notify all residents in the park that is the subject of the complaint in writing within fourteen (14) calendar days that the management will not enforce the challenged rule(s), regulation(s), or amendment(s) until further notice.
- 3.10.4 Unless otherwise prohibited by law, the management may enforce the other new or amended rules or regulations against residents that are not the subject of any complaint(s) described in Rule 3.10 of these rules, after the sixty (60) day written notice period expires.
- 3.11 A landlord acting in the capacity of a "complainant," as defined in section 38-12-1103(2), C.R.S., may file a complaint with the Division alleging that a home owner does not have and will not sign a written rental agreement in violation of section 38-12-213(2), C.R.S.
- 3.11.1 When investigating a complaint alleging that a home owner has not signed a written rental agreement in violation of section 38-12-213(2), C.R.S., the Division will consider:
- A. Whether the current or previous management provided a written rental agreement to the home owner prior to the rental or occupancy of a mobile home space or lot pursuant to section 38-12-213(1), C.R.S. (effective July 1, 1981); and
- B. Whether the written rental agreement the current management provided the home owner would make significant changes to the terms and conditions of the home owner's existing tenancy as described in subsections 38-12-213(1)(a)-(f), C.R.S. In evaluating what the terms and conditions of an existing tenancy are, the Division may consider the following including, but not limited to:

- i. Other written agreements between the management and the home owner;
 - ii. Verbal agreements between the management and the home owner; and
 - iii. Past charges to and payments made by the home owner as described in subsections 38-12-213(1)(a) and (f), C.R.S.
- 3.12 Pursuant to 38-12-204(3), C.R.S., effective June 25, 2021, when investigating a complaint alleging that a landlord has increased rent more than one time in any twelve-month period of consecutive occupancy by a tenant, the Division will compare the proposed or effective date of the current rent increase to the effective date of the tenant's last rent increase, even if the effective date of the tenant's last rent increase was before June 25, 2021.

RULE 4. PENALTIES

- 4.1 The Division will apply the following criteria when assessing a registration delinquency fee pursuant to section 38-12-1106(9), C.R.S., and Rule 4.2 of these rules, a penalty for failure to appropriately post, maintain, or provide copies of the required Home Owner Notice pursuant to section 38-12-1104(2)(d), C.R.S., and Rule 4.3 of these rules, or a penalty for taking any "retaliatory action(s)" against a home owner pursuant to section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules:
 - A. The severity of the violation;
 - B. The type of violation;
 - C. The duration of the violation;
 - D. Whether the person or entity committed repeated violations;
 - E. Whether the person or entity submitted complete, accurate, and truthful information to the Division; and
 - F. Any other mitigating or aggravating circumstances, including the impact on others, cooperation with the investigation process, and the sufficiency of the penalty to deter future violations.
- 4.2 The Division will scale any registration delinquency fees assessed under section 38-12-1106(9), C.R.S., as follows:
 - A. First offense, may be fined up to \$3,000.
 - B. Second offense, may be fined up to \$4,000.
 - C. Third or subsequent offense, may be fined up to \$5,000.
- 4.3 The Division will scale any penalties assessed under section 38-12-1104(2)(d), C.R.S., for failing to appropriately post, maintain, or provide copies of the required Home Owner Notice described in section 38-12-1104(2)(a), C.R.S., in the time frame, manner, and locations provided in section 38-12-1104(2)(c), C.R.S., and Rule 5 of these rules, as follows:
 - A. First offense, may be fined up to \$3,000.
 - B. Second offense, may be fined up to \$4,000.

- C. Third or subsequent offense, may be fined up to \$5,000.
- 4.4 The Division will scale any penalties assessed under section 38-12-1105(13), C.R.S., for taking any “retaliatory action(s)” against a home owner, as defined in section 38-12-201.5(12), C.R.S., and further clarified in section 38-12-212.5, C.R.S., and Rule 3.3 of these rules, as follows:
- A. First offense, may be fined up to \$5,000.
 - B. Second offense, may be fined up to \$7,500.
 - C. Third or subsequent offense, may be fined up to \$10,000.
- 4.5 The Division will scale any penalties assessed under section 38-12-1105(5), C.R.S., for failing to comply with the requirements of a Notice of Violation as follows:
- A. First offense, may be fined up to \$3,000, per violation per day.
 - B. Second offense, may be fined up to \$4,000, per violation per day.
 - C. Third or subsequent offense, may be fined up to \$5,000, per violation per day.

RULE 5. HOME OWNER NOTICE REQUIREMENTS

- 5.1 Pursuant to section 38-12-1104(2)(c), C.R.S., the management or landlord must post and maintain the Home Owner Notice described in section 38-12-1104(2)(a), C.R.S., in a clearly visible and accessible location in every common area of the mobile home park, including every common resident mailbox location; every rent payment dropbox or other rent payment location; and every community hall, recreation hall, and clubhouse. The management or landlord must post this Home Owner Notice in a form authorized by the Division within seven (7) calendar days of receiving the Home Owner Notice from the Division.
- 5.1.1 If there is no common resident mailbox location, rent payment location, community hall, recreation hall, or clubhouse in the mobile home park, the management or landlord must post and maintain the Home Owner Notice, in a clearly visible and accessible location, at every location of another type of physical common area in the park. The types of common areas where the management or landlord may post and maintain the Home Owner Notice include, but are not limited to:
- A. Outside every management office;
 - B. At every park entrance; or
 - C. On the front of every dumpster provided for use by residents.
- 5.1.2 If there are no physical common areas in the park the same as or similar to those described in Rule 5.1 and 5.1.1 of these rules, the management or landlord may post and maintain the Home Owner Notice in a clearly visible and accessible location on the mobile home park’s online rent payment portal or other website intended for use by residents.
- 5.1.3 In addition to complying with Rules 5.1, 5.1.1, and 5.1.2 of these rules, the management or landlord must provide the Home Owner Notice in an accessible format for any home owner with disabilities (e.g. Braille or audio recording) upon request. These formats are available to the management or landlord from the Division by request.

- 5.2 In addition to complying with Rules 5.1 and 5.3 of these rules, the management or landlord must provide a copy of the required Home Owner Notice to each individual home owner within seven (7) calendar days of receiving the Home Owner Notice from the Division and on an annual basis, by posting it on the door of every home owner's mobile home or mailing it to each home owner at either the address provided in the rental agreement or the most recent mailing address of the home owner on file with the management or landlord.
- 5.2.1 As an alternative to Rule 5.2, the management or landlord may email a copy of the Home Owner Notice to a home owner(s) only if the home owner has an email address on file with the management or landlord, and the management or landlord regularly uses that email address for other communications with the home owner, like rent payment or maintenance notices.
- 5.3 In addition to complying with Rules 5.1 and 5.2 of these rules, the management or landlord must also provide a copy of the required Home Owner Notice with each new lease executed with a home owner, and to each home owner after a change in park ownership.
- 5.4 In mobile home parks where the landlord owns all of the mobile homes and there are no independent mobile home owners with rights and responsibilities under the Act (Part 2 of Article 12 of Title 38) or Program (Part 11 of Article 12 of Title 38), the management or landlord is not required to post, maintain, or provide a copy of the Home Owner Notice pursuant to section 38-12-1104(2)(a), C.R.S., and Rules 5.1 to 5.3 of these rules.
- 5.4.1 However, once a mobile home park has one or more independently-owned mobile homes, the management or landlord is no longer exempt from the Home Owner Notice requirements under section 38-12-1104(2)(a), C.R.S., and Rules 5.1 to 5.3 of these rules, and must post and provide a copy of the required Home Owner Notice to each individual home owner within seven (7) calendar days of the change in ownership of the mobile home(s) in compliance with Rules 5.1 to 5.3 of these rules.

RULE 6. MANAGEMENT, LANDLORD, AND HOME OWNER RESPONSIBILITIES

- 6.1 Trees – Notwithstanding the landlord's responsibility to maintain trees on the premises under section 38-12-212.3(2)(b)(IV), C.R.S., a home owner may enter a voluntary, written agreement with their landlord to take on the responsibility for simple trimming that does not affect the safety of park residents or their property of trees located on the lot they are renting from the park, so long as the home owner was not required to assume this responsibility as a condition of tenancy in the mobile home park in violation of section 38-12-212.3(3), C.R.S.
- 6.2 Fences – Fences located on the "premises" as defined in section 38-12-201.5(8), C.R.S., are presumed to be the responsibility of the landlord pursuant to section 38-12-212.3(2)(b), C.R.S., unless:
- A. The home owner built the fence;
 - B. The current home owner bought the fence from the previous home owner; or
 - C. The home owner agreed in their rental agreement to take on the responsibility for maintaining and repairing the fence and paying the cost thereof in their rental agreement, so long as the home owner was not required to assume this responsibility as a condition of tenancy in the mobile home park in violation of section 38-12-212.3(3), C.R.S.
- 6.3 Mobile Home Sales and Transfers – When the owner of a mobile home located in a mobile home park notifies the management or landlord of the park (whether as required by management or as a courtesy) that the owner intends to sell or transfer their mobile home in place, and the

management or landlord seeks to require compliance with park rules and regulations at the time of sale or transfer of the mobile home to a new owner pursuant to section 38-12-214(2), C.R.S., the management shall promptly provide the seller and any prospective buyer(s) of the mobile home a written list of the item(s) for which the management is requiring corrections at the time of sale or transfer. The written list shall include:

- A. Any and all items the management knows, or reasonably should have known, would require correction at the time of sale or transfer of the mobile home;
- B. A detailed description of each item; and
- C. A citation to the specific park rule or regulation that applies to each item on the list. Any park rule or regulation cited must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.

6.4 Limitations on Charges for Noncompliance – The following rules apply when the management intends to enter a mobile home space to ensure compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; or the rules and regulations of the park pursuant to section 38-12-222(2), C.R.S.

6.4.1 Before entering the mobile home space, the management shall first provide the home owner with a reasonable time to cure the alleged noncompliance and an estimate of the cost if the landlord cures the noncompliance instead (when an estimate is reasonably available and a charge would be permitted by the rental agreement).

6.4.2 If the home owner fails to cure or contest the noncompliance (ex. by communicating with the management or filing a complaint with the Program) within a reasonable amount of time, the management shall make a reasonable effort to notify the home owner of the management's intention to enter the mobile home space and cure the noncompliance at least forty-eight (48) hours before entry.

6.4.3 All of the following conditions must be met for the management to charge a home owner for the cost of ensuring compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; or the rules and regulations of the park:

- A. The potential for a charge must be adequately disclosed in writing in the rental agreement pursuant to section 38-12-213(1)(f), C.R.S.;
- B. The amount of the charge or the charge itself cannot be a prohibited "entry fee," as defined in section 38-12-201.5(1), C.R.S., and prohibited by section 38-12-209(1), C.R.S.; and
- C. If the charge is for the cost of ensuring compliance with a rule or regulation of the park, the rule or regulation must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.

6.5 Limitations on Pet Deposits – Pursuant to sections 38-12-201.5(1), 38-12-209(1), 38-12-207(1) and -207(3), 38-12-102(2) (effective until October 1, 2021), 38-12-102(6) (effective October 1, 2021), and 38-12-103(1), C.R.S.:

6.5.1 The management or landlord cannot charge or collect a nonrefundable pet deposit from a home owner or prospective home owner.

- 6.5.2 The management or landlord may only charge or collect a refundable pet deposit from a home owner or prospective home owner, if the total combined amount of the security deposit and refundable pet deposit is no greater than one month's rent.
- 6.6 Pet Rent Definition – Pursuant to sections 38-12-201.5(1) and 38-12-209(1), C.R.S., any recurring charges to home owners with pets must either be part of the "rent," as defined in section 38-12-201.5(9), C.R.S., or fall under an exception to the prohibition on "entry fee[s]" under section 38-12-201.5(1)(c) or (e), C.R.S.
- 6.6.1 If the management or landlord charges or collects pet rent as part of a home owner's rent, instead of as an exception to the prohibition on entry fees:
- A. The amount or application of pet rent shall not be discriminatory nor retaliatory in nature; and
 - B. All statutes and rules applicable to rent, including, but not limited to sections 38-12-213(1)(a), 38-12-204(2), and 38-12-204(3), C.R.S., apply to pet rent as part of the home owner's rent.

RULE 7. WATER USAGE, BILLING, AND LEAKS

- 7.1 The requirements in section 38-12-212.4(1), C.R.S., apply to all types of water usage, including sewer and storm water usage.
- 7.2 The management or landlord may change the method of utility billing by providing sixty (60) calendar days written notice to the home owners, provided that the new method of billing is reasonable, equitable, and consistent; does not violate any of the provisions in section 38-12-212.4, C.R.S.; and is not in violation of the home owner's rental agreement established pursuant to section 38-12-213, C.R.S.
- 7.3 Only in cases where the management purchases water from a provider and charges home owners for water usage in the park, but the management does not get the master meter charge(s) from the provider until after the management calculates each home owner's monthly water bill, the management may provide the following information to each home owner to meet the billing disclosure requirements under section 38-12-212.4(2), C.R.S.:
- A. The amount owed by the home owner for the current month;
 - B. The total amount owed by all the residents in the mobile home park for the current month; and
 - C. The total amount paid by the management to the provider for the previous month.
- 7.4 In the event that any water usage, billing, or payment information required under section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules is not available to the management due solely to circumstances beyond the management's control, the management shall take reasonable steps to comply with section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules, and to provide accurate disclosures to home owner as soon as reasonably possible and in a manner that meets the intent of section 38-12-212.4, C.R.S.

RULE 8. PARK CHANGE OF USE, SALES, OR CLOSURES AND HOME OWNER OPPORTUNITY TO PURCHASE

- 8.1 Notice of Intent to Sell – For purposes of giving notice pursuant to section 38-12-217(1)(a), C.R.S., a mobile home park owner demonstrates intent to sell the park when the park owner takes actions including, but not limited to:
- A. Signing a contract with a real estate broker or brokerage firm to list the park for sale, sell, or transfer the park;
 - B. Signing a letter of intent or other conditional written agreement with a potential buyer for the sale or transfer of the park, which includes the estimated price, terms, and conditions of the proposed sale or transfer, even if such price, terms, or conditions are subject to change;
 - C. Signing a contract with a potential buyer's real estate broker or brokerage firm related to the potential in the sale or transfer of the park;
 - D. Accepting an earnest money promissory note or deposit from a potential buyer;
 - E. Responding to a potential buyer's due diligence request list; or
 - F. Providing a signed property disclosure form to a potential buyer.
- 8.2 Listing – For purposes of section 38-12-217(2)(a)(I), C.R.S., the landlord lists the park for sale when the owner of the mobile home park or their agent, employee, broker, or representative authorized to act on the owner's behalf offers the property for sale.
- 8.3 Contents of Park Sale Notice – Pursuant to section 38-12-217(3), C.R.S., the "price, terms, and conditions" to sell the park include, but are not limited to:
- A. Any money or compensation the seller or seller's agent has paid or intends to pay to the potential buyer or buyer's agent, including due diligence costs or brokerage fees;
 - B. Whether or not the seller has signed a conditional contract for the sale of the park with a potential buyer, or intends to do so within the next ninety (90) calendar days;
 - C. Any other terms or conditions which, if not met, would be sufficient grounds, in the seller's discretion, for rejecting an offer from residents, their agents, or their assignees; and
 - D. For sales that include more than one mobile home park or piece of real estate, like portfolio or bundled sales:
 - i. The name and property description of any and all other mobile home parks or real estate included in the proposed sale;
 - ii. The total price, terms, and conditions of an acceptable offer to sell all of the properties; and
 - iii. The price, terms, and conditions of an acceptable offer to sell each of the mobile home parks located in the State of Colorado that are included in the proposed sale.
- 8.4 Landlord's Duty to Consider Offer – Pursuant to section 38-217(5)(b), C.R.S., a landlord that receives an offer(s) to purchase a mobile home park from a group or association of home owners

or their assignees must provide a written response to each offer within ten (10) calendar days. The landlord's response to the group or association of home owners or their assignees shall include:

- A. Whether the landlord will accept, will consider, or will not accept the most recent offer submitted by the group or association of home owners or their assignees;
- B. The current price, terms, or conditions of an acceptable offer the landlord has received to sell the mobile home park, or for which the landlord intends to sell the park, if such price, terms, or conditions have changed since the landlord gave notice to the home owners pursuant to sections 38-12-217(1) or (2), C.R.S.; and
- C. If the landlord finds the most recent offer submitted by the group or association of home owners or their assignees unacceptable, an explanation of why the landlord finds the offer unacceptable.

8.5 Affidavit of Compliance – Pursuant to section 38-12-217(11), C.R.S., the landlord:

- A. Shall not file the affidavit of compliance before the home owners' opportunity to purchase terminates or expires pursuant to sections 38-12-217(1)(c) or (6)(a), C.R.S.; and
- B. Shall file the affidavit of compliance on a Division-approved form within thirty (30) calendar days after the sale or transfer of the park is final.

8.6 Exemption Form – If a park sale or transfer qualifies for an exemption from the notice and opportunity to purchase requirements pursuant to sections 38-12-217(12) and (13), C.R.S., the landlord shall provide evidence of compliance by filing a Division-approved exemption form within thirty (30) calendar days after the closing date of the exempt sale or transfer with:

- A. The municipality or, if the park is in an unincorporated area, the county, within which the park is located; and
- B. The Division of Housing in the Department of Local Affairs.

8.7 Sale and Transfer Records – Pursuant to sections 38-12-1105(1) and (3), C.R.S., the seller or transferor of a mobile home park that is located in Colorado shall maintain any and all records related to compliance with section 38-12-217, C.R.S., for a minimum of thirty-six (36) months after any sale or transfer of a mobile home park is complete, including but not limited to:

- A. Records related to Rule 8.1(A)-(B) of these rules;
- B. Notices mailed or given to home owners pursuant to sections 38-12-217(1) and (2), C.R.S.;
- C. Postings pursuant to section 38-12-217(1)(c), C.R.S., including any forms for home owners to provide notice that they do not wish to participate in efforts to purchase the community;
- D. Signed writings provided by home owners to the park owner expressing no interest in purchasing the park pursuant to section 38-12-217(1)(c), C.R.S.;
- E. Offers to purchase and proposed purchase and sale agreements submitted to the landlord by a group or association of home owners or their assignees pursuant to section 38-12-217(4), C.R.S.;

F. Requests for information from a group or association of home owners or their assignees participating in the opportunity to purchase and the landlord's response(s) to these requests for information pursuant to section 38-12-217(5)(a), C.R.S.; and

G. Offers to purchase and any conditional and unconditional purchase and sale agreements submitted by the successful purchaser of the mobile home park.

Adopted on November 8, 2019, to implement House Bill 19-1309 effective December 30, 2019.

The following changes were adopted on March 11, 2020 and are effective April 30, 2020:

- Created: Rules 1.3, 2.5.1(A)-(B), 3.3.2, 3.7, 3.8, 5.1.1- 5.1.2, 5.2.1, 5.4, 6.2
- Amended: Rules 1.4(I)-(J), 2.1, 2.2, 2.5.1, 3.2, 3.3, 3.3.1, 3.3.3, 4, 4.1-4.4 (restated statute), 5.1, 5.2, 5.3, 6.1
- Renumbered: Rules 1.4, 2.1- 2.5, 3.6, 5.1.3, 6.1
- Deleted: Rules 2.1 (restated statute)

The following changes were adopted on October 11, 2020 and are effective November 30, 2020:

- Created: Rules 1.2(A); 1.4; 1.5; 1.6; 1.7; 2.2(B)-(D) and (I)-(N); 2.3; 2.4; 3.1.1; 3.3.2(A)-(B); 3.5; 3.10-3.10.4; 4.1(E); 6.3; 6.4; 7.1; 7.2; 7.3; 7.4; 8.1
- Amended: Rules 1.1; 1.2 and 1.2(B) (updated statutory cite); 1.3 and 1.3.1 (updated statutory cite); 2.1.1; 2.2(A) and (F); 2.6; 2.7-2.7.1(A); 3.1; 3.8; 4.1; 4.1(A)-(D) and (F); 4.3; 4.4 (updated statutory cite); 5.1-5.1.3; 5.2-5.2.1; 5.3; 5.4-5.4.1; 6.1; 6.2 and 6.2(C) (updated statutory cite)
- Renumbered: Rules 2.2(A), (E) and (G)-(H); 2.5; 3.3-3.3.2; 3.6; 3.7; 3.9; 4.2; 4.5
- Deleted: Rules 1.2 (added to statute); 2.2(A); 3.3 (added to statute); 3.3.2 (added to statute)

Notice of Proposed Rulemaking

Tracking number

2021-00560

Department

500,1008,2500 - Department of Human Services

Agency

2503 - Income Maintenance (Volume 3)

CCR number

9 CCR 2503-9

Rule title

COLORADO CHILD CARE ASSISTANCE PROGRAM

Rulemaking Hearing**Date**

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

Annually, the Department updates the Federal Poverty Levels and the State Median Income levels in Rule and in CHATS, the automated system used by counties to administer Colorado Child Care Assistance Program (CCCAP), to align with each federal fiscal year updates. These guidelines are used to determine eligibility for families applying to the CCCAP program. These updated figures must be in rule in accordance with Administrative Procedure Act, § 24-4-103, which requires the state to address in rule any general standard that is applied to the public (such as income eligibility for child care assistance). NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107(5)(a), (b), C.R.S. (2020); 26-1-109(3), C.R.S. (2020); 26-1-111(2)(a), (b), C.R.S. (2020); 26-2-805(1), (13), C.R.S. (2020); 26-2-805 (1), (2), C.R.S (2020); 45 CFR 98.16 (h), (k)

Contact information**Name**

Tamara Schmidt

Title

Director

Telephone

720.768.8287

Email

tamara.schmidt@state.co.us

Title of Proposed Rule: Colorado Child Care Assistance Program FPG & SMI Updates

CDHS Tracking #: 21-07-22-02

Office, Division, & Program: Rule Author: Tamara Schmidt
OEC, DECL, CCCAP

Phone: 720-768-8287

E-Mail:
Tamara.Schmidt@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. ☒ Board ☐ Executive Director

b. ☐ Regular ☒ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

☒ AG Initial
Review

☒ Initial Board
Reading

☐ AG 2nd Review

☐ Second Board Reading
/ Adoption

This package contains the following types of rules: *(check all that apply)*

Number

1 Amended Rules

 New Rules

 Repealed Rules

 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	September
What date is being requested for this rule to be effective?	October 1, 2021
Is this date legislatively required?	Yes

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board 9/3/2021 (Emergency)	2nd Board 10/8/2021 (Permanent)	Effective Date: 10/1/2021 (Emergency) 11/30/2021 (Permanent)
_____	_____	_____	_____

Title of Proposed Rule: Colorado Child Care Assistance Program FPG & SMI Updates

CDHS Tracking #: 21-07-22-02

Office, Division, & Program: Rule Author: Tamara Schmidt
OEC, DECL, CCCAP

Phone: 720-768-8287

E-Mail:
Tamara.Schmidt@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

Annually, the Department updates the Federal Poverty Levels and the State Median Income levels in Rule and in CHATS, the automated system used by counties to administer Colorado Child Care Assistance Program (CCCAP), to align with each federal fiscal year updates. These guidelines are used to determine eligibility for families applying to the CCCAP program.

These updated figures must be in rule in accordance with Administrative Procedure Act, § 24-4-103, which requires the state to address in rule any general standard that is applied to the public (such as income eligibility for child care assistance).

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- ☒ to comply with state/federal law and/or
☐ to preserve public health, safety and welfare

Justification for emergency:

The updated Federal Poverty Levels and State Median Income levels must be in effect at the beginning of the federal fiscal year, October 1st, in order to comply with federal regulations.

State Board Authority for Rule:

Code	Description
26-1-107(5)(a), (b), C.R.S. (2020)	State Board to promulgate rules
26-1-109(3), C.R.S. (2020)	State department rules to coordinate with federal programs
26-1-111(2)(a), (b), C.R.S. (2020)	State department to administer or supervise all forms of public assistance, in cooperation with federal partners.
26-2-805(1), (13), C.R.S. (2020)	State board to promulgate rules to implement CCCAP

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-2-805 (1), (2), C.R.S (2020)	The Board may adjust the percentage of federal poverty guidelines to comply with federal law. Income must not exceed the maximum federal eligibility level of 85% of the State Median Income.
45 CFR 98.16 (h), (k)	Lead Agencies must establish income eligibility thresholds that do not exceed 85% of the State Median Income but that allow for gradual increases in income, and describe the sliding fee scale for cost-sharing by families

Title of Proposed Rule: Colorado Child Care Assistance Program FPG & SMI Updates

CDHS Tracking #: 21-07-22-02

Office, Division, & Program: Rule Author: Tamara Schmidt
OEC, DECL, CCCAP

Phone: 720-768-8287

E-Mail:
Tamara.Schmidt@state.co.us

Does the rule incorporate material by reference?

☐ Yes

☒ No

Does this rule repeat language found in statute?

☐ Yes

☒ No

If yes, please explain.

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Counties who administer Colorado Child Care Assistance Program (CCCAP) will benefit from the rule, ensuring that eligibility is correctly being determined.

Households receiving CCCAP will have their eligibility correctly determined under the new income amounts.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

If income levels are not updated, the Department will not be in compliance with federal requirements. Additionally, families applying for services will not be determined eligible under the correct income guidelines if the income levels are not put into effect by October 1, 2021.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

No fiscal impact to the state as the changes in CHATS are covered under standard operations.

County Fiscal Impact

Counties may see a fiscal impact if we do not promulgate this rule package immediately as families that have lost benefits may be able to appeal under the new federal guidelines.

Federal Fiscal Impact

There is no federal fiscal impact as these changes are required and any changes are covered under standard operations.

Other Fiscal Impact (such as providers, local governments, etc.)

Title of Proposed Rule: Colorado Child Care Assistance Program FPG & SMI Updates

CDHS Tracking #: 21-07-22-02

Office, Division, & Program: Rule Author: Tamara Schmidt
OEC, DECL, CCCAP

Phone: 720-768-8287

E-Mail:

Tamara.Schmidt@state.co.us

There is a risk that some families will go over income under the current Departmental guidelines but would not go over income under the "new" federal guidelines.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

LIHEAP-IM-2021-02: Memo on FF22 Federal Poverty Guidelines, published July 6, 2021

LIHEAP-IM-2021-03: Memo on FFY22 State Median Income Estimates, published July 6, 2021

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There are no alternatives to this rule making because APA requires that these standards are promulgated in rule.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language		New Language or Response			Reason / Example / Best Practice	Public Comment No / Detail																																																												
7.000	<i>Incorrect Statutory Reference</i>	Section 26.5.103 C.R.S.		Section 26.5-101(3) C.R.S.																																																																
3.905.1 (H)(2)	The FPG and SMI values have changed	2. Effective October 1, 2020, monthly gross income levels, for one-hundred percent (100%) of the Federal Poverty Guideline (FPG), as well as eighty-five percent (85%) of State Median Income (SMI) for the corresponding household size are as follows: <table><tr><td>Family Size</td><td>100% Federal Poverty Guideline (FPG)</td><td>85% State Median Income (SMI) (State and Federal Maximum Income Limit)</td></tr><tr><td>1</td><td>\$1,063.33</td><td>\$3,711.33</td></tr><tr><td>2</td><td>\$1,436.67</td><td>\$4,853.27</td></tr><tr><td>3</td><td>\$1,810.00</td><td>\$5,995.22</td></tr><tr><td>4</td><td>\$2,183.33</td><td>\$7,137.17</td></tr><tr><td>5</td><td>\$2,556.67</td><td>\$8,279.11</td></tr><tr><td>6</td><td>\$2,930.00</td><td>\$9,421.06</td></tr><tr><td>7</td><td>\$3,303.33</td><td>\$9,635.18</td></tr><tr><td>8</td><td>\$3,676.67</td><td>\$9,849.29</td></tr><tr><td>Each Additional Person</td><td>\$373.33</td><td>\$214.12</td></tr></table>		Family Size	100% Federal Poverty Guideline (FPG)	85% State Median Income (SMI) (State and Federal Maximum Income Limit)	1	\$1,063.33	\$3,711.33	2	\$1,436.67	\$4,853.27	3	\$1,810.00	\$5,995.22	4	\$2,183.33	\$7,137.17	5	\$2,556.67	\$8,279.11	6	\$2,930.00	\$9,421.06	7	\$3,303.33	\$9,635.18	8	\$3,676.67	\$9,849.29	Each Additional Person	\$373.33	\$214.12	2. Effective October 1, 2020 2021 , monthly gross income levels, for one-hundred percent (100%) of the Federal Poverty Guideline (FPG), as well as eighty-five percent (85%) of State Median Income (SMI) for the corresponding household size are as follows: <table><tr><td>Family Size</td><td>100% Federal Poverty Guideline (FPG)</td><td>85% State Median Income (SMI) (State and Federal Maximum Income Limit)</td></tr><tr><td>1</td><td>\$1,063.33 \$1,073.33</td><td>\$3,711.33 \$3,908.75</td></tr><tr><td>2</td><td>\$1,436.67 \$1,451.67</td><td>\$4,853.27 \$5,111.45</td></tr><tr><td>3</td><td>\$1,810.00 \$1,830.00</td><td>\$5,995.22 \$6,314.14</td></tr><tr><td>4</td><td>\$2,183.33 \$2,208.33</td><td>\$7,137.17 \$7,516.83</td></tr><tr><td>5</td><td>\$2,556.67 \$2,586.67</td><td>\$8,279.11 \$8,719.53</td></tr><tr><td>6</td><td>\$2,930.00 \$2,965.00</td><td>\$9,421.06 \$9,922.22</td></tr><tr><td>7</td><td>\$3,303.33 \$3,343.33</td><td>\$9,635.18 \$10,147.73</td></tr><tr><td>8</td><td>\$3,676.67 \$3,721.67</td><td>\$9,849.29 \$10,373.23</td></tr><tr><td>Each Additional Person</td><td>\$373.33 \$378.33</td><td>\$214.12 \$225.51</td></tr></table>			Family Size	100% Federal Poverty Guideline (FPG)	85% State Median Income (SMI) (State and Federal Maximum Income Limit)	1	\$1,063.33 \$1,073.33	\$3,711.33 \$3,908.75	2	\$1,436.67 \$1,451.67	\$4,853.27 \$5,111.45	3	\$1,810.00 \$1,830.00	\$5,995.22 \$6,314.14	4	\$2,183.33 \$2,208.33	\$7,137.17 \$7,516.83	5	\$2,556.67 \$2,586.67	\$8,279.11 \$8,719.53	6	\$2,930.00 \$2,965.00	\$9,421.06 \$9,922.22	7	\$3,303.33 \$3,343.33	\$9,635.18 \$10,147.73	8	\$3,676.67 \$3,721.67	\$9,849.29 \$10,373.23	Each Additional Person	\$373.33 \$378.33	\$214.12 \$225.51	The Federal Poverty Guidelines and State Median Income amounts are being revised as required by LIHEAP-IM-2021-02 and LIHEAP-IM-2021-03	No
Family Size	100% Federal Poverty Guideline (FPG)	85% State Median Income (SMI) (State and Federal Maximum Income Limit)																																																																		
1	\$1,063.33	\$3,711.33																																																																		
2	\$1,436.67	\$4,853.27																																																																		
3	\$1,810.00	\$5,995.22																																																																		
4	\$2,183.33	\$7,137.17																																																																		
5	\$2,556.67	\$8,279.11																																																																		
6	\$2,930.00	\$9,421.06																																																																		
7	\$3,303.33	\$9,635.18																																																																		
8	\$3,676.67	\$9,849.29																																																																		
Each Additional Person	\$373.33	\$214.12																																																																		
Family Size	100% Federal Poverty Guideline (FPG)	85% State Median Income (SMI) (State and Federal Maximum Income Limit)																																																																		
1	\$1,063.33 \$1,073.33	\$3,711.33 \$3,908.75																																																																		
2	\$1,436.67 \$1,451.67	\$4,853.27 \$5,111.45																																																																		
3	\$1,810.00 \$1,830.00	\$5,995.22 \$6,314.14																																																																		
4	\$2,183.33 \$2,208.33	\$7,137.17 \$7,516.83																																																																		
5	\$2,556.67 \$2,586.67	\$8,279.11 \$8,719.53																																																																		
6	\$2,930.00 \$2,965.00	\$9,421.06 \$9,922.22																																																																		
7	\$3,303.33 \$3,343.33	\$9,635.18 \$10,147.73																																																																		
8	\$3,676.67 \$3,721.67	\$9,849.29 \$10,373.23																																																																		
Each Additional Person	\$373.33 \$378.33	\$214.12 \$225.51																																																																		

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Emergency rule package based on FFY 2021 Federal Poverty Guidelines and State Median Income Estimates

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Office of Early Childhood (OEC) PAC & Sub-PAC will be informed of the emergency rule making strategy at the August meetings.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☐ Yes ☒ No

Name of Sub-PAC	CDHS Early Childhood Sub-PAC		
Date presented	August 5, 2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☐ Yes ☒ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.	Will be presented in September		

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(9 CCR 2503-9)

3.905.1 LOW-INCOME CHILD CARE ELIGIBILITY

H. Low-Income Eligibility Guidelines

1. Adult caretaker(s) or teen parent(s) gross income must not exceed eighty-five percent (85%) of the state median income.
 - a. Entry eligibility shall be set by the state department at a level based on the self-sufficiency standard, not to be set below one hundred eighty-five percent (185%) of federal poverty level.
 - b. Exit income eligibility must be eighty-five percent (85%) of the state median income.
2. Effective October 1, ~~2020~~2021, monthly gross income levels, for one-hundred percent (100%) of the Federal Poverty Guideline (FPG), as well as eighty-five percent (85%) of State Median Income (SMI) for the corresponding household size are as follows:

Family Size	100% Federal Poverty Guideline (FPG)	85% State Median Income (SMI) (State and Federal Maximum Income Limit)
1	\$1,063.33 <u>\$1,073.33</u>	\$3,711.33 <u>\$3,908.75</u>
2	\$1,436.67 <u>\$1,451.67</u>	\$4,853.27 <u>\$5,111.45</u>
3	\$1,810.00 <u>\$1,830.00</u>	\$5,995.22 <u>\$6,314.14</u>
4	\$2,183.33 <u>\$2,208.33</u>	\$7,137.17 <u>\$7,516.83</u>
5	\$2,556.67 <u>\$2,586.67</u>	\$8,279.11 <u>\$8,719.53</u>
6	\$2,930.00 <u>\$2,965.00</u>	\$9,421.06 <u>\$9,922.22</u>
7	\$3,303.33 <u>\$3,343.33</u>	\$9,635.18 <u>\$10,147.73</u>
8	\$3,676.67 <u>\$3,721.67</u>	\$9,849.29 <u>\$10,373.23</u>
Each Additional Person	\$373.33 <u>\$378.33</u>	\$214.12 <u>\$225.51</u>

Notice of Proposed Rulemaking

Tracking number

2021-00547

Department

500,1008,2500 - Department of Human Services

Agency

2504 - Child Support Services (Volume 6)

CCR number

9 CCR 2504-1

Rule title

RULE MANUAL VOLUME 6, CHILD SUPPORT SERVICES RULES

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

The Division of Child Support Services (DCSS) is proposing a rule change to eliminate the collection of an application fee from customers applying for child support services. As an application fee is required by federal regulation, DCSS is proposing to reduce the fee from \$20.00 to \$0.10 and to pay the fee out of state funds. The state is required to reimburse the counties on fees collected. \$0.10 was chosen as the best application fee amount as it is an amount that can be divided easily among county and federal shares and it is an amount that the DCSS can budget for. This change will reduce barriers for applicants enabling more families to access the services provided. It will also streamline the online application process and align the program with other human services programs that do not charge customers to apply for services. This proposed rule change is consistent with the goal of DCSS to provide equitable services to families across the state of Colorado. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 45 C.F.R. § 302.33

Contact information**Name**

Elise Topliss

Title

Policy & Performance Manager

Telephone

720.908.7822

Email

elise.topliss@state.co.us

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. ☐ Board ☐ Executive Director

b. ☒ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

<input checked="" type="checkbox"/>	AG Initial Review	<input type="checkbox"/>	Initial Board Reading	<input type="checkbox"/>	AG 2 nd Review	<input type="checkbox"/>	Second Board Reading / Adoption
-------------------------------------	-------------------	--------------------------	-----------------------	--------------------------	---------------------------	--------------------------	---------------------------------

This package contains the following types of rules: *(check all that apply)*

Number	
5	Amended Rules
<input type="checkbox"/>	New Rules
<input type="checkbox"/>	Repealed Rules
<input type="checkbox"/>	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	10/2021
---	---------

What date is being requested for this rule to be effective?	01/01/2022
Is this date legislatively required?	

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board _____	2nd Board _____	Effective Date _____
------------------	-----------------	-----------------	----------------------

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Division of Child Support Services (DCSS) is proposing a rule change to eliminate the collection of an application fee from customers applying for child support services. As an application fee is required by federal regulation, DCSS is proposing to reduce the fee from \$20.00 to \$0.10 and to pay the fee out of state funds. The state is required to reimburse the counties on fees collected. \$0.10 was chosen as the best application fee amount as it is an amount that can be divided easily among county and federal shares and it is an amount that the DCSS can budget for. This change will reduce barriers for applicants enabling more families to access the services provided. It will also streamline the online application process and align the program with other human services programs that do not charge customers to apply for services. This proposed rule change is consistent with the goal of DCSS to provide equitable services to families across the state of Colorado.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
45 C.F.R. § 302.33	States must charge an application fee in an amount not to exceed \$25.00

Does the rule incorporate material by reference?		Yes		X	No
Does this rule repeat language found in statute?		Yes		X	No
If yes, please explain.					

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Parents and caregivers will receive full child support services for no cost regardless of their economic status and/or other program participation. Parents and caregivers will also benefit from the streamlined online application process as the county will not have to wait for the fee to be received before working the case. Additionally, families will no longer have to submit a payment before their application for services is reviewed.

County professionals will no longer have to allocate personnel resources to processing application fees. This may increase county personnel time available to dedicate to other case management functions.

The State Division of Child Support Services will streamline the online application process making it easier for families to apply for child support services online and further improve the timeliness for application processing.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

In the short and long-term, parents and caregivers will benefit through an increase in accessibility to applying for child support services.

In the short and long-term, county professionals will save time previously spent on accepting and processing application fees, following up on applications received without a fee, and determining hardship for a waiver of the application fee. While counties may see an increase in applications received, that increase is not determined to be impactful to the county. An increase in applications is a benefit to the program and for families.

In the short-term, the State Division of Child Support Services will benefit through being able to streamline and implement the online application process. The programming for technical staff would be simplified and assistance from outside vendors would not be required. This will allow more time for other prioritized projects.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because....”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There is an anticipated fiscal impact to the state of approximately \$888.60 per year.

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

8,886 (total applications received in 2019) x \$0.10(proposed application fee) = \$888.60

DCSS is proposing \$.10 as this amount can be easily divided among county and federal shares.

County Fiscal Impact

As counties currently retain \$6.80 (34%) per application fee received, county revenue will be reduced by approximately \$60,122.68 per year.

8,886 (applications received in 2019) x \$20.00 (current fee) x 0.34(county share) = \$60,424.80

8,886 (estimated applications received per year) x \$0.10 (proposed fee) x 0.34(county share) = \$302.12
 $\$60,424.80 - \$302.12 = \$60,122.68$

This estimate is based on the data that is available to the State Division of Child Support Services and it is likely that the true fiscal impact for counties will be much less. Counties have been provided an Excel spreadsheet to input county level data to calculate a more accurate estimated impact that considers information not available at the state level. The spreadsheet considers how many application fees are waived by the county. This is essential to determine the true fiscal impact because when a county waives the application fee, the county is responsible to reimburse the federal government 66% of the fee (\$13.20). Many counties who regularly waive application fees will likely experience a cost savings as a result of this proposed rule. The spreadsheet also considers the amount of time currently being spent by county professionals processing application fees, determining eligibility to waive the fee, and following up on applications received without the fee or information required by the county to waive the fee.

Example:

If a county receives 100 applications a year and waives 50% of application fees, the proposed rule would save the county \$4.20 per application and \$419.64 per year.

$(50 \times -\$13.20 \text{ 66\% of current application fee owed to the federal government}) + (-\$17.00 \times \text{hourly wage} \times 50 \text{ applications waived} \times 0.083 \text{ 5 minutes to determine eligibility to waive the fee} \times 0.34 \text{ county share of operating costs}) = \textbf{-\$683.99}$

$(\$6.80 \text{ 34\% of current application fee retained by county} \times 50 \text{ application fees paid}) - (\$17.00 \times \text{hourly wage} \times 50 \text{ applications fees paid} \times 0.25 \text{ 15 minutes to process application fee} \times 0.34 \text{ county share of operating costs}) = \textbf{+$267.75}$

The cost effectiveness of the current rule:

$-\$683.99 + \$267.75 = \textbf{-\$416.24 per year or -\$4.16 per application}$

The cost effectiveness of the proposed rule and fiscal impact of the rule change:

If the same number of applications were received under the proposed rule change, the county would be reimbursed \$0.034 per application for a total of \$3.40 per year. The proposed rule would save the county \$4.20 per application or an estimated \$419.64 per year.

*\$17.00 per hour is an estimate

Federal Fiscal Impact

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

The federal government will see an approximate \$116,708.72 reduction in reimbursement for their share of application fees received in Colorado.

$8,886$ (total applications received in 2019) \times \$20.00 (current fee) \times 0.66(federal share) = \$117,295.20

$8,886$ (total applications received in 2019) \times \$0.10(proposed fee) \times 0.66(federal share) = \$586.48

$\$117,295.20$ (current rule) - $\$586.48$ (proposed rule) = $\$116,708.72$

45 C.F.R. § 302.33(c) states that a state must charge a fee for services in an amount not to exceed \$25.00. State funds may be used to pay application fees.

This proposed change has been shared with the Office of Child Support Enforcement (OCSE), Region VIII Representative and no concerns have been expressed as other states are considering the same change.

Other Fiscal Impact (such as providers, local governments, etc.)

N/A

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

No specific data or research was used for the proposal of the rule packet.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

In order to increase accessibility to the services provided by DCSS, a rule change is necessary to eliminate the collection of a fee from applicants. Rule-making defines the service expectation and allows for the state supervising agency to require a specific process or practice as it relates to the application process. DCSS is proposing \$.10 as this amount can be easily divided among county and federal shares.

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
6.002	DEFINITIONS				
	Amended Definition	“Application” - the state prescribed form which indicates that the individual is applying for Child Support Services. The application is signed by the individual applying for services and a fee is paid or waived on basis of hardship, and then paid by the county.	“Application” - the state prescribed form which indicates that the individual is applying for Child Support Services. The application is signed by the individual applying for services and a AN APPLICATION fee is ASSESSED paid or waived on basis of hardship, and then paid by the county.	To remove language that requires the applicant to pay the fee or the county to waive the fee	
6.002	New Definition	N/A	“APPLICATION FEE” - A FEE ASSESSED UPON RECEIPT OF AN APPLICATION, AS REQUIRED BY FEDERAL REGULATION, TO BE PAID OUT OF STATE FUNDS, IN THE AMOUNT OF 10 CENTS (\$0.10).	Define “application fee”	
6.201.2	Amended Rule	<p>6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES [Rev. eff. 4/1/12]</p> <p>A. Continued Services Cases</p> <p>1. The Child Support Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application or fee unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.</p>	<p>6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES [Rev. eff. 4/1/12]</p> <p>A. Continued Services Cases</p> <p>1. The Child Support Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application or fee unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.</p>	To remove language that refers to the applicant paying the fee and to update the name of notices	

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

	<p>2. Form SMR-3, Notice to Recipient, will be generated and mailed to the recipient when they are discontinued from IV-A. The form will be sent to the recipient ten (10) days prior to the effective date of the discontinuation.</p> <p>3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.</p> <p>The Notice to Recipient (SMR-3) and the Notice of Social Service Action (SS-4) shall:</p> <p>a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSS Unit shall continue to provide CSS services unless the CSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;</p> <p>b. Specify the CSS services that are available;</p> <p>c. Inform the person that the quality of information provided will affect the category of the case;</p> <p>d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,</p> <p>e. Specify the household number;</p> <p>f. Specify the unique case identifiers;</p> <p>g. Require the signature of the person discontinued who wishes to terminate CSS services;</p> <p>h. Specify the CSS unit will collect overdue support to repay past IV-A or IV-E foster care maintenance.</p>	<p>2. Form SMR-3, Notice to Recipient,THE NOTICE OF ACTION AND THE CSE 34 NOTICE will be generated and mailed to the recipient when they are discontinued from IV-A. The form will be sent to the recipient ten (10) days prior to the effective date of the discontinuation.</p> <p>3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.</p> <p>The Notice to Recipient (SMR-3)THE NOTICE OF ACTION, THE CSE 34 NOTICE, and the Notice of Social Service Action (SS-4) shall:</p> <p>a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSS Unit shall continue to provide CSS services unless the CSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;</p> <p>b. Specify the CSS services that are available;</p> <p>c. Inform the person that the quality of information provided will affect the category of the case;</p> <p>d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,</p> <p>e. Specify the household number;</p> <p>f. Specify the unique case identifiers;</p> <p>g. Require the signature of the person discontinued who wishes to terminate CSS services;</p> <p>h. Specify the CSS unit will collect overdue support to</p>		
--	---	--	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

	<p>i. Contain any other information deemed appropriate by the State Department.</p> <p>4. The county Low-Income Child Care Assistance unit must provide written notice to the person who's IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs. The county Low-Income Child Care Assistance Program must also notify the county Child Support Services Unit within the same time frame.</p> <p>B. Application Cases</p> <p>1. Persons who do not receive public assistance or continued CSS services may apply for full CSS services by completing the Application for Child Support Services, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSS Unit, the recipients must complete the State prescribed application for Child Support Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.</p> <p>2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or alleged parents shall also be made available on behalf of children who are or were deprived of parental support due to</p>	<p>repay past IV-A or IV-E foster care maintenance.</p> <p>i. Contain any other information deemed appropriate by the State Department.</p> <p>4. The county Low-Income Child Care Assistance unit must provide written notice to the person who's IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs. The county Low-Income Child Care Assistance Program must also notify the county Child Support Services Unit within the same time frame.</p> <p>B. Application Cases</p> <p>1. Persons who do not receive public assistance or continued CSS services may apply for full CSS services by completing the Application for Child Support Services, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSS Unit, the recipients must complete the State prescribed application for Child Support Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.</p> <p>2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or</p>		
--	--	---	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

	<p>the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.</p> <p>3. The application on behalf of the child for child support services may be made by either of the child's parents (custodial or noncustodial), an alleged father, legal guardian, or other person or agency.</p> <p>4. When the applicant is not a parent of the child, an application for child support services must be obtained for each noncustodial parent.</p> <p>5. Requests for Application</p> <p>a. When an individual requests an application or CSS services in person, the CSS Unit shall provide an application on the day requested.</p> <p>b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSS Unit within no more than five (5) business days from the date of request.</p> <p>c. The application shall include the following information:</p> <ol style="list-style-type: none"> 1) available services. 2) the individual's rights and responsibilities. 3) fees, cost recovery and distribution policies. 4) case categorization and the information necessary to change the category; and 5) the lack of an attorney-client relationship. 	<p>alleged parents shall also be made available on behalf of children who are or were deprived of parental support due to the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.</p> <p>3. The application on behalf of the child for child support services may be made by either of the child's parents (custodial or noncustodial), an alleged father, legal guardian, or other person or agency.</p> <p>4. When the applicant is not a parent of the child, an application for child support services must be obtained for each noncustodial parent.</p> <p>5. Requests for Application</p> <p>a. When an individual requests an application or CSS services in person, the CSS Unit shall provide an application on the day requested.</p> <p>b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSS Unit within no more than five (5) business days from the date of request.</p> <p>c. The application shall include the following information:</p> <ol style="list-style-type: none"> 1) available services. 2) the individual's rights and responsibilities. 3) fees, cost recovery and distribution policies. 4) case categorization and the information necessary to change the category; and 		
--	---	---	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

	<p>d. The CSS Unit must maintain a log of requests for services which includes the following information:</p> <ol style="list-style-type: none"> 1) name of person requesting an application. 2) type of request (in person, phone, mail); 3) date of request. 4) date the application was mailed or provided. 5) date the application is accepted. <p>6. The application for non-PA CSS services shall be made on the Application for Child Support Services, as prescribed by the state department. The standard Application for Child Support Services shall include the following elements:</p> <ol style="list-style-type: none"> a. The full name of the noncustodial parent; b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought; c. The signature, address, telephone number, date of birth and social security number of the applicant and date of application. <p>7. Acceptance of Applications</p> <ol style="list-style-type: none"> a. An application may be filed in any CSS office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county. b. An application shall be accepted on the day it and the application fee are received, if one or more of the children 	<p>5) the lack of an attorney-client relationship.</p> <p>d. The CSS Unit must maintain a log of requests for services which includes the following information:</p> <ol style="list-style-type: none"> 1) name of person requesting an application. 2) type of request (in person, phone, mail); 3) date of request; 4) date the application was mailed or provided. 5) date the application is accepted. <p>6. The application for non-PA CSS services shall be made on the Application for Child Support Services, as prescribed by the state department. The standard Application for Child Support Services shall include the following elements:</p> <ol style="list-style-type: none"> a. The full name of the noncustodial parent; b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought; c. The signature, address, telephone number, date of birth and social security number of the applicant and date of application. <p>7. Acceptance of Applications</p> <ol style="list-style-type: none"> a. An application may be filed in any CSS office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county. b. An application shall be accepted on the day it and the 		
--	---	--	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

		<p>associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered.</p> <p>c. An application shall be accepted as filed on the date it is received in the CSS office if it includes the following information:</p> <ol style="list-style-type: none"> 1) applicant's name, address and social security number; 2) the name of the noncustodial parent(s), if known; 3) name, birth date, sex, place of birth and social security number, if available, for each child; 4) applicant's signature. <p>d. Acceptance of an application involves recording the date of receipt on the application.</p> <p>8. Upon application, the county CSS Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of CSS services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support services funds. The CSS Unit may then choose to recover the fee from the noncustodial parent. County CSS Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be used to reduce CSS program expenditures.</p> <p>9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund intercept and charged in addition to the twenty dollar (\$20) CSS application fee. The certification fee must be used to reduce CSS program expenditures.</p>	<p>application fee are received, if one or more of the children associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered:</p> <p>eb. An application shall be accepted as filed on the date it is received in the CSS office, IF ONE OR MORE OF THE CHILDREN ASSOCIATED WITH A SPECIFIC OBLIGEE AND OBLIGOR ARE NOT EMANCIPATED AS DEFINED IN THE CHILD SUPPORT ORDER AND THE LAWS OF THE STATE WHERE THE CHILD SUPPORT ORDER WAS ENTERED, AND-# it includes the following information:</p> <ol style="list-style-type: none"> 1) applicant's name, address and social security number; 2) the name of the noncustodial parent(s), if known; 3) name, birth date, sex, place of birth and social security number, if available, for each child; 4) applicant's signature, EITHER HANDWRITTEN OR ELECTRONIC. <p>dc. Acceptance of an application involves recording the date of receipt on the application. THE APPLICATION MUST BE ENTERED INTO THE ACSES FOR THE APPLICATION FEE TO BE ASSESSED.</p> <p>8. Upon application, the county CSS Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of CSS services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support services funds. The CSS Unit may then choose to recover the fee from the noncustodial parent. County CSS Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be</p>		
--	--	--	--	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

		<p>If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.</p> <p>10. Non-PA obligees shall be charged an annual thirty-five dollar (\$35) service fee once five hundred and fifty dollars (\$550) has been disbursed to the family.</p> <p>The service fee will be reported to the federal government as program income, and will be shared between the federal, state, and county governments.</p> <p>The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$550 disbursement threshold is reached.</p> <p>C. Locate Only Cases</p> <p>Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.</p>	<p>used to reduce CSS program expenditures.</p> <p>9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund intercept and charged in addition to the twenty dollar (\$20) CSS application fee. The certification fee must be used to reduce CSS program expenditures.</p> <p>If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.</p> <p>10. Non-PA obligees shall be charged an annual thirty-five dollar (\$35) service fee once five hundred and fifty dollars (\$550) has been disbursed to the family.</p> <p>The service fee will be reported to the federal government as program income, and will be shared between the federal, state, and county governments.</p> <p>The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$550 disbursement threshold is reached.</p> <p>C. Locate Only Cases</p> <p>Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.</p>		
6.201.3	Amended Rule	6.201.3 FOSTER CARE CASES [Rev. eff. 4/1/12]	6.201.3 FOSTER CARE CASES [Rev. eff. 4/1/12]	To remove language	

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

		<p>A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Services program upon referral. Cases that are not appropriate for referral shall not be initiated.</p> <p>B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSS Unit as the referral date on the ACSES.</p> <p>C. Child support services applications are not required for IV-E foster care cases. An application for child support services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.</p>	<p>A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Services program upon referral. Cases that are not appropriate for referral shall not be initiated.</p> <p>B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSS Unit as the referral date on the ACSES.</p> <p>C. Child support services applications are not required for IV-E foster care cases. An application for child support services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.</p>	referring to the paying of an application fee	
6.205	Amended Rule	<p>6.205 ENFORCING COUNTY [Rev. eff. 11/1/13]</p> <p>Designation of the county responsible for accepting the Child Support Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary orders for support when an order exists.</p> <p>Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Services cases and for existing cases where there is a dispute regarding an enforcing county issue.</p> <p>A. The enforcing county is the county responsible for processing a case for Child Support Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the</p>	<p>6.205 ENFORCING COUNTY [Rev. eff. 11/1/13]</p> <p>Designation of the county responsible for accepting the Child Support Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary orders for support when an order exists.</p> <p>Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Services cases and for existing cases where there is a dispute regarding an enforcing county issue.</p> <p>A. The enforcing county is the county responsible for processing a case for Child Support Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the</p>	To remove language that refers to the applicant paying the fee	

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

	<p>enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.</p> <p>The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate instate action for CSS services. If the noncustodial parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.</p> <p>B. For all cases, the enforcing county for a Colorado Child Support Services case is the first county where a Child Support Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Services Unit.</p> <p>C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the application and any intergovernmental or other necessary documents. The county of the new application or referral shall forward the application, documents, and fee to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Services (CSS) Unit located in its county. The CSS Unit will then communicate with the enforcing county.</p> <p>D. Unless the CSS Units in the interested counties agree or there is enforcing county resolution to change enforcing</p>	<p>enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.</p> <p>The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate instate action for CSS services. If the noncustodial parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.</p> <p>B. For all cases, the enforcing county for a Colorado Child Support Services case is the first county where a Child Support Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Services Unit.</p> <p>C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the application and any intergovernmental or other necessary documents. The county of the new application or referral shall forward the application; AND documents; and fee to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Services (CSS) Unit located in its county. The CSS Unit will then communicate with the enforcing county.</p> <p>D. Unless the CSS Units in the interested counties agree or there is enforcing county resolution to change enforcing</p>		
--	---	--	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

		<p>county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.</p> <p>E. When a IV-D unit requests enforcing county designation and the interested CSS Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSS office shall refer the matter to the State Division of Child Support Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.</p>	<p>county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.</p> <p>E. When a IV-D unit requests enforcing county designation and the interested CSS Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSS office shall refer the matter to the State Division of Child Support Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.</p>		
6.260.52	Amended Rule	<p>6.260.52 Closure of Non-Public Assistance Cases</p> <p>Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county CSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.</p> <p>A. The Child Support Services Unit is unable to contact the custodial party within a 60 calendar day period despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open or be reopened without payment of an additional application fee.</p>	<p>6.260.52 Closure of Non-Public Assistance Cases</p> <p>Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county CSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.</p> <p>A. The Child Support Services Unit is unable to contact the custodial party within a 60 calendar day period despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open or be reopened without payment of an additional application fee.</p>		

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

	<p>B. The Child Support Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSS Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.</p> <p>C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.</p> <p>D. The Child Support Services Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.</p> <p>E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.</p> <p>F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.</p> <p>G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.</p>	<p>B. The Child Support Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSS Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.</p> <p>C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.</p> <p>D. The Child Support Services Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.</p> <p>E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.</p> <p>F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.</p> <p>G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.</p>		
--	--	--	--	--

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

N/A

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

The State of Colorado, Division of Child Support Services
The State of Colorado, Office of Information and Technology - ACSES
County Human Services Directors and Designees
County Child Support Services IV-D Administrators
The Office of Child Support Enforcement - Region 8 Representative
IV-D Attorneys
Colorado Judicial Department
Colorado Legal Services
Center on Fathering

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Title of Proposed Rule:	Child Support Services Application Fee	
CDHS Tracking #:	21-03-26-01	
Office, Division, & Program:	Rule Author: Elise Topliss	Phone: 720-908-7822
CDHS, Office of Economic Security – Division of Child Support Services		E-Mail: elise.topliss@state.co.us

Name of Sub-PAC	Economic Security Sub-PAC		
Date presented	7/8/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	15 (1 absent)		1
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☒ Yes ☐ No

Date presented	August 5, 2021		
What issues were raised?	none		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	12		1
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(9 CCR 2504-1)

6.002 DEFINITIONS

“Abandoned Collections Account” - the state IV-D account into which undeliverable collections are transferred once a determination has been made that the payment cannot be disbursed. This account is used to reimburse state expenditures.

“ACSES” - the acronym for the Automated Child Support Enforcement system, a comprehensive statewide online computer system providing case management, financial management, reports, statistics and an extensive cross-reference system.

“Adjustment” or “Modification” - is a legal action to change the amount of the child support or foster care fee order, which can increase or decrease based upon application of the state's presumptive guideline; or to add a provision for medical support or to change the party ordered to provide medical support.

“Administrative Costs” - the amount of court ordered costs that must be repaid to the Child Support Services Unit such as genetic tests, service of process fees, or attorney's costs.

“Administrative Lien and Attachment” - a notice to withhold child support, child support arrearages, child support debt, or retroactive support due from a noncustodial parent's workers' compensation benefits that is issued to any person, insurance company, or agency providing such benefits.

“Administrative Process Action (APA)” - determination of paternity and/or support obligations through a non-judicial process.

“Administrative Review” - a county or state level review of the following four issues only: the payments made, the arrearage amounts, the distribution of amounts collected, or a mistake in the identity of the person who owes the child support.

“Alleged Parent” - a person who has been identified as the possible biological parent of a child and/or who may be the legal parent of a child.

“Allocation” - the process of apportionment of a collection to a specific noncustodial parent's obligation based on the legal order for support to satisfy the various classes of the noncustodial parent's receivables.

“APA – Petitioner” – The party who has applied or been mandatorily referred for Child Support Services.

“APA – Respondent” – The party that did not apply for Child Support Services and was not mandatorily referred for Child Support Services.

“APA Stipulated Order” – An order that is agreed to and signed by both the APA-Petitioner and the APA-Respondent or an order that is agreed to and signed by the APA-Respondent in the absence of the APA-Petitioner.

“APA Temporary Order” – An order that establishes a monthly support obligation only and that is entered when the APA-Petitioner and/or the APA-Respondent does not agree with the terms of the proposed stipulated order.

“APA Default Order” – An order that is entered when the APA-Respondent (1) fails to attend the currently scheduled negotiation conference, (2) fails to sign and deliver to the county delegate child support enforcement unit at or prior to the time of the currently scheduled negotiation conference the stipulated order, or (3) fails to appear for or cooperate with a genetic testing appointment.

“Application” - the state prescribed form which indicates that the individual is applying for Child Support Services. The application is signed by the individual applying for services and ~~a~~**AN APPLICATION** fee is ~~ASSESSED paid or waived on basis of hardship, and then paid by the county.~~

“APPLICATION FEE” - A FEE ASSESSED UPON RECEIPT OF AN APPLICATION, AS REQUIRED BY FEDERAL REGULATION, TO BE PAID OUT OF STATE FUNDS, IN THE AMOUNT OF 10 CENTS (\$0.10).

“Arrearages” - the total amount of the court ordered support obligations that are past due and unpaid. Such amount is calculated by multiplying the amount of the support obligation (including any modification thereto) by the number of months that have elapsed since the inception of the order and subtracting from the product the amount of support paid by the noncustodial parent, through the court, directly to the obligee, Child Support Services Unit, or Family Support Registry (FSR).

“Assignment of Support Rights” - the determination that a family is eligible for IV-A benefits automatically invokes a state law (Section 26-2-111(3), C.R.S., as amended) that assigns to the State Department all rights that the applicant may have to support from any other person on his/her own behalf or on behalf of any other family member for whom application is made. The assignment is effective for both current support and support that accrues as arrears during the period that the family receives assistance. The assignment is limited by the total amount of IV-A assistance received. When a child is placed in foster care, all rights to current and accrued child support for the benefit of the child are assigned to the State Department pursuant to Section 26-13-113, C.R.S.

“Automated Child Support Enforcement System (ACSES)” - the statewide computer program used by Child Support Services for daily operations.

“Caretaker” - a person who is related to the dependent child by blood or by law, or who lives with the child and who exercises parental responsibility (care, control and supervision) of the child in the absence of the child's parent.

“Case Category” - category of a case identifies the type of IV-D case. Case categories must be maintained on the automated child support system as prescribed by the State Department.

“Cash Medical Support” - see definition of “specific dollar amount for medical purposes”.

“Challenge” - when either party disagrees in writing with the review results because the guideline calculation contained an alleged mathematical or factual error. The parties' right to challenge is included in the Post Review Notice or the Administrative Process, Notice of Financial Responsibility for Modification.

“Child Support Services (CSS) Unit” - the county unit administering or supervising the contract for another private or public entity to administer the Child Support Services (CSS) Program.

“Colorado Date of Receipt” (CDOR) - the date the child support payment is first received by the Child Support Services program, either the Family Support Registry or the Child Support Services Unit.

“Confidential” - privileged information of individuals which is private and not for release, disclosure, or distribution unless specifically authorized in statute, regulation, or rule.

“Consumer Credit Reporting Agency” - any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

“Continued Services Cases” – non-public assistance Child Support Services cases in which the Child Support Services Unit continues to provide services after IV-A financial or IV-E foster care eligibility ceases unless notified by the custodial party that continued services are not desired.

“Cost Effectiveness Ratio” - the ratio of total child support collections to total administrative costs.

“County Department” - a county department of social services, human services, housing and human services, or health and human services. “C.R.S.” - Colorado Revised Statutes.

“CSS Case” - a child support case in which services are provided to establish, modify, and enforce support and medical obligations pursuant to the state IV-D plan.

“Currently Scheduled Negotiation Conference” – The date and time of the APA negotiation conference as scheduled in the notice of financial responsibility or the date and time of a continued negotiation conference whichever date is later.

“Custodial Party” - the legally responsible parent, blood relative, adoptive relative, adult who exercises responsibility for a dependent child(ren), or agency. Also known as the caretaker relative, custodial relative, custodian, government agency (for foster care cases) or, on ACSES, as the recipient/applicant and abbreviated as R/A.

“Date of Withholding” - the date the employer withheld the child support from the employee’s wages.

“Deliver” – Delivery of a document or documents includes delivery by hand (in person), by first-class mail, or by electronic means if mutually agreed upon.

“Discharge From Custody” - As defined in title 17 of the Colorado Revised Statutes.17-22.5-402(1)

“Disbursement” - processing of the payable to payees other than the Department of Human Services.

“DISH” –The acronym for the Data Information Sharing System of the Colorado Judicial Department. It is also the process of electronically transmitting information on a case or data on an order by and between the county CSS unit and the court clerk.

“Disposition” - the date on which a support order is officially established and/or recorded or the action is dismissed.

“Distribution” - application of the allocated collection to the IV-D retained and/or payable accounts according to federal regulations based on assignment of rights to support, continued services, and application for services.

“EFPLS” - Expanded Federal Parent Locator Service

“Electronic Benefits Transfer (EBT) Notice” - the notice that is sent to the IV-A recipient at the beginning of each month informing him/her of how much public assistance money was deposited into his/her account. The notice also contains information about how much child support was paid by the noncustodial parent during that month.

“Enforcing County” - Colorado county responsible for processing the case and providing Child Support Services.

“Erroneous Disbursement” - see “Unfunded Disbursement”.

“Excess Pass Through Amount” – means an assigned child support collection (applied to current support) that the state elects to pay to the family rather than retain to reimburse for assistance provided to the family over the Pass Through Amount.

“Expedited Processes” - administrative or expedited judicial processes or both which increase effectiveness and meet specified processing time frames and under which the presiding officer is not a judge of the court. Actions to establish or enforce support obligations in IV-D cases must be completed within the time frames specified in federal regulations.

“Family Support Registry (FSR)” - the contracted fiscal agent responsible for processing all child support payments.

“FFP” - Federal Financial Participation.

“Federal Tax Information (FTI)” - any information contained in, or derived from, a federal tax return.

“Financial Institution Data Match (FIDM)” - Federal mandate requiring the state to do a periodic match of noncustodial parents who owe arrearages to accounts maintained at financial institutions.

“Financial Institution Data Match Lien and Levy” - a notice generated by the Colorado Department of Human Services, Division of Child Support Services, to freeze and seize assets contained in financial accounts. The notice is issued to any financial institution or state entity maintaining accounts for obligors with child support arrearages, child support debt or retroactive support.

“FIPS” - Federal Information Processing Standard - a code number assigned to each state and county within the United States.

“Former Arrears Due (FAD) Case” - any IV-D case in which the custodial party or the child(ren) formerly received IV-A cash assistance or IV-E maintenance but no longer receives CSS services and where there are still assigned arrears due.

“Former Assistance Case” - any IV-D case in which the custodial party or the child(ren) formerly received IV-A cash assistance or IV-E maintenance.

“Foster Care Fee Debt” - the amount of support due in a foster care case from the placing parent for the time period between the date the child was placed in out-of-home placement to the date the fee order was established.

“Foster Care Fee Order” - a monthly amount assessed by application of the Colorado Child Support guidelines, which are found under 14-10-115(7), C.R.S., to the legally responsible person(s) whose child(ren) are receiving substitute care through a foster care placement as ordered by a court or through administrative process by a county Child Support Services Unit.

“FPLS” - Federal Parent Locator Service.

“Genetic Testing” - a scientific test that shows the probability of biological parentage of a child which can lead to the establishment of paternity.

“Health Care Coverage/Health Insurance” – Fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to the dependent child(ren).

“HHS” - the U.S. Department of Health and Human Services.

“High Volume Automated Administrative Enforcement in Interstate Cases” - the use of automated data processing on interstate cases to search various state databases and seize identified assets of delinquent obligors, using the same techniques as used in intrastate cases upon request of another state.

“Income Assignment” - the process whereby a noncustodial parent's child support payments are taken directly from his/her income and forwarded to the FSR through a notice to the employer, trustee, or other payor of funds.

“Initial Date of Receipt” (IDOR) - the date on which the support collection is initially received by the Title IV-D agency or the legal entity of any state or political subdivision actually making the collection or, if made via income assignment, the date of withholding, whichever is earliest.\

“Initiating State/Jurisdiction” -

A. The state/jurisdiction which requests CSS services from the state/jurisdiction where the noncustodial parent resides, has property, or derives income; or,

B. The state where the custodial party resides if a modification has been requested and it is appropriate for that state to review the order.

“Inmate” - As defined in title 17 of the Colorado Revised Statutes.17-1-102(6.5)

“Intergovernmental Case” - a CSS services case which involves more than one state, country or tribe.

“Interstate Central Registry” - the Interstate Network unit within the Colorado Division of Child Support Services (CSS) which receives and distributes responding cases and has oversight responsibility for intergovernmental IV-D cases.

“Interstate Network” - the unit in the Colorado Division of Child Support Services which has responsibility for interstate central registry functions.

“In-State Case” - a case being worked in Colorado with no other jurisdiction involved.

“IV-A Cash Assistance” - payments paid to or on behalf of families with children pursuant to Title IV-A of the Social Security Act.

“IV-A Case” - a case referred from the IV-A Unit to the CSS office for child support services when the family has been approved for IV-A financial benefits and/or medical benefits.

“IV-A Unit” - the county unit administering the IV-A cash assistance program.

“IV-D Program” - Child Support Services Program pursuant to Title IV-D of the Social Security Act.

“IV-E Foster Care Case” - a case with a child(ren) who qualifies for public assistance under Title IV-E of the Social Security Act. These cases are mandatory referrals to the CSS Unit.

“IV-E Payment” - payment made on behalf of a child for his/her foster care maintenance in accordance with Title IV-E of the Social Security Act.

“Judgment” - by operation of law, a child support payment becomes a final money judgment when it is due and not paid. A missed payment, or a series of missed payments, may also be reduced into a single judgment by the court.

“Legal Father” - see “Paternity”.

“Locate” - information concerning the physical whereabouts of the noncustodial parent or the noncustodial parent's employer(s), other sources of income, or assets, as appropriate, which is sufficient to take the next appropriate action in a case.

“Medicaid Referral Cases” - cases in which families, with a noncustodial parent, receive Medicaid and are referred to CSS from a Medicaid agency for CSS services if the Medicaid recipient voluntarily wants CSS services.

“Medical Coverage” - any health coverage provided for a child(ren), including: 1) private health insurance; 2) publicly-funded health coverage; 3) cash medical support; or 4) payment of medical bills, including dental or vision.

“Medical Support” - a subset of medical coverage which includes health coverage provided for a child(ren) in a IV-D case in which there is a medical support order. This includes: 1) private health insurance; 2)

publicly-funded health coverage, if a parent is ordered by a court or administrative process to provide cash medical support payments to help pay the cost of Medicaid or State Child Health Insurance Program (SCHIP); 3) cash medical support, including payment of health insurance premiums; and 4) payment of medical bills, including dental or vision. Indian health service and Tricare are acceptable forms of medical support.

“Modification” - see “Adjustment”.

“Monthly Amount Due” - the monthly amount the obligor is expected to pay toward the arrearages.

“Monthly Payment Due” - the monthly amount that the obligor is expected to pay each month; the amount includes the court ordered current support and the monthly amount due towards any arrears.

“Monthly Support Obligation (MSO)” - the monthly obligation amount ordered by a court or through administrative process by a county Child Support Services Unit to be paid on behalf of (a) child(ren) or (b) child(ren) and former spouse, if established in the same court order and if the former spouse is living with the child(ren).

“National Medical Support Notice (NMSN)” - a federally mandated notice sent to employers by the delegate CSS Units. The NMSN requires an employer to enroll a child(ren) in the employer’s health insurance plan if it is available, the employee is eligible, and it is reasonable in cost.

“Non-IV-E Foster Care Case” - a case with a child(ren) receiving Title IV-B foster care services who does not qualify for IV-E public assistance. These cases are classified by the State CSS Division on the automated child support system as a Non-PA case, but are treated like public assistance cases because they originate within Child Welfare Services and, pursuant to statute, contain an automatic assignment of support.

“Non-Public Assistance (Non-PA) Case” - a IV-D case in which the family currently does not receive public assistance. Non-PA cases include Medicaid referral cases.

“Noncustodial Parent (NCP)” - the legally responsible parent, adoptive parent, or alleged parent who is not living with the dependent children. Also known on ACSES as the absent parent and abbreviated as “A/P”.

“Not in Child’s Best Interest” - order would not be reviewed based on a good cause determination in cases with an assignment of rights as defined in Section 6.230.1.

“Notice of Collection” - a periodic report of Child Support collection information which is sent by the Child Support Services Unit to current and former Colorado Works Program recipients who have assigned their rights to support.

“Obligee” - the party to whom an obligation of support is owed.

“Obligor” - the party bound by a court or administrative order to provide support.

“OCSE” - Office of Child Support Enforcement. The Health and Human Services agency responsible for the supervision of state child support enforcement programs pursuant to Title IV-D of the Social Security Act.

“Original Order” - means the first support order that orders a parent to pay support for a child.

“Parole” - As defined in title 17 of the Colorado Revised Statutes.17-2-207(3)

“Parties to the Action” - those individuals or entities named in a petition, motion, or administrative process notice of financial responsibility and joined, or to be joined, in a legal action.

“Pass Through Amount” – means an assigned child support collection (applied to current support) that the state elects to pay to the family rather than retain to reimburse for assistance provided to the family. In current-assistance cases, the federal share will be waived for up to \$100 per month for TANF families with one child and up to \$200 per month for families with two or more children, as long as both the federal and state share of the Pass Through are paid to the family and are disregarded in determining the TANF Basic Cash amount of assistance provided to the family.

“Paternity” - is the legal establishment of parentage, maternity or paternity, for a child, either by court determination, administrative process, or voluntary acknowledgment.

“Permanently Assigned Arrears” - arrears which accrued under a court or administrative order and were assigned prior to October 1, 1997, plus all arrears which accrue while a family is receiving public assistance after October 1, 1997.

“Placing Parent” - the legally responsible parent who the child(ren) was living with prior to foster care placement.

“Post Assistance Arrears” - the arrears that accrue under a court or administrative order on a continued services case after the obligee discontinues IV-A services.

“Pre-Assistance Arrears” - the arrears that accrued from October 1, 1997, forward, under a court or administrative order before the obligee started receiving IV-A assistance.

“Pre-Offset Notice” - a notice generated yearly by the state Office of Child Support Services notifying noncustodial parents of the enforcement remedies that may be applied to their cases and advising of their right(s) to request an administrative review.

“Pre-Review Screening” - an assessment of the IV-D case to determine the appropriateness for review.

Presumed Father” - a man who is more likely than not to be the legal father of a child because certain facts exist.

“Primary Contact County” - the county that the obligee will contact to resolve issues concerning an unfunded disbursement balance.

“Procedure” - processes developed by county Child Support Services Units and/or the State Department to implement state policy and rules.

“Public Assistance” - assistance payments provided to or on behalf of eligible recipients through programs administered or supervised by the State Department under Titles IV-A or IV-E of the Social Security Act or under Child Welfare Services.

“Public Assistance (PA) Case” - a case that has met established criteria by the IV-A or IV-E divisions to be referred to the CSS Unit for child support services.

“Responding State/Jurisdiction” - the state/jurisdiction where the obligor resides, has property, or derives income, which provides Child Support Services Unit services upon request from another state/ jurisdiction.

“Retroactive Support Due” - the amount of support due for a time period prior to the entry of an order establishing paternity and/or support.

“Review” - an evaluation of the parties' income information to determine the child support order amount and whether a medical support provision needs to be added to the child support order or if the party ordered to provide medical support needs to change.

“Sentence” - Means the post-conviction stage of the criminal justice process, in which the defendant is brought before the court for the imposition of a penalty. Sentences can vary in the way they are

implemented or carried out. A sentence can be concurrent, meaning it is served at the same time as any other sentences imposed; or, consecutive meaning there is a conviction on several counts and the sentences are added to each other so each sentence begins immediately upon the expiration of the previous one. In the case of the conviction of a sexual offense, Colorado may also impose an indeterminate sentence of “not more than” or “not less than” a certain period of time.

“Service Fee” – the annual fee charged to an obligee who has never received cash public assistance.

“Specific Dollar Amount for Medical Purposes or Cash Medical Support” - an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another party through employment or otherwise, or for other medical costs not covered by insurance.

“SPLS” - the State Parent Locator Service.

“State Department” - the Colorado Department of Human Services.

“State Plan” - the comprehensive statement submitted by the State Department to the Department of Health and Human Services describing the nature and scope of its Child Support Services Program and giving assurance that it will be administered in conformity with the specific requirements stipulated in Title IV-D of the Social Security Act and other official issuances of Health and Human Services.

“Support” - a medical support order and/or financial amount ordered by a court or through administrative process by a county Child Support Services Unit on behalf of (a) child(ren) or (b) child(ren) and former spouse, if established in the same court order and if the former spouse is living with the child(ren).

“Termination of Review and Adjustment” - the review/adjustment activity ceases based on specific criteria which are set forth in Section 6.261.5.

“Total Program Expenditures” - the total amount of costs associated with the Child Support Services program billed to the federal government for reimbursement.

“UIFSA” - Uniform Interstate Family Support Act, Title 14, Article 5, Colorado Revised Statutes (C.R.S.) which governs interstate case processing.

“UMP” - Unreimbursed Maintenance Payments. The amount of IV-E foster care maintenance payments which have not been reimbursed by child support collections or other recoveries.

“Unassigned Arrears” - any arrears that are not assigned to the state, either because the obligee never received public assistance or because, for an obligee who is or was receiving public assistance, the arrears accrued during a time period when the obligee was not receiving public assistance.

“Unfunded Disbursement” - a disbursement that is paid but subsequently found to contain an error or found to have insufficient funds to pay the disbursement.

“UPA” - Unreimbursed Public Assistance. The amount of IV-A payments which have not been reimbursed by child and spousal support collections or reduced by IV-A established recoveries.

“URESAs” or “RURESAs” - The Revised Uniform Reciprocal Enforcement of Support Act, Title 14, Article 5, C.R.S., as amended. Repealed in Colorado on January 1, 1995, the effective date of Uniform Interstate Family Support Act.

“Unenforceable” - A case is determined unenforceable when there is no collection on a case for two years and all administrative or legal remedies have been attempted and determined to be ineffective. Ineffective has three elements: 1. The obligor is unable to pay, 2. The obligor has no known income or assets, 3. There is no reasonable prospect that the obligor will be able to pay in the foreseeable future; or, there is nothing to enforce on the case as benefits were paid but uncollectable due to the fact the recipient does not have custody of the children or there is shared custody.

“Unsworn Declaration” - A statement or document that is not notarized but is made under the penalty of perjury under the law of Colorado that it is true and correct. An unsworn declaration may be used in lieu of an affidavit 4.609.1 GENERAL ELIGIBILITY GUIDELINES [Rev. eff. 2/5/16]

6.201.2 NON-PUBLIC ASSISTANCE (NPA) CASES [Rev. eff. 4/1/12]

A. Continued Services Cases

1. The Child Support Services Unit shall provide to the person whose IV-A grant or IV-E foster care eligibility is discontinued, continued CSS services, without a formal application ~~or fee~~ unless the CSS agency is notified to the contrary by the person whose IV-A grant or IV-E foster care eligibility is discontinued.

2. ~~Form SMR-3, Notice to Recipient,~~ **THE NOTICE OF ACTION AND THE CSE 34 NOTICE** will be generated and mailed to the recipient when they are discontinued from IV-A. The form will be sent to the recipient ten (10) days prior to the effective date of the discontinuation.

3. Form SS-4, Notice of Social Service Action, will be completed by the county services worker and mailed to recipients when a person(s) is discontinued from IV-E foster care. The form will be sent to the recipient five (5) days prior to the effective date of the discontinuation.

~~The Notice to Recipient (SMR-3)~~ **THE NOTICE OF ACTION, THE CSE 34 NOTICE**, and the Notice of Social Service Action (SS-4) shall:

- a. Notify the person whose IV-A grant or IV-E foster care has been discontinued, that the CSS Unit shall continue to provide CSS services unless the CSS Unit is notified by the former IV-A or IV-E foster care recipient to the contrary;
- b. Specify the CSS services that are available;
- c. Inform the person that the quality of information provided will affect the category of the case;
- d. Specify the name of the person whose IV-A grant and/or IV-E foster care has been discontinued; and,
- e. Specify the household number;
- f. Specify the unique case identifiers;
- g. Require the signature of the person discontinued who wishes to terminate CSS services;
- h. Specify the CSS unit will collect overdue support to repay past IV-A or IV-E foster care maintenance.
- i. Contain any other information deemed appropriate by the State Department.

4. The county Low-Income Child Care Assistance unit must provide written notice to the person who's IV-A grant or IV-E foster care eligibility is discontinued, if continued cooperation with the CSS Unit will be required due to the receipt of Low-Income Child Care Assistance within five days of referral from any of these referenced programs. The county Low-Income Child Care Assistance Program must also notify the county Child Support Services Unit within the same time frame.

B. Application Cases

1. Persons who do not receive public assistance or continued CSS services may apply for full CSS services by completing the Application for Child Support Services, as prescribed by the State Department. Applications for child support services shall be readily accessible to the public. If the county department

has elected to require Low-Income Child Care Assistance recipients to cooperate with the CSS Unit, the recipients must complete the State prescribed application for Child Support Services. Applications will not be accepted if all of the children associated with a specific obligee and obligor are emancipated, as defined in the existing child support order and the laws of the state where the child support order was entered. This same requirement applies to new interstate referrals sent to Colorado from another initiating state or jurisdiction. In a responding intergovernmental case, if the case was opened in the other state prior to emancipation and/or has state debt due, the application shall be accepted.

2. Upon application, the services established for IV-A recipients to locate, establish paternity of a child (or children), establish court orders for child support, review and modify orders for child support, and secure support from noncustodial and/or alleged parents shall also be made available on behalf of children who are or were deprived of parental support due to the absence of a parent or parents, but, for other reasons, are not recipients of IV-A, including those children who are receiving foster care services from funds other than Title IV-E of the Social Security Act.

3. The application on behalf of the child for child support services may be made by either of the child's parents (custodial or noncustodial), an alleged father, legal guardian, or other person or agency.

4. When the applicant is not a parent of the child, an application for child support services must be obtained for each noncustodial parent.

5. Requests for Application

a. When an individual requests an application or CSS services in person, the CSS Unit shall provide an application on the day requested.

b. When an individual requests an application by phone or in writing, the application shall be sent by the county CSS Unit within no more than five (5) business days from the date of request.

c. The application shall include the following information:

- 1) available services;
- 2) the individual's rights and responsibilities;
- 3) fees, cost recovery and distribution policies;
- 4) case categorization and the information necessary to change the category; and
- 5) the lack of an attorney-client relationship.

d. The CSS Unit must maintain a log of requests for services which includes the following information:

- 1) name of person requesting an application;
- 2) type of request (in person, phone, mail);
- 3) date of request;
- 4) date the application was mailed or provided;
- 5) date the application is accepted.

6. The application for non-PA CSS services shall be made on the Application for Child Support Services, as prescribed by the state department. The standard Application for Child Support Services shall include the following elements:

- a. The full name of the noncustodial parent;
- b. The full name, date of birth, place of birth, sex and social security number of each child for whom support is sought;
- c. The signature, address, telephone number, date of birth and social security number of the applicant and date of application.

7. Acceptance of Applications

a. An application may be filed in any CSS office. If there is an existing case in another county, then the application shall be forwarded to the appropriate enforcing county within two (2) working days of receipt in the original county.

~~b. An application shall be accepted on the day it and the application fee are received, if one or more of the children associated with a specific obligee and obligor are not emancipated as defined in the child support order and the laws of the state where the child support order was entered.~~

~~eb.~~ An application shall be accepted as filed on the date it is received in the CSS office, ~~IF ONE OR MORE OF THE CHILDREN ASSOCIATED WITH A SPECIFIC OBLIGEE AND OBLIGOR ARE NOT EMANCIPATED AS DEFINED IN THE CHILD SUPPORT ORDER AND THE LAWS OF THE STATE WHERE THE CHILD SUPPORT ORDER WAS ENTERED, AND~~ if it includes the following information:

- 1) applicant's name, address and social security number;
- 2) the name of the noncustodial parent(s), if known;
- 3) name, birth date, sex, place of birth and social security number, if available, for each child;
- 4) applicant's signature, ~~EITHER HANDWRITTEN OR ELECTRONIC.~~

~~dc.~~ Acceptance of an application involves recording the date of receipt on the application. ~~THE APPLICATION MUST BE ENTERED INTO THE ACSES FOR THE APPLICATION FEE TO BE ASSESSED.~~

~~8. Upon application, the county CSS Unit shall collect a fee of twenty dollars (\$20) from the applicant prior to the provision of CSS services, except that such fee may be waived in cases where the county director determines that the imposition of such fee would cause undue financial hardship. In the event of such waiver, the county must initially pay the fee from child support services funds. The CSS Unit may then choose to recover the fee from the noncustodial parent.~~ County CSS Units may collect costs incurred in excess of fees. These costs shall be determined on a case by case basis and shall be used to reduce CSS program expenditures.

9. Non-PA obligees shall be charged an annual twenty-five dollar (\$25) certification fee for collection of IRS tax refunds only if an actual intercept occurs. The fee shall be deducted from the tax refund intercept ~~and charged in addition to the twenty dollar (\$20) CSS application fee.~~ The certification fee must be used to reduce CSS program expenditures.

If there is more than one tax refund intercept for a case, the twenty-five dollar (\$25) certification fee will be charged only once, regardless of the number of obligors, and will be deducted from the first intercept(s) that occurs. If the total amount of all tax refunds for a case is less than twenty-five dollars (\$25), the amount of refunds will satisfy the certification fee.

10. Non-PA obligees shall be charged an annual thirty-five dollar (\$35) service fee once five hundred and fifty dollars (\$550) has been disbursed to the family.

The service fee will be reported to the federal government as program income, and will be shared between the federal, state, and county governments.

The service fee will be collected for each case set in all intrastate in-state and initiating intergovernmental cases on the ACSES if the \$550 disbursement threshold is reached.

C. Locate Only Cases

Persons who request only noncustodial parent locator service may complete the Request for Parent Locator Service. The Colorado State Parent Locator Service shall provide such caretaker with instructions for completing the form and fees to be paid by the caretaker. A non-PA application form is not required.

6.201.3 FOSTER CARE CASES [Rev. eff. 4/1/12]

A. Appropriately referred IV-E or non-IV-E foster care cases pursuant to the CDHS Social Services staff manual (12 CCR 2509-1) shall be provided the full range of services as required by the Child Support Services program upon referral. Cases that are not appropriate for referral shall not be initiated.

B. Referral is defined as receipt of the referral packet from the county child welfare agency or the date the case appears in the county's on-line referral list. If the referral is manual, counties must document the date received by the CSS Unit as the referral date on the ACSES.

C. Child support services applications are not required for IV-E foster care cases. An application for child support services, as prescribed by the State Department, shall be completed by the county department having custody of the child(ren) for all non-IV-E foster care cases. ~~A one-time NPA application fee has previously been paid for all Non-IV-E foster care cases.~~

6.205 ENFORCING COUNTY [Rev. eff. 11/1/13]

Designation of the county responsible for accepting the Child Support Services application or processing the case, or both, provides for centralized legal and financial activities and prevents duplication of effort and establishment of unnecessary orders for support when an order exists.

Provisions pertaining to enforcing county designation and responsibilities shall apply to all new Child Support Services cases and for existing cases where there is a dispute regarding an enforcing county issue.

A. The enforcing county is the county responsible for processing a case for Child Support Services, including locating the noncustodial parent, establishment of paternity, establishment and modification of a support order and enforcement of a support order. Enforcing county means the enforcing county on the automated child support system. The enforcing county is responsible for financial management of the case.

The enforcing county is also the county responsible for the case for audit purposes. When the noncustodial parent resides outside of Colorado, the enforcing county is the county responsible for initiating an intergovernmental action or appropriate instate action for CSS services. If the noncustodial parent is the only party in the case residing in Colorado and there is no existing court order and no public assistance has been paid in Colorado, the enforcing county will be considered the county where the noncustodial parent resides.

B. For all cases, the enforcing county for a Colorado Child Support Services case is the first county where a Child Support Services application or referral was made. The enforcing county shall provide the full range of services to the Low-Income Child Care Assistance referral case from another county, even if the enforcing county elected not to require the Low-Income Child Care Assistance recipients in its county to cooperate with the Child Support Services Unit.

C. When there is a new application or referral in a county other than the enforcing county, the county of the new application or referral shall assist in the completion of the application and any intergovernmental or other necessary documents. The county of the new application or referral shall forward the application, ~~AND~~ documents, ~~and fee~~ to the enforcing county, as appropriate, utilizing the form as prescribed by the State Department. For a Low-Income Child Care Assistance referral case, the

Low-Income Child Care Assistance Program unit shall deal directly with the Child Support Services (CSS) Unit located in its county. The CSS Unit will then communicate with the enforcing county.

D. Unless the CSS Units in the interested counties agree or there is enforcing county resolution to change enforcing county designation, the enforcing county remains the enforcing county until the case is closed in accordance with this manual. The enforcing county does not change when the parties in the case relocate.

E. When a IV-D unit requests enforcing county designation and the interested CSS Units cannot agree, within five (5) calendar days, upon which county should be the enforcing county, the county directors, or their designees, in the counties will resolve the issue. If agreement cannot be reached, the CSS office shall refer the matter to the State Division of Child Support Services for resolution in accordance with the state procedure and prescribed form. The state decision is final and binding on the interested counties.

6.260.52 Closure of Non-Public Assistance Cases

Non-public assistance, including Low-Income Child Care Assistance, cases may be closed for one of the following reasons or the closure reasons in Section 6.260.51. Unless otherwise noted, case closure requires a 60-day advance notice of closure to the custodial party. If a Low-Income Child Care Assistance case is closed the county CSS Unit must notify the appropriate county Low-Income Child Care Assistance Program.

A. The Child Support Services Unit is unable to contact the custodial party within a 60 calendar day period despite a good faith effort to contact the recipient through at least two different methods: mail, electronic, or telephone. If contact is reestablished with the custodial party in response to the notice which could lead to the establishment of paternity or support, or enforcement of an order, the case must be kept open. After a notice of case closure has been sent, if the custodial party reports a change in circumstances within the 60 days contained in the advance notice of closure, the case shall remain open-
~~or be reopened without payment of an additional application fee.~~

B. The Child Support Services Unit documents non-cooperation of the custodial party and that cooperation of the custodial party is essential for the next step in providing support enforcement services. If a Low-Income Child Care Assistance recipient fails to cooperate, then the county CSS Unit shall send the advance notice of closure to the recipient and to the appropriate county Child Care Assistance Program. The notice shall include the basis of the recipient's failure to cooperate and the dates on which it occurred.

C. The applicant requests closure of the case in writing and there are no arrears owed to the State. The 60 day advance notice of closure is not required for these cases.

D. The Child Support Services Unit has provided location only services as requested. The 60 day advance notice of closure is not required for these cases.

E. The status of the case has changed from non-public assistance to public assistance. The 60 day advance notice is not required for these cases.

F. The children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support.

G. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate.

Notice of Proposed Rulemaking

Tracking number

2021-00536

Department

2505,1305 - Department of Health Care Policy and Financing

Agency

2505 - Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY

Rulemaking Hearing**Date**

10/08/2021

Time

09:00 AM

Location

303 East 17th Avenue, 11th Floor, Denver, CO 80203

Subjects and issues involved

see attached

Statutory authority

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021)

Contact information**Name**

Chris Sykes

Title

Medical Services Board Coordinator

Telephone

3038664416

Email

chris.sykes@state.co.us



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

NOTICE OF PROPOSED RULES

The Medical Services Board of the Colorado Department of Health Care Policy and Financing will hold a public meeting on Friday, October 8, 2021, beginning at 9:00 a.m., in the eleventh floor conference room at 303 East 17th Avenue, Denver, CO 80203. Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Board Coordinator at 303-866-4416 or chris.sykes@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.

A copy of the full text of these proposed rule changes is available for review from the Medical Services Board Office, 1570 Grant Street, Denver, Colorado 80203, (303) 866-4416, fax (303) 866-4411. Written comments may be submitted to the Medical Services Board Office on or before close of business the Wednesday prior to the meeting. Additionally, the full text of all proposed changes will be available approximately one week prior to the meeting on the Department's website at www.colorado.gov/hcpf/medical-services-board.

This notice is submitted pursuant to § 24-4-103(3)(a) and (11)(a), C.R.S.

MSB 21-08-27-A, Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

Medical Assistance. The proposed rule change will amend 10 CCR 2505-10 §8.100.3.G to update General Medical Assistance Eligibility and Citizenship Requirements to include Compact of Free Associate (COFA) migrants as eligible non-citizens not subject to a 5-year waiting period. Effective December 27, 2020, section 208 of the Consolidated Appropriations Act of 2021 requires states and the District of Columbia to provide Medicaid coverage for COFA individuals. COFA is an agreement between the United States and the three Pacific Island sovereign states of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; also known as Freely Associated States. States must cover COFA migrants in Medicaid as qualified non-citizens without a 5-year waiting period they are otherwise eligible under the Medicaid state plan or section 1115 demonstration.

Eligibility rules at §8.100.3.G.1.g.vi.12 already allow for Medicaid eligibility without a 5-year waiting period for COFA individuals (Micronesia, Marshall Islands, Palau) that are pregnant women, and for children under the age of 19 years. The proposed rule will allow all COFA individuals to be considered qualified non-citizens without a 5-year waiting period, regardless of age or pregnancy. The Centers for Medicare and Medicaid Services (CMS) have provided guidance that the expanded eligibility to this population cannot begin prior to the enactment date of the Consolidated Appropriations Act of 2021. Eligibility for these individuals can begin as early as December 27, 2020. The proposed change will only update rule to consider all COFA individuals as eligible non-citizens. These individuals will still need to meet all other categorical requirement to be eligible for and approved for Medicaid (income, assets, disability, level of care, etc.) based on category.

The authority for this rule is contained in Consolidated Appropriations Act 2021, Section 208; 42 C.F.R. §435.406; Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021); Section 25.5-4-205, C.R.S. (2021) and Section 24.4-4-103(6)(a), C.R.S. (2021).

MSB 21-08-26-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Medical Assistance. Current rule states that no procedures under the Dental Health Care Program for Low-Income Seniors may be below the Health First Colorado dental payment. Health First Colorado increased the dental rates effective July 1, 2021, and 43 procedures of the Dental Health Care Program for Low-Income Seniors fell below the Health First Colorado dental payment. This rule change will increase the 43 procedures in Appendix A to match the current rate being paid by Health First Colorado.

The authority for this rule is contained in 45 C.F.R. 162-1002(a)(4); Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021) and Sections 25.5-3-404(4), C.R.S. (2021).

MSB 21-08-28-A, Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815

Medical Assistance. This rule revision is required for the Department to comply with section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. Specifically, the Department must reimburse providers for COVID-19 testing services and treatments, including vaccines and the administration of such vaccines, provided to Medicaid enrollees. The Department will otherwise no longer qualify for the temporary 6.2 percentage point increase to the Federal Medical Assistance Percentage (FMAP) (the federal government's contribution toward Colorado's Medicaid expenditure) and will be subject to clawback. Current Department policy limits reimbursement for vaccine administration to members 18 and under exclusively through the Vaccines for Children (VFC) program. This revision will allow the Department to reimburse providers for pediatric administration of any and all vaccines provided free of cost by the federal government.

The authority for this rule is contained in Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136; Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021).

Notice of Proposed Rulemaking

Tracking number

2021-00558

Department

500,1008,2500 - Department of Human Services

Agency

2506 - Food Assistance Program (Volume 4B)

CCR number

10 CCR 2506-1

Rule title

RULE MANUAL VOLUME 4B, FOOD ASSISTANCE

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

The Supplemental Nutrition Assistance Program (SNAP) is a Food Assistance program in Colorado, formerly known as Food Stamps. SNAP provides food assistance benefits as part of a federal nutrition program to help low-income households purchase food. The United States Department of Agriculture, Food and Nutrition Services (FNS) annually evaluates Federal income poverty guidelines and cost of living increases to determine appropriate adjustments to income eligibility standards, benefit allotments, and deductions for the upcoming Federal Fiscal Year (FFY). The modified figures are typically made available to states during the month of August immediately prior to the next fiscal year. The Cost of Living Adjustment (COLA) changes in this regulation package are required to become effective 10/01/2021. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2020); 26-1-109(3), C.R.S. (2020); 26-1-111(2)(d)(I), C.R.S. (2020); 26-2-301 (2020), C.R.S.; 26-2-302 (2020), C.R.S.; 26-1-107(5)(b) (2020), C.R.S.; Agricultural Act of 2014 (Public Law 113-79)

Contact information

Name

Andrea Poole

Title

SNAP Program Initiatives Supervisor

Telephone

303.829.7245

Email

andrea.poole@state.co.us

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:
andrea.poole@state.co.us

RULEMAKING PACKET

Type of Rule: (complete a and b, below)

a. ☒ Board ☐ Executive Director

b. ☐ Regular ☒ Emergency

This package is submitted to State Board Administration as: (check all that apply)

☒ AG Initial
Review

☒ Initial Board
Reading

☐ AG 2nd Review

☐ Second Board Reading
/ Adoption

This package contains the following types of rules: (check all that apply)

Number
7 Amended Rules
New Rules
Repealed Rules
Reviewed Rules

What month is being requested for this rule to first go before the State Board?	September 2021
What date is being requested for this rule to be effective?	October 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated 1st Board September 2021 2nd Board October 2021 Effective Date October
Dates: _____ 2021

Title of Proposed Rule:	FFY22 SNAP COLA Updates	
CDHS Tracking #:	21-08-11-02	
Office, Division, & Program: Office of Economic Security, Food and Energy Assistance Division, SNAP	Rule Author: Andrea Poole, SNAP Program Initiatives Supervisor	Phone: 303-829-7245
	E-Mail:	andrea.poole@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The Supplemental Nutrition Assistance Program (SNAP) is a Food Assistance program in Colorado, formerly known as Food Stamps. SNAP provides food assistance benefits as part of a federal nutrition program to help low-income households purchase food. The United States Department of Agriculture, Food and Nutrition Services (FNS) annually evaluates Federal income poverty guidelines and cost of living increases to determine appropriate adjustments to income eligibility standards, benefit allotments, and deductions for the upcoming Federal Fiscal Year (FFY). The modified figures are typically made available to states during the month of August immediately prior to the next fiscal year. The Cost of Living Adjustment (COLA) changes in this regulation package are required to become effective 10/01/2021.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- | | |
|---|---|
| x | to comply with state/federal law and/or |
| | to preserve public health, safety and welfare |

Justification for emergency:

Each year, FNS disseminates the new standards to states for use in the upcoming federal fiscal year. The COLA adjustments were made available to CDHS August 16, 2021 and are mandated to be implemented at the beginning of FFY22 (October 1, 2021). It is imperative to incorporate these rules to comply with federal SNAP regulations that must be effective October 1, 2021. Noncompliance with federal SNAP regulations as of October 1, 2021 conflicts with public interest.

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2020)	State Board to promulgate rules
26-1-109(3), C.R.S. (2020)	State department shall cooperate with federal agencies in any reasonable manner which may be necessary to qualify for federal aid
26-1-111(2)(d)(I), C.R.S. (2020)	State department to promulgate rules for public assistance and welfare activities

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-2-301 (2020), C.R.S.	Designates the Colorado Department of Human Services as the responsible agency to administer the Food Assistance Program in the State of Colorado.
26-2-302 (2020), C.R.S.	Prohibits any interference that would prevent the Colorado Department of Human Services from complying with federal mandates prescribed under the federal "Food Stamp Act" as amended.
26-1-107(5)(b) (2020),	Authorizes the State Board to adopt rules for "programs administered ... by

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:

andrea.poole@state.co.us

C.R.S.	the state department as set out in this title [26],” and § 26-2-301 designates the Department as the agency to “administer” the Food Assistance program.
Agricultural Act of 2014 (Public Law 113-79)	Federal program authority

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☐

Yes

☒

No

If yes, please explain.

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:

andrea.poole@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Updates to COLA will benefit all SNAP applicants and participants as well as county SNAP administration and staff.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

Annual adjustments to the four-tiered mandatory standard utility allowances, standard deduction, homeless shelter deduction, maximum allotments, and income threshold guidelines have the potential to increase current benefit amounts for participants and increase program accessibility for future applicants.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There is no impact because the costs associated with the Colorado Benefits Management System to incorporate these changes have already been allocated in the system maintenance budget.

County Fiscal Impact

There are no county fiscal impacts associated with this rule change.

Federal Fiscal Impact

There are no federal fiscal impacts associated with this rule change.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no other fiscal impacts associated with this rule change.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Federal memorandums from the Food and Nutrition Services as well as data from the Consumer Price Index for all Urban Consumers were used in the development of this rule.

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:

andrea.poole@state.co.us

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

As COLA is federally mandated by SNAP, federal updates must be incorporated into Colorado regulation prior to implementation. There are no available alternatives that exist to incorporate these program changes statewide.

Title of Proposed Rule: FFY22 SNAP COLA Updates
CDHS Tracking #: 21-08-11-02
 Office, Division, & Program: Office of Economic Security, Food and Energy Assistance Division, SNAP
 Rule Author: Andrea Poole, SNAP Program Initiatives Supervisor
 Phone: 303-829-7245
 E-Mail: andrea.poole@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail																																																
7.000	Incorrect Statutory Reference	Section 26.5.103 C.R.S.	Section 26.5-101(3) C.R.S.																																																		
4.207.3	Outdated Information	<div>4.207.3 Benefit Allotment</div> <div>D. The Food Assistance maximum and minimum monthly benefit allotment tables will be adjusted as announced by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS).</div> <table><tr><th>Household Size</th><th>Maximum Monthly Allotment Effective October 1, 2020</th></tr><tr><td>1</td><td>\$204</td></tr><tr><td>2</td><td>\$374</td></tr><tr><td>3</td><td>\$535</td></tr><tr><td>4</td><td>\$680</td></tr><tr><td>5</td><td>\$807</td></tr><tr><td>6</td><td>\$969</td></tr><tr><td>7</td><td>\$1,071</td></tr><tr><td>8</td><td>\$1,224</td></tr><tr><td>Each additional person</td><td>+\$153</td></tr></table> <table><tr><th>Household Size</th><th>Minimum Monthly Allotment Effective October 1, 2020</th></tr><tr><td>1-2</td><td>\$16</td></tr></table>	Household Size	Maximum Monthly Allotment Effective October 1, 2020	1	\$204	2	\$374	3	\$535	4	\$680	5	\$807	6	\$969	7	\$1,071	8	\$1,224	Each additional person	+\$153	Household Size	Minimum Monthly Allotment Effective October 1, 2020	1-2	\$16	<div>4.207.3 Benefit Allotment</div> <div>*****</div> <div>D. The Food Assistance maximum and minimum monthly benefit allotment tables will be adjusted as announced by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS).</div> <table><tr><th>Household Size</th><th>Maximum Monthly Allotment Effective October 1, 20202021</th></tr><tr><td>1</td><td>\$204250</td></tr><tr><td>2</td><td>\$374459</td></tr><tr><td>3</td><td>\$535658</td></tr><tr><td>4</td><td>\$680835</td></tr><tr><td>5</td><td>\$807992</td></tr><tr><td>6</td><td>\$9691,190</td></tr><tr><td>7</td><td>\$1,0711,316</td></tr><tr><td>8</td><td>\$1,2241,504</td></tr><tr><td>Each additional person</td><td>+\$153188</td></tr></table> <table><tr><th>Household Size</th><th>Minimum Monthly Allotment Effective October 1, 20202021</th></tr><tr><td>1-2</td><td>\$1620</td></tr></table>	Household Size	Maximum Monthly Allotment Effective October 1, 20202021	1	\$204250	2	\$374459	3	\$535658	4	\$680835	5	\$807992	6	\$9691,190	7	\$1,0711,316	8	\$1,2241,504	Each additional person	+\$153188	Household Size	Minimum Monthly Allotment Effective October 1, 20202021	1-2	\$1620		
Household Size	Maximum Monthly Allotment Effective October 1, 2020																																																				
1	\$204																																																				
2	\$374																																																				
3	\$535																																																				
4	\$680																																																				
5	\$807																																																				
6	\$969																																																				
7	\$1,071																																																				
8	\$1,224																																																				
Each additional person	+\$153																																																				
Household Size	Minimum Monthly Allotment Effective October 1, 2020																																																				
1-2	\$16																																																				
Household Size	Maximum Monthly Allotment Effective October 1, 20202021																																																				
1	\$204250																																																				
2	\$374459																																																				
3	\$535658																																																				
4	\$680835																																																				
5	\$807992																																																				
6	\$9691,190																																																				
7	\$1,0711,316																																																				
8	\$1,2241,504																																																				
Each additional person	+\$153188																																																				
Household Size	Minimum Monthly Allotment Effective October 1, 20202021																																																				
1-2	\$1620																																																				
4.401.1	Outdated information	4.401.1 Gross Income Levels	4.401.1 Gross Income Levels																																																		

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:
andrea.poole@state.co.us

		<p>Effective October 1, 2020, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:</p> <table><tr><th>Household Size</th><th>130% Gross Income Level</th><th>200% Gross Income Level</th><th>165% Gross Income Level</th></tr><tr><td>1</td><td>\$1,383</td><td>\$2,128</td><td>\$1,755</td></tr><tr><td>2</td><td>\$1,868</td><td>\$2,874</td><td>\$2,371</td></tr><tr><td>3</td><td>\$2,353</td><td>\$3,620</td><td>\$2,987</td></tr><tr><td>4</td><td>\$2,839</td><td>\$4,368</td><td>\$3,603</td></tr><tr><td>5</td><td>\$3,324</td><td>\$5,114</td><td>\$4,219</td></tr><tr><td>6</td><td>\$3,809</td><td>\$5,860</td><td>\$4,835</td></tr><tr><td>7</td><td>\$4,295</td><td>\$6,608</td><td>\$5,451</td></tr><tr><td>8</td><td>\$4,780</td><td>\$7,354</td><td>\$6,067</td></tr><tr><td>Each additional person</td><td>+\$486</td><td>+\$748</td><td>+\$616</td></tr></table>	Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level	1	\$1,383	\$2,128	\$1,755	2	\$1,868	\$2,874	\$2,371	3	\$2,353	\$3,620	\$2,987	4	\$2,839	\$4,368	\$3,603	5	\$3,324	\$5,114	\$4,219	6	\$3,809	\$5,860	\$4,835	7	\$4,295	\$6,608	\$5,451	8	\$4,780	\$7,354	\$6,067	Each additional person	+\$486	+\$748	+\$616	<p>Effective October 1, 20202021, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:</p> <table><tr><th>Household Size</th><th>130% Gross Income Level</th><th>200% Gross Income Level</th><th>165% Gross Income Level</th></tr><tr><td>1</td><td>\$1,3831,396</td><td>\$2,1282,148</td><td>\$1,7551,771</td></tr><tr><td>2</td><td>\$1,8681,888</td><td>\$2,8742,904</td><td>\$2,3712,396</td></tr><tr><td>3</td><td>\$2,3532,379</td><td>\$3,6203,660</td><td>\$2,9873,020</td></tr><tr><td>4</td><td>\$2,8392,871</td><td>\$4,3684,418</td><td>\$3,6033,644</td></tr><tr><td>5</td><td>\$3,3243,363</td><td>\$5,1145,174</td><td>\$4,2194,268</td></tr><tr><td>6</td><td>\$3,8093,855</td><td>\$5,8605,930</td><td>\$4,8354,893</td></tr><tr><td>7</td><td>\$4,2954,347</td><td>\$6,6086,688</td><td>\$5,4515,517</td></tr><tr><td>8</td><td>\$4,7804,839</td><td>\$7,3547,444</td><td>\$6,0676,141</td></tr><tr><td>Each additional person</td><td>+\$486492</td><td>+\$748758</td><td>+\$616625</td></tr></table>	Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level	1	\$1,3831,396	\$2,1282,148	\$1,7551,771	2	\$1,8681,888	\$2,8742,904	\$2,3712,396	3	\$2,3532,379	\$3,6203,660	\$2,9873,020	4	\$2,8392,871	\$4,3684,418	\$3,6033,644	5	\$3,3243,363	\$5,1145,174	\$4,2194,268	6	\$3,8093,855	\$5,8605,930	\$4,8354,893	7	\$4,2954,347	\$6,6086,688	\$5,4515,517	8	\$4,7804,839	\$7,3547,444	\$6,0676,141	Each additional person	+\$486492	+\$748758	+\$616625		
Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level																																																																																		
1	\$1,383	\$2,128	\$1,755																																																																																		
2	\$1,868	\$2,874	\$2,371																																																																																		
3	\$2,353	\$3,620	\$2,987																																																																																		
4	\$2,839	\$4,368	\$3,603																																																																																		
5	\$3,324	\$5,114	\$4,219																																																																																		
6	\$3,809	\$5,860	\$4,835																																																																																		
7	\$4,295	\$6,608	\$5,451																																																																																		
8	\$4,780	\$7,354	\$6,067																																																																																		
Each additional person	+\$486	+\$748	+\$616																																																																																		
Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level																																																																																		
1	\$1,3831,396	\$2,1282,148	\$1,7551,771																																																																																		
2	\$1,8681,888	\$2,8742,904	\$2,3712,396																																																																																		
3	\$2,3532,379	\$3,6203,660	\$2,9873,020																																																																																		
4	\$2,8392,871	\$4,3684,418	\$3,6033,644																																																																																		
5	\$3,3243,363	\$5,1145,174	\$4,2194,268																																																																																		
6	\$3,8093,855	\$5,8605,930	\$4,8354,893																																																																																		
7	\$4,2954,347	\$6,6086,688	\$5,4515,517																																																																																		
8	\$4,7804,839	\$7,3547,444	\$6,0676,141																																																																																		
Each additional person	+\$486492	+\$748758	+\$616625																																																																																		
4.401.2	Outdated information	<p>4.401.2 Net Income Levels</p> <p>Effective October 1, 2020, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:</p> <table><tr><th>Household Size</th><th>100% Net Income Level</th></tr><tr><td>1</td><td>\$1,064</td></tr><tr><td>2</td><td>\$1,437</td></tr><tr><td>3</td><td>\$1,810</td></tr></table>	Household Size	100% Net Income Level	1	\$1,064	2	\$1,437	3	\$1,810	<p>4.401.2 Net Income Levels</p> <p>Effective October 1, 20202021, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:</p> <table><tr><th>Household Size</th><th>100% Net Income Level</th></tr><tr><td>1</td><td>\$1,0641,074</td></tr><tr><td>2</td><td>\$1,4371,452</td></tr><tr><td>3</td><td>\$1,8101,830</td></tr><tr><td>4</td><td>\$2,1842,209</td></tr></table>	Household Size	100% Net Income Level	1	\$1,0641,074	2	\$1,4371,452	3	\$1,8101,830	4	\$2,1842,209																																																																
Household Size	100% Net Income Level																																																																																				
1	\$1,064																																																																																				
2	\$1,437																																																																																				
3	\$1,810																																																																																				
Household Size	100% Net Income Level																																																																																				
1	\$1,0641,074																																																																																				
2	\$1,4371,452																																																																																				
3	\$1,8101,830																																																																																				
4	\$2,1842,209																																																																																				

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:
andrea.poole@state.co.us

		<table><tr><td>4</td><td>\$2,184</td></tr><tr><td>5</td><td>\$2,557</td></tr><tr><td>6</td><td>\$2,930</td></tr><tr><td>7</td><td>\$3,304</td></tr><tr><td>8</td><td>\$3,677</td></tr><tr><td>Each additional person</td><td>+\$374</td></tr></table>	4	\$2,184	5	\$2,557	6	\$2,930	7	\$3,304	8	\$3,677	Each additional person	+\$374	<table><tr><td>5</td><td>\$2,557,587</td></tr><tr><td>6</td><td>\$2,930,965</td></tr><tr><td>7</td><td>\$3,304,344</td></tr><tr><td>8</td><td>\$3,677,722</td></tr><tr><td>Each additional person</td><td>+\$374,379</td></tr></table>	5	\$2,557,587	6	\$2,930,965	7	\$3,304,344	8	\$3,677,722	Each additional person	+\$374,379										
4	\$2,184																																		
5	\$2,557																																		
6	\$2,930																																		
7	\$3,304																																		
8	\$3,677																																		
Each additional person	+\$374																																		
5	\$2,557,587																																		
6	\$2,930,965																																		
7	\$3,304,344																																		
8	\$3,677,722																																		
Each additional person	+\$374,379																																		
4.407.1	Outdated information	<p>4.407.1 Standard Deduction</p> <p>A standard deduction of 8.31% of the federal poverty income guidelines for the household size will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by the Food and Nutrition Service, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.</p> <table><tr><th colspan="5">Standard Deduction Amount</th></tr><tr><th>Household Size</th><th>1-3</th><th>4</th><th>5</th><th>6+</th></tr><tr><td>Effective October 1, 2020</td><td>\$167</td><td>\$181</td><td>\$212</td><td>\$243</td></tr></table>	Standard Deduction Amount					Household Size	1-3	4	5	6+	Effective October 1, 2020	\$167	\$181	\$212	\$243	<p>4.407.1 Standard Deduction</p> <p>A standard deduction of 8.31% of the federal poverty income guidelines for the household size AS DESCRIBED IN 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by the Food and Nutrition Service, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.</p> <table><tr><th colspan="5">Standard Deduction Amount</th></tr><tr><th>Household Size</th><th>1-3</th><th>4</th><th>5</th><th>6+</th></tr><tr><td>Effective October 1, 20202021</td><td>\$167177</td><td>\$181184</td><td>\$212215</td><td>\$243246</td></tr></table>	Standard Deduction Amount					Household Size	1-3	4	5	6+	Effective October 1, 20202021	\$167177	\$181184	\$212215	\$243246		
Standard Deduction Amount																																			
Household Size	1-3	4	5	6+																															
Effective October 1, 2020	\$167	\$181	\$212	\$243																															
Standard Deduction Amount																																			
Household Size	1-3	4	5	6+																															
Effective October 1, 20202021	\$167177	\$181184	\$212215	\$243246																															
4.407.3 (B&C)		<p>4.407.3 Excess Shelter Deduction</p> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain A person who is elderly and/or a person with a disability as defined in Section 4.304.41. Those households containing a person who is elderly and/or a person with a disability shall</p>	<p>4.407.3 Excess Shelter Deduction</p> <p>*****</p> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is elderly and/or a person with a disability as defined in Section 4.304.41. Those households containing a person who is elderly and/or a person with a disability shall</p>																																

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office
of Economic Security, Food and
Energy Assistance Division, SNAP

Rule Author: Andrea Poole, SNAP
Program Initiatives Supervisor

Phone: 303-829-7245

E-Mail:
andrea.poole@state.co.us

	<p>receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.</p> <table><tr><th colspan="2">Shelter Deduction Cap</th></tr><tr><td>Effective October 1, 2020</td><td>\$586</td></tr></table> <p>C. Homeless households shall be entitled to use a standard estimate of shelter expenses for households in which all members are homeless and are not receiving free shelter throughout the calendar month.</p> <p>The Food and Nutrition Service, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted.</p> <p>The Homeless Shelter Deduction is as follows:</p> <table><tr><th colspan="2">Homeless Shelter Deduction</th></tr><tr><td>Effective October 1, 2020</td><td>\$156.74</td></tr></table> <p>All homeless households that incur or reasonably expect to incur shelter costs during a month shall be eligible for the estimate, unless higher shelter costs are verified, at which point the household may use actual shelter costs rather than the estimate.</p> <p>Homeless households that incur no shelter costs during the month shall not be eligible for the homeless shelter deduction</p> <p>If a homeless household has difficulty in obtaining traditional types of verification of shelter costs, the eligibility technician shall use the prudent person</p>	Shelter Deduction Cap		Effective October 1, 2020	\$586	Homeless Shelter Deduction		Effective October 1, 2020	\$156.74	<p>receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.</p> <table><tr><th colspan="2">Shelter Deduction Cap</th></tr><tr><td>Effective October 1, 20202021</td><td>\$586597</td></tr></table> <p>C. Homeless households shall be entitled to use a standard estimate of shelter expenses for households in which all members are homeless and are not receiving free shelter throughout the calendar month.</p> <p>The Food and Nutrition Service, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted.</p> <p>The Homeless Shelter Deduction is as follows:</p> <table><tr><th colspan="2">Homeless Shelter Deduction</th></tr><tr><td>Effective October 1, 20202021</td><td>\$156.74159.73</td></tr></table> <p>All homeless households that incur, or reasonably expect to incur, shelter costs during a month shall be eligible for the estimate, unless higher shelter costs are verified, at which point the household may use actual shelter costs rather than the estimate.</p> <p>Homeless households that incur no shelter costs during the month shall not be eligible for the homeless shelter deduction</p> <p>If a homeless household has difficulty in obtaining traditional types of verification of shelter costs, the eligibility technician shall use the prudent person principle</p>	Shelter Deduction Cap		Effective October 1, 20202021	\$586597	Homeless Shelter Deduction		Effective October 1, 20202021	\$156.74 159.73		
Shelter Deduction Cap																				
Effective October 1, 2020	\$586																			
Homeless Shelter Deduction																				
Effective October 1, 2020	\$156.74																			
Shelter Deduction Cap																				
Effective October 1, 20202021	\$586597																			
Homeless Shelter Deduction																				
Effective October 1, 20202021	\$156.74 159.73																			

Title of Proposed Rule: FFY22 SNAP COLA Updates

CDHS Tracking #: 21-08-11-02

Office, Division, & Program: Office of Economic Security, Food and Energy Assistance Division, SNAP Rule Author: Andrea Poole, SNAP Program Initiatives Supervisor Phone: 303-829-7245

E-Mail:
andrea.poole@state.co.us

		principle in determining if verification obtained is adequate.	in determining if verification obtained is adequate.																																		
4.407.31 (A)(4), (B) (3), (C)(3), and (D) (2)		<div>4.407.31 Four-Tiered Mandatory Standard Utility Allowance *****</div> <div>A. Heating and Cooling Utility Allowance (HCUA) *****</div> <div>4. The HCUA standard is as follows:</div> <div><table><tr><th colspan="2">HCUA Standard</th></tr><tr><td>Effective October 1, 2020</td><td>\$486</td></tr></table></div> <div>*****</div> <div>B. Basic Utility Allowance (BUA) *****</div> <div>3. The BUA standard is as follows:</div> <div><table><tr><th colspan="2">BUA Standard</th></tr><tr><td>Effective October 1, 2019</td><td>\$310</td></tr></table></div> <div>*****</div> <div>C. One Utility Allowance (OUA) *****</div> <div>3. The OUA standard is as follows:</div> <div><table><tr><th colspan="2">OUA Standard</th></tr><tr><td>Effective October 1, 2019</td><td>\$58</td></tr></table></div> <div>*****</div> <div>D. Telephone Allowance *****</div> <div>2. The telephone allowance is as follows:</div> <div><table><tr><th colspan="2">Telephone Standard</th></tr><tr><td>Effective October 1, 2019</td><td>\$79</td></tr></table></div>	HCUA Standard		Effective October 1, 2020	\$486	BUA Standard		Effective October 1, 2019	\$310	OUA Standard		Effective October 1, 2019	\$58	Telephone Standard		Effective October 1, 2019	\$79	<div>4.407.31 Four-Tiered Mandatory Standard Utility Allowance *****</div> <div>A. Heating and Cooling Utility Allowance (HCUA) *****</div> <div>4. The HCUA standard is as follows:</div> <div><table><tr><th colspan="2">HCUA Standard</th></tr><tr><td>Effective October 1, 20202021</td><td>\$486493</td></tr></table></div> <div>*****</div> <div>B. Basic Utility Allowance (BUA) *****</div> <div>3. The BUA standard is as follows:</div> <div><table><tr><th colspan="2">BUA Standard</th></tr><tr><td>Effective October 1, 20192021</td><td>\$310314</td></tr></table></div> <div>*****</div> <div>C. One Utility Allowance (OUA) *****</div> <div>3. The OUA standard is as follows:</div> <div><table><tr><th colspan="2">OUA Standard</th></tr><tr><td>Effective October 1, 20192021</td><td>\$5859</td></tr></table></div> <div>*****</div> <div>D. Telephone Allowance *****</div> <div>2. The telephone allowance is as follows:</div> <div><table><tr><th colspan="2">Telephone Standard</th></tr><tr><td>Effective October 1, 20192021</td><td>\$7980</td></tr></table></div>	HCUA Standard		Effective October 1, 20202021	\$486493	BUA Standard		Effective October 1, 20192021	\$310314	OUA Standard		Effective October 1, 20192021	\$5859	Telephone Standard		Effective October 1, 20192021	\$7980		
HCUA Standard																																					
Effective October 1, 2020	\$486																																				
BUA Standard																																					
Effective October 1, 2019	\$310																																				
OUA Standard																																					
Effective October 1, 2019	\$58																																				
Telephone Standard																																					
Effective October 1, 2019	\$79																																				
HCUA Standard																																					
Effective October 1, 20202021	\$486493																																				
BUA Standard																																					
Effective October 1, 20192021	\$310314																																				
OUA Standard																																					
Effective October 1, 20192021	\$5859																																				
Telephone Standard																																					
Effective October 1, 20192021	\$7980																																				
4.408	Outdated information	<div>4.408 RESOURCE ELIGIBILITY STANDARDS *****</div> <div>E. The resource limits are as follows: Effective October</div>	<div>4.408 RESOURCE ELIGIBILITY STANDARDS *****</div> <div>E. The resource limits are as follows: Effective October 1.</div>																																		

Title of Proposed Rule: FFY22 SNAP COLA Updates
CDHS Tracking #: 21-08-11-02
 Office, Division, & Program: Office of Economic Security, Food and Energy Assistance Division, SNAP
 Rule Author: Andrea Poole, SNAP Program Initiatives Supervisor
 Phone: 303-829-7245
 E-Mail: andrea.poole@state.co.us

		1, 2017, the resource limit for households that do contain a member who is elderly and/or a person with a disability is three thousand five hundred (\$3,500). The resource limit for households that do not contain a member who is elderly and/or a person with a disability is two thousand two hundred fifty dollars (\$2,250).	2017-2021, the resource limit for households that contain a member who is elderly and/or a person with a disability is three thousand five hundred SEVEN HUNDRED AND FIFTY DOLLARS (\$3,500, 750). The resource limit for households that do not contain a member who is elderly and/or a person with a disability is two thousand FIVE HUNDRED two hundred fifty dollars (\$2,250, 500).		
--	--	---	---	--	--

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes
 ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Title of Proposed Rule: FFY22 SNAP COLA Updates
CDHS Tracking #: 21-08-11-02
 Office, Division, & Program: Office of Economic Security, Food and Energy Assistance Division, SNAP
 Rule Author: Andrea Poole, SNAP Program Initiatives Supervisor
 Phone: 303-829-7245
 E-Mail: andrea.poole@state.co.us

☐ Yes
 ☒ No

Name of Sub-PAC			
Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.	Delay in receiving COLA from FNS; Will be presented 09/02/21		

PAC

Have these rules been approved by PAC?

☐ Yes
 ☒ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.	Delay in receiving COLA from FNS; Will be presented 09/02/21		

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes
 ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

4.207.3 Benefit Allotment

D. The Food Assistance maximum and minimum monthly benefit allotment tables will be adjusted as announced by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS).

Household Size	Maximum Monthly Allotment Effective October 1, 20202021
1	\$204250
2	\$374459
3	\$535658
4	\$680835
5	\$807992
6	\$9691,190
7	\$1,0711,316
8	\$1,2241,504
Each additional person	+\$153188

Household Size	Minimum Monthly Allotment Effective October 1, 20202021
1-2	\$1620

4.401.1 Gross Income Levels

Effective October 1, 20202021, the gross income level for one hundred thirty percent (130%), two hundred percent (200%), and one hundred sixty-five percent (165%) of the federal poverty level for the corresponding household size is as follows:

Household Size	130% Gross Income Level	200% Gross Income Level	165% Gross Income Level
1	\$1,3831,396	\$2,1282,148	\$1,7551,771
2	\$1,8681,888	\$2,8742,904	\$2,3712,396
3	\$2,3532,379	\$3,6203,660	\$2,9873,020
4	\$2,8392,871	\$4,3684,418	\$3,6033,644
5	\$3,3243,363	\$5,1145,174	\$4,2194,268
6	\$3,8093,855	\$5,8605,930	\$4,8354,893
7	\$4,2954,347	\$6,6086,688	\$5,4515,517
8	\$4,7804,839	\$7,3547,444	\$6,0676,141
Each additional person	+\$486492	+\$748758	+\$616625

4.401.2 Net Income Levels

Effective October 1, 20202021, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Household Size	100% Net Income Level
1	\$1,0641,074
2	\$1,4371,452
3	\$1,8101,830
4	\$2,1842,209
5	\$2,5572,587
6	\$2,9302,965
7	\$3,3043,344
8	\$3,6773,722
Each additional person	+\$374379

4.407.1 Standard Deduction

A standard deduction of 8.31% of the federal poverty income guidelines for the household size AS DESCRIBED IN 4.401.2 will be used to calculate the amount that is allowed to all households. The established standard amount will be adjusted annually as announced by the Food and Nutrition Service, USDA. The calculation of 8.31% of the federal poverty income guidelines for eligible members will be used for all households up to the household size of six (6). All households with six (6) or more eligible members will use the six (6) person standard deduction.

Standard Deduction Amount				
Household Size	1-3	4	5	6+
Effective October 1, 20202021	\$167177	\$181184	\$212215	\$243246

4.407.3 Excess Shelter Deduction

B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is elderly and/or a person with a disability as defined in Section 4.304.41. Those households containing a person who is elderly and/or a person with a disability shall receive an excess shelter deduction for the monthly cost of shelter that exceeds fifty percent (50%) of the household's monthly income after all other applicable deductions.

Shelter Deduction Cap	
Effective October 1, 20202021	\$586597

C. Homeless households shall be entitled to use a standard estimate of shelter expenses for households in which all members are homeless and are not receiving free shelter throughout the calendar month.

The Food and Nutrition Service, USDA, provides an update of this estimated figure annually when the shelter cap for other households is adjusted.

The Homeless Shelter Deduction is as follows:

Homeless Shelter Deduction	
Effective October 1, 20202021	\$156.74159.73

All homeless households that incur, or reasonably expect to incur, shelter costs during a month shall be eligible for the estimate, unless higher shelter costs are verified, at which point the household may use actual shelter costs rather than the estimate.

Homeless households that incur no shelter costs during the month shall not be eligible for the homeless shelter deduction

If a homeless household has difficulty in obtaining traditional types of verification of shelter costs, the eligibility technician shall use the prudent person principle in determining if verification obtained is adequate.

4.407.31 Four-Tiered Mandatory Standard Utility Allowance

A. Heating and Cooling Utility Allowance (HCUA)

4. The HCUA standard is as follows:

HCUA Standard	
Effective October 1, 20202021	\$486493

B. Basic Utility Allowance (BUA)

3. The BUA standard is as follows:

BUA Standard	
Effective October 1, 20192021	\$310314

C. One Utility Allowance (OUA)

3. The OUA standard is as follows:

OUA Standard	
Effective October 1, 20192021	\$5859

D. Telephone Allowance

2. The telephone allowance is as follows:

Telephone Standard	
Effective October 1, 20192021	\$7980

4.408 RESOURCE ELIGIBILITY STANDARDS

E. The resource limits are as follows: Effective October 1, 20172021, the resource limit for households that contain a member who is elderly and/or a person with a disability is three thousand ~~five hundred~~ SEVEN HUNDRED AND FIFTY DOLLARS (\$3,5003,750). The resource limit for households that do not contain a member who is elderly and/or a person with a disability is two thousand FIVE HUNDRED ~~two hundred fifty~~ dollars (\$2,2502,500).

Notice of Proposed Rulemaking

Tracking number

2021-00553

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-1

Rule title

OVERVIEW OF CHILD WELFARE SERVICES

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094s extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015)

Contact information

Name

Trevor Williams

Title

Youth Services Administrator

Telephone

303-866-4539

Email

trevor.williams@state.co.us

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-1)
CDHS Tracking #: 21-04-28-01
Office, Division, & Program: _____ **Rule Author:** Trevor Williams **Phone:** 303-866-4539
E-Mail: trevor.williams@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. ☒ Board ☐ Executive Director
 b. ☐ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

- ☐ AG Initial Review
 ☐ Initial Board Reading
 ☐ AG 2nd Review
 ☐ Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

- Number _____ Amended Rules
 _____ New Rules
 _____ Repealed Rules
 _____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October
What date is being requested for this rule to be effective?	December 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:
 1st Board _____
 2nd Board _____
 Effective Date _____

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-1)

CDHS Tracking #: 21-04-28-01

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for the implementation of this part 3, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☒

Yes

☐

No

If yes, please explain.

Some requirements of HB 21-1094 are specific and organizing the requirements into Volume 7 while maintaining the language from statute ensures the highest level of support to counties and fidelity to the law.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-1)		
CDHS Tracking #: 21-04-28-01		
Office, Division, & Program:	Rule Author: Trevor Williams	Phone: 303-866-4539
		E-Mail: trevor.williams@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Current and former foster youth will experience the greatest benefit from these rules. Groups that will experience additional work requirements as a result of these rules include county departments. The Office of the Child's Representative and judicial partners are both impacted by HB 21-1094, but they are not directly impacted by these rules.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Division of Child Welfare estimates that approximately 59 youth per year will choose to reenter foster care as a result of HB 21-1094, which is implemented in part by these rules. These youth will constitute the new population served through the Foster Youth in Transition Program. However, the broader population of foster youth who reach the age of 18 while in care will also experience the benefits of these rules. Prior to HB 21-1094, there was little differentiation in statute or rule between minor children under age 18 and youth 18 to 21 who stayed in foster care, and as a result most youth exit and experience a cliff effect near their 18th birthdays. HB 21-1094 and these rules support the distinct developmental needs of emerging adults. Youth in foster care are not given the right to make informed choices while enjoying the types of support that a typical Colorado family provides to their own children transitioning to adulthood. By implementing HB 21-1094, these rules create the structure for a developmentally appropriate extended foster care system that respects the needs of 18- to 21-year-olds, while providing that crucial support.

Implementation of HB 21-1094 includes a workload impact for county departments, however this will be offset by an increase to the child welfare block appropriated through the general fund.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There are no fiscal impacts directly resulting from these rules. Some changes to the Trails system will be required; however, those costs will be covered by existing federal funds. The Office of the Child's Representative will have a small fiscal impact from the legislation, not the rules, which is funded through an appropriation to their office for implementation of HB 21-1094.

County Fiscal Impact

There are no fiscal impacts directly resulting from these rules. The legislation, however, does create a fiscal impact to counties. Those costs will be covered by an appropriation made to the Child Welfare block for implementation of HB 21-1094.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-1)

CDHS Tracking #: 21-04-28-01

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

Federal Fiscal Impact

Revisions to these rules ensure Colorado has the structure to draw down federal funds to which the state is entitled for serving this population. Because these rules comply with requirements set forth in Title IV-E of the Social Security Act, the Division of Child Welfare anticipates that the majority of youth participating in the Foster Youth in Transition Program will be eligible for Federal IV-E financial participation.

Other Fiscal Impact (such as providers, local governments, etc.)

No impact to other providers, local governments, or other agencies is anticipated.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Colorado's foster care system, as it has traditionally existed, is leading to negative outcomes for many youth who have made the transition from foster care to adulthood. The National Youth in Transition Database Survey, a longitudinal study of youth involved with child welfare, has shown that at least 36% of former foster youth in Colorado have experienced homelessness, 21% have been incarcerated, and 29% become parents by age 21. National data shows it is likely the true rate of early parenthood is much higher. The Midwest Study of Adult Functioning of Former Foster Youth demonstrates that developmentally appropriate extended foster care is key to improving these outcomes. A growing body of evidence demonstrates that providing youth the opportunity to reenter a developmentally appropriate foster care system during that transition, if needed, also improves outcomes for these youth. HB 21-1094 was developed using this information, as well as feedback provided by youth advocates and runaway and homeless youth providers.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There is no alternative because HB 21-1094 requires that rules be promulgated for implementation of the law.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26-5-101(3) C.R.S.</i>		
7.000.1(D)	Change to implement statute	<p>D. Program for Children and Families in Need of Specialized Services (PA 6)</p> <p>Program Area 6 services are to provide statutorily authorized services to specified children and families in which the reason for service is not protective services or youth in conflict. These services are limited to children and families in need of adoption assistance, relative guardianship assistance, or Medicaid only services, or to children for whom the goal is no longer reunification. The purpose of services in Program Area 6 is to fulfill statutory requirements in the interests of permanency planning for children. Children must meet specific program requirements to receive services under the target groups.</p> <p>Target Group information is located at Section 7.203 (12 CCR 2509-3).</p>	<p>D. Program for Children and Families in Need of Specialized Services (PA 6)</p> <p>Program Area 6 services are to provide statutorily authorized services to specified children/YOUTH and families in which the reason for service is not protective services or youth in conflict. These services are limited to children/YOUTH and families in need of adoption assistance, relative guardianship assistance, or Medicaid only services, or to children/YOUTH for whom the goal is no longer reunification, OR YOUTH WHO OPT INTO SERVICES PROVIDED BY THE FOSTER YOUTH IN TRANSITION PROGRAM AS ESTABLISHED IN § 19-7-301, C.R.S. The purpose of services in Program Area 6 is to fulfill statutory requirements in the interests of permanency planning for children/YOUTH. Children/YOUTH must meet specific program requirements to receive services under the target groups.</p> <p>Target Group information is located at Section 7.203 (12 CCR 2509-3).</p>	This change implements HB 21-1094.	HB 21-1094 Task Group and CPTG.
7.000.2	Adds a definition		“HOUSING FIRST” MEANS AN APPROACH TO QUICKLY AND SUCCESSFULLY CONNECT INDIVIDUALS AND FAMILIES EXPERIENCING HOMELESSNESS TO PERMANENT HOUSING	This definition is needed to ensure counties know what a ‘housing first strategy’ is as this approach a cornerstone	HB 21-1094 Task Group

			WITHOUT PRECONDITIONS AND BARRIERS TO ENTRY, SUCH AS SOBRIETY, TREATMENT OR SERVICE PARTICIPATION REQUIREMENTS. SUPPORTIVE SERVICES ARE OFFERED TO MAXIMIZE HOUSING STABILITY AND PREVENT RETURNS TO HOMELESSNESS AS OPPOSED TO ADDRESSING PREDETERMINED TREATMENT GOALS PRIOR TO PERMANENT HOUSING ENTRY.	philosophy for the Foster Youth in Transition Program. This definition was also requested by the county departments. The content of this definition is consistent with the U.S. Department of Housing and Urban Development.	
7.000.2	Adds a definition		"VOLUNTARY SERVICES AGREEMENT" MEANS A STANDARDIZED VOLUNTARY SERVICES AGREEMENT APPROVED BY THE STATE DEPARTMENT AND IS ENTERED INTO BY A PARTICIPATING YOUTH PURSUANT TO SECTION 19-7-306, C.R.S.	Defines a voluntary services agreement for the purposes of the Foster Youth in Transition Program and is derived from the statutory definition.	HB 21-1094 Task Group

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The rules were developed through a Child Welfare SubPAC approved task group and included representation from urban and rural counties across the state, runaway and homeless youth providers, the Office of the Child's Representative, foster care providers, child placement agencies, and a youth advocacy group.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County departments of human/social services, Office of the Child's Representative, Colorado Network to End Youth Homelessness, Rural Collaborative for Homeless Youth, Project Foster Power.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Name of Sub-PAC	Child Welfare		
Date presented	8/5/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☐ Yes ☐ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☐ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(12 CCR 2509-1)

<Title2>7.000.1 PROGRAM AREAS (PA) AND TARGET GROUPS

Services are available from county departments in the following Program Areas:

- A. Program for Prevention and Intervention Services to Children, Youth and Families at Risk of Involvement with Child Welfare (PA3)

The Program Area 3 (PA3) program provides prevention and intervention services for children, youth, and families at risk of involvement with child welfare. Services may be provided to assist families to safely care for their children.

- B. Program for Youth in Conflict (PA 4)

Program Area 4 services are provided to reduce or eliminate conflicts between a child/youth and their family members, which may include the community, when those conflicts affect the child/youth's well-being, the normal functioning of the family or the well-being of the community. The focus of services shall be on alleviating conflicts, protecting the child/youth, family, and the community, re-establishing family stability, and/or assisting the youth to emancipate successfully.

Target groups for Program Area 4 are children/youth who are youth in conflict, as defined in 7.000.2.

- C. Program for Children in Need of Protection (PA 5)

Program Area 5 services are provided to protect children, whose physical, mental or emotional well-being is threatened by the actions or omissions of parents, legal guardians or custodians, or persons responsible for providing out-of-home care, including a foster parents, an employee of a residential child care facility, and a provider of family child care or center-based child care.

Target groups for Program Area 5 are children whose physical, mental, or emotional well-being is threatened or harmed due to the abuse or neglect and children who are subjected to circumstances in which there is a reasonable likelihood that they are at risk of harm due to abuse or neglect by their parents or caretakers which shall include children who are alleged to be responsible for the abuse or neglect and are under the age of ten (10).

- D. Program for Children and Families in Need of Specialized Services (PA 6)

Program Area 6 services are to provide statutorily authorized services to specified children/YOUTH and families in which the reason for service is not protective services or youth in conflict. These services are limited to children/YOUTH and families in need of adoption assistance, relative guardianship assistance, or Medicaid only services, ~~or to children/YOUTH for whom the goal is no longer reunification, OR YOUTH WHO OPT INTO SERVICES PROVIDED BY THE FOSTER YOUTH IN TRANSITION PROGRAM AS ESTABLISHED IN § 19-7-301, C.R.S.~~ The purpose of services in Program Area 6 is to fulfill statutory requirements in the interests of permanency planning for children/YOUTH. Children/YOUTH must meet specific program requirements to receive services under the target groups.

Target Group information is located at Section 7.203 (12 CCR 2509-3).

- E. Program for Resource Development (PA 7)

The purpose of Program Area 7 is to develop and coordinate the external resources necessary to fulfil the objectives of the social services programs.

Target Groups served by this program area are the individuals who will be serving children and families in such roles as volunteers, foster or kinship parents for children, adults, personal caregivers, homemakers or child care parents, or adoptive parents.

7.000.2 DEFINITIONS [Rev. eff. 1/1/16]

“HOUSING FIRST” MEANS AN APPROACH TO QUICKLY AND SUCCESSFULLY CONNECT INDIVIDUALS AND FAMILIES EXPERIENCING HOMELESSNESS TO PERMANENT HOUSING WITHOUT PRECONDITIONS AND BARRIERS TO ENTRY, SUCH AS SOBRIETY, TREATMENT OR SERVICE PARTICIPATION REQUIREMENTS. SUPPORTIVE SERVICES ARE OFFERED TO MAXIMIZE HOUSING STABILITY AND PREVENT RETURNS TO HOMELESSNESS AS OPPOSED TO ADDRESSING PREDETERMINED TREATMENT GOALS PRIOR TO PERMANENT HOUSING ENTRY.

"VOLUNTARY SERVICES AGREEMENT" MEANS A STANDARDIZED VOLUNTARY SERVICES AGREEMENT APPROVED BY THE STATE DEPARTMENT AND IS ENTERED INTO BY A PARTICIPATING YOUTH PURSUANT TO SECTION 19-7-306, C.R.S.

Notice of Proposed Rulemaking

Tracking number

2021-00559

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-2

Rule title

REFERRAL AND ASSESSMENT

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

The charging documents for Child Abuse and Neglect cases Notices of Issues (NOI) include protected abuse and neglect information and regularly need to include some level of medical information for the alleged victim because an element of these cases is to show that the victim was abused or neglected. Mistreatment often-times involves investigation and diagnosis by a medical provider. The requirement to include medical information about the alleged victim in the NOI is in conflict with the state's obligation to protect this information. Presently, the state may file a motion for a protective order from the court. However, the Office of Administrative Courts (OAC) currently does not permit the filing of such a motion prior to the submission of an NOI. As such, NOIs are routinely filed before the granting of a protection order, which, in turn, releases information before protection is in place. Additionally, filing motions in all of these cases creates an undue burden on the Attorney General's office as well as the OAC which is not a good use of state resources and is inconsistent with the protection of neglected and/or abused children. The rule change will resolve these concerns by requiring the OAC to issue protective orders at the time of the NOI. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2020); 19-3-216, C.R.S. (2020); 19-3-313.5(3), C.R.S. (2020)

Contact information

Name

Marc Mackert

Title

Director

Telephone

720.512.8814

Email

marc.mackert@state.co.us

Title of Proposed Rule: Child Abuse and Neglect Cases and Protective Orders
CDHS Tracking #: 21-08-18-02
Office, Division, & Program: Rule Author: Marc Mackert, Director, Phone: Office: 720-512-8814
E-Mail:
marc.mackert@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. ☒ Board ☐ Executive Director
b. ☐ Regular ☒ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

- ☒ AG Initial Review ☒ Initial Board Reading ☐ AG 2nd Review ☐ Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

- Number
☒ Amended Rules
☐ New Rules
☐ Repealed Rules
☐ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	September, 2021
What date is being requested for this rule to be effective?	September 3, 2021
Is this date legislatively required?	No.

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board	9/3/2021	2nd Board		Effective Date	September 3, 2021(Emergency) September 3, 2021(Permanent)

Title of Proposed Rule: Child Abuse and Neglect Cases and Protective Orders

CDHS Tracking #: 21-08-18-02

Office, Division, & Program: Rule Author: Marc Mackert, Director,

Phone: Office: 720-512-8814

E-Mail:

marc.mackert@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The charging documents for Child Abuse and Neglect cases Notices of Issues (NOI) include protected abuse and neglect information and regularly need to include some level of medical information for the alleged victim because an element of these cases is to show that the victim was abused or neglected. Mistreatment often-times involves investigation and diagnosis by a medical provider. The requirement to include medical information about the alleged victim in the NOI is in conflict with the state's obligation to protect this information.

Presently, the state may file a motion for a protective order from the court. However, the Office of Administrative Courts (OAC) currently does not permit the filing of such a motion prior to the submission of an NOI. As such, NOIs are routinely filed before the granting of a protection order, which, in turn, releases information before protection is in place.

Additionally, filing motions in all of these cases creates an undue burden on the Attorney General's office as well as the OAC which is not a good use of state resources and is inconsistent with the protection of neglected and/or abused children.

The rule change will resolve these concerns by requiring the OAC to issue protective orders at the time of the NOI.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | to comply with state/federal law and/or |
| <input checked="" type="checkbox"/> | to preserve public health, safety and welfare |

Justification for emergency:

Present procedure requires that certain sensitive abuse and neglect, as well as medical, information be made available to appellants in initial charging documents relating to Child Abuse and Neglect cases. It is in the interest of preserving public health, safety and welfare to have such information protected during proceedings before the OAC. Further, the state is obligated under state and federal law to protect such sensitive information. Without the uniform issuance of protective orders in all child welfare cases when they are set, there are concerns with victims' protected information being shared before an Administrative Law Judge can review and enter a protective order.

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2020)	State Board to promulgate rules

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-3-216, C.R.S. (2020)	State Board shall promulgate rules to determine whether there is child abuse or neglect or if a child is neglected or dependent.

Title of Proposed Rule: Child Abuse and Neglect Cases and Protective Orders

CDHS Tracking #: 21-08-18-02

Office, Division, & Program: Rule Author: Marc Mackert, Director,

Phone: Office: 720-512-8814

E-Mail:

marc.mackert@state.co.us

19-3-313.5(3), C.R.S. (2020)	State Board shall promulgate rules to establish a process at the state level by which a person who is found to be responsible in a confirmed report of child abuse or neglect filed with the state department may appeal the finding of a confirmed report of child abuse or neglect to the state department.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☐

Yes

☒

No

If yes, please explain.

Title of Proposed Rule: Child Abuse and Neglect Cases and Protective Orders

CDHS Tracking #: 21-08-18-02

Office, Division, & Program: Rule Author: Marc Mackert, Director,

Phone: Office: 720-512-8814

E-Mail:

marc.mackert@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Appellants with substantiated findings indicating they were responsible for abuse or neglect of a child and the children that are the subjects of those findings.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

This rule change will afford greater protections of private, confidential, and sensitive information for children who have cases that are part of an appeal.

During the 2020-2021 Fiscal Year, 171 Child Abuse and Neglect cases were set by the Office of Administrative Courts. It can be assumed that a similar number of these cases will be set by the Office of Administrative Court in fiscal year 2021-2022. The children and persons involved in those cases will be impacted by this rule change in that their information will be more secure.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

This rule change may have a minor impact on the Office of Administrative Courts, as it will require the issuance of a protective order signed by an Administrative Law Judge in every Child Abuse and Neglect case. However, the Attorney General's office currently files motions for protective orders routinely in most, if not all, Child Abuse and Neglect cases, which requires the Administrative Law Judge to review a motion filed in every case and issue a ruling. Under the new procedure, the Administrative Law Judge will only be required to sign a standard protective order issued simultaneously with the procedural setting order, which may save the Office of Administrative Courts time and resources.

This rule change should have an impact on the legal costs incurred by the Administrative Review Division. The Attorney General's office estimates that approximately two hours of time are required to prepare, edit, and file a motion for a protective order and a proposed order in the Office of the Administrative Courts. Using the numbers from fiscal year 2020-2021 and assuming a similar case load in fiscal year 2021-2021 (if anything, the number of cases next year will rise), Child Abuse and Neglect cases will experience a reduction of approximately 342 hours in billable attorney hours, which are billed at a blended rate of \$106/hour, creating a potential annual savings of \$36,252.

County Fiscal Impact

As county departments are not involved in this specific aspect of the hearing process, there is no fiscal impact.

Title of Proposed Rule: Child Abuse and Neglect Cases and Protective Orders

CDHS Tracking #: 21-08-18-02

Office, Division, & Program: Rule Author: Marc Mackert, Director,

Phone: Office: 720-512-8814

E-Mail:

marc.mackert@state.co.us

Federal Fiscal Impact

The appeals process is funded through a cash fund. As such, there is no federal fiscal impact.

Other Fiscal Impact (such as providers, local governments, etc.)

None

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

During the current Fiscal Year (2020-2021), 171 Child Abuse and Neglect cases were set by the Office of Administrative Courts. Future impact analysis was based on the assumption of similar numbers.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

Until now, the Attorney General's office has been filing motions requesting protective orders for each individual Child Abuse and Neglect appeal before the Office of Administrative Courts. While it would be possible to continue this practice, it expends considerable attorney time to draft and file the motions and proposed orders. It also requires time for an Administrative Law Judge from the Office of Administrative Courts to review and rule upon each motion filed. Because the Office of Administrative Courts generally will not consider motions for protective orders until an appeal has been placed at issue, through the filing of a Notice of Issues, there is a risk in this practice that confidential information will be disclosed in violation of rule and law before a protective order has entered. There is also a risk that the Administrative Law Judges may, in their individual discretion, deny motions for protective orders, resulting in inconsistent protection of the confidential information of child victims.

Addressing this challenge through rule-making will eliminate the need for the Attorney General's office to file motions for protective orders in individual cases as well as the need for individual review by an Administrative Law Judge. By establishing the issuance of a standard protective order through rule, the risk of inconsistent protection of the confidential information of at-risk victims will also be reduced.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.112 (A)(2)	Lack of protection of medical information	<p>7.112 STATE FAIR HEARING BEFORE THE OFFICE OF ADMINISTRATIVE COURTS</p> <p>A. When the Office of Administrative Courts receives the appeal documents from the State Department, the Office of Administrative Courts shall docket the appeal and enter a procedural order to the parties indicating the following:</p> <ol style="list-style-type: none"> 1. The date and time for a telephone scheduling conference with the parties. 2. During the telephone scheduling conference, the Office of Administrative Courts shall determine the date for the hearing. Following the scheduling conference, the Office of Administrative Courts will issue a further procedural order and 	<p>7.112 STATE FAIR HEARING BEFORE THE OFFICE OF ADMINISTRATIVE COURTS</p> <p>A. When the Office of Administrative Courts receives the appeal documents from the State Department, the Office of Administrative Courts shall docket the appeal and enter a procedural order to the parties indicating the following:</p> <ol style="list-style-type: none"> 1. The date and time for a telephone scheduling conference with the parties. 2. During the telephone scheduling conference, the Office of Administrative Courts shall determine the date for the hearing. Following the scheduling conference, the Office of Administrative Courts will issue a further procedural order and notice of hearing. The order/notice will contain the hearing date, the fourteen (14) day deadline for the notice of issues, the fourteen (14) day deadline for response and deadline for filing pre-hearing statements. Any party requiring an extension or modification of any of the deadlines in the order may file a request with the Administrative Law Judge. THE OFFICE OF ADMINISTRATIVE COURTS SHALL ALSO ISSUE A PROTECTIVE ORDER WHICH WILL PROTECT 	Proposed language to provide for protection of medical and abuse and neglect information of children presently included in charging documents.	

		<p>notice of hearing. The order/notice will contain the hearing date, the fourteen (14) day deadline for the notice of issues, the fourteen (14) day deadline for response and deadline for filing pre-hearing statements. Any party requiring an extension or modification of any of the deadlines in the order may file a request with the Administrative Law Judge.</p>	<p>AND GOVERN THE HANDLING OF ALL PLEADINGS, DISCOVERY, AND EVIDENCE. THE ORDER MUST BE SIGNED BY AN ADMINISTRATIVE LAW JUDGE AND MUST STATE THAT:</p> <p>a. ANY DOCUMENTS EXCHANGED BY THE PARTIES CONTAINING CONFIDENTIAL INFORMATION, INCLUDING, BUT NOT LIMITED TO PLEADINGS, TRAILS REPORTS AND INVESTIGATIVE RECORDS, MEDICAL RECORDS, LAW ENFORCEMENT INVESTIGATION RECORDS, AND DOCUMENTS REGARDING CHILD VICTIMS WILL BE USED FOR THE SOLE PURPOSE OF PROCEEDING WITH THIS APPEAL.</p> <p>b. THE PARTIES MAY DISCLOSE CONFIDENTIAL INFORMATION TO THEIR ATTORNEYS OR ANY EXPERT WITNESS ONLY AS NECESSARY FOR THE PROSECUTION OR DEFENSE OF THE APPEAL. THE APPELLANT IS NOT AUTHORIZED TO DISCLOSE OR USE CONFIDENTIAL INFORMATION FOR ANY</p>		
--	--	--	--	--	--

			<p>OTHER PURPOSE.</p> <p>c. THE PARTIES MAY EXCHANGE DISCOVERY CONTAINING INFORMATION THAT IS CONFIDENTIAL UNDER DEPARTMENT RULE 12 CCR 2509-2, § 7.111.</p> <p>d. TO THE EXTENT THAT THE PARTIES MAY DISCLOSE CONFIDENTIAL RECORDS TO EXPERT WITNESSES, THE PARTIES SHALL PROVIDE A COPY OF THE PROTECTIVE ORDER TO THE EXPERT WITNESSES AND ADVISE THE EXPERT WITNESS OF HIS OR HER OBLIGATION NOT TO DISCLOSE THE RECORDS OR INFORMATION LEARNED FROM THE CONFIDENTIAL RECORDS.</p> <p>e. THE EXCHANGE AND USE OF THE CONFIDENTIAL INFORMATION OR RECORDS DOES NOT WAIVE THE RIGHT OF EITHER PARTY TO OBJECT TO THE ADMISSION OF THE DOCUMENTS INTO EVIDENCE ON ANY GROUNDS.</p> <p>f. IF THE PARTIES USE OR OFFER CONFIDENTIAL INFORMATION OR</p>		
--	--	--	---	--	--

				<p>RECORDS AS EVIDENCE DURING THE COURSE OF THE HEARING, COUNSEL AND THE PARTIES SHALL TAKE REASONABLE MEASURES TO PROTECT SUCH INFORMATION OR RECORDS FROM PUBLIC DISCLOSURE INCLUDING BUT NOT LIMITED TO FILING RECORDS UNDER SEAL.</p> <p>g. THE APPELLANT MUST DESTROY OR RETURN TO THE DEPARTMENT ALL PROTECTED HEALTH AND ABUSE AND NEGLECT INFORMATION (INCLUDING ALL COPIES MADE) AT THE END OF THE APPEAL OR, SHOULD THE APPELLANT CHOOSE TO PURSUE ANY FURTHER ADMINISTRATIVE REMEDIES, WHEN THOSE REMEDIES HAVE BEEN EXHAUSTED.</p> <p>h. THE HEARING REGARDING THE FACTUAL BASIS FOR THE CHILD ABUSE AND/OR NEGLECT FINDING SHALL BE CLOSED TO THE PUBLIC.</p> <p>i. THIS ORDER DOES NOT PROHIBIT THE DEPARTMENT FROM</p>		
--	--	--	--	---	--	--

			USING DOCUMENTS OR INFORMATION AS AUTHORIZED, REQUIRED, OR PERMITTED BY LAW.		
--	--	--	---	--	--

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Attorney General's office

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Office of Administrative Courts, CDHS Office of Appeals

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☐ Yes ☒ No

Name of Sub-PAC	Child Welfare		
Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>

If not presented, explain why.

PAC

Have these rules been approved by PAC?

☐ Yes ☒ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>

If not presented, explain why.

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☐ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

DEPARTMENT OF HUMAN SERVICES

Social Services Rules

REFERRAL AND ASSESSMENT

12 CCR 2509-2

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

7.112 STATE FAIR HEARING BEFORE THE OFFICE OF ADMINISTRATIVE COURTS

- B. When the Office of Administrative Courts receives the appeal documents from the State Department, the Office of Administrative Courts shall docket the appeal and enter a procedural order to the parties indicating the following:
1. The date and time for a telephone scheduling conference with the parties.
 2. During the telephone scheduling conference, the Office of Administrative Courts shall determine the date for the hearing. Following the scheduling conference, the Office of Administrative Courts will issue a further procedural order and notice of hearing. The order/notice will contain the hearing date, the fourteen (14) day deadline for the notice of issues, the fourteen (14) day deadline for response and deadline for filing pre-hearing statements. Any party requiring an extension or modification of any of the deadlines in the order may file a request with the Administrative Law Judge. THE OFFICE OF ADMINISTRATIVE COURTS SHALL ALSO ISSUE A PROTECTIVE ORDER WHICH WILL PROTECT AND GOVERN THE HANDLING OF ALL PLEADINGS, DISCOVERY, AND EVIDENCE. THE ORDER MUST BE SIGNED BY AN ADMINISTRATIVE LAW JUDGE AND MUST STATE THAT:
 - a. ANY DOCUMENTS EXCHANGED BY THE PARTIES CONTAINING CONFIDENTIAL INFORMATION, INCLUDING, BUT NOT LIMITED TO PLEADINGS, TRAILS REPORTS AND INVESTIGATIVE RECORDS, MEDICAL RECORDS, LAW ENFORCEMENT INVESTIGATION RECORDS, AND DOCUMENTS REGARDING CHILD VICTIMS WILL BE USED FOR THE SOLE PURPOSE OF PROCEEDING WITH THIS APPEAL.
 - b. THE PARTIES MAY DISCLOSE CONFIDENTIAL INFORMATION TO THEIR ATTORNEYS OR ANY EXPERT WITNESS ONLY AS NECESSARY FOR THE PROSECUTION OR DEFENSE OF THE APPEAL. THE APPELLANT IS NOT AUTHORIZED TO DISCLOSE OR USE CONFIDENTIAL INFORMATION FOR ANY OTHER PURPOSE.
 - c. THE PARTIES MAY EXCHANGE DISCOVERY CONTAINING INFORMATION THAT IS CONFIDENTIAL UNDER DEPARTMENT RULE 12 CCR 2509-2, § 7.111.
 - d. TO THE EXTENT THAT THE PARTIES MAY DISCLOSE CONFIDENTIAL RECORDS TO EXPERT WITNESSES, THE PARTIES SHALL PROVIDE A COPY OF THE PROTECTIVE ORDER TO THE EXPERT WITNESSES AND ADVISE THE EXPERT WITNESS OF HIS OR HER OBLIGATION NOT TO DISCLOSE THE RECORDS OR INFORMATION LEARNED FROM THE CONFIDENTIAL RECORDS.

- e. THE EXCHANGE AND USE OF THE CONFIDENTIAL INFORMATION OR RECORDS DOES NOT WAIVE THE RIGHT OF EITHER PARTY TO OBJECT TO THE ADMISSION OF THE DOCUMENTS INTO EVIDENCE ON ANY GROUNDS.
 - f. IF THE PARTIES USE OR OFFER CONFIDENTIAL INFORMATION OR RECORDS AS EVIDENCE DURING THE COURSE OF THE HEARING, COUNSEL AND THE PARTIES SHALL TAKE REASONABLE MEASURES TO PROTECT SUCH INFORMATION OR RECORDS FROM PUBLIC DISCLOSURE INCLUDING BUT NOT LIMITED TO FILING RECORDS UNDER SEAL.
 - g. THE APPELLANT MUST DESTROY OR RETURN TO THE DEPARTMENT ALL PROTECTED HEALTH AND ABUSE AND NEGLECT INFORMATION (INCLUDING ALL COPIES MADE) AT THE END OF THE APPEAL OR, SHOULD THE APPELLANT CHOOSE TO PURSUE ANY FURTHER ADMINISTRATIVE REMEDIES, WHEN THOSE REMEDIES HAVE BEEN EXHAUSTED.
 - h. THE HEARING REGARDING THE FACTUAL BASIS FOR THE CHILD ABUSE AND/OR NEGLECT FINDING SHALL BE CLOSED TO THE PUBLIC.
 - i. THIS ORDER DOES NOT PROHIBIT THE DEPARTMENT FROM USING DOCUMENTS OR INFORMATION AS AUTHORIZED, REQUIRED, OR PERMITTED BY LAW.
3. The notice of issues shall include the following:
- a. The specific allegations(s) that form the basis of the county department's finding that the Appellant was responsible for child abuse or neglect;
 - b. The specific type and severity of child abuse asserted against Appellant and the legal authority supporting the finding; and,
 - c. To the extent that the State Department determines that the facts contained in the state automated case management system support a modification of the type or severity of child abuse or neglect determined by the county department, the State Department shall so notify the county department and the Appellant of that modification and the process shall proceed on the modified finding(s).
4. The Appellant shall respond to the State Department's submittal by providing the factual and legal basis supporting the appeal to the State Department and to the Office of Administrative Courts.
5. If the Appellant fails to participate in the scheduling conference referenced above or fails to submit the response referenced herein, the Office of Administrative Courts shall deem the appeal to have been abandoned by the Appellant and render an Initial Decision Dismissing Appeal. In accordance with the procedures set forth below, the Office of Appeals may reinstate the appeal for good cause shown by the Appellant.
6. In the event that either party fails to respond to a motion to dismiss filed in the appeal, the Administrative Law Judge shall not consider the motion to be confessed and shall render a decision based on the merits of the motion.
- C. The Administrative Law Judge shall conduct the appeal in accordance with the Administrative Procedure Act, Section 24-4-105, C.R.S. The rights of the parties include:

1. The State Department shall have the burden of proof to establish the facts by a preponderance of the evidence and that the facts support the conclusion that the Appellant is responsible for the child abuse or neglect indicated in the notice of issues provided by the State Department. The state automated case management system is not the only acceptable evidence for establishing that the finding is supported by a preponderance of evidence;
 2. Each party shall have the right to present his or her case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination;
 3. Subject to these rights and requirements, where a hearing will be expedited and the interests of the parties will not be subsequently prejudiced thereby, the Administrative Law Judge may receive all or part of the evidence in written form or by oral stipulations;
 4. A telephonic hearing may be conducted as an alternative to a face-to-face hearing unless either party requests a face-to-face hearing in writing. The written request for a face-to-face hearing must be filed with the Office of Administrative Courts and the other party at least ten (10) calendar days before the scheduled hearing. A request for a face-to-face hearing may necessitate the re-setting of the hearing; and,
 5. Where facilities exist that have videoconferencing technology local to the county department that made the founded finding, either party may request that the hearing be conducted via that technology. The requesting party shall investigate the feasibility of this approach and shall submit a written request outlining the arrangements that could be made for video conference. The Office of Administrative Courts shall hold the hearing via videoconferencing for the convenience of the parties whenever requested and feasible. A request for a hearing via videoconferencing may necessitate the re-setting of the hearing.
- D. At the conclusion of the hearing, unless the Administrative Law Judge allows additional time to submit documentation, the Administrative Law Judge shall take the matter under advisement. After considering all the relevant evidence presented by the parties, the Administrative Law Judge shall render an Initial Decision for review by the Colorado Department of Human Services, Office of Appeals.
- E. The Initial Decision shall uphold, modify or overturn/reverse the county finding. The Administrative Law Judge shall have the authority to modify the type and severity level of the child abuse or neglect finding to meet the evidence provided at the hearing. The Administrative Law Judge shall not order the county to modify its record; rather, the State Department shall indicate the outcome of the appeal in its portion of the state automated case management system.
- F. When an Appellant fails to appear at a duly scheduled hearing having been given proper notice, without having given timely advance notice to the Office of Administrative Courts of acceptable good cause for inability to appear at the hearing at the time, date and place specified in the notice of hearing, then the appeal shall be considered abandoned and the Administrative Law Judge shall enter an Initial Decision Dismissing Appeal. In accordance with the procedures set forth in Section 7.114, the Office of Appeals may reinstate the appeal for good cause shown by the Appellant.

Notice of Proposed Rulemaking

Tracking number

2021-00554

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-2

Rule title

REFERRAL AND ASSESSMENT

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094s extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-7-315, C.R.S. (2021)

Contact information

Name

Trevor Williams

Title

Youth Services Administrator

Telephone

303.866.4539

Email

trevor.williams@state.co.us

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: _____ Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. ☒ Board ☐ Executive Director

b. ☐ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

☐ AG Initial
Review

☐ Initial Board
Reading

☐ AG 2nd Review

☐ Second Board Reading
/ Adoption

This package contains the following types of rules: *(check all that apply)*

Number

_____ Amended Rules
_____ New Rules
_____ Repealed Rules
_____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October
---	---------

What date is being requested for this rule to be effective?	December 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board	2nd Board	Effective Date
	_____	_____	_____

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: _____ Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for the implementation of this part 3, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☒

Yes

☐

No

If yes, please explain.

Some requirements of HB 21-1094 are specific and organizing the requirements into Volume 7 while maintaining the language from statute ensures the highest level of support to counties and fidelity to the law.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Current and former foster youth will experience the greatest benefit from these rules. Groups that will experience additional work requirements as a result of these rules include county departments. The Office of the Child's Representative and judicial partners are both impacted by HB 21-1094, but they are not directly impacted by these rules.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Division of Child Welfare estimates that approximately 59 youth per year will choose to reenter foster care as a result of HB 21-1094, which is implemented in part by these rules. These youth will constitute the new population served through the Foster Youth in Transition Program. However, the broader population of foster youth who reach the age of 18 while in care will also experience the benefits of these rules. Prior to HB 21-1094, there was little differentiation in statute or rule between minor children under age 18 and youth 18 to 21 who stayed in foster care, and as a result most youth exit and experience a cliff effect near their 18th birthdays. HB 21-1094 and these rules support the distinct developmental needs of emerging adults. Youth in foster care are not given the right to make informed choices while enjoying the types of support that a typical Colorado family provides to their own children transitioning to adulthood. By implementing HB 21-1094, these rules create the structure for a developmentally appropriate extended foster care system that respects the needs of 18- to 21-year-olds, while providing that crucial support.

Implementation of HB 21-1094 includes a workload impact for county departments, however this will be offset by an increase to the child welfare block appropriated through the general fund.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There are no fiscal impacts directly resulting from these rules. Some changes to the Trails system will be required; however, those costs will be covered by existing federal funds. The Office of the Child's Representative will have a small fiscal impact from the legislation, not the rules, which is funded through an appropriation to their office for implementation of HB 21-1094.

County Fiscal Impact

There are no fiscal impacts directly resulting from these rules. The legislation, however, does create a fiscal impact to counties. Those costs will be covered by an appropriation made to the Child Welfare block for implementation of HB 21-1094.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

Federal Fiscal Impact

Revisions to these rules ensure Colorado has the structure to draw down federal funds to which the state is entitled for serving this population. Because these rules comply with requirements set forth in Title IV-E of the Social Security Act, the Division of Child Welfare anticipates that the majority of youth participating in the Foster Youth in Transition Program will be eligible for Federal IV-E financial participation.

Other Fiscal Impact (such as providers, local governments, etc.)

No impact to other providers, local governments, or other agencies is anticipated.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Colorado's foster care system, as it has traditionally existed, is leading to negative outcomes for many youth who have made the transition from foster care to adulthood. The National Youth in Transition Database Survey, a longitudinal study of youth involved with child welfare, has shown that at least 36% of former foster youth in Colorado have experienced homelessness, 21% have been incarcerated, and 29% become parents by age 21. National data shows it is likely the true rate of early parenthood is much higher. The Midwest Study of Adult Functioning of Former Foster Youth demonstrates that developmentally appropriate extended foster care is key to improving these outcomes. A growing body of evidence demonstrates that providing youth the opportunity to reenter a developmentally appropriate foster care system during that transition, if needed, also improves outcomes for these youth. HB 21-1094 was developed using this information, as well as feedback provided by youth advocates and runaway and homeless youth providers.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There is no alternative because HB 21-1094 requires that rules be promulgated for implementation of the law.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)
CDHS Tracking #: 21-04-28-02
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.103 (C)	Needed a technical fix	<p>C. If at any point during the referral process a county department becomes aware that a youth is experiencing homelessness, has run away, or is unaccompanied and is seeking shelter, THEN the county department shall gather and document the following information:</p> <ol style="list-style-type: none"> 1. Does the provider believe there is a reasonable plan in place to keep the child or youth free from harm, and, if not, what the provider believes would prevent harm, 2. Has the shelter provider notified parent(s)/guardian(s) and, if so, what is their response; and 3. When did intake of the child or youth occur and how many days are left in the 21-day shelter period allowable pursuant to section 26-5.7-107, C.R.S. 	<p>C. If at any point during the referral process WHEN THE REPORTING PARTY IS A RUNAWAY AND HOMELESS YOUTH PROVIDER, AND a county department becomes aware that a youth is experiencing homelessness, has run away, or is unaccompanied and is seeking shelter, THEN the county department shall gather and document the following information:</p> <ol style="list-style-type: none"> 1. Does the provider believe there is a reasonable plan in place to keep the child or youth free from harm, and, if not, what the provider believes would prevent harm, 2. Has the shelter provider notified parent(s)/guardian(s) and, if so, what is their response; and 3. When did intake of the child or youth occur and how many days are left in the 21-day shelter period allowable pursuant to section 26-5.7-107, C.R.S. 	The Child Protection Task Group Requested this additional language for clarification.	CPTG, HB 21-1094 Task Group.
7.103.3	New Rule		7.103.3 RECEIPT OF REFERRAL, JURISDICTION, AND INITIAL REVIEW WHEN A YOUTH IS SEEKING REENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM	This creates a new section for information gathering as there is a different set of information required than a typical referral received by counties and the HCCC.	CPTG, HB 21-1094 Task Group.
7.103.3 (A)	New Rule		A. UPON RECEIPT OF A REPORT REGARDING A YOUTH IN NEED OF SERVICES TO REENTER THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM PURSUANT TO THE COLORADO REVISED STATUTES, ARTICLE 7, PART 3 OF TITLE 19, THE COUNTY OR HOTLINE COUNTY CONNECTION CENTER SHALL GATHER THE FOLLOWING INFORMATION, WHEN	This rule sets expectations for what information needs to be gathered.	CPTG, HB 21-1094 Task Group.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)
CDHS Tracking #: 21-04-28-02
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

			<p>AVAILABLE:</p> <p>1. THE REPORTING PARTY'S:</p> <p>a. NAME;</p> <p>b. ADDRESS;</p> <p>c. TELEPHONE NUMBER;</p> <p>d. REPORTER TYPE; AND</p> <p>e. RELATIONSHIP TO THE YOUTH SEEKING SERVICES.</p> <p>2. THE FOLLOWING INFORMATION REGARDING THE YOUTH SEEKING SERVICES:</p> <p>a. LEGAL NAME;</p> <p>b. ADDRESS OR COUNTY WHERE THE YOUTH SELF ATTESTS TO RESIDING;</p> <p>c. CURRENT SPECIFIC LOCATION AND CONTACT INFORMATION;</p> <p>d. BIRTH DATE(S) OR ESTIMATED AGE(S);</p>		
7.103.3 (B)	New Rule		THE COUNTY IN WHICH A YOUTH SELF ATTESTS TO RESIDING SHALL HAVE JURISDICTION FOR A REENTRY REFERRAL TO THE FOSTER YOUTH IN TRANSITION PROGRAM.	This rule clarifies which county has jurisdiction.	CPTG, HB 21-1094 Task Group.
7.103.3 (C)	New Rule		UPON RECEIPT OF A REQUEST FOR REENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM A COUNTY DEPARTMENT SHALL INITIATE A REVIEW OF ELIGIBILITY, NOTIFICATIONS, PROVISION OF SERVICES, AND TIMELINES AS DESCRIBED IN 7.203.40, ET SEQ. (12 CCR 2509-3).	This rule provides ensures counties understand where to go for next steps in 7.203.	CPTG, HB 21-1094 Task Group.
7.103.4	Technical Fix	7.103.3 Initial Review [Eff. 3/1/18]	7.103.34 Initial Review [Eff. 3/1/18]	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.5	Technical Fix	7.103.4 Referrals Requiring No Further Action	7.103.45 Referrals Requiring No Further Action	This rule corrects numbering.	HB 21-1094 Task Group.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)
CDHS Tracking #: 21-04-28-02
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

7.103.6	Technical Fix	7.103.5 Criteria For Assigning A Referral For Assessment	7.103.56 Criteria For Assigning A Referral For Assessment	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.7	Technical Fix	7.103.60 Response Time for Referrals Assigned for Assessment	7.103.670 Response Time For Referrals Assigned For Assessment	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.71	Technical Fix	7.103.61 Red Teams	7.103.671 Red Teams	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.8	Technical Fix	7.103.7 DIFFERENTIAL RESPONSE [Eff. 1/1/15]	7.103.78 DIFFERENTIAL RESPONSE [EFF. 1/1/15]	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.9	Technical Fix	7.103.8 DUTIES TO REPORTING PARTIES – INFORMATION TO BE PROVIDED [Eff. 1/1/15]	7.103.89 DUTIES TO REPORTING PARTIES – INFORMATION TO BE PROVIDED [EFF. 1/1/15]	This rule corrects numbering.	HB 21-1094 Task Group.
7.103.10	Technical Fix	7.103.9 DOCUMENTATION REQUIREMENTS – WHEN SUPERVISOR APPROVAL IS REQUIRED [Eff. 1/1/15]	7.103.910 DOCUMENTATION REQUIREMENTS – WHEN SUPERVISOR APPROVAL IS REQUIRED [EFF. 1/1/15]	This rule corrects numbering.	HB 21-1094 Task Group.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The rules were developed through a Child Welfare SubPAC approved task group and included representation from urban and rural counties across the state, runaway and homeless youth providers, the Office of the Child's Representative, foster care providers, child placement agencies, and a youth advocacy group.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County departments of human/social services, Office of the Child's Representative, Colorado Network to End Youth Homelessness, Rural Collaborative for Homeless Youth, Project Foster Power.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐

Yes

☒

No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒

Yes

☐

No

Name of Sub-PAC

Child Welfare

Date presented

8/5/2021

What issues were raised?

None

Vote Count

For

Against

Abstain

Unanimous

If not presented, explain why.

PAC

Have these rules been approved by PAC?

☐

Yes

☐

No

Date presented

What issues were raised?

Vote Count

For

Against

Abstain

If not presented, explain why.

Other Comments

Comments were received from stakeholders on the proposed rules:

☐

Yes

☐

No

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-2)

CDHS Tracking #: 21-04-28-02

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

**<Title2>7.103 Receipt Of Referral Alleging Intrafamilial Or Third Party Abuse And/Or Neglect
And/Or A Youth In Conflict– Information To Be Gathered**

- A. Upon receipt of a report alleging intrafamilial or third party abuse and/or neglect, and/or a youth in conflict, the county departments or the Hotline County Connection Center shall gather and document the following information, when available.
 - 1. Reporting party's:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Reporter type; and
 - e. Relationship to the alleged victim child(ren)/youth and/or a youth in conflict.
 - 2. Alleged victim child(ren)/youth's and/or a youth in conflict:
 - a. Name;
 - b. Address;
 - c. Current specific location;
 - d. School or child care (if applicable);
 - e. Birth date(s) or estimated age(s);
 - f. Information as to whether or not the child(ren)/youth have American Indian or native Alaskan heritage, and if so, the tribal affiliation; and
 - g. Any developmental delays, physical disabilities, competency or cultural considerations.
 - 3. Family and household members:
 - a. Names;
 - b. Birth date(s) or estimated age(s);
 - c. Relationship to each other;
 - d. Relationship to the alleged victim child(ren)/youth and/or a youth in conflict; and
 - e. Any developmental delays, physical disabilities, competency or cultural considerations.
 - 4. Person(s) alleged to be responsible for the abuse and/or neglect:

- a. Name;
 - b. Birth date(s) or estimated age(s);
 - c. Present location;
 - d. Current or last known address;
 - e. Relationship to the alleged victim child(ren)/youth; and
 - f. Any developmental delays, physical disabilities, competency or cultural considerations.
 5. Narrative describing the presenting problems and specific allegations of the abuse and/or neglect, including but not limited to:
 - a. When it occurred;
 - b. Location;
 - c. Witness(es) of the incident; and
 - d. Description of any injury that was sustained.
 6. The date, time, and location the alleged victim child(ren)/youth and/or a youth in conflict were last seen by the reporting party.
 7. The nature of any other environmental hazards in the home which may impact child(ren)/youth or worker safety.
 8. The name and contact information of any individuals who may have information about the referral, and/or the identity and contact information of collateral agencies and individuals involved with the family.
 9. Date and time referral received.
 10. Family strengths and supports, and/or other protective factors or actions taken.
- B. If at any point during the referral process, a county department becomes aware of an allegation that a child(ren)/youth is, or may be, a victim of sex trafficking, the county department shall:
1. Report immediately, and no later than twenty-four (24) hours from when the county department becomes aware, to the local law enforcement agency; and,
 2. Document the details of the report to law enforcement in the state automated case management system.
- C. If at any point during the referral process WHEN THE REPORTING PARTY IS A RUNAWAY AND HOMELESS YOUTH PROVIDER, AND a county department becomes aware that a youth is experiencing homelessness, has run away, or is unaccompanied and is seeking shelter, THEN the county department shall gather and document the following information:
1. Does the provider believe there is a reasonable plan in place to keep the child or youth free from harm, and, if not, what the provider believes would prevent harm,

2. Has the shelter provider notified parent(s)/guardian(s) and, if so, what is their response; and
3. When did intake of the child or youth occur and how many days are left in the 21-day shelter period allowable pursuant to section 26-5.7-107, C.R.S.

7.103.3 RECEIPT OF REFERRAL, JURISDICTION, AND INITIAL REVIEW WHEN A YOUTH IS SEEKING REENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM

- A. UPON RECEIPT OF A REPORT REGARDING A YOUTH IN NEED OF SERVICES TO REENTER THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM PURSUANT TO THE COLORADO REVISED STATUTES, ARTICLE 7, PART 3 OF TITLE 19, THE COUNTY OR HOTLINE COUNTY CONNECTION CENTER SHALL GATHER THE FOLLOWING INFORMATION, WHEN AVAILABLE:
 1. THE REPORTING PARTY'S:
 - a. NAME;
 - b. ADDRESS;
 - c. TELEPHONE NUMBER;
 - d. REPORTER TYPE; AND
 - e. RELATIONSHIP TO THE YOUTH SEEKING SERVICES.
 2. THE FOLLOWING INFORMATION REGARDING THE YOUTH SEEKING SERVICES:
 - a. LEGAL NAME;
 - b. ADDRESS OR COUNTY WHERE THE YOUTH SELF ATTESTS TO RESIDING;
 - c. CURRENT SPECIFIC LOCATION AND CONTACT INFORMATION;
 - d. BIRTH DATE(S) OR ESTIMATED AGE(S);
- B. THE COUNTY IN WHICH A YOUTH SELF ATTESTS TO RESIDING SHALL HAVE JURISDICTION FOR A REENTRY REFERRAL TO THE FOSTER YOUTH IN TRANSITION PROGRAM.
- C. UPON RECEIPT OF A REQUEST FOR REENTRY SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM A COUNTY DEPARTMENT SHALL INITIATE A REVIEW OF ELIGIBILITY, NOTIFICATIONS, PROVISION OF SERVICES, AND TIMELINES AS DESCRIBED IN 7.203.40, ET SEQ. (12 CCR 2509-3).

7.103.34 Initial Review [Eff. 3/1/18]

When available, the county department shall gather the information in Section 7.103.1, A and/or B, and conduct an initial review. The initial review shall decide if no further action is required, if the referral shall be assigned for assessment, the appropriateness of an immediate response to an assessment, the need for red team review, and/or the appropriateness of a referral to prevention services. It shall include, but not be limited to, the following actions:

- A. Review the child(ren)/youth's vulnerability as defined in section 7.000.2.
- B. Review the state automated case management system and any available county department files within twenty-four (24) hours for:
 - 1. Prior referrals and/or involvement with the alleged victim child(ren), family, and person(s) alleged to be responsible for the abuse and/or neglect;
 - 2. Actions taken; and
 - 3. Services provided to inform whether there is known or suspected abuse and/or neglect or serious threats of harm to a child.
- C. As available and appropriate, obtain information from collateral sources such as schools, medical personnel, law enforcement agencies, or other care providers.
- D. All referrals shall be reviewed and approved by a supervisor, and documented in the state automated case management system. The review shall include, at a minimum, two certified child welfare staff. If there is disagreement in the determination, the referral shall be reviewed through the red team process.
- E. Prevention services shall be considered, if available, for screened out referrals.

7.103.45 Referrals Requiring No Further Action

County departments may determine that a referral does not require further action and screen it out for the following reasons:

- A. The current allegations have previously been assessed;
- B. The alleged victim child(ren) or youth in conflict are not located or reside in the State of Colorado. In this circumstance, the county department shall inform the other state or county department of the referral;
- C. Referral does not meet criteria of abuse and/or neglect as defined in statutes and regulations;
- D. Referral lacks sufficient information to locate the alleged victim child(ren) or youth in conflict; or
- E. Referral is duplicative of a previous referral. In this circumstance, the county department shall associate the duplicate referral with the previous referral in the state automated case management system).

A referral cannot be considered duplicate if the following circumstances are present:

- 1. Different incident date;
 - 2. Different alleged victim;
 - 3. Different alleged person responsible for abuse and/or neglect;
 - 4. Different household; and/or
 - 5. Additional information poses a new or renewed threat of safety to the child(ren)/youth.
- F. The person alleged to be responsible for the abuse and/or neglect is a third (3rd) party and ten (10) years of age or older. In this circumstance, the county department shall send the referral to the appropriate law enforcement agency.

- G. There is no current allegation of child abuse and/or neglect;
- H. More appropriate services for the child/youth who is alleged to be a youth in conflict are currently being provided by another agency;
- I. Referral does not meet the definition of youth in conflict as defined in section CCR 2509-1, 7.000.2; and
- J. The decision to screen out a referral shall be made by a minimum of two (2) certified child welfare staff from the same county or in conjunction with another county. When there is disagreement to screen out, the referral shall be reviewed through the red team process.

7.103.56 Criteria For Assigning A Referral For Assessment

- A. County departments shall screen in and assign a referral for assessment if it:
 - 1. Contains specific allegations of known or suspected abuse and/or neglect as defined in Section 7.000.2;
 - 2. Provides sufficient information to locate the alleged victim; and
 - 3. Identifies a victim under the age of eighteen (18).
- B. Any time a case is opened, it shall come through the referral or assessment process in the state automated case management system with the exception of Interstate Compact on the Placement of Children (ICPC), out of state subsidized adoption, out of state Medicaid, Interstate Compact on Adoption and Medicaid Assistance (ICAMA), or Division of Youth Services (DYS) Medicaid only.
- C. The county department shall review and respond, either with a face-to-face intervention or by telephone, when notified by the court-appointed detention screener or a law enforcement officer of a child or/youth in the custody of a law enforcement agency who is inappropriate for secure detention but cannot be returned home.

7.103.670 Response Time for Referrals Assigned for Assessment

- A. County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria:
 - 1. An immediate response is required when a referral indicates that:
 - a. There may be present danger of moderate to severe harm; or,
 - b. The child's vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight increase the need for immediate response.
 - c. An immediate response shall require a response within eight (8) hours from the receipt of the referral. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made every twenty-four (24) hours from the time of the initial attempted contact.
 - 2. A three (3) calendar day response is required when a referral indicates that:
 - a. There may be impending danger of moderate to severe harm; or,
 - b. The alleged victim child(ren)'s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight, increase the need for intervention in the near future.

- c. The three (3) calendar day count starts on the day following the receipt of a referral, and expires at the end of the third calendar day at 11:59 PM following receipt of the referral.
 - D. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent three calendar days.
 - 3. A five (5) working day response is required when:
 - A. A referral indicates an absence of safety concerns.
 - B. The five (5) day count starts on the first business day following the receipt of a referral and expires at the end of the fifth business day at 11:59 PM following the receipt of the referral.
 - C. If the victim child(ren)/youth or child/youth in conflict cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent five business days.
- B. The decision of how quickly to initiate an assessment shall be based on specific reported information that is credible and that indicates whether a child may be unsafe or at risk of harm.

7.103.671 Red Teams

- A. County departments shall implement a process utilizing the Red Team framework to review referrals with:
 - 1. Child welfare history that includes three (3) or more assessments within the past year regarding the household members in the current referral;
 - 2. Narrative that identifies the alleged victim child(ren)/youth as a child/youth with a vulnerability as defined in section 7.000.2;
 - 3. Two (2) or more screened out non-duplicative referrals with no assessment in the prior twelve (12) months; and/or
 - 4. Criminal history that includes felony and/or misdemeanor convictions related to child abuse and/or neglect, including crimes of violence, domestic violence, and/or unlawful sexual behavior regarding the household members in the current referral.
- B. County departments practicing Differential Response shall utilize the RED Team process for track assignment decisions when considering the Family Assessment Response (FAR) track on assessments requiring three (3) calendar or five (5) business day response times.
- C. The Red Team process is not required for review of the following exceptions:
 - 1. Referrals necessitating an immediate response;
 - 2. Referrals necessitating a response prior to the next business day;
 - 3. Referrals alleging institutional abuse and/or neglect; or
 - 4. Referrals alleging youth in conflict.
- D. County departments may choose to utilize the RED team process for the above exceptions.

- E. The RED team process shall be documented in the framework. The documentation shall reflect the discussion and justification for the decisions.
- F. All RED team decisions shall be approved by a certified supervisor by the end of the calendar day and documented in the state automated case management system by the end of the next business day.

7.103.78 DIFFERENTIAL RESPONSE [Eff. 1/1/15]

- A. County departments interested in participating in Differential Response shall conduct the following:
 - 1. Submit a letter of interest to the State Department;
 - 2. Form a County Differential Response Implementation Committee;
 - 3. Attend Differential Response Training and Coaching Sessions as determined by the State Department;
 - 4. Complete the Readiness Self-Assessment Process;
 - 5. Demonstrate the ability to meet the State Department's performance expectations on safety and well-being measures; and,
 - 6. Demonstrate county staff understands how to correctly enter information into the state automated case management system.

Upon successful completion of the above efforts, a county may be selected to participate in Differential Response by the Executive Director of the State Department.

- B. County departments that implement Differential Response shall utilize the RED Team framework to review referrals, determine response times, and determine the appropriate track assignment in accordance with the approved RED Team process.
 - 1. High Risk Assessment (HRA) is mandatory for a child fatality, near fatality, or egregious incident determined to be the result of abuse and/or neglect, institutional abuse, and intrafamilial sexual abuse. RED Teams may use discretion to assign a High Risk Assessment (HRA) based on the following factors: present danger, multiple previous referrals, and/or presenting case characteristics such as type of alleged maltreatment paired with high vulnerability of the alleged victim.
 - 2. The Family Assessment Response (FAR) is for referrals with low to moderate risk. RED teams may use discretion to assign the Family Assessment Response (FAR) in assessments alleging a child fatality, near fatality, or egregious incident. If it is determined that a child fatality, near fatality or egregious incident is the result of abuse and/or neglect, the track shall be changed to a High Risk Assessment. Institutional abuse or intrafamilial sexual abuse shall not be assigned the Family Assessment Response (FAR).
 - 3. All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the state automated case management system by the end of the next business day.

7.103.89 DUTIES TO REPORTING PARTIES – INFORMATION TO BE PROVIDED [Eff. 1/1/15]

- A. Within SIXTY (60) calendar days of receiving a referral alleging abuse and/or neglect from a mandatory reporter listed in Section 19-1-307(2)(e.5)(I), C.R.S., the county department shall notify such individual when:

1. The county department is aware the individual is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the referral; and,
 2. The mandatory reporter has a need to know in order to fulfill his or her professional and official role in maintaining the child's safety; and,
 3. Unless the county department has actual knowledge that the mandatory reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, a county department shall request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement.
- B. The county department shall notify the mandatory reporter of the following information:
1. The name of the child and the date of the referral;
 2. Whether the referral was accepted for assessment;
 3. Whether the referral was closed without services;
 4. Whether the assessment resulted in services related to the safety of the child;
 5. The name of and contact information for the county caseworker responsible for the assessment; and,
 6. Notice that the reporting mandatory reporter may request updated information within ninety (90) calendar days after the county department received the referral and information concerning the procedure for obtaining updated information.

7.103.910 DOCUMENTATION REQUIREMENTS – WHEN SUPERVISOR APPROVAL IS REQUIRED
[Eff. 1/1/15]

- A. All referrals including the information gathered pursuant to Sections 7.103.1 and 7.103.2 shall be entered into the state automated case management system by the end of the next business day following receipt of the referral.
- B. The initial review shall be documented in the state automated case management system by the end of the next business day following receipt of the referral. The supervisor is to ensure that the review and the documentation have occurred.
- C. The decision to screen out a referral for further action shall be documented in the state automated case management system by the end of the following business day that the decision is made. This shall include an explanation of the reasons why no further action was needed. The determination to screen out a referral for further action must be approved by a supervisor.
- D. All RED Team decisions shall be approved by a supervisor by the end of the calendar day and documented in the state automated case management system by the end of the next business day.

Notice of Proposed Rulemaking

Tracking number

2021-00555

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-3

Rule title

PROGRAM AREAS, CASE CONTACTS, AND ONGOING CASE REQUIREMENTS

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online.

Subjects and issues involved

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection:
<https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-7-315, C.R.S. (2021)

Contact information

Name

Trevor Williams

Title

Youth Services Administrator

Telephone

303.866.4539

Email

trevor.williams@state.co.us

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)

CDHS Tracking #: 21-04-28-03

Office, Division, & Program: _____ Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. ☒ Board ☐ Executive Director

b. ☐ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

☐ AG Initial
Review

☐ Initial Board
Reading

☐ AG 2nd Review

☐ Second Board Reading
/ Adoption

This package contains the following types of rules: *(check all that apply)*

Number

_____ Amended Rules
_____ New Rules
_____ Repealed Rules
_____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October
What date is being requested for this rule to be effective?	December 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated 1st Board 2nd Board Effective Date
Dates: _____ _____ _____

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)

CDHS Tracking #: 21-04-28-03

Office, Division, & Program: _____ Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for the implementation of this part 3, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

☒

Yes

☐

No

Does this rule repeat language found in statute?

☒

Yes

☐

No

If yes, please explain.

Some requirements of HB 21-1094 are specific and organizing the requirements into Volume 7 while maintaining the language from statute ensures the highest level of support to counties and fidelity to the law.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)

CDHS Tracking #: 21-04-28-03

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Current and former foster youth will experience the greatest benefit from these rules. Groups that will experience additional work requirements as a result of these rules include county departments. The Office of the Child's Representative and judicial partners are both impacted by HB 21-1094, but they are not directly impacted by these rules.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Division of Child Welfare estimates that approximately 59 youth per year will choose to reenter foster care as a result of HB 21-1094, which is implemented in part by these rules. These youth will constitute the new population served through the Foster Youth in Transition Program. However, the broader population of foster youth who reach the age of 18 while in care will also experience the benefits of these rules. Prior to HB 21-1094, there was little differentiation in statute or rule between minor children under age 18 and youth 18 to 21 who stayed in foster care, and as a result most youth exit and experience a cliff effect near their 18th birthdays. HB 21-1094 and these rules support the distinct developmental needs of emerging adults. Youth in foster care are not given the right to make informed choices while enjoying the types of support that a typical Colorado family provides to their own children transitioning to adulthood. By implementing HB 21-1094, these rules create the structure for a developmentally appropriate extended foster care system that respects the needs of 18- to 21-year-olds, while providing that crucial support.

Implementation of HB 21-1094 includes a workload impact for county departments, however this will be offset by an increase to the child welfare block appropriated through the general fund.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There are no fiscal impacts directly resulting from these rules. Some changes to the Trails system will be required; however, those costs will be covered by existing federal funds. The Office of the Child's Representative will have a small fiscal impact from the legislation, not the rules, which is funded through an appropriation to their office for implementation of HB 21-1094.

County Fiscal Impact

There are no fiscal impacts directly resulting from these rules. The legislation, however, does create a fiscal impact to counties. Those costs will be covered by an appropriation made to the Child Welfare block for implementation of HB 21-1094.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)

CDHS Tracking #: 21-04-28-03

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

Federal Fiscal Impact

Revisions to these rules ensure Colorado has the structure to draw down federal funds to which the state is entitled for serving this population. Because these rules comply with requirements set forth in Title IV-E of the Social Security Act, the Division of Child Welfare anticipates that the majority of youth participating in the Foster Youth in Transition Program will be eligible for Federal IV-E financial participation.

Other Fiscal Impact (such as providers, local governments, etc.)

No impact to other providers, local governments, or other agencies is anticipated.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Colorado's foster care system, as it has traditionally existed, is leading to negative outcomes for many youth who have made the transition from foster care to adulthood. The National Youth in Transition Database Survey, a longitudinal study of youth involved with child welfare, has shown that at least 36% of former foster youth in Colorado have experienced homelessness, 21% have been incarcerated, and 29% become parents by age 21. National data shows it is likely the true rate of early parenthood is much higher. The Midwest Study of Adult Functioning of Former Foster Youth demonstrates that developmentally appropriate extended foster care is key to improving these outcomes. A growing body of evidence demonstrates that providing youth the opportunity to reenter a developmentally appropriate foster care system during that transition, if needed, also improves outcomes for these youth. HB 21-1094 was developed using this information, as well as feedback provided by youth advocates and runaway and homeless youth providers.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There is no alternative because HB 21-1094 requires that rules be promulgated for implementation of the law.

Title of Proposed Rule:	Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #:	21-04-28-03
Office, Division, & Program:	Rule Author: Trevor Williams
	Phone: 303-866-4539
	E-Mail:
	trevor.williams@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.203.4	Revision	<p>7.203.4 YOUNG ADULTS WHO HAVE LEFT FOSTER CARE</p> <p>Participation in the Chafee programs or other services that prepare youth for adulthood is voluntary but should be offered to young adults, ages eighteen (18) to twenty-one (21), and who are in need of continuing support and services toward becoming self-sufficient.</p>	<p>7.203.4 YOUNG ADULTS WHO HAVE LEFT FOSTER CAREFOSTER YOUTH IN TRANSITION PROGRAM</p> <p>Participation in the Chafee programs or other services that prepare youth for adulthood is voluntary but should be offered to young adults, ages eighteen (18) to twenty-one (21), and who are in need of continuing support and services toward becoming self-sufficient. THE FOSTER YOUTH IN TRANSITION PROGRAM PROVIDES DEVELOPMENTALLY APPROPRIATE, VOLUNTARY SERVICES TO ELIGIBLE YOUTH AND SHALL BE AVAILABLE TO ALL ELIGIBLE YOUTH. SERVICES SHALL BE OFFERED USING A HOUSING FIRST STRATEGY TO PROVIDE HOUSING SOLUTIONS TO PARTICIPATING YOUTH WHO ARE EXPERIENCING, OR ARE AT IMMINENT RISK OF, HOMELESSNESS.</p>	This rule is the header and introduction to the Foster Youth in Transition Program. This section already existed, and covered this population and services.	HB 21-1094 Task Group
7.203.41	Revision	<p>7.203.41 Eligibility</p> <p>Young adults, ages eighteen (18) to twenty-one (21), are eligible to receive services to assist them as they continue the transition to adulthood. Services may include independent living assessment, case planning, transitional services, room and board, and other services as identified in the program's plan based on the individual needs and preferences of the youth adult (see Section 7.305).</p>	<p>7.203.41 Eligibility</p> <p>Young adults, ages eighteen (18) to twenty-one (21), are eligible to receive services to assist them as they continue the transition to adulthood. Services may include independent living assessment, case planning, transitional services, room and board, and other services as identified in the program's plan based on the individual needs and preferences of the youth adult (see Section 7.305). ELIGIBLE YOUTH INCLUDE YOUTH WHO:</p> <p>A. ARE AT LEAST EIGHTEEN BUT LESS THAN TWENTY-ONE YEARS OF AGE, SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW;</p> <p>B. HAVE HAD PRIOR FOSTER CARE OR KINSHIP CARE INVOLVEMENT IN ONE OF THE FOLLOWING WAYS:</p> <ol style="list-style-type: none"> 1. THE YOUTH WAS IN FOSTER CARE, AS DEFINED IN 19-1-103 (51.3), C.R.S., ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY; OR 2. THE YOUTH WAS IN NON-CERTIFIED KINSHIP CARE, AS DEFINED IN 19-1-103 (78.7), C.R.S., ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY AND WAS ADJUDICATED DEPENDENT AND NEGLECTED PURSUANT TO ARTICLE 3 OF TITLE 19, C.R.S; AND <p>C. ARE ENGAGED IN, OR INTENDS TO ENGAGE IN, AT LEAST ONE OF THE FOLLOWING, UNLESS AN EXCEPTION APPLIES OR ARE WAIVED BY FEDERAL</p>	This rule establishes program eligibility requirements for the Foster Youth in Transition Program as required by statute.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #: 21-04-28-03
Office, Division, & Program: _____ **Rule Author:** Trevor Williams **Phone:** 303-866-4539
E-Mail:
trevor.williams@state.co.us

			<p>LAW:</p> <ol style="list-style-type: none"> 1. COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL; 2. ATTENDING AN INSTITUTION THAT PROVIDES POST SECONDARY OR VOCATIONAL EDUCATION; 3. WORKING PART- OR FULL-TIME FOR AT LEAST EIGHTY HOURS PER MONTH; OR 4. PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE EMPLOYMENT OR REMOVE BARRIERS TO EMPLOYMENT. 5. THE REQUIREMENT DESCRIBED IN 7.203.41(C) DOES NOT APPLY TO A YOUTH WHO IS INCAPABLE OF ENGAGING IN ANY OF THE ACTIVITIES AS A RESULT OF A MEDICAL CONDITION THAT IS SUPPORTED BY REGULARLY UPDATED DOCUMENTATION IN THE 90 DAY SUPERVISORY REVIEW; AND <p>D. SEEK TO ENTER INTO A VOLUNTARY SERVICES AGREEMENT, OR THE YOUTH HAS ENTERED INTO AND IS SUBSTANTIALLY FULFILLING THE YOUTH'S OBLIGATIONS PURSUANT TO A VOLUNTARY SERVICES AGREEMENT WITH THE APPROPRIATE COUNTY DEPARTMENT.</p>		
7.203.42	New Rule		<p>7.203.42 ELIGIBILITY DETERMINATIONS, APPEALS, AND NOTIFICATION UPON RECEIPT OF A REFERRAL FOR SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM THE COUNTY SHALL:</p> <p>A. DETERMINE IF THE YOUTH IS ELIGIBLE FOR THE FOSTER YOUTH IN TRANSITION PROGRAM WITHIN THREE (3) BUSINESS DAYS;</p> <ol style="list-style-type: none"> 1. IF THE YOUTH IS ELIGIBLE <ol style="list-style-type: none"> a. WITHIN THREE (3) BUSINESS DAYS OF REFERRAL, PROVIDE THE YOUTH: <ol style="list-style-type: none"> i. NOTICE ELIGIBILITY. ii. A DESCRIPTION OF THE PROGRAM, INCLUDING THE VOLUNTARY NATURE, SERVICES AVAILABLE, AND ONGOING ELIGIBILITY REQUIREMENTS. iii. A COPY OF THE VOLUNTARY SERVICES AGREEMENT. b. WITHIN THREE (3) BUSINESS DAYS OF A YOUTH OPTING INTO THE FOSTER YOUTH IN TRANSITION PROGRAM: <ol style="list-style-type: none"> i. EXECUTE A VOLUNTARY SERVICES AGREEMENT IN COLLABORATION WITH 	This rule established the process county departments must follow to determine eligibility for the Foster Youth in Transition Program and includes notifications and appeals.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #: 21-04-28-03
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

			<p>THE YOUTH AND PROVIDE THEM WITH A COPY; AND THEN</p> <p>ii. PROVIDE WRITTEN NOTICE TO THE OFFICE OF THE CHILD'S REPRESENTATIVE THAT THE YOUTH HAS ENTERED INTO A VOLUNTARY SERVICES AGREEMENT AND THE FOSTER YOUTH IN TRANSITION PROGRAM.</p> <p>c. WHEN A YOUTH ENTERS INTO A VOLUNTARY SERVICES AGREEMENT, A CASE SHALL BE OPENED THROUGH PROGRAM AREA 6.</p> <p>d. IF AN ELIGIBLE YOUTH DOES NOT OPT IN, THE COUNTY SHALL CLOSE THE REFERRAL WITHIN 30 DAYS OF RECEIPT OF THE REFERRAL.</p> <p>2. IF THE COUNTY DETERMINES THE YOUTH IS NOT ELIGIBLE, THE COUNTY SHALL NOTIFY THE YOUTH WITHIN THREE (3) BUSINESS DAYS OF RECEIVING THE REFERRAL:</p> <p>a. THAT THEY ARE NOT ELIGIBLE AND THE REASONS FOR THAT DETERMINATION IN DEVELOPMENTALLY APPROPRIATE LANGUAGE;</p> <p>b. CONTACT INFORMATION FOR THE OFFICE OF THE CHILD'S REPRESENTATIVE; AND</p> <p>c. A WRITTEN DESCRIPTION OF THEIR RIGHT TO APPEAL AND CONTACT INFORMATION FOR THE INDIVIDUAL OR UNIT ASSIGNED TO HEAR APPEALS AT THE STATE DEPARTMENT.</p> <p>3. THE STATE DEPARTMENT SHALL BE AUTHORIZED TO HEAR ELIGIBILITY APPEALS AND MAKE A FINAL DETERMINATION OF ELIGIBILITY BASED ON INFORMATION AVAILABLE IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM AND JUVENILE COURT RECORDS WITHIN THREE (3) BUSINESS DAYS OF RECEIVING THE REQUEST FOR APPEAL. FINAL DETERMINATIONS OF ELIGIBILITY MADE BY THE STATE DEPARTMENT ARE FINAL AGENCY DECISIONS AND SUBJECT TO JUDICIAL REVIEW. THE STATE DEPARTMENT SHALL MAKE THE APPEAL POLICY AVAILABLE TO THE PUBLIC.</p>		
7.203.43	Revision	<p>7.203.42 County Department Procedures or other service provider procedures</p> <p>A. The county department of social services or other service provider shall document in the case file the transition services provided.</p> <p>B. The county department of social services shall complete the Roadmap to Success as a part of the</p>	<p>7.203.423 County Department Procedures or other service provider procedures FOSTER YOUTH IN TRANSITION PROGRAM SERVICES AND PROCEDURES</p> <p>A. The county department of social services or other service provider shall document in the case file the transition services provided.</p> <p>B. The county department of social services shall complete the Roadmap to Success as a part of the Family Services Plan.</p>	These revisions ensure that this section of rule applies to the Foster Youth in Transition Program.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #: 21-04-28-03
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

		C. Family Services Plan. Contact requirements shall be defined in consultation with the young adult with face-to-face contact occurring at least quarterly to determine appropriateness of services and continued need of the young adult.	C. Contact requirements shall be defined in consultation with the young adult with face-to-face contact occurring at least quarterly to determine appropriateness of services and continued need of the young adult.		
7.203.43 (A)	New Rule		A. PROCEDURES 1. WHEN A YOUTH ENTERS THE FOSTER YOUTH IN TRANSITION PROGRAM, THE PROGRAM AREA IS PROGRAM AREA 6. 2. THE PARTICIPATING YOUTH SHALL HAVE A NEW CASE OPENED EFFECTIVE THE DAY THE YOUTH AND COUNTY EXECUTE THE VOLUNTARY SERVICES AGREEMENT. a. PRIOR TO OPENING A NEW CASE OR CREATING A NEW CLIENT ID, THE CASEWORKER OR SUPERVISOR SHALL COMPLETE A SEARCH IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM FOR ANY EXISTING OPEN CASES OR CLIENTS AND ENSURE THAT ONLY ONE PROGRAM AREA 4 OR 5 CASE IS OPEN THAT INCLUDES THE YOUTH AS PARTICIPATING AS A CHILD. b. FOR YOUTH ENTERING THE PROGRAM DIRECTLY FROM AN OPEN CASE UNDER PROGRAM AREA 4, 5, OR 6, THERE SHALL BE NO RESULTING INTERRUPTION IN CASE MANAGEMENT SERVICES, HOUSING, MEDICAID COVERAGE, OR IN FOSTER CARE MAINTENANCE PAYMENTS. 3. THE COUNTY DEPARTMENT SHALL ENSURE THE FAMILY SERVICES PLAN CONTAINS AN UPDATED ROADMAP TO SUCCESS AS DESCRIBED IN 7.305.2 (12 CCR 2509-04). THE FAMILY SERVICES PLAN IN FOSTER YOUTH IN TRANSITION PROGRAM CASES DOES NOT REQUIRE TREATMENT PLAN OR VISITATION SECTIONS FOR THE YOUTH'S PARENTS OR CAREGIVERS. UPDATES TO THE FAMILY SERVICES PLAN SHALL BE ENTERED INTO THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM WITHIN SIXTY (60) DAYS OF THE YOUTH ENTERING INTO A VOLUNTARY SERVICES AGREEMENT. THE YOUTH SHALL BE PROVIDED A COPY OF THE FAMILY SERVICES PLAN. 4. WHEN THE YOUTH'S RESIDENCE HAS CHANGED	This rule creates a set of standardized procedures for counties to follow in a Foster Youth in Transition Program case.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #: 21-04-28-03
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

			<p>AFTER JURISDICTION HAS BEEN ESTABLISHED, COUNTY DEPARTMENTS SHALL WORK COOPERATIVELY TO:</p> <ul style="list-style-type: none"> a. ENSURE SERVICES ARE PROVIDED BY THE APPROPRIATE COUNTY; AND b. PETITIONS ARE FILED IN THE COURT OF THE APPROPRIATE COUNTY; AND c. TAKING INTO CONSIDERATION: <ul style="list-style-type: none"> i. WHICH COUNTY IS CURRENTLY WORKING WITH THE YOUTH; ii. THE COUNTY IN WHICH THE YOUTH SELF ATTESTS TO RESIDING; iii. INDICATIONS THE YOUTH INTENDS TO STAY IN THE SELF ATTESTED COUNTY; iv. ACCESS TO SERVICES, SUPPORTS, AND/OR RELATIONSHIPS THE YOUTH NEEDS IN ORDER TO SUCCESSFULLY TRANSITION TO ADULTHOOD; AND v. THE YOUTH'S PREFERENCE. 		
7.203.43 (B)			<p>B. SERVICES</p> <p>EACH COUNTY DEPARTMENT SHALL OFFER, AT A MINIMUM, THE FOLLOWING SERVICES AND SUPPORTS TO PARTICIPATING YOUTH IN THE TRANSITION PROGRAM. ALL SERVICES SHALL BE PROVIDED BY THE COUNTY IN MANNER THAT IS CONSISTENT WITH THE YOUTH'S DEVELOPMENTAL NEEDS, CULTURE, AND SUPPORTS THE YOUTH'S SUCCESSFUL TRANSITION TO ADULTHOOD:</p> <ul style="list-style-type: none"> 1. ASSISTANCE WITH ENROLLING IN THE APPROPRIATE CATEGORY OF MEDICAID FOR WHICH THE PARTICIPATING YOUTH IS ELIGIBLE; 2. ASSISTANCE WITH SECURING SAFE, AFFORDABLE, AND STABLE HOUSING. IF A COUNTY DEPARTMENT HAS LEGAL AUTHORITY FOR PHYSICAL PLACEMENT THROUGH A VOLUNTARY SERVICES AGREEMENT PURSUANT TO 19-7-306, C.R.S., <ul style="list-style-type: none"> a. THE PARTICIPATING YOUTH'S HOUSING IS FULLY OR PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S OWN EXPENSES MUST BE BASED UPON THE YOUTH'S ABILITY TO PAY, AS FURTHER DESCRIBED IN 12 CCR 2509-3, 7.416.2. b. WITH THE PARTICIPATING YOUTH'S CONSENT, THE PARTICIPATING YOUTH'S HOUSING MAY BE IN ANY 	This rule outlines the services required by statute for youth who are participating in the Foster Youth in Transition Program.	HB 21-1094 Task Group

Title of Proposed Rule: <u>Extended Foster Care & Re-Entry (12 CCR 2509-3)</u>	
CDHS Tracking #: <u>21-04-28-03</u>	
Office, Division, & Program:	Rule Author: Trevor Williams Phone: 303-866-4539 E-Mail: trevor.williams@state.co.us

			<p>PLACEMENT APPROVED BY THE COUNTY DEPARTMENT OR THE COURT FOR WHICH THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE AND THAT IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR</p> <p>c. IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN SUCH PLACEMENT MUST FOLLOW ALL RELEVANT PROCEDURES PURSUANT TO SECTION 19-1-115, C.R.S. CONCERNING THE PLACEMENT OF A CHILD OR YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.</p> <p>d. IF A COUNTY DEPARTMENT DOES NOT HAVE LEGAL AUTHORITY FOR PHYSICAL PLACEMENT, SUCH AS WHEN A YOUTH IS NEARING EMANCIPATION AND ENTERING INTO THEIR NEXT HOUSING ARRANGEMENT, THE PARTICIPATING YOUTH MAY:</p> <p>i. RESIDE ANYWHERE THAT THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE TO RESIDE OR A LICENSED HOST FAMILY HOME, AS DEFINED IN SECTION 26-5.7-102 (3.5), C.R.S.; AND</p> <p>ii. ACCESS ANY FINANCIAL SUPPORT FOR HOUSING THAT THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE TO RECEIVE.</p> <p>3. CASE MANAGEMENT SERVICES, INCLUDING THE DEVELOPMENT OF A CASE PLAN WITH A ROADMAP TO SUCCESS FOR THE PARTICIPATING YOUTH, AS WELL AS ASSISTANCE IN THE FOLLOWING AREAS, AS APPROPRIATE, AND WITH THE AGREEMENT OF THE PARTICIPATING YOUTH:</p> <p>a. PROVISION OF APPROPRIATE COMMUNITY RESOURCES AND PUBLIC BENEFITS TO ASSIST THE PARTICIPATING YOUTH IN THE TRANSITION TO ADULTHOOD AS DOCUMENTED BY THE ROADMAP TO SUCCESS;</p> <p>b. OBTAINING EMPLOYMENT OR OTHER FINANCIAL SUPPORT AND ENHANCING FINANCIAL LITERACY;</p> <p>c. OBTAINING A DRIVER'S LICENSE OR OTHER GOVERNMENT-ISSUED IDENTIFICATION CARD;</p> <p>4. UPON REQUEST, AND IF SERVICES ARE AVAILABLE, SUPPORT THE YOUTH WITH COMPLYING WITH ANY JUVENILE OR CRIMINAL JUSTICE SYSTEM REQUIREMENTS WHICH MAY INCLUDE REFERRALS TO ASSIST WITH EXPUNGING THE PARTICIPATING YOUTH'S COURT RECORDS, AS APPROPRIATE, PURSUANT TO SECTION 19-1-306, C.R.S.;</p> <p>5. PURSUING EDUCATIONAL GOALS AND APPLYING FOR</p>		
--	--	--	---	--	--

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #: 21-04-28-03
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
E-Mail:
trevor.williams@state.co.us

			FINANCIAL AID, IF NECESSARY; 6. UPON REQUEST, AND IF SERVICES ARE AVAILABLE, REFERRAL TO SERVICES FOR OBTAINING THE NECESSARY STATE COURT FINDINGS AND APPLYING FOR SPECIAL IMMIGRANT JUVENILE STATUS PURSUANT TO FEDERAL LAW, AS APPLICABLE, OR APPLYING FOR OTHER IMMIGRATION RELIEF FOR WHICH THE PARTICIPATING YOUTH MAY BE QUALIFIED; 7. OBTAINING COPIES OF HEALTH AND EDUCATION RECORDS; 8. MAINTAINING AND BUILDING RELATIONSHIPS WITH INDIVIDUALS WHO ARE IMPORTANT TO THE PARTICIPATING YOUTH, INCLUDING SEARCHING FOR INDIVIDUALS WITH WHOM THE PARTICIPATING YOUTH HAS LOST CONTACT. THESE SERVICES MAY BE OFFERED USING FAMILY SEARCH AND ENGAGEMENT AS DESCRIBED IN 7.304.52 (12 CCR 2509-04); AND 9. ACCESSING INFORMATION ABOUT MATERNAL AND PATERNAL RELATIVES, INCLUDING ANY SIBLINGS.		
7.203.43 (C)			C. COURT PROCEDURES WHEN YOUTH TRANSITION FROM A PROGRAM AREA 4 OR 5 CASE INTO THE FOSTER YOUTH IN TRANSITION PROGRAM FOR A YOUTH APPROACHING THEIR 18 TH BIRTHDAY WHO IS CURRENTLY IN FOSTER CARE, OR WHO IS IN NON-CERTIFIED KINSHIP CARE AND THERE IS AN OPEN DEPENDENCY AND NEGLECT CASE, THE COUNTY SHALL PARTNER WITH THE YOUTH TO SUPPORT THE YOUTH IN MAKING INFORMED DECISIONS ABOUT WHAT THE YOUTH NEEDS TO EMANCIPATE SUCCESSFULLY AND WHETHER TO ENTER THE FOSTER YOUTH IN TRANSITION PROGRAM. THE COUNTY SHALL PARTNER WITH THE YOUTH IN PREPARING THE FOR THE TRANSITION HEARING DESCRIBED BELOW: 1. THE COUNTY SHALL REQUEST THAT A TRANSITION HEARING BE HELD WITHIN 35 DAYS OF THE YOUTH'S 18 TH BIRTHDAY PURSUANT TO 19-3-705, C.R.S. 2. AT LEAST SEVEN (7) DAYS PRIOR TO THE TRANSITION HEARING THE COUNTY SHALL SUBMIT A REPORT TO THE COURT THAT INCLUDES: a. A DESCRIPTION OF THE COUNTY'S REASONABLE EFFORTS TOWARD ACHIEVING THE YOUTH'S PERMANENCY GOALS AND A SUCCESSFUL TRANSITION TO ADULTHOOD. b. AN AFFIRMATION THAT THE COUNTY HAS	This rule outlines the required activities when a youth transitions from a PA4 or PA5 case into the Foster Youth in Transition Program.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)
CDHS Tracking #: 21-04-28-03
Office, Division, & Program: Rule Author: Trevor Williams Phone: 303-866-4539
 E-Mail:
 trevor.williams@state.co.us

			<p>PROVIDED THE YOUTH WITH ALL OF THE RECORDS AND DOCUMENTS THE YOUTH NEEDS TO SUCCESSFULLY TRANSITION TO ADULTHOOD, INCLUDING THE DOCUMENTS REQUIRED BY 7.305.5, WRITTEN INFORMATION CONCERNING THE YOUTH'S FAMILY HISTORY, AND CONTACT INFORMATION FOR SIBLINGS IF AVAILABLE AND APPROPRIATE.</p> <p>c. AN AFFIRMATION THAT THE COUNTY HAS INFORMED THE YOUTH, IN A DEVELOPMENTALLY APPROPRIATE MANNER, OF THE BENEFITS AND OPTIONS AVAILABLE TO THE YOUTH BY THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.4 (12 CCR 2509-3) AND THE VOLUNTARY NATURE OF THE PROGRAM.</p> <p>d. A STATEMENT OF WHETHER THE YOUTH HAS MADE A PRELIMINARY DECISION WHETHER TO EMANCIPATE OR TO ENTER INTO THE FOSTER YOUTH IN TRANSITION PROGRAM AND EITHER OR BOTH OF THE FOLLOWING:</p> <p>i. IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO EMANCIPATE, THE REPORT MUST INCLUDE A COPY OF THE YOUTH'S EMANCIPATION TRANSITION PLAN AS DESCRIBED IN 7.305.2(F).</p> <p>ii. IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO ENTER THE FOSTER YOUTH IN TRANSITION PROGRAM, THE COUNTY SHALL FILE A PETITION PURSUANT TO 19-7-307 AT THE SAME TIME AS THE REPORT DESCRIBED IN THIS SECTION.</p> <p>3. PERMANENCY PLANNING REQUIREMENTS ARE DESCRIBED IN 7.304.54 (12 CCR 2509-4).</p>		
7.204(C) (4)	New Rule		<p>4. AN EMANCIPATION TRANSITION PLAN FOR ALL YOUTH WHO ARE ELIGIBLE DESCRIBED IN 7.305.2(F) (12 CCR 2509-04).</p>	This new rule ensures that the requirement to complete an ETP is clear whenever one is required.	HB 21-1094 Task Group

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)

CDHS Tracking #: 21-04-28-03

Office, Division, & Program: _____ Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The rules were developed through a Child Welfare SubPAC approved task group and included representation from urban and rural counties across the state, runaway and homeless youth providers, the Office of the Child's Representative, foster care providers, child placement agencies, and a youth advocacy group.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County departments of human/social services, Office of the Child's Representative, Colorado Network to End Youth Homelessness, Rural Collaborative for Homeless Youth, Project Foster Power.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Name of Sub-PAC	Child Welfare		
Date presented	8/5/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☐ Yes ☐ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☐ No

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-3)

CDHS Tracking #: 21-04-28-03

Office, Division, & Program:

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

In addition to the rule drafting task group, the Child Protection Task Group (CPTG), and Child Welfare SubPAC, and Chafee Quarterly Meeting, stakeholder feedback sessions four stakeholder feedback sessions were held. The following feedback was received:

The Office of the Child's Representative recommended that additional language be added under 7.203.41(C) to ensure that rule accommodate changes should federal law require the waiver of the education and employment requirements. The Division of Child Welfare agrees and added that language to the above referenced section.

Both Larimer and Garfield counties had questions about the definition that is referenced for non-certified kin and wanted to know if it included non-certified kin for whom the county does not have custody and if the language should be expanded beyond the cite to the definition of 'non-certified kin'. After connecting with the subject matter expert for kinship care and the individual making the initial recommendation it was determined that the proposed language is the most appropriate and that additional clarification should be addressed through training, technical assistance, and guidance.

(12 CCR 2509-3)

7.203.4 ~~YOUNG ADULTS WHO HAVE LEFT FOSTER CARE~~ FOSTER YOUTH IN TRANSITION PROGRAM

~~Participation in the Chafee programs or other services that prepare youth for adulthood is voluntary but should be offered to young adults, ages eighteen (18) to twenty-one (21).~~ THE FOSTER YOUTH IN TRANSITION PROGRAM PROVIDES DEVELOPMENTALLY APPROPRIATE, VOLUNTARY SERVICES TO ELIGIBLE YOUTH AND SHALL BE AVAILABLE TO ALL ELIGIBLE YOUTH. SERVICES SHALL BE OFFERED USING A HOUSING FIRST STRATEGY TO PROVIDE HOUSING SOLUTIONS TO PARTICIPATING YOUTH WHO ARE EXPERIENCING, OR ARE AT IMMINENT RISK OF, HOMELESSNESS.

7.203.41 Eligibility

~~Young adults, ages eighteen (18) to twenty-one (21), are eligible to receive services to assist them as they continue the transition to adulthood. Services may include independent living assessment, case planning, transitional services, room and board, and other services as identified in the program's plan based on the individual needs and preferences of the youth adult (see Section 7.305).~~ ELIGIBLE YOUTH INCLUDE YOUTH WHO:

- A. ARE AT LEAST EIGHTEEN BUT LESS THAN TWENTY-ONE YEARS OF AGE, SUCH GREATER AGE OF FOSTER CARE ELIGIBILITY AS REQUIRED BY FEDERAL LAW;
- B. HAVE HAD PRIOR FOSTER CARE OR KINSHIP CARE INVOLVEMENT IN ONE OF THE FOLLOWING WAYS:
 - 1. THE YOUTH WAS IN FOSTER CARE, AS DEFINED IN 19-1-103 (51.3), C.R.S., ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY; OR
 - 2. THE YOUTH WAS IN NON-CERTIFIED KINSHIP CARE, AS DEFINED IN 19-1-103 (78.7), C.R.S., ON OR AFTER THE YOUTH'S SIXTEENTH BIRTHDAY AND WAS ADJUDICATED DEPENDENT AND NEGLECTED PURSUANT TO ARTICLE 3 OF TITLE 19, C.R.S; AND
- C. ARE ENGAGED IN, OR INTENDS TO ENGAGE IN, AT LEAST ONE OF THE FOLLOWING, UNLESS AN EXCEPTION APPLIES OR ARE WAIVED BY FEDERAL LAW:
 - 1. COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL;
 - 2. ATTENDING AN INSTITUTION THAT PROVIDES POST SECONDARY OR VOCATIONAL EDUCATION;
 - 3. WORKING PART- OR FULL-TIME FOR AT LEAST EIGHTY HOURS PER MONTH; OR
 - 4. PARTICIPATING IN A PROGRAM OR ACTIVITY DESIGNED TO PROMOTE EMPLOYMENT OR REMOVE BARRIERS TO EMPLOYMENT.
 - 5. THE REQUIREMENT DESCRIBED IN 7.203.41(C) DOES NOT APPLY TO A YOUTH WHO IS INCAPABLE OF ENGAGING IN ANY OF THE ACTIVITIES AS A RESULT OF A MEDICAL CONDITION THAT IS SUPPORTED BY

REGULARLY UPDATED DOCUMENTATION IN THE 90 DAY SUPERVISORY REVIEW; AND

- D. SEEK TO ENTER INTO A VOLUNTARY SERVICES AGREEMENT, OR THE YOUTH HAS ENTERED INTO AND IS SUBSTANTIALLY FULFILLING THE YOUTH'S OBLIGATIONS PURSUANT TO A VOLUNTARY SERVICES AGREEMENT WITH THE APPROPRIATE COUNTY DEPARTMENT.

**7.203.42 ELIGIBILITY DETERMINATIONS, APPEALS, AND NOTIFICATIONS
UPON RECEIPT OF A REFERRAL FOR SERVICES THROUGH THE FOSTER YOUTH IN
TRANSITION PROGRAM THE COUNTY SHALL:**

- A. DETERMINE IF THE YOUTH IS ELIGIBLE FOR THE FOSTER YOUTH IN TRANSITION PROGRAM WITHIN THREE (3) BUSINESS DAYS;
 - 1. IF THE YOUTH IS ELIGIBLE:
 - a. WITHIN THREE (3) BUSINESS DAYS OF REFERRAL, PROVIDE THE YOUTH:
 - i. NOTICE ELIGIBILITY.
 - ii. A DESCRIPTION OF THE PROGRAM, INCLUDING THE VOLUNTARY NATURE, SERVICES AVAILABLE, AND ONGOING ELIGIBILITY REQUIREMENTS.
 - iii. A COPY OF THE VOLUNTARY SERVICES AGREEMENT.
 - b. WITHIN THREE (3) BUSINESS DAYS OF A YOUTH OPTING INTO THE FOSTER YOUTH IN TRANSITION PROGRAM:
 - i. EXECUTE A VOLUNTARY SERVICES AGREEMENT IN COLLABORATION WITH THE YOUTH AND PROVIDE THEM WITH A COPY; AND THEN
 - ii. PROVIDE WRITTEN NOTICE TO THE OFFICE OF THE CHILD'S REPRESENTATIVE THAT THE YOUTH HAS ENTERED INTO A VOLUNTARY SERVICES AGREEMENT AND THE FOSTER YOUTH IN TRANSITION PROGRAM.
 - c. WHEN A YOUTH ENTERS INTO A VOLUNTARY SERVICES AGREEMENT, A CASE SHALL BE OPENED THROUGH PROGRAM AREA 6.
 - d. IF AN ELIGIBLE YOUTH DOES NOT OPT IN, THE COUNTY SHALL CLOSE THE REFERRAL WITHIN 30 DAYS OF RECEIPT OF THE REFERRAL.
 - 2. IF THE COUNTY DETERMINES THE YOUTH IS NOT ELIGIBLE, THE COUNTY SHALL NOTIFY THE YOUTH WITHIN THREE (3) BUSINESS DAYS OF RECEIVING THE REFERRAL:
 - a. THAT THEY ARE NOT ELIGIBLE AND THE REASONS FOR THAT DETERMINATION IN DEVELOPMENTALLY APPROPRIATE LANGUAGE;
 - b. CONTACT INFORMATION FOR THE OFFICE OF THE CHILD'S REPRESENTATIVE; AND

- c. A WRITTEN DESCRIPTION OF THEIR RIGHT TO APPEAL AND CONTACT INFORMATION FOR THE INDIVIDUAL OR UNIT ASSIGNED TO HEAR APPEALS AT THE STATE DEPARTMENT.
3. THE STATE DEPARTMENT SHALL BE AUTHORIZED TO HEAR ELIGIBILITY APPEALS AND MAKE A FINAL DETERMINATION OF ELIGIBILITY BASED ON INFORMATION AVAILABLE IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM AND JUVENILE COURT RECORDS WITHIN THREE (3) BUSINESS DAYS OF RECEIVING THE REQUEST FOR APPEAL. FINAL DETERMINATIONS OF ELIGIBILITY MADE BY THE STATE DEPARTMENT ARE FINAL AGENCY DECISIONS AND SUBJECT TO JUDICIAL REVIEW. THE STATE DEPARTMENT SHALL MAKE THE APPEAL POLICY AVAILABLE TO THE PUBLIC.

7.203.423 ~~County Department Procedures or other service provider procedures~~ FOSTER YOUTH IN TRANSITION PROGRAM SERVICES AND PROCEDURES

- ~~A. The county department of social services or other service provider shall document in the case file the transition services provided.~~
- ~~B. The county department of social services shall complete the Roadmap to Success as a part of the Family Services Plan.~~
- ~~C. Contact requirements shall be defined in consultation with the young adult with face-to-face contact occurring at least quarterly to determine appropriateness of services and continued need of the young adult.~~

A. PROCEDURES

1. WHEN A YOUTH ENTERS THE FOSTER YOUTH IN TRANSITION PROGRAM THE PROGRAM AREA IS PROGRAM AREA 6.
2. THE PARTICIPATING YOUTH SHALL HAVE A NEW CASE OPENED EFFECTIVE THE DAY THE YOUTH AND COUNTY EXECUTE THE VOLUNTARY SERVICES AGREEMENT.
 - a. PRIOR TO OPENING A NEW CASE OR CREATING A NEW CLIENT ID, THE CASEWORKER OR SUPERVISOR SHALL COMPLETE A SEARCH IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM FOR ANY EXISTING OPEN CASES OR CLIENTS AND ENSURE THAT ONLY ONE PROGRAM AREA 4 OR 5 CASE IS OPEN THAT INCLUDES THE YOUTH AS PARTICIPATING AS A CHILD.
 - b. FOR YOUTH ENTERING THE PROGRAM DIRECTLY FROM AN OPEN CASE UNDER PROGRAM AREA 4, 5, OR 6, THERE SHALL BE NO RESULTING INTERRUPTION IN CASE MANAGEMENT SERVICES, HOUSING, MEDICAID COVERAGE, OR IN FOSTER CARE MAINTENANCE PAYMENTS.
3. THE COUNTY DEPARTMENT SHALL ENSURE THE FAMILY SERVICES PLAN CONTAINS AN UPDATED ROADMAP TO SUCCESS AS DESCRIBED IN 7.305.2 (12 CCR 2509-04). THE FAMILY SERVICES PLAN IN FOSTER YOUTH IN TRANSITION PROGRAM CASES DOES NOT REQUIRE TREATMENT PLAN OR VISITATION SECTIONS FOR THE YOUTH'S PARENTS OR

CAREGIVERS. UPDATES TO THE FAMILY SERVICES PLAN SHALL BE ENTERED INTO THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM WITHIN SIXTY (60) DAYS OF THE YOUTH ENTERING INTO A VOLUNTARY SERVICES AGREEMENT. THE YOUTH SHALL BE PROVIDED A COPY OF THE FAMILY SERVICES PLAN.

4. WHEN THE YOUTH'S RESIDENCE HAS CHANGED AFTER JURISDICTION HAS BEEN ESTABLISHED, COUNTY DEPARTMENTS SHALL WORK COOPERATIVELY TO:
 - a. ENSURE SERVICES ARE PROVIDED BY THE APPROPRIATE COUNTY; AND
 - b. PETITIONS ARE FILED IN THE COURT OF THE APPROPRIATE COUNTY; AND
 - c. TAKING INTO CONSIDERATION, THE FOLLOWING, IN NO PARTICULAR ORDER OR PRIORITIZATION:
 - i. WHICH COUNTY IS CURRENTLY WORKING WITH THE YOUTH;
 - ii. THE COUNTY IN WHICH THE YOUTH SELF ATTESTS TO RESIDING;
 - iii. INDICATIONS THE YOUTH INTENDS TO STAY IN THE SELF ATTESTED COUNTY;
 - iv. ACCESS TO SERVICES, SUPPORTS, AND/OR RELATIONSHIPS THE YOUTH NEEDS IN ORDER TO SUCCESSFULLY TRANSITION TO ADULTHOOD; AND
 - v. THE YOUTH'S PREFERENCE.

B. SERVICES

EACH COUNTY DEPARTMENT SHALL OFFER, AT A MINIMUM, THE FOLLOWING SERVICES AND SUPPORTS TO PARTICIPATING YOUTH IN THE TRANSITION PROGRAM. ALL SERVICES SHALL BE PROVIDED BY THE COUNTY IN MANNER THAT IS CONSISTENT WITH THE YOUTH'S DEVELOPMENTAL NEEDS, CULTURE, AND SUPPORTS THE YOUTHS SUCCESSFUL TRANSITION TO ADULTHOOD:

1. ASSISTANCE WITH ENROLLING IN THE APPROPRIATE CATEGORY OF MEDICAID FOR WHICH THE PARTICIPATING YOUTH IS ELIGIBLE;
2. ASSISTANCE WITH SECURING SAFE, AFFORDABLE, AND STABLE HOUSING. IF A COUNTY DEPARTMENT HAS LEGAL AUTHORITY FOR PHYSICAL PLACEMENT THROUGH A VOLUNTARY SERVICES AGREEMENT PURSUANT TO 19-7-306, C.R.S.
 - a. THE PARTICIPATING YOUTH'S HOUSING IS FULLY OR PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S OWN EXPENSES MUST BE BASED UPON THE YOUTH'S ABILITY TO PAY.

- b. WITH THE PARTICIPATING YOUTH'S CONSENT, THE PARTICIPATING YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED BY THE COUNTY DEPARTMENT OR THE COURT FOR WHICH THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE AND THAT IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR
 - c. IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN SUCH PLACEMENT MUST FOLLOW ALL RELEVANT PROCEDURES PURSUANT TO SECTION 19-1-115, C.R.S., CONCERNING THE PLACEMENT OF A CHILD OR YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.
 - d. IF A COUNTY DEPARTMENT DOES NOT HAVE LEGAL AUTHORITY FOR PHYSICAL PLACEMENT, SUCH AS WHEN A YOUTH IS NEARING EMANCIPATION AND ENTERING INTO THEIR NEXT HOUSING ARRANGEMENT, THE PARTICIPATING YOUTH MAY:
 - i. RESIDE ANYWHERE THAT THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE TO RESIDE OR A LICENSED HOST FAMILY HOME, AS DEFINED IN SECTION 26-5.7-102 (3.5), C.R.S.; AND
 - ii. ACCESS ANY FINANCIAL SUPPORT FOR HOUSING THAT THE PARTICIPATING YOUTH IS OTHERWISE ELIGIBLE TO RECEIVE.
- 3. CASE MANAGEMENT SERVICES, INCLUDING THE DEVELOPMENT OF A CASE PLAN WITH A ROADMAP TO SUCCESS FOR THE PARTICIPATING YOUTH, AS WELL AS ASSISTANCE IN THE FOLLOWING AREAS, AS APPROPRIATE, AND WITH THE AGREEMENT OF THE PARTICIPATING YOUTH:
 - a. PROVISION OF APPROPRIATE COMMUNITY RESOURCES AND PUBLIC BENEFITS TO ASSIST THE PARTICIPATING YOUTH IN THE TRANSITION TO ADULTHOOD AS DOCUMENTED BY THE ROADMAP TO SUCCESS;
 - b. OBTAINING EMPLOYMENT OR OTHER FINANCIAL SUPPORT AND ENHANCING FINANCIAL LITERACY;
 - c. OBTAINING A DRIVER'S LICENSE OR OTHER GOVERNMENT-ISSUED IDENTIFICATION CARD;
- 4. UPON REQUEST, AND IF SERVICES ARE AVAILABLE, SUPPORT THE YOUTH WITH COMPLYING WITH ANY JUVENILE OR CRIMINAL JUSTICE SYSTEM REQUIREMENTS WHICH MAY INCLUDE REFERRALS TO ASSIST WITH EXPUNGING THE PARTICIPATING YOUTH'S COURT RECORDS, AS APPROPRIATE, PURSUANT TO SECTION 19-1-306, C.R.S.;
- 5. PURSUING EDUCATIONAL GOALS AND APPLYING FOR FINANCIAL AID, IF NECESSARY;
- 6. UPON REQUEST, AND IF SERVICES ARE AVAILABLE, REFERRAL TO SERVICES FOR OBTAINING THE NECESSARY STATE COURT FINDINGS AND APPLYING FOR SPECIAL IMMIGRANT JUVENILE STATUS PURSUANT TO FEDERAL LAW, AS APPLICABLE, OR APPLYING FOR OTHER

IMMIGRATION RELIEF FOR WHICH THE PARTICIPATING YOUTH MAY BE QUALIFIED;

7. OBTAINING COPIES OF HEALTH AND EDUCATION RECORDS;
8. MAINTAINING AND BUILDING RELATIONSHIPS WITH INDIVIDUALS WHO ARE IMPORTANT TO THE PARTICIPATING YOUTH, INCLUDING SEARCHING FOR INDIVIDUALS WITH WHOM THE PARTICIPATING YOUTH HAS LOST CONTACT. THESE SERVICES MAY BE OFFERED USING FAMILY SEARCH AND ENGAGEMENT AS DESCRIBED IN 7.304.52 (12 CCR 2509-04); AND
9. ACCESSING INFORMATION ABOUT MATERNAL AND PATERNAL RELATIVES, INCLUDING ANY SIBLINGS.

C. COURT PROCEDURES WHEN YOUTH TRANSITION FROM A PROGRAM AREA 4 OR 5 CASE INTO THE FOSTER YOUTH IN TRANSITION PROGRAM

FOR A YOUTH APPROACHING THEIR 18TH BIRTHDAY WHO IS CURRENTLY IN FOSTER CARE, OR WHO IS IN NON-CERTIFIED KINSHIP CARE AND THERE IS AN OPEN DEPENDENCY AND NEGLECT CASE, THE COUNTY SHALL PARTNER WITH THE YOUTH TO SUPPORT THE YOUTH IN MAKING INFORMED DECISIONS ABOUT WHAT THE YOUTH NEEDS TO EMANCIPATE SUCCESSFULLY AND WHETHER TO ENTER THE FOSTER YOUTH IN TRANSITION PROGRAM. THE COUNTY SHALL PARTNER WITH THE YOUTH IN PREPARING THE FOR THE TRANSITION HEARING DESCRIBED BELOW:

1. THE COUNTY SHALL REQUEST THAT A TRANSITION HEARING BE HELD WITHIN 35 DAYS OF THE YOUTH'S 18TH BIRTHDAY PURSUANT TO 19-3-705, C.R.S.
2. AT LEAST SEVEN (7) DAYS PRIOR TO THE TRANSITION HEARING THE COUNTY SHALL SUBMIT A REPORT TO THE COURT THAT INCLUDES:
 - a. A DESCRIPTION OF THE COUNTY'S REASONABLE EFFORTS TOWARD ACHIEVING THE YOUTH'S PERMANENCY GOALS AND A SUCCESSFUL TRANSITION TO ADULTHOOD.
 - b. AN AFFIRMATION THAT THE COUNTY HAS PROVIDED THE YOUTH WITH ALL OF THE RECORDS AND DOCUMENTS THE YOUTH NEEDS TO SUCCESSFULLY TRANSITION TO ADULTHOOD, INCLUDING THE DOCUMENTS REQUIRED BY 7.305.5, WRITTEN INFORMATION CONCERNING THE YOUTH'S FAMILY HISTORY, AND CONTACT INFORMATION FOR SIBLINGS IF AVAILABLE AND APPROPRIATE.
 - c. AN AFFIRMATION THAT THE COUNTY HAS INFORMED THE YOUTH, IN A DEVELOPMENTALLY APPROPRIATE MANNER, OF THE BENEFITS AND OPTIONS AVAILABLE TO THE YOUTH BY THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.4 (12 CCR 2509-3) AND THE VOLUNTARY NATURE OF THE PROGRAM.
 - d. A STATEMENT OF WHETHER THE YOUTH HAS MADE A PRELIMINARY DECISION WHETHER TO EMANCIPATE OR TO

ENTER INTO THE FOSTER YOUTH IN TRANSITION PROGRAM AND EITHER OR BOTH OF THE FOLLOWING:

- i. IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO EMANCIPATE, THE REPORT MUST INCLUDE A COPY OF THE YOUTH'S EMANCIPATION TRANSITION PLAN AS DESCRIBED IN 7.305.2(F).
- ii. IF IT IS ANTICIPATED THAT THE YOUTH WILL CHOOSE TO ENTER THE FOSTER YOUTH IN TRANSITION PROGRAM, THE COUNTY SHALL FILE A PETITION PURSUANT TO 19-7-307 AT THE SAME TIME AS THE REPORT DESCRIBED IN THIS SECTION.

- 3. PERMANENCY PLANNING REQUIREMENTS ARE DESCRIBED IN 7.304.54 (12 CCR 2509-4).

7.205 CASE CLOSURE [Eff. 1/1/15]

- A. When there is no court jurisdiction and at least one of the following are met, services shall be terminated and the case shall be closed.
- B.
 - 1. Specific program eligibility criteria are not met.
 - 2. Client no longer needs the service.
 - 3. Client has died.
 - 4. Services are completed.
 - 5. The child reaches his/her 21st birthday.
- C. The worker shall document the following in the case record:
 - 1. Reason(s) for case closure.
 - 2. A summary of services provided, which includes progress made toward stated goals.
 - 3. A safety assessment at case closure for all program area 4 and 5 cases.
 - 4. AN EMANCIPATION TRANSITION PLAN FOR ALL YOUTH WHO ARE ELIGIBLE DESCRIBED IN 7.305.2(F) (12 CCR 2509-04).
- C. The county department shall close a case in the state automated case management system no later than ninety (90) days after the last direct client contact. The county department shall assure the case is closed in the automated system as prescribed by the State.
- D. The county department shall close a case in the state automated case management system if there has been no direct client contact with the child and parents for ninety (90) calendar days despite the repeated efforts of the county department to maintain contact.
- E. Exceptions to the ninety (90) calendar day limit may be necessary in cases where the county department has custody of the child. In such cases the county department shall document efforts to terminate county custody or document why such efforts are not in the best interest of the child.

Notice of Proposed Rulemaking

Tracking number

2021-00556

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-4

Rule title

CHILD WELFARE SERVICES

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094s extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-7-315, C.R.S. (2021)

Contact information

Name

Trevor Williams

Title

Youth Services Administrator

Telephone

303.866.4539

Email

trevor.williams@state.co.us

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)
CDHS Tracking #: 21-04-28-04
Office, Division, & Program: _____ **Rule Author:** Trevor Williams **Phone:** 303-866-4539
E-Mail: trevor.williams@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. ☒ Board ☐ Executive Director
 b. ☐ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

- ☐ AG Initial Review
 ☐ Initial Board Reading
 ☐ AG 2nd Review
 ☐ Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

- Number _____ Amended Rules
 _____ New Rules
 _____ Repealed Rules
 _____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October
What date is being requested for this rule to be effective?	December 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:
 1st Board _____
 2nd Board _____
 Effective Date _____

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)

CDHS Tracking #: 21-04-28-04

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for the implementation of this part 3, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

☒ Yes

☐ No

Does this rule repeat language found in statute?

☒ Yes

☐ No

If yes, please explain.

Some requirements of HB 21-1094 are specific and organizing the requirements into Volume 7 while maintaining the language from statute ensures the highest level of support to counties and fidelity to the law.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)		
CDHS Tracking #: 21-04-28-04		
Office, Division, & Program:	Rule Author: Trevor Williams	Phone: 303-866-4539
		E-Mail: trevor.williams@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Current and former foster youth will experience the greatest benefit from these rules. Groups that will experience additional work requirements as a result of these rules include county departments. The Office of the Child's Representative and judicial partners are both impacted by HB 21-1094, but they are not directly impacted by these rules.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Division of Child Welfare estimates that approximately 59 youth per year will choose to reenter foster care as a result of HB 21-1094, which is implemented in part by these rules. These youth will constitute the new population served through the Foster Youth in Transition Program. However, the broader population of foster youth who reach the age of 18 while in care will also experience the benefits of these rules. Prior to HB 21-1094, there was little differentiation in statute or rule between minor children under age 18 and youth 18 to 21 who stayed in foster care, and as a result most youth exit and experience a cliff effect near their 18th birthdays. HB 21-1094 and these rules support the distinct developmental needs of emerging adults. Youth in foster care are not given the right to make informed choices while enjoying the types of support that a typical Colorado family provides to their own children transitioning to adulthood. By implementing HB 21-1094, these rules create the structure for a developmentally appropriate extended foster care system that respects the needs of 18- to 21-year-olds, while providing that crucial support.

Implementation of HB 21-1094 includes a workload impact for county departments, however this will be offset by an increase to the child welfare block appropriated through the general fund.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There are no fiscal impacts directly resulting from these rules. Some changes to the Trails system will be required; however, those costs will be covered by existing federal funds. The Office of the Child's Representative will have a small fiscal impact from the legislation, not the rules, which is funded through an appropriation to their office for implementation of HB 21-1094.

County Fiscal Impact

There are no fiscal impacts directly resulting from these rules. The legislation, however, does create a fiscal impact to counties. Those costs will be covered by an appropriation made to the Child Welfare block for implementation of HB 21-1094.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-4)

CDHS Tracking #: 21-04-28-04

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

Federal Fiscal Impact

Revisions to these rules ensure Colorado has the structure to draw down federal funds to which the state is entitled for serving this population. Because these rules comply with requirements set forth in Title IV-E of the Social Security Act, the Division of Child Welfare anticipates that the majority of youth participating in the Foster Youth in Transition Program will be eligible for Federal IV-E financial participation.

Other Fiscal Impact (such as providers, local governments, etc.)

No impact to other providers, local governments, or other agencies is anticipated.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Colorado's foster care system, as it has traditionally existed, is leading to negative outcomes for many youth who have made the transition from foster care to adulthood. The National Youth in Transition Database Survey, a longitudinal study of youth involved with child welfare, has shown that at least 36% of former foster youth in Colorado have experienced homelessness, 21% have been incarcerated, and 29% become parents by age 21. National data shows it is likely the true rate of early parenthood is much higher. The Midwest Study of Adult Functioning of Former Foster Youth demonstrates that developmentally appropriate extended foster care is key to improving these outcomes. A growing body of evidence demonstrates that providing youth the opportunity to reenter a developmentally appropriate foster care system during that transition, if needed, also improves outcomes for these youth. HB 21-1094 was developed using this information, as well as feedback provided by youth advocates and runaway and homeless youth providers.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There is no alternative because HB 21-1094 requires that rules be promulgated for implementation of the law.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.301.2	Revision	The county department shall complete the Family Services Plan document for each child receiving services to assure that the child's needs for safety, permanency, and well-being are met. The Family Services Plan shall incorporate the following principles:	The county department shall complete the Family Services Plan document for each child/YOUTH receiving services to assure that the child's/YOUTH's needs for safety, permanency, and well-being are met. The Family Services Plan shall incorporate the following principles:	Ensures that this rule also applies to youth.	HB 21-1094 Task Group
7.301.23 (A)	Revision	That services to be provided are directed at the areas of need identified in the assessment. Outcomes to be achieved as a result of the services provided will be described in terms of specific, measurable, agreed upon, realistic, time-limited objectives and action steps to be accomplished by the parents, child/youth, service providers and county staff.	That services to be provided are directed at the areas of need identified in the assessment. Outcomes to be achieved as a result of the services provided will be described in terms of specific, measurable, agreed upon, realistic, time-limited objectives and action steps to be accomplished by the parents, child/youth, service providers and county staff. FOR YOUTH IN FOSTER YOUTH IN TRANSITION CASES, THE ROADMAP TO SUCCESS FULFILLS THIS REQUIREMENT, AS PROVIDED IN 7.203.4 (12 CCR 2509-3).	Clarifies that the RTS can fulfill this requirement.	HB 21-1094 Task Group
7.301.24 (M)	Revision	For youth age fourteen (14) and older, a description of services and a plan for accomplishing tasks to assist the youth in preparation for self sufficiency and independent living as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.	For youth age fourteen (14) and older, a description of services and a plan for accomplishing tasks to assist the youth in preparation for self sufficiency and independent living ROADMAP TO SUCCESS as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.	This plan was renamed to the roadmap to success in 2019 and this aligns the rule with the remainder of references to this document.	HB 21-1094 Task Group
7.301.21(R)(7)	New Rule		YOUTH WHO HAVE AN OPEN CASE THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM ARE PRESUMED TO MEET THE ABOVE REQUIREMENTS FOR A GOAL OF OTHER PERMANENT PLANNED LIVING ARRANGEMENT THROUGH EMANCIPATION. THE GOAL SHALL BE REVIEWED BY THE COURT ON AN ANNUAL BASIS PURSUANT TO 19-7-311, C.R.S.	This rule clarifies that in foster youth in transition cases an OPPLA goal may be presumed appropriate without requiring all of the other extra steps.	HB 21-1094 Task Group
7.304.1 (A)(2)	Revision	Are placed outside their homes because of a temporary emergency	Are placed outside their homes because of a temporary emergency removal by law enforcement,	Ensures that a Voluntary Placement Agreement will be	HB 21-1094 Task

		removal by law enforcement, court action, or a voluntary placement agreement; and,	court action, or a voluntary placement agreement, OR A VOLUNTARY SERVICES AGREEMENT; and,	a valid way to establish placement authority.	Group
7.304.3	Revision	Not every child at risk needs out-of-home placement. These criteria are designed to provide a decision making model to assist in determining whether Core Service Program services and/or out-of-home placement are indicated. All three criteria must be met, .	Not every child at risk needs out-of-home placement. These criteria are designed to provide a decision making model to assist in determining whether Core Service Program services and/or out-of-home placement are indicated. All three criteria must be met UNLESS THE YOUTH IS ELIGIBLE FOR THE FOSTER YOUTH TRANSITION PROGRAM AS DESCRIBED IN 12 CCR 2509-3, 7.203.4.	Ensures that youth seeking reentry through the Foster Youth in Transition Program qualify for placement without need to meet the listed criteria for younger children.	HB 21-1094 Task Group
7.304.4 (A)	Revision	A child is eligible for placement services on the basis of need from birth to age 18 when the child meets target group eligibility and all three of the placement criteria, regardless of whether the placement is voluntary or court ordered. A child from age 18 to age 21 continues to be eligible for placement services if the court had jurisdiction prior to the 18th birthday and the placement is court ordered.	A child is eligible for placement services on the basis of need from birth to age 18 when the child meets target group eligibility and all three of the placement criteria, regardless of whether the placement is voluntary or court ordered. A child YOUTH from age 18 to age 21 continues to be eligible for placement services if the court had jurisdiction prior to the 18th birthday and the placement is court ordered OR THE YOUTH IS ELIGIBLE FOR AND RECEIVING SERVICES THROUGH THE YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.4 (12 CCR 2509-3).	Ensures that eligibility guidelines for youth 18-21 align with the eligibility guidelines in the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.4 (C)(6)	New Rule		WHEN THE YOUTH IS RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM, THE YOUTH'S RESIDENCE SHALL BE THE COUNTY IN WHICH THE YOUTH RESIDES, BASED ON THEIR SELF ATTESTATION.	Clarifies payment responsibility for youth placed through the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.51 (E)	New Rule		A YOUTH WHO IS ELIGIBLE FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.41 (12 CCR 2509-3) HAS ENTERED INTO A VOLUNTARY SERVICES AGREEMENT WITH THE COUNTY DEPARTMENT.	Adds youth who are placed through the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.52 (E)	New rule		E. 7.304.52 DOES NOT APPLY TO YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM UNLESS THE YOUTH CONSENTS AND SIGNS ALL APPLICABLE RELEASES OF INFORMATION. THE SERVICES DESCRIBED IN THIS SECTIONAL SHALL BE OFFERED TO THESE YOUTH.	This rule ensures that it is a youth's choice to participate in this program if they are part of the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.304.52(Technical Fix	E. The county shall document	EF. The county shall document all efforts in the	Re-lettering the list.	HB 21-

F)		all efforts in the Family Services Plan for the child or youth. Initial and ongoing family search and engagement results shall be reviewed and documented during ninety (90) day supervisory reviews.	Family Services Plan for the child or youth. Initial and ongoing family search and engagement results shall be reviewed and documented during ninety (90) day supervisory reviews.		1094 Task Group
7.304.54 (A)		The county department must develop a permanent plan for any child who is in out-of-home placement and is the subject of any court action, including Dependency and Neglect, Delinquency, or a Petition to Review the Need for Placement, and a concurrent plan for cases filed under Section 19-3-102(2), C.R.S., regarding habitual abuse. The purpose of the plan is to establish treatment needs related to the stated goal for the child and to decide a method to }provide a safe, stable, permanent environment for the child as quickly as possible.	The county department must develop a permanent plan for any child who is in out-of-home placement and is the subject of any court action, including Dependency and Neglect, Delinquency, or a Petition to Review the Need for Placement, OR A FOSTER YOUTH IN TRANSITION PROGRAM CASE and a concurrent plan for cases filed under Section 19-3-102(2), C.R.S., regarding habitual abuse. The purpose of the plan is to establish treatment needs related to the stated goal for the child and to decide a method to }provide a safe, stable, permanent environment for the child as quickly as possible.	This rule ensures youth participating in the Foster Youth in Transition Program have the findings required by Title IV-E as a part of an annual permanency hearing. Strikes erroneous punctuation.	HB 21-1094 Task Group
7.304.54 (I)	Revision	For permanency goals 7, 8, and 9, the following requirements shall apply to the county department of human or social services for purposes of approving the case plan and the case review procedure for youth:	For permanency goals 7, 8, and 9, the following requirements shall apply to the county department of human or social services for purposes of approving the case plan and the case review procedure for youth, EXCEPT FOR YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:	This rule excludes these findings which are unnecessary for this population.	HB 21-1094 Task Group
7.304.61 (A)	Revision	The child shall have a medical examination before placement or a screening as soon as is reasonably possible after placement. The county department shall assure that the screening is consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). If a medical, dental, or psychological evaluation is necessary and cannot be covered under Medicaid, third-party insurance, or other sources, the	The child/YOUTH shall have a medical examination before placement or a screening as soon as is reasonably possible after placement. The county department shall assure that the screening is consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). If a medical, dental, or psychological evaluation is necessary and cannot be covered under Medicaid, third-party insurance, or other sources, the county department may purchase it under program services. See General Information and Policies section (7.000) and Resources, Reimbursement, and Reporting Section (7.400) of this manual.	Ensures that youth who are placed are also required to have a medical exam as required by IV-E.	HB 21-1094 Task Group

		county department may purchase it under program services. See General Information and Policies section (7.000) and Resources, Reimbursement, and Reporting Section (7.400) of this manual.			
7.304.61 (B)	Revision	Prior to the placement of a child in a child placement agency or county foster care home, the placing agency may review the written family assessment, home study, and background checks of the foster parent(s) for use in determining if the home is appropriate for the needs of the child.	Prior to the placement of a child/YOUTH in a child placement agency or county foster care home, the placing agency may review the written family assessment, home study, and background checks of the foster parent(s) for use in determining if the home is appropriate for the needs of the child/YOUTH.	Adds youth to this requirement.	HB 21-1094 Task Group
7.304.61 (H)	New Rule		<p>H. WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:</p> <ol style="list-style-type: none"> 1. WITH THE PARTICIPATING YOUTH'S CONSENT, THE YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED BY THE COUNTY OR THE COURT FOR WHICH THE YOUTH IS OTHERWISE ELIGIBLE, INCLUDING A SUPERVISED INDEPENDENT LIVING ARRANGEMENT AS DESCRIBED IN 7.305.2(D), AND IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR 2. IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN THE PLACEMENT MUST FOLLOW ALL OF THE REQUIREMENTS REQUIRED FOR THE COUNTY TO PLACE A CHILD/YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM. 	This adds required services for the Foster Youth in Transition Program.	HB 21-1094 Task Group

7.304.62 (L)	Revision	Notify the guardian ad litem, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's contact information shall be provided to the foster parents.	Notify the guardian ad litem AND/OR THE YOUTH'S COUNSEL, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's contact information shall be provided to the foster parents.	This is necessary to reflect the additional attorney type available if the youth is participating in the Foster Youth in Transition Program,	HB 21-1094 Task Group
7.304.62 (U)	Revision	Assure that each child or youth in out –of –home care is accompanied to psychiatric appointments by an adult who has knowledge about the daily functioning and behavior of the child or youth.	Assure that each child or youth in out –of –home care is accompanied to psychiatric appointments by an adult who has knowledge about the daily functioning and behavior of the child or youth. EXCEPT FOR YOUTH RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM.	This requirement is not needed for youth participating in the Foster Youth in Transition Program. 7.304.64	HB 21-1094 Task Group
7.304.64 (I)	New rule		YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM ARE NOT REQUIRED TO HAVE A VISITATION PLAN WITH THEIR PARENT(S).	Due to the nature of the Foster Youth in Transition Program, visits with parents would not be required as the youth is an adult.	HB 21-1094 Task Group
7.305.2 (D)(1)	Technical Fix	YOUTH AT LEAST SIXTEEN (16) YEARS OF AGE THROUGH THE LAST DAY OF THE MONTH OF THEIR TWENTY-FIRST (21) BIRTHDAY WHEN:	YOUTH AT LEAST SIXTEEN (16) YEARS OF AGE THROUGH THE LAST DAY OF THE MONTH OF THEIR TWENTY-FIRST (21) BIRTHDAY WHEN:	This needs to be lowercase in rule.	HB 21-1094 Task Group

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The rules were developed through a Child Welfare SubPAC approved task group and included representation from urban and rural counties across the state, runaway and homeless youth providers, the Office of the Child's Representative, foster care providers, child placement agencies, and a youth advocacy group.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County departments of human/social services, Office of the Child's Representative, Colorado Network to End Youth Homelessness, Rural Collaborative for Homeless Youth, Project Foster Power.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Name of Sub-PAC	Child Welfare		
Date presented	8/5/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☐ Yes ☐ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☐ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(12 CCR 2509-4)

7.301.2 FAMILY SERVICES PLAN REQUIREMENTS [Eff. 09/1/07]

The county department shall complete the Family Services Plan document for each child/YOUTH receiving services to assure that the child's/YOUTH's needs for safety, permanency, and well-being are met. The Family Services Plan shall incorporate the following principles:

- A. A child/youth's safety is paramount;
- B. Children/youth belong in families;
- C. Families need the support of communities; and,
- D. Community partners are key to achieving strong outcomes for children/youth and families.

7.301.23 Family Service Plan Documentation

The treatment/prevention plan in the Family Services Plan shall document:

- A. That services to be provided are directed at the areas of need identified in the assessment. Outcomes to be achieved as a result of the services provided will be described in terms of specific, measurable, agreed upon, realistic, time-limited objectives and action steps to be accomplished by the parents, child/youth, service providers and county staff. FOR YOUTH IN FOSTER YOUTH IN TRANSITION CASES, THE ROADMAP TO SUCCESS FULFILLS THIS REQUIREMENT, AS PROVIDED IN 7.203.4 (12 CCR 2509-3).
- B. That placement prevention strategies for the child/youth allow the child/youth to remain safely at home or with kin.
- C. That services to be provided are designed to assure that the child/youth receives safe and proper care.
- D. That services to be provided are culturally and ethnically appropriate and trauma-informed. Appropriate cultural or ethnic considerations should include, but are not limited to, consideration of the child/youth's family, community, neighborhood, faith or religious beliefs, school activities, friends, and the child/youth's and family's primary language.

7.301.24 Family Service Plan Out-of-Home Placement Documentation

For child(ren)/youth in out-of-home placement, the Family Services Plan documents:

- A. The child/youth meets all of the out-of-home placement criteria listed in Section 7.304.3.
- B. When the child/youth is part of a sibling group and the sibling group is being placed out of the home, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children/youth in order to sustain family relationships. Such presumption may be rebutted by the county by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child/youth or of the

children/youth. The county shall make reasonable and continued efforts to locate a joint placement for all of the children/youth in the sibling group unless:

- (1) it is not in the best interests of the children/youth to be placed as a group as determined by the county in consultation with the family, youth, and gal when possible, and
- (2) these efforts do not unreasonably delay permanency for any child/youth.

These efforts depend upon the county's ability to locate an appropriate, capable, willing, and available joint placement for all of the children/youth in the sibling group. As soon as practicable after making a decision affecting sibling placement, the county department shall notify the GAL(s) appointed to the case. Efforts to place siblings as a group shall be documented in the Colorado child welfare information system (CCWIS).

- C. The problems to be resolved in order to facilitate reunification of the child/youth and family, and to safely maintain the child/youth in the home.
- D. A description of the type of facility in which the child/youth is placed and the reason(s) the placement is appropriate and safe for the child/youth.
- E. A description of the county's efforts to place the child/youth in reasonable proximity to the home of the parents and to the "school of origin" as defined in § 22-32-138(g), C.R.S. For a child/youth placed a substantial distance from the home of the parent(s), from his or her "school of origin," or in out-of-state placement, the county shall document how the placement meets the best interests of the child/youth, including how the county took into account proximity to parents and school in making its placement decision (see sections 7.304.54, J and 7.301.241, B, 2).
- F. A summary of efforts to ensure educational stability as outlined in Section 7.301.241.
- G. That the placement is the least restrictive, safe, and most appropriate setting available consistent with the best interests and specific needs of the child. This includes documentation of initial and on-going efforts to place the child/youth with kin.

If the child/youth is moved to a more restrictive placement after the initial placement, the Family Services Plan documents how the more restrictive placement meets the child/youth's needs.

- H. Health and educational information shall be documented in the State Department's automated system and updated at the time of each case review, including addresses and other contact information about the child/youth's current:
 1. Education providers, including school, school district, and Board of Cooperative Education Services (BOCES) contacts who assist in the coordination of enrollment and services, and the child/youth's academic progress.
 2. Health care providers and the status of health care information.
- I. Specific plans for how the county will carry out any court determinations or orders concerning the child/youth.
- J. A description of the services and resources needed by the foster parents or kinship providers to meet the needs of the child/youth and how those services and resources will be provided.
- K. A description of the services provided to reunite the family, including the plan for visitation, or to accomplish another permanency goal. The visitation plan shall specify the frequency, type of contact, and the person(s) who will make the visit. At a minimum the visitation plan shall provide the methods to meet the following:
 1. The growth and development of the child/youth;

2. The child/youth's adjustment to placement;
 3. The ability of the provider to meet the child/youth's needs;
 4. The appropriateness of the parent and child/youth visitation, including assessment of risk;
 5. The efforts to ensure the child/youth's wishes as to sibling contact were considered;
 6. The child/youth's contact with parents, siblings, and other family members; and
 7. Visitation between the child/youth and his/her family shall increase in frequency and duration as the goal of reuniting the family is approached.
- L. For child(ren) under the age of fourteen (14), a description of services and a plan for accomplishing tasks to prepare child(ren) to be age appropriately self-sufficient, when independent living services are provided.
- M. For youth age fourteen (14) and older, a description of services and a plan for accomplishing tasks to assist the youth in preparation for self-sufficiency and independent living ~~ROADMAP TO SUCCESS~~ as early in placement as possible but no later than sixty (60) calendar days after the youth's fourteenth (14th) birthday.
- N. Reasonable efforts have been made to maintain the child/youth in the home, or prevent or eliminate the need for removal of the child/youth from the home, or make it possible for the child/youth to return to the home; or when applicable, documentation of the circumstances that exist in which reasonable efforts to prevent removal or reunite the child and the family are not required (see Section 7.304.53, B, 3).
- O. The specified permanency goal for the child/youth shall be based on the individual needs and best interests of the child/youth. Permanency goals shall include one of the following:
- Remain home;
 - Return home;
 - Permanent placement with a relative through adoption;
 - Permanent placement with a relative through legal guardianship or permanent custody;
 - Adoption (non-relative);
 - Legal guardianship/permanent custody (non-relative);
 - Return home through reinstatement of parental rights;
 - Other planned permanent living arrangement through emancipation;
 - Other planned permanent living arrangement through relative long term foster care;
 - Other planned permanent living arrangement through non-relative long term foster care.

Permanency goals shall include the projected date (month, day, and year) by which the goal is to be accomplished for each child/youth receiving services.

1. The initial permanency goal for the child/youth is to return home with the following exceptions:
 - a. Children/youth whose parents are both deceased or have both voluntarily relinquished custody;
 - b. Children/youth whose parents cannot be located after family search and engagement activities, which shall begin no later than three working days following placement and shall not exceed three months;
 - c. Children/youth whose parents have been guilty of repeated and/or severe abuse or neglect of the child/youth or the child/youth's siblings such that termination of parental rights of both parents is appropriate; or,
 - d. children/youth for whom it appears, after investigation, that a safe return home will not be possible even with the provision of reasonable efforts.
 2. After twelve months, the child/youth's caseworker and supervisor shall include written justification on the Family Services Plan for continuation of the goal of return home.
 3. After eighteen months, the extraordinary circumstances which exist and the reasons which support the permanency goal of return home shall be documented in the Family Services Plan. Approval of the return home permanency goal by the caseworker, supervisor and county administrative review is documented in the case record.
 4. In concurrent planning cases the alternate permanency goal shall be documented.
 5. The permanency goal of other planned permanent living arrangement through emancipation shall only be used for youth ages sixteen to twenty-one.
 6. For a child/youth who has been in foster care under the responsibility of the state for fifteen (15) of the last twenty-two (22) months, the county shall either file a motion for termination of parental rights no later than the end of the fifteenth (15th) month or document and submit to the court at the next review the compelling reason why it is in the child/youth's best interest not to terminate parental rights.
- P. The steps the agency is taking to find an adoptive or other permanent living arrangement for a child/youth for whom the permanency plan is adoption or placement in another permanent home.
- Q. The permanency goal for the child would be to remain home barring case circumstances that would indicate the need for an alternative permanency goal when a teen mother and her child are placed together in the same foster home and if a case is opened on the child. The county must see the child when visiting the teen mother in the foster home.
- R. Requirements for use of Other Planned Permanent Living Arrangement goals as follows:
1. The county department may consider Other Planned Permanent Living Arrangement (OPPLA) as a permanency goal:

For youth who are sixteen (16) years of age or over and are demonstrating exceptional circumstances that prevent the youth from returning home, adoption, legal guardianship or permanent custody.
 2. The goal shall be reviewed through the use of a family engagement meeting or equivalent team that reviews permanency needs. All of the following shall be submitted to and considered by the review team, and the recommendation shall be submitted to the court.

- a. Documentation pertaining to the completion of an intensive and ongoing examination of kin and permanent connections. This process shall also address:
 - 1) A comprehensive assessment of the youth's strengths and needs. In addition to updating the assessment of the youth's strengths and needs, the updated assessment or staffing shall address the youth's capacity to live within a family setting.
 - 2) This review team shall also consider the youth's desired permanency outcome.
 - b. A detailed description of efforts made to achieve permanency through the other goals and identification of the barriers to achieve them.
 - c. A detailed description of how OPPLA is in the best interest of the youth.
3. The following is to be documented and made available to the court at each court review.
- a. Documentation of the barriers to permanency to date and compelling reasons why the other permanency goals are not attainable.
 - b. Documentation of the youth's desired permanency outcome including giving the youth an opportunity to attend each hearing to voice his/her desired goal.
 - c. Documentation of intensive, ongoing, and as of the date of the hearing, unsuccessful efforts to return the youth home or secure a placement for the youth with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including thorough efforts that utilize technology (including social media) to find biological family members for the youth.
 - d. Documentation of the steps taken to ensure that youth are being supported in-engaging in age or developmentally appropriate activities and social events including:
 - 1) The youth's foster family home or other placement is following the reasonable and prudent parent standard; and,
 - 2) The youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including consulting with the youth in an age-appropriate manner about the opportunities of the youth to participate in the activities).
4. Documentation which includes the review team's reasons for approving Other Planned Permanent Living Arrangement (OPPLA) shall also be entered in the Family Service Plan as directed by the Division of Child Welfare.
5. The use of this goal shall be reviewed by a family engagement or equivalent review team at a minimum of every six (6) months. The county shall request that the court review the case every twelve (12) months to determine if the youth is demonstrating exceptional circumstances that prevent the youth from returning home, adoption, legal guardianship or permanent custody.
6. If this goal is not achieved through relative care, a family-like network of significant people shall be developed to provide the youth with a sense of belonging and with support expected to endure over a lifetime.
7. YOUTH WHO HAVE AN OPEN CASE THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM ARE PRESUMED TO MEET THE ABOVE REQUIREMENTS

FOR A GOAL OF OTHER PERMANENT PLANNED LIVING ARRANGEMENT THROUGH EMANCIPATION. THE GOAL SHALL BE REVIEWED BY THE COURT ON AN ANNUAL BASIS PURSUANT TO 19-7-311, C.R.S.

S. Reinstatement of Parental Rights

1. The county department of human or social services may explore the use of reinstatement of parental rights as a permanency option for:
 - a. Children twelve (12) years of age and older, or child(ren) younger than twelve (12) years of age if they are part of a sibling group where at least one of the child(ren) or youth is twelve or older and is pursuing reinstatement of parental rights; and,
 - b. Child(ren) younger than twelve (12), if they are part of a sibling group where at least one of the child(ren) is twelve or older, and is pursuing reinstatement of parental rights; and,
 - c. Child(ren) who currently do not have a legal parent; and,
 - d. Child(ren) who currently are not in an adoptive placement and not likely to be adopted within a reasonable period of time; and,
 - e. Child(ren) who had all other permanency options exhausted; and,
 - f. Cases when the termination of parental rights was ordered at least three-years-prior or when it is determined by the court to be in the best interest of the Child(ren) when termination occurred less than three years prior to the date of the petition for reinstatement is being filed with the court; and,
 - g. Child(ren) and former parent(s) that consent to parental rights being reinstated; and,
 - h. Child(ren) where it is in their best interest, including the financial best interest, to have parental rights reinstated; and,
 - i. Former parent(s) who have remedied the issues that led to the termination and those issues did not involve founded allegations of sexual abuse or an incident of egregious abuse or neglect against a child, a near fatality, or a suspicious fatality.
 - j. The child is in the legal custody of a county department.
2. A county department of human or social services that identifies reinstatement as a permanency option shall complete an assessment of the former parent(s). Completion of the assessment and the results of the assessment will be documented in the statewide case management system. The assessment shall include all of the following:
 - a. Completing the Colorado family risk assessment tool, which must include a visit and inspection of the former parent's home;
 - b. Reviewing the reasons for the termination of parental rights and determining if the concerns identified have been remedied and do not currently exist or present a safety concern;
 - c. Conducting the following background checks on the former parent(s) and any other adults eighteen (18) years of age or older in their home and share the results with all parties to the case:

- 1) Child abuse/and/or neglect records check in every state where any adult residing in the home has lived in the five years preceding the filing of the petition for reinstatement;
 - 2) Fingerprint-based criminal history checks from the Colorado Bureau of Investigation (CBI), or other state background check if the parent lives in another state, and the Federal Bureau of Investigation (FBI);
 - 3) Review the state Judicial Department's case management system and include in the case record; and,
 - 4) Review the CBI sex offender registry and the national sex offender public website operated by the United States Department of Justice for:
 - a) Known names and addresses of each adult residing in the home; and,
 - b) Address only of the home.
3. A safety assessment shall be completed.
4. Upon the decision to pursue reinstatement of parental rights; only the county department, guardian ad litem, or a child sixteen (16) years of age or older may file the petition for reinstatement.
- a. The petition for reinstatement of parental rights should be filed in the county who has custody of the child(ren) through the dependency and neglect court case.
 - b. The petition shall be filed in the dependency and neglect court case where the termination of parental rights occurred for the former parent(s) or in the event that the current open dependency and neglect case is a termination of the adoptive parent's rights, then the petition shall be filed in that court case, as it grants custody of the child(ren) to the county.
 - c. If the county is contacted by a former parent inquiring about reinstatement, the county must notify the guardian ad litem (gal) within thirty (30) calendar days after the contact and provide them with the name and address of the former parent(s).
 - d. Once the court sets an initial hearing, the county shall develop and report to the court the following:
 - 1) Whether the former parent(s) has remedied the conditions that led to the termination;
 - 2) Based on the assessment of the former parent, including the outcome of the Colorado family risk assessment tool, the transition plan shall include supports or treatment needed for the child(ren) and former parent(s) to help make the reinstatement a success;
 - 3) Whether the former parent(s) can provide a safe and stable home for the child(ren);
 - 4) A visitation or temporary placement plan with the former parent(s) for up to a six month trial period where custody remains with the department; this plan will be approved or modified at this initial hearing.

- a) Updates about the visits, transition plan, and supports shall be provided at each review hearing and no later than thirty (30) calendar days prior to the expiration of the trial home period.
 - b) At any point the placement is deemed no longer safe or in the best interest of the child(ren), removal shall be in accordance with procedures outlined in Sections 19-3-401 and 19-3-403, C.R.S.
 - 5) Whether the child(ren) will lose or gain any benefits or services (Medicaid, Chafee, etc.) as a result of the reinstatement being granted.
- 5. If the court grants the order, the county shall select reinstatement of parental rights as the closure reason, in the state automated case management system.
- 6. If the court denies the order the county department shall:
 - a. Arrange for immediate placement of the child(ren), if the child(ren) is still in the former parent's home;
 - b. Set a permanency hearing to determine a new permanency goal and plan for the child(ren).

7.304.1 DESCRIPTION [Rev. eff. 1/1/16]

- A. Placement services are services provided to children in Program Areas 4, 5, and 6 who:
 - 1. Meet the criteria for out-of-home placement and the target group criteria; and,
 - 2. Are placed outside their homes because of a temporary emergency removal by law enforcement, court action, ~~or~~ a voluntary placement agreement, OR A VOLUNTARY SERVICES AGREEMENT; and,
 - 3. Are in a placement approved by the county department.
- B. The range of placement services for children for whom the goal is to return home includes kinship care, foster care homes, specialized group facilities, and residential child care facilities.
- C. The range of placement services for children for whom the goal is not to return home includes adoption, kinship care, foster care homes, specialized group facilities, and residential child care facilities.
- D. Placement options in this section do not apply to American Indian/Native Alaskan children. Refer to Section 7.309.7 for order of placement preference as required by the Indian Child Welfare Act.

7.304.3 OUT-OF-HOME PLACEMENT CRITERIA

Not every child at risk needs out-of-home placement. These criteria are designed to provide a decision making model to assist in determining whether Core Service Program services and/or out-of-home placement are indicated. All three criteria must be met UNLESS THE YOUTH IS ELIGIBLE FOR THE FOSTER YOUTH TRANSITION PROGRAM AS DESCRIBED IN 12 CCR 2509-3, 7.203.4.

Criterion 1: The child may be at imminent risk of out-of-home placement, as defined in Section 26-5.3-102(1)(b), C.R.S., because one or more of the following conditions exist:

- A. Abandonment by or incarceration of parents/relatives/caretakers;
- B. Abuse/neglect - as defined in the Children's Code;
- C. Domestic violence - as defined in Section 18-6-800.3, C.R.S.;
- D. Conditions that exist to such a degree for either the child or caretaker so that the caretaker is unable to care for the child:
 - 1. substance abuse; drug exposed infants
 - 2. mental illness
 - 3. disability
 - 4. physical illness
 - 5. homelessness
- E. Beyond control of parents;
- F. Danger to self, others, or community;
- G. Infant or young child of teen parent in placement;
- H. Delinquency - adjudicated delinquent meeting current out-of-home placement criteria written pursuant to Section 19-2-212, C.R.S.;
- I. Relinquishment or termination of parental rights;
- J. Child returning home from out-of-home placement or moving to less restrictive level-of-care.

Criterion 2: Before considering placement, an assessment is completed to determine the level of risk. If assessment of risk determines that the child is at imminent risk of out-of-home placement, then child/family strengths are determined, and the appropriate services and/or community supports (reasonable efforts) needed to address the existing Criterion #1 conditions are identified. When these services are not immediately available, or are absent, unsuccessful, or exhausted, placement in the Core Services Program and/or out-of-home may be considered.

Reasonable efforts include the intervention strategies and advocacy efforts used:

- A. To identify/locate appropriate parent/relative/caretakers if necessary to prevent out-of-home placement;
- B. To assess the parent/relative/caretaker's ability to protect children;
- C. To assist the parent/relative/caretaker and/or child in accessing and utilizing the identified services to address the presenting conditions.

Criterion 3: When placement is the best choice of available options/alternatives at this time to reduce risk to the child while continuing reasonable efforts to resolve the conditions which led to imminent risk, then, placement in the Core Services Program and/or out-of-home may occur.

7.304.4 AGE AND RESIDENCY REQUIREMENTS AND PAYMENT RESPONSIBILITY FOR CHILDREN/YOUTH IN OUT-OF-HOME CARE [Rev. eff. 4/1/13]

- A. A child is eligible for placement services on the basis of need from birth to age 18 when the child meets target group eligibility and all three of the placement criteria, regardless of whether the placement is voluntary or court ordered. A child ~~YOUTH from age 18 to age 21~~ continues to be eligible for placement services if the court had jurisdiction prior to the 18th birthday ~~and the placement is court ordered~~ **OR THE YOUTH IS ELIGIBLE FOR AND RECEIVING SERVICES THROUGH THE YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.4 (12 CCR 2509-3).**
- B. All children residing or present in the state are eligible for placement services when the criteria in the Target Group sections 7.201, 7.202, and 7.203, the Out-of-Home Placement Criteria section 7.304.3, and the Authority for Placement section 7.304.51, are met.
- C. The child's county of residence shall be the county department which has financial and case decision-making responsibility for a child in out-of-home placement shall be the child's county of residence. The child's residence follows the parents' residence unless one or more of the following circumstances exist:
1. When the parent-child legal relationship has been terminated, the child's residence is the county in which the county department has legal custody of the child.
 2. When the court has transferred legal custody to a county department and the parent-child legal relationship has not been terminated, the child's residence is that county until the court transfers custody to some other entity, including changes of venue as described in the following section, 7.304.4, E.
 3. When a county department has legal custody and the court has also appointed a guardian, the child's residence is that of the county department holding legal custody.
 4. When a child is in parental custody, the child's residence is that of the parents, or of the last caretaker parent, unless there is a court order giving custody to one of the parents. In that case, the child's residence is that of the parent with legal custody.
 5. When a child is in the legal custody of an individual, the child's residence is that of the individual.
 6. **WHEN THE YOUTH IS RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM, THE YOUTH'S RESIDENCE SHALL BE THE COUNTY IN WHICH THE YOUTH RESIDES, BASED ON THEIR SELF ATTESTATION. ANY CHANGES OF JURISDICTION FOR THIS POPULATION SHALL BE DETERMINED AS DESCRIBED IN 7.203.43(A)(4).**
- D. Residence for school purposes may be determined on other factors, such as the type of facility in which the child is placed or the legal status of the child. See Educational Assessments in the Assessment and Case Planning section.
- E. The county department shall transfer financial and service planning, and financial responsibility as follows:
- If a parent whose residence is used to determine the county department's financial responsibility for a child in out-of-home placement moves to another Colorado county, the county department shall initiate procedures to transfer the financial responsibility to the new county, unless:

1. The court or the county department finds that the transfer of jurisdiction would be detrimental to the best interest of the child(ren); or,
 2. The legal custodian has a history of frequent moves, except when there is evidence of stability in the most recent move, such as a signed lease whose term is six or more months, or there is other firm evidence of the intent to remain in the new residence for six or more months; or,
 3. The case is within 3-6 months of resolution; or,
 4. The custodial parent is committed to a state mental institute or correctional facility; or,
 5. The custodial parent is residing temporarily in the receiving county to receive rehabilitation services, employment training, education, medical care, or shelter services; or,
 6. Adjudication has not taken place; or,
 7. Change in venue hinders achieving the child's permanency goal; or,
 8. The case is an expedited permanency planning case, unless pursuant to Section 19-3-201(2), C.R.S., wherein it states that it shall be presumed that any transfer of proceedings without good cause shown that results in a delay in the judicial proceedings would be detrimental to the child's best interest. Such presumption may be rebutted in court by preponderance of evidence; or,
 9. When parental rights have been terminated for the child(ren); or,
 10. If the case involves a juvenile for whom a juvenile delinquency filing has been made, pursuant to Section 19-2-105(1)(b), C.R.S.
- F. Each county shall designate a Change of Venue coordinator.
- G. When a motion for a Change of Venue has been made by the sending county, the sending county shall mail the Change of Venue motion to all parties and attorneys of record in the case and to the county attorney in the receiving county.
- H. Within fifteen (15) calendar days after a court signs an order granting a Change of Venue and transferring jurisdiction, the sending county shall:
1. Provide written case information, if not located in the state automated system, to the designated Change of Venue coordinator in the receiving county which shall include, but need not be limited to:
 - a. Permanency goals;
 - b. Target dates related to the case;
 - c. Evaluations;
 - d. A current Family Services Plan;
 - e. Court reports;
 - f. Dates of placement moves;
 - g. Progress of the child(ren) in placement;

- h. All Title IV-E eligibility determinations; and,
 - i. Recommendations for continuing progress in the case.
- 2. Update all documentation in the case file and in the state automated system.
- 3. Provide information, to the extent known, concerning the physical location of the child's parents, guardians, legal custodians, and relatives.
- 4. Prepare the case for transfer by:
 - a. Scheduling a family engagement meeting involving all parties, county department caseworkers and supervisors, and community providers; or,
 - b. Conducting a case staffing between county caseworkers and supervisors in the sending and receiving county departments; or,
 - c. Submitting a written case transfer summary.
- 5. Forward a complete copy of the case file from the sending county attorney's office to the receiving county attorney's office. Privileged attorney-client communications do not need to be included in the transferred case file.
- I. The child, family, and foster care provider shall be prepared for the transition by the sending county department.
- J. The sending county department is responsible for financial and service planning for the case and for payment of services through the calendar month in which the Change of Venue becomes effective. This date is to be confirmed by the sending county department in writing and there shall be no lapse in financial coverage during this process. If venue does not change, the sending county department retains financial responsibility.
- K. The receiving county department shall provide courtesy supervision and available services during this transition. If venue does not change, the sending county department retains financial responsibility.
- L. If a child is born while the mother is committed to a state mental institute or correctional facility, the county of residence prior to commitment shall be the county of fiscal responsibility.
- M. When a child is placed for adoption, the county department holding legal custody and guardianship shall have fiscal responsibility for the child until the adoption is finalized.
- N. If a child needs placement out of the home following finalization of adoption, the child's residence is that of the adoptive parents.
- O. Residence related to subsidized adoption is addressed in the Adoption Services section.

7.304.51 Authority for Placement

The county department shall ensure that a child may enter any out-of-home placement only when:

- A. Target group and placement criteria are met; and,
- B. An emergency is determined to exist and s/he is removed from the home by a law enforcement officer, with or without a court order, or,

- C. A parent has signed a voluntary placement agreement under conditions established by the county department and according to the Children's Code; or;
- D. A juvenile court, or a court acting as a juvenile court (including a tribal court), has ordered the child to be placed out of the home and has transferred legal custody to the county department or a social services department of a federally recognized Indian tribe, for placement in a family care home or other child care facility.; OR;
- E. A YOUTH WHO IS ELIGIBLE FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AS DESCRIBED IN 7.203.41 (12 CCR 2509-3) HAS ENTERED INTO A VOLUNTARY SERVICES AGREEMENT WITH THE COUNTY DEPARTMENT.

7.304.52 Family Search and Engagement

- A. Family search and engagement shall:
 - 1. Be commenced for the noncustodial parent within three (3) working days. The county department must provide notification to the absent parent of the following:
 - a. The child or youth has been removed from the home; and,
 - b. The option to participate in the care, treatment, or placement of the child or youth.
 - 2. Be completed within thirty (30) calendar days for all grandparent(s) and other adult relatives or the parent of a sibling of a child/youth who has been removed from his/her legal custodian's home. The latter shall not be construed as subordinating the rights of foster or adoptive parents of a child or youth to the rights of the parents of a sibling of the child or youth. The county department of human or social services shall provide notification of the following information:
 - a. The child or youth has been removed from the home;
 - b. Options to participate in the care or placement of the child or youth;
 - c. Options that may be lost by failing to respond to the notice;
 - d. The requirements to become a foster parent, and services and supports available to the child and/or youth placed in the family foster care home; and,
 - e. A description of the Relative Guardianship Assistance Program.
- B. The county department shall assure that:
 - 1. Parents are consulted regarding their suggestions for appropriate caretakers.
 - 2. Children and youth are consulted as appropriate regarding their suggested relative caretakers.
 - 3. When the court orders a delay in contacting specific relatives for good cause including, but not limited to, domestic or other family violence, then the county department shall discontinue the family search and engagement involving the relative until otherwise authorized by the court.

- C. Family search and engagement shall occur for all children including American Indian/Alaskan Native children and youth at least every six (6) months throughout the life of the case until the child or youth has achieved permanency, except as noted in Section 7.304.52, B, 3, or when the following conditions exist:
1. A placement is stable with a relative or kin a minimum of six (6) consecutive months; and,
 2. The relative or kin has committed to the legal permanence of the child or youth; and,
 3. There is agreement among the parties that the relative or kin is the appropriate permanent option, the juvenile or district court finds it is the appropriate permanency plan, and it is in the best interest of the child or youth that family search and engagement be discontinued.
 4. A non-relative foster care parent without a prior relationship to a youth twelve (12) years of age or older and his/her siblings residing in the same placement commits to the permanency of the youth and children. in addition, the juvenile or district court adopted a permanency plan of guardianship or Allocation Of Parental Responsibilities (APR) and the requirements in section 7.311.1, c, 2 (relative guardianship assistance program) are met.
- D. A family engagement meeting shall occur within thirty (30) calendar days when any of the following conditions exist:
1. The child or youth is in a family-like permanent setting without the provider expressing formal intent to provide legal permanence at the time that any of the following conditions exist:
 - a. The child or youth has been in out-of-home placement fifteen (15) of twenty-two (22) months; or,
 - b. The child or youth has had two (2) or more unplanned moves within a twelve (12) month period; or,
 - c. The child or youth is assigned a permanency goal of Other Planned Permanent Living Arrangement (OPPLA).
 2. The child or youth is in out-of-home placement in a non-family-like setting without an approved permanency plan and any of the conditions in Section 7.304.52, D, 1, a-c, exist.
- E. 7.304.52 DOES NOT APPLY TO YOUTH WHO ARE PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM UNLESS THE YOUTH CONSENTS AND SIGNS ALL APPLICABLE RELEASES OF INFORMATION. THE SERVICES DESCRIBED IN THIS SECTIONAL SHALL BE OFFERED TO THESE YOUTH.
- EF. The county shall document all efforts in the Family Services Plan for the child or youth. Initial and ongoing family search and engagement results shall be reviewed and documented during ninety (90) day supervisory reviews.

7.304.54 Court Procedures Related to Permanency Planning [Rev. eff. 3/1/16]

- A. The county department must develop a permanent plan for any child who is in out-of-home placement and is the subject of any court action, including Dependency and Neglect, Delinquency, ~~or a~~ Petition to Review the Need for Placement, OR A FOSTER YOUTH IN TRANSITION PROGRAM CASE and a concurrent plan for cases filed under Section 19-3-102(2),

C.R.S., regarding habitual abuse. The purpose of the plan is to establish treatment needs related to the stated goal for the child and to decide a method to provide a safe, stable, permanent environment for the child as quickly as possible

- B. The county department shall submit this plan at the permanency court hearing. That hearing must be held before twelve (12) months have elapsed from the date of the child's original out-of-home placement, and shall be held as soon as possible following the dispositional hearing. Following the initial permanency hearing, subsequent permanency hearings must be held every twelve months thereafter while the child remains in out-of-home care. These hearings shall be combined with a periodic review when possible.
- C. The county department shall provide the court with documentation of the efforts made by the department to finalize the permanency plan for the child. The county department shall request the court to make a finding (if the evidence so warrants) that the department made reasonable efforts to finalize the permanency plan for the child.
- D. Paper reviews, ex parte hearings, agreed orders or other actions or hearings which are not open to the participation of the parents of the child (if appropriate age) and foster parents or pre-adoptive parents are not permanency hearings.
- E. When the court determines that reasonable efforts to return the child home are not required, the county shall request that the permanency hearing be held no later than thirty (30) calendar days after such court determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which such a determination is made.
- F. The county department shall ensure and document that a request is made to the court for such a hearing in sufficient time to assure that the hearing is held within the twelve (12) month time frame. Permanency hearings shall be combined with a review hearing when possible.
- G. The county department shall include, in the permanency plan, recommendations to the court on either:
 - 1. Returning the child to his/her parent or guardian within the next six months; or,
 - 2. Permanent placement with a relative through adoption; or,
 - 3. Permanent placement with a relative through guardianship or permanent custody; or,
 - 4. Adoption (non-relative); or,
 - 5. Legal guardianship/permanent custody (no-relative); or,
 - 6. Return home through reinstatement of parental rights; or,
 - 7. Other planned permanent living arrangement through emancipation; or,
 - 8. Other planned permanent living arrangement through relative long term foster care; or,
 - 9. Other planned permanent living arrangement through non-relative long term foster care.
- H. For permanency goals 8 or 9, the county department shall ensure that the plan contains the name or other identifier, such as the system provider number, if the name of the provider must be kept confidential, of the specific placement and the date that placement shall end.
- I. For permanency goals 7, 8, and 9, the following requirements shall apply to the county department of human or social services for purposes of approving the case plan and the case

review procedure for youth, EXCEPT FOR YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:

1. At each permanency hearing held with respect to the youth, provide documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to address the following:
 - a. Return the youth home;
 - b. Secure a placement for the youth with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent; and,
 - c. Include efforts that utilize search technology (including social media) to find biological family members for the youth.
 2. Provide compelling reasons why it continues not to be in the best interests of the youth to return home, be placed for adoption, with a legal guardian, or with a fit and willing relative.
- J. The county department shall request that the court order contain specific findings regarding the above goals.
- K. The county department shall assure that the permanency hearings determine whether an out-of-state placement continues to be appropriate and is in the best interest of the child.
- L. The county department shall assure that the permanency hearings determine whether the permanency plan includes services for a successful adulthood for a child fourteen years of age or older.
- M. Permanency hearings are required to be held if a termination is under appeal, for children placed in a permanent foster home with a specific caregiver, and for children who are free for adoption and are placed in adoptive homes pending the finalization of the adoption.
- N. The county department shall file for termination of parental rights no later than the end of the 15th month of placement for any child who has been in foster care under the responsibility of the state for 15 of the last 22 months unless there is a compelling reason submitted to the court identifying why it is in the child's best interest to not terminate parental rights.
- O. The county department shall file for termination of parental rights no later than sixty (60) calendar days after the court determines that the child is an abandoned infant, unless there is a compelling reason submitted to the court identifying why it is in the child's best interest to not terminate parental rights.
- P. The county department shall file for termination of parental rights no later than sixty (60) calendar days after a judicial determination is made that reasonable efforts to reunify the child with the parent are not required, unless there is a compelling reason submitted to the court identifying why it is in the child's best interest to not terminate parental rights.
- Q. The county department shall discuss the purpose and responsibilities of relative guardianship with the parents or legal custodian of a youth or child and the importance of achieving permanency.

7.304.61 Pre-Placement Activities

- A. The child/YOUTH shall have a medical examination before placement or a screening as soon as is reasonably possible after placement. The county department shall assure that the screening is

consistent with the Early Periodic Screening Diagnosis and Treatment initial screening described in Section 8.286.01 of the Department of Health Care Policy and Financing's Medical Assistance manual (10 CCR 2505-10). If a medical, dental, or psychological evaluation is necessary and cannot be covered under Medicaid, third-party insurance, or other sources, the county department may purchase it under program services. See General Information and Policies section (7.000) and Resources, Reimbursement, and Reporting Section (7.400) of this manual.

- B. Prior to the placement of a child/YOUTH in a child placement agency or county foster care home, the placing agency may review the written family assessment, home study, and background checks of the foster parent(s) for use in determining if the home is appropriate for the needs of the child/YOUTH.
- C. When the child/youth is part of a sibling group and the sibling group is being placed out of the home, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children/youth in order to sustain family relationships. Such presumption may be rebutted by the county by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child/youth or of the children/youth. The county shall make thorough efforts to locate a joint placement for all of the children/youth in the sibling group unless:

- 1) It is not in the best interests of the children/youth to be placed as a group and
- 2) These efforts do not unreasonably delay permanency for any child.

These efforts depend upon the county's ability to locate an appropriate, capable, willing, and available joint placement for all of the children/youth in the sibling group. Efforts to place siblings as a group shall be documented in the child/youth's case record.

- D. The county department shall share all available information about the child, including relevant social, medical and educational history, behavior problems, court involvement, parental visitation plans, and other specific characteristics of the child, with the provider before placement. It shall share additional information when obtained. The county department shall inform foster parents of court hearings involving children in care.
- E. A child's foster care placement shall not be delayed in order to recruit a same race home when a foster family is available who is of other ethnic or racial identity than that of the child.
- F. The county department shall document all pre-placement activities in the case file.
- G. The county department shall execute the Provider Contract and Agreement with county department certified foster homes and county department sponsored group homes, and the agreement to purchase Child Placement Agency or Residential Child Care Facility services with Child Placement Agencies and Residential Child Care Facilities before placement. The Agreement to Purchase form is child specific and shall be completed for each child placed through a Child Placement Agency or with a Residential Child Care Facility.
 - 1. Placement contracts shall specify the responsibilities of the provider and the county department in the services to be delivered to the child and family in conjunction with the Family Services Plan. The placement contracts shall also require twenty-four (24) hour out-of-home care facilities to have staff present and trained in how to make decisions using the reasonable and prudent parent standard when approving extracurricular, enrichment, cultural, and social activities; and,
 - 2. County departments shall provide twenty-four (24) hour out-of-home care providers with a copy of the policy that identifies activities that providers trained in the reasonable and prudent parent standard may approve, and activities that require county department approval.

- H. WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM:
1. WITH THE PARTICIPATING YOUTH'S CONSENT, THE YOUTH'S HOUSING MAY BE IN ANY PLACEMENT APPROVED BY THE COUNTY OR THE COURT FOR WHICH THE YOUTH IS OTHERWISE ELIGIBLE, INCLUDING A SUPERVISED INDEPENDENT LIVING ARRANGEMENT AS DESCRIBED IN 7.305.2(D), AND IS THE LEAST RESTRICTIVE OPTION TO MEET THE PARTICIPATING YOUTH'S NEEDS; OR
 2. IF THE PARTICIPATING YOUTH NEEDS PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, THEN THE PLACEMENT MUST FOLLOW ALL OF THE REQUIREMENTS REQUIRED FOR THE COUNTY TO PLACE A CHILD/YOUTH IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.

7.304.62 Placement Activities

The county department shall:

- A. Give the provider a written record of the child's/youth's admission to the home at the time of placement.
- B. Give the provider a written procedure or authorization for obtaining medical care for the child and assure that the provider receives the child's/youth's state identification number and Medicaid card for Medicaid eligible children in a timely manner.
- C. Give the provider a copy of the Family Services Plan for the child/youth at the time of placement or when it is completed following placement.
- D. Document the above placement activities in the case file.
- E. Add the placement in the Department's automated reporting system prior to the next payroll.
- F. Within four weeks of the initial placement, give the provider a complete medical history for the child. The medical history shall contain, to the maximum degree possible, the information listed in the Department of Human Services Health Passport.
- G. Provide the child/youth with a full medical examination scheduled within fourteen (14) calendar days after placement and a full dental examination scheduled within eight (8) weeks after placement. The schedule of the appointments shall be documented in the case record. The county department shall maintain the medical and dental information in a record which is kept with the child/youth during placement and upon return home, emancipation, or adoption. The county department shall document that ongoing medical and dental care is provided in a timely manner as defined by the department and by the health care provider. If the child/youth received the required full medical examination at the time of the placement, then the regular schedule of appointments should be maintained in subsequent placements.

If the governor or local government declares a disaster or emergency, and because of the declared disaster or emergency the medical and dental exams cannot be completed for the child/youth in the required time frame, the medical exam and dental exam must be completed as soon as possible, but no later than 45 calendar days after the declared conclusion of the disaster or emergency.
- H. Document the exceptional circumstances which require an emergency or temporary placement to last longer than sixty (60) calendar days.
- I. Except in emergency situations, make subsequent placements according to court order and shall notify all parties to the extent possible.

- J. Not move a child from one short-term emergency placement to another unless all reasonable efforts to return the child to the child's home or to place the child in a more permanent setting have been exhausted and are documented in the Family Services Plan.
- K. Not move a child more than twice unless such move results in a permanent placement or is determined to be in the best interests of the child and the reasons for the additional move are documented in the child's Family Services Plan.
- L. Notify the guardian ad litem AND/OR THE YOUTH'S COUNSEL, parent(s) or legal guardian within one (1) business day upon a child/youth's placement into a foster care home. The Guardian Ad Litem's contact information shall be provided to the foster parents.
- M. If it is in the best interest of each sibling, the county department shall notify the siblings of any child/youth in foster care or kinship care, of sibling placement and changes in sibling placement, catastrophic events, or other circumstances, including but not limited to significant life events, as defined by the county department and in consultation with the family, youth and GAL when possible.
- N. Provide notice of, and a right to be heard at, any Administrative Review to the child/youth (if age appropriate), foster parents, pre-adoptive parents, or relatives providing care to a child/youth and, upon written request, a written notice of the court hearing, which identifies the following:
 - 1. The child/youth's current court case number;
 - 2. The date and time of the next court hearing; and,
 - 3. The name of the magistrate or judge and the court division to which the case was assigned.
- O. Upon receipt of written notice by a foster parent, employees of State and county departments, or others with the need to know, are prohibited from releasing personally identifying information about a foster parent, other than the first name, to any adult member of the foster child/youth's family, unless the foster parent subsequently provides written consent for the release of information.
- P. Provide at the time of initial placement and at least annually thereafter to the child(ren)/youth contact information for all siblings in foster care, which may include a telephone number, address, social media accounts, and e-mail address, unless a foster parent has requested the foster parent's identifying information not be disclosed, and to receive updated photos of siblings regularly by mail or e-mail, as appropriate.
- Q. Refer to Section 7.406.1, F, for the applicable criteria when a child/youth will be absent from the designated out-of-home placement and the county elects to reimburse the provider using the seven (7) day or thirty (30) day policy.
- R. Allow out-of-home care providers, who are trained in a reasonable and prudent parent standard, to authorize children and youth to participate in community-based activities without the need for a fingerprint-based criminal record background check for the adult(s) involved in the activities. A decision to allow participation shall be based on trained providers using a reasonable and prudent parent standard, as defined in Section 7.701.200, A (12 CCR 2509-1), and the procedures defined in Section 7.701.200 (12 CCR 2509-8).
- S. Respond to issues related to human trafficking as outlined in Section 7.303.4.
- T. If a disqualifying factor (refer to Section 7.000.2 (12 CCR 2509-1)) is identified following the placement of a child and/or youth in a non-certified kinship care home, the county department of human or social services shall evaluate the appropriateness of continuing the placement. A plan shall be developed to address the concerns as soon as possible, and the concerns shall be remedied no later than two weeks after the date of placement. The following shall be documented

in the state automated case management system in the contact log in the resource section or in the record:

1. The circumstances of the placement;
 2. The vulnerability of the child and/or youth, including age and development;
 3. Safety issues impacting the child and/or youth;
 4. Supports needed by the non-certified kinship caregiver(s);
 5. Identify alternative solutions to removal of the child and/or youth from the placement and document the solution in the family service plan including, but not limited to, the family's current status in the following domains:
 - a. Risk and safety;
 - b. Level of functioning;
 - c. Strengths;
 - d. Specific concerns to be addressed;
 - e. Services and supports needed; and,
 - f. Changes that must occur to mitigate the concerns.
 6. When the disqualifying factor cannot be mitigated, the alternative solution and plan does not resolve the concerns about appropriateness of the placement, or timeframes are not met, the county department shall remove the child /youth from the placement.
- U. Assure that each child or youth in out –of –home care is accompanied to psychiatric appointments by an adult who has knowledge about the daily functioning and behavior of the child or youth. EXCEPT FOR YOUTH RECEIVING SERVICES THROUGH THE FOSTER YOUTH IN TRANSITION PROGRAM.

7.304.64 Visitation and Supervision

- A. Contact between the county department and the child/youth shall be documented in the child/youth's case record.
- B. In all cases where counties have primary responsibility for a child/youth in out-of-home placement, an appropriate visitation plan shall be established and documented in the Comprehensive Child Welfare Information System (CCWIS). The visitation plan shall specify the frequency and type of contact by the parents (unless parental visitation is determined to be detrimental to the child/youth, siblings, and others with the child/youth, as appropriate. At a minimum, the visitation plan should provide methods to meet the following interests and needs of the child/youth:
1. The growth and development of the child/youth;
 2. The child/youth's adjustment to the placement;
 3. The ability of the provider to meet the child/youth's needs;

4. The appropriateness of parent and child/youth visitation, including assessment of risk;
 5. The child/youth's contact with parents, siblings, and other family members;
 6. The child/youth's permanency plan.
- C. Child(ren)/youth in foster care shall receive an age-appropriate and developmentally appropriate document from the county department detailing their rights regarding sibling contact:
1. Within thirty days of the date of any placement or any change in placement;
 2. On each occasion that a child/youth's case plan is modified;
 3. At each placement where the child(ren)/youth resides; and
 4. On at least an annual basis.
- D. The county department shall include information regarding sibling contact in the visitation plan. In doing so the child(ren)/youth shall be consulted about their wishes as to sibling contact. In developing the visitation plan, if it is in the best interests of each sibling, the county department shall:
1. Promote frequent contact between siblings in foster care, which may include telephone calls, text messages, social media, video calls, and in-person visits;
 2. Clarify that sibling contact should not be contingent upon parental contact;
 3. Clarify that restriction of sibling contact should not be a consequence for behavioral problems.
 4. Ensure that timely and regularly scheduled sibling visits are based on individual circumstances and needs of the child(ren)/youth.
- E. Sibling contact should occur with sufficient frequency to promote continuity of the relationships unless:
1. The county department has determined that it is not in the best interests of one or both of the children/youth, or
 2. It has been determined in consultation with the County/City Attorney and the District Attorney That a criminal action is pending in any jurisdiction where either sibling is a victim or witness, and that such sibling contact may have a detrimental effect upon prosecution of the pending criminal action, or
 3. Contact is not permitted because it would violate a known existing protection order pending in any state.
- If, in arranging sibling contact a county department determines that such contact would not be in the best interests of one or both of the siblings, the county department shall deny the request, document its reasons for making the determination in the Comprehensive Child Welfare Information System (CCWIS), and provide the siblings with an explanation for the denial, as permitted under state and federal law. As soon as practicable after making a decision affecting sibling contact, the county department shall notify the GAL(s) appointed to the case
- F. Visitation between the child/youth and his/her family shall increase in frequency and duration as the goal of reuniting the family is approached. The caseworker shall document this increase in visitation in the CCWIS.

- G. The county department will notify parents of any determination which affects their visitation rights. The caseworker shall keep a copy of this notification in the case record.
- H. In cases where the goal is not to reunite the family, the caseworker shall discuss the issue of separation and help define the child(ren)/youth's future relationship with the family. The caseworker shall document this discussion and planning in the (CCWIS).
- I. YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM ARE NOT REQUIRED TO HAVE A VISITATION PLAN WITH THEIR PARENT(S).

7.305.2 SPECIFIC PROCEDURES

- A. The county department shall assess all youth in foster care who have reached the age of fourteen (14) for services to prepare for adulthood and shall complete the Roadmap to Success part of the Family Services Plan (FSP). This is required regardless of the specified permanency goal of the case plan.
- B. The county department's assessment shall include documentation of:
 - 1. The youth's capacity for self-sufficiency and self-support by reviewing daily living skills, in consideration of their age and appropriate developmental expectations/milestones.
 - 2. An evaluation of individual, family, community, and financial support resources available to promote emancipation or semi-independent living.
- C. Following assessment, the Roadmap to Success (RTS) shall be developed in consultation with the youth, caseworker, care provider(s), and, at the option of the youth, up to two (2) other significant persons chosen by the youth who are not the foster parent or caseworker for the youth and documented in the FSP in the state automated system. If the county department of human or social services has good cause to believe an individual selected by the youth will not act in his or her best interest, the planning team may designate another advocate for the youth.
 - 1. The case plan and court report following a staffing or meeting shall describe the services to help the youth transition to successful adulthood including, but not limited to, participation in on-going opportunities to engage in age and developmentally appropriate activities, and, if the youth is pregnant and/or a parent, the parenting supports provided to the youth..
 - 2. The case plan shall document the rights of the youth to education, health, visitation, court participation, the right to stay safe and avoid exploitation, and the right to receive a credit report annually. A signed acknowledgement that the youth was provided a copy of these rights and that they were explained in an age or developmentally appropriate way shall be included in the case plan.
- D. The county department may utilize a Supervised Independent Living placement for:
 - 1. YOUTH AT LEAST SIXTEEN (16) YEARS OF AGE THROUGH THE LAST DAY OF THE MONTH OF THEIR TWENTY-FIRST (21) BIRTHDAY WHEN:
 - A. The county has placement and care responsibility.
 - B. Approved supervised independent living placement settings may include an approved college dormitory, transitional living program, an apartment or other private housing, or another age or developmentally appropriate placement.

Professional contact and ongoing support must meet section 7.202.1 requirements.

- C. The use of a supervised independent living placement for youth ages sixteen (16) up to eighteen (18) may only be utilized after considering the youth's developmental needs and assets, supports that are available to the youth, and documentation in case notes that all other options have been exhausted.
- D. For youth ages sixteen (16) up to eighteen (18) placement in a supervised independent living placement must follow a period in out-of-home care.
- E. For counties to be reimbursed for this placement, the youth must be over age 18 and the placement must align with requirements set forth in 7.406.1,q
- F. An update to the existing Roadmap to Success (RTS) must be completed, preferably within 30 days prior to, but no later than 30 days after, the start date of the supervised independent living placement.
- G. The county department shall establish a written policy for the use of supervised independent living placement. The policy shall address the following:
 - I. Assessing each youth's readiness to be successful in a supervised independent living placement, the safety of the placement, the availability of supportive services and resources for youth transitioning into adulthood, any county-specific policies around caseworker contact with the youth, and the process for ongoing review.
 - II. Supervised independent living placement funds shall be provided to the youth and be sufficient to have their needs met as identified in 7.708.26, 7.708.31, 7.708.41, 7.708.42, and 7.708.43, as well as having access to a working telephone and internet.
 - III. Additional supervised independent living placement funds may be provided to the youth as incentive for progress towards and/or achievement of goals.
 - IV. Decisions to withhold supervised independent living placement funds provided to the youth per section (III) shall not reduce the amount provided per subsection (II) and must be according to defined guidelines found in the county policy.
 - V. Defined appeal process and notification procedures for youth whose supervised independent living placement funds under subsection (III) are withheld.
 - VI. Defined process for how and when a supervised independent living placement may be terminated. The policy must address potential termination reasons including, but not limited to, concerns for current or impending danger or court case closure.
- H. A signed copy of the supervised independent living placement agreement and a signed expectations/acknowledgement that the youth was provided a copy of the county guidelines. These documents shall be explained in an age or developmentally appropriate way and shall be included in the case file.
- E. Free Annual Credit Record Report for Youth Fourteen (14) Years of Age and Older in Foster Care

The following steps shall be taken:

1. The county department shall obtain free annual credit report information from the three credit reporting agencies designated by the Department for youth who are in foster care and are at least fourteen (14) years of age, and provide the information to the youth and Guardian ad Litem (GAL);
 2. If the youth objects to obtaining the credit report, the county department shall inform the court and request that the court issue an order authorizing the county to obtain the credit report.
 3. The county department shall maintain a copy of each credit report in the case record; and,
 4. Should the annual report show evidence of any inaccuracies, the county department shall inform the court of the inaccuracies, refer the youth to a Colorado Department of Human Services approved governmental or non-profit entity to resolve the inaccuracies, and inform the GAL of the referral.
- F. The youth, county department caseworker, provider(s), and other representatives of the youth as appropriate, shall jointly develop a detailed, formal emancipation transition plan no more than ninety (90) days prior to the emancipation date of the youth. The plan, signed by all parties, shall include, but need not be limited to, the following:
1. Assurance that the plan meets the specific self-sufficiency/cost of living standard in the county or state where the youth plans to reside.
 2. a plan shall be developed with the youth based on the information from the assessment and the youth's goals.
 3. Personalization at the direction of the youth to meet the individual emancipation needs in order to help prevent homelessness.
 4. Copies of verifiable vital documents required in Section 7.305.5.
 5. Specific options for:
 - a. Housing,
 - b. Health insurance and health care decision-making information,
 - c. Education,
 - d. Local opportunities for safe mentors,
 - e. Continuing after-care support services, and
 - f. Work force supports and employment services.
 6. The plan shall be documented in the State Department's automated system in the Family Services Plan, and a copy given to the youth free of charge.

Notice of Proposed Rulemaking

Tracking number

2021-00557

Department

500,1008,2500 - Department of Human Services

Agency

2509 - Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-5

Rule title

RESOURCES, REIMBURSEMENT, REPORTING, AND PROVIDER REQUIREMENTS

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094s extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111, C.R.S. (2015); 19-7-315, C.R.S. (2021)

Contact information

Name

Trevor Williams

Title

Youth Services Administrator

Telephone

303.866.4539

Email

trevor.williams@state.co.us

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-5)
CDHS Tracking #: 21-04-28-05
Office, Division, & Program: _____ **Rule Author:** Trevor Williams **Phone:** 303-866-4539
E-Mail: trevor.williams@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. ☒ Board ☐ Executive Director
 b. ☐ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

- ☐ AG Initial Review
 ☐ Initial Board Reading
 ☐ AG 2nd Review
 ☐ Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

- Number _____ Amended Rules
 _____ New Rules
 _____ Repealed Rules
 _____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October
What date is being requested for this rule to be effective?	December 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:
 1st Board _____
 2nd Board _____
 Effective Date _____

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-5)

CDHS Tracking #: 21-04-28-05

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

These rules will implement HB 21-1094, which was signed into law on 6/25/2021 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 establishes the Foster Youth in Transition Program, a youth-driven and developmentally appropriate approach to extended foster care. This program further establishes a pathway for eligible youth to reenter foster care between the ages of 18 and 21. HB 21-1094's extensive reforms require significant revision to the Colorado Code of Regulations, 12 CCR 2509 (Volume 7). These rules will ensure consistent statewide implementation and support counties in understanding what they are required to provide to youth who request services through the program.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
19-7-315, C.R.S. (2021)	The state department shall promulgate rules for the implementation of this part 3, including but not limited to rules concerning eligibility determinations, administrative appeals of eligibility determinations, enrollment into the transition program, emancipation transition plans and roadmaps to success, and expedited procedures for securing temporary shelter for youth who are currently homeless or at imminent risk of homelessness.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☒

Yes

☐

No

If yes, please explain.

Some requirements of HB 21-1094 are specific and organizing the requirements into Volume 7 while maintaining the language from statute ensures the highest level of support to counties and fidelity to the law.

Title of Proposed Rule: **Extended Foster Care & Re-Entry (12 CCR 2509-5)**

CDHS Tracking #: **21-04-28-05**

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Current and former foster youth will experience the greatest benefit from these rules. Groups that will experience additional work requirements as a result of these rules include county departments. The Office of the Child's Representative and judicial partners are both impacted by HB 21-1094, but they are not directly impacted by these rules.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Division of Child Welfare estimates that approximately 59 youth per year will choose to reenter foster care as a result of HB 21-1094, which is implemented in part by these rules. These youth will constitute the new population served through the Foster Youth in Transition Program. However, the broader population of foster youth who reach the age of 18 while in care will also experience the benefits of these rules. Prior to HB 21-1094, there was little differentiation in statute or rule between minor children under age 18 and youth 18 to 21 who stayed in foster care, and as a result most youth exit and experience a cliff effect near their 18th birthdays. HB 21-1094 and these rules support the distinct developmental needs of emerging adults. Youth in foster care are not given the right to make informed choices while enjoying the types of support that a typical Colorado family provides to their own children transitioning to adulthood. By implementing HB 21-1094, these rules create the structure for a developmentally appropriate extended foster care system that respects the needs of 18- to 21-year-olds, while providing that crucial support.

Implementation of HB 21-1094 includes a workload impact for county departments, however this will be offset by an increase to the child welfare block appropriated through the general fund.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There are no fiscal impacts directly resulting from these rules. Some changes to the Trails system will be required; however, those costs will be covered by existing federal funds. The Office of the Child's Representative will have a small fiscal impact from the legislation, not the rules, which is funded through an appropriation to their office for implementation of HB 21-1094.

County Fiscal Impact

There are no fiscal impacts directly resulting from these rules. The legislation, however, does create a fiscal impact to counties. Those costs will be covered by an appropriation made to the Child Welfare block for implementation of HB 21-1094.

Title of Proposed Rule: Extended Foster Care & Re-Entry (12 CCR 2509-5)

CDHS Tracking #: 21-04-28-05

Office, Division, & Program: Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

trevor.williams@state.co.us

Federal Fiscal Impact

Revisions to these rules ensure Colorado has the structure to draw down federal funds to which the state is entitled for serving this population. Because these rules comply with requirements set forth in Title IV-E of the Social Security Act, the Division of Child Welfare anticipates that the majority of youth participating in the Foster Youth in Transition Program will be eligible for Federal IV-E financial participation.

Other Fiscal Impact (such as providers, local governments, etc.)

No impact to other providers, local governments, or other agencies is anticipated.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Colorado's foster care system, as it has traditionally existed, is leading to negative outcomes for many youth who have made the transition from foster care to adulthood. The National Youth in Transition Database Survey, a longitudinal study of youth involved with child welfare, has shown that at least 36% of former foster youth in Colorado have experienced homelessness, 21% have been incarcerated, and 29% become parents by age 21. National data shows it is likely the true rate of early parenthood is much higher. The Midwest Study of Adult Functioning of Former Foster Youth demonstrates that developmentally appropriate extended foster care is key to improving these outcomes. A growing body of evidence demonstrates that providing youth the opportunity to reenter a developmentally appropriate foster care system during that transition, if needed, also improves outcomes for these youth. HB 21-1094 was developed using this information, as well as feedback provided by youth advocates and runaway and homeless youth providers.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

There is no alternative because HB 21-1094 requires that rules be promulgated for implementation of the law.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.402.1 (D)	Revision	Former foster care or Adoption assistance youth who emancipated from foster care or adoption assistance at age eighteen (18) or after and are under age twenty-one (21), and for whom the state made foster care or adoption assistance payments in the month the youth turned eighteen (18) years of age.	Former foster care or Adoption assistance youth who emancipated from foster care or adoption assistance at age eighteen (18) or after and are under age twenty-one (21), and for whom the state made foster care or adoption assistance payments in the month the youth turned eighteen (18) years of age.	Removes former foster care youth from this rule; they are added to a new rule to reduce confusion.	HB 21-1094 Task Group
7.402.1 (G)	New Rule		YOUTH FOR WHOM THE COUNTY HAD PLACEMENT AUTHORITY OR CUSTODY ON OR AFTER THE YOUTH'S 18 TH BIRTHDAY.	This rule moves Medicaid eligibility to its own rule in order to reduce confusion.	HB 21-1094 Task Group
7.404 (C) (4)	New Rule		YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AND THEIR PARENTS.	Excludes Foster Youth in Transition Cases from fees collection.	HB 21-1094 Task Group
7.404.3 (E)	New Rule		WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM YOUTH'S HOUSING IS FULLY OR PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S OWN EXPENSES MUST BE DETERMINED BY REQUIREMENTS IN 7.416.2.	Creates clarity that the portion of a youths own expenses they can be expected to contribute to their own living expenses cannot exceed what they can afford.	HB 21-1094 Task Group
7.406.1 (E)	Revision	A youth over eighteen (18) years of age is in placement only when the court had jurisdiction before the 18th birthday and the court orders out- of-home placement.	A youth over eighteen (18) years of age is in placement only when the court had jurisdiction before the 18th birthday and the court orders out- of-home placement OR THE YOUTH MEETS ELIGIBILITY CRITERIA FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AND HAS AN ACTIVE VOLUNTARY SERVICES AGREEMENT.	Ensures that counties can be reimbursed for services provided to youth participating in the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.406.1 (G)	Revision	The out-of-home placement duration for a voluntary Title IV-E child does not exceed 180 calendar days when the county department has filed for a petition to review the need for placement, by the 90th calendar day and the county has a correctly worded court order issued, based on the request of the petition to review the need for placement; see Court-Related Procedures, Section 7.304.53 (12 CCR 2509-4).	The out-of-home placement duration for a voluntary Title IV-E child/YOUTH does not exceed 180 calendar days when the county department has filed for a petition to review the need for placement, OR PETITION TO OPEN A FOSTER YOUTH IN TRANSITION CASE by the 90th calendar day and the county has a correctly worded court order issued, based on the request of the petition to review the need for placement; see Court-Related Procedures, Section 7.304.53 (12 CCR 2509-4).	Ensures that counties can be reimbursed for services provided to youth participating in the Foster Youth in Transition Program.	HB 21-1094 Task Group
7.406.1 (HH)	Revision	A county department documents the lawful presence of children age eighteen (18) and over receiving services other than those excluded from the definition of a federal public benefit, or state and local public benefits as those terms are defined at Section 24-76.5-102, C.R.S.	IF REQUIRED BY SECTION 24-76.5-101, 102, OR 103 Aa county department SHALL documents the lawful presence of children age eighteen (18) and over receiving services other than those excluded from the definition of a federal public benefit, or state and local public benefits as those terms are defined at Section 24-76.5-102, C.R.S., OR SERVICES EXCLUDED FROM THIS REQUIREMENT AS DEFINED AT SECTION 24-76.5-103, C.R.S.	Ensures county departments can receive reimbursement for providing housing related services for youth receiving those services without having to provide proof of citizenship or legal status pursuant to SB21-199 and HB21-1054.	HB 21-1094 Task Group
7.410 (A)	Technical Fix	The State reimburses for a one time physical, dental and psychological examination for	The State reimburses for a one time physical, dental and psychological examination for individual eligible children in out-of-	Cleans up an incorrect cite.	HB 21-1094 Task Group

		individual eligible children in out-of-home care per Section 7.003.3, B, 2 (12 CCR 2509-1).	home care per Section 7.003.3, B, 2 (12 CCR 2509-1)7.607.3, B, 2 (12 CCR 2509-7).		
7.416.2	Revision	This is paid according to the rate negotiated by the county department. The rate may be the State established child maintenance rate or may be the rate negotiated by the county department that ensures the youth has sufficient resources to meet their basic needs.	<p>This is paid according to the rate negotiated by the county department. The rate may be the State established child maintenance rate or may be the rate negotiated by the county department that ensures the youth has sufficient resources to meet their basic needs: AND ANY CONTRIBUTION THE YOUTH IS REQUIRED TO MAKE SHALL BE BASED ON:</p> <p>A. THE PRESUMPTION THAT ABILITY TO PAY ALIGNS WITH STANDARDS ESTABLISHED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE OR SIMILAR VOUCHER PROGRAMS. ANY VARIANCE SHALL BE BASED ON THE NEEDS OF THE YOUTH AND:</p> <ol style="list-style-type: none"> 1. THE NEED TO GRADUALLY REDUCE PAYMENTS IN A MANNER THAT REDUCES POTENTIAL NEGATIVE IMPACTS ASSOCIATED WITH A SUDDEN REDUCTION IN PUBLIC BENEFITS; THIS REDUCTION SHALL NOT BEGIN MORE THAN 120 DAYS PRIOR TO THE PROJECTED END OF PAYMENTS. 2. THE NEED TO PROVIDE STABLE SUPPORT TO THE YOUTH SHOULD THE YOUTH'S INCOME CHANGE RAPIDLY OR UNEXPECTEDLY. 3. ANY VARIANCE AND THE REASON FOR THE VARIANCE SHALL BE DOCUMENTED IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM. 	Clarifies the basis upon which a county determines the youth's contribution towards their own living expenses when in a SILP.	HB 21-1094 Task Group

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The rules were developed through a Child Welfare SubPAC approved task group and included representation from urban and rural counties across the state, runaway and homeless youth providers, the Office of the Child's Representative, foster care providers, child placement agencies, and a youth advocacy group.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County departments of human/social services, Office of the Child's Representative, Colorado Network to End Youth Homelessness, Rural Collaborative for Homeless Youth, Project Foster Power.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Name of Sub-PAC	Child Welfare		
Date presented	8/10/2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☐ Yes ☐ No

Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☐ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

(12 CCR 2509-5)

7.402.1 PROVISION OF SERVICES

Subject to certain income and resource limitations, medical assistance through the Colorado Medicaid program must be provided to certain children and youth receiving child welfare services as follows:

- A. Children and youth for whom the county department is assuming full or partial financial responsibility.
 - 1. Children and youth in foster care, including those who are in supervised independent living placement situations subsequent to being in foster care;
 - 2. Youth committed to the Department of Human Services, Division of Youth Services, who are placed in a non-secure community based residential facility or in supervised independent living placement situations;
 - 3. Children and youth who have a current, signed subsidized adoption agreement;
 - 4. Children and youth receiving Core services who otherwise would be in foster care;
 - 5. Children and youth in subsidized adoption, including adoption placements out of state, who are IV-E eligible or where the state option is in effect until the receiving state can provide Medicaid;
 - 6. Children and youth from Colorado placed in an out of state out-of-home placement by a Colorado county. IV-E eligible children receive Colorado Medicaid until the receiving state can provide Medicaid;
 - 7. Children and youth eligible for Supplemental Security Income, even if they are not receiving cash benefits, who are placed in an out of state foster care setting until the receiving state can provide Medicaid.
 - 8. Children and youth who are eligible for the Relative Guardianship Assistance Program, including relative guardianship assistance placements out of state who are Title IV-E eligible, until the receiving state can provide Medicaid.
- B. Certain children and youth from other states who are placed in Colorado by that state.
 - 1. Children and youth eligible for adoption assistance placed in Colorado by another state;
 - 2. Children and youth placed in an out-of-home placement in Colorado by another state;
 - 3. Children and youth who are eligible for Supplemental Security Income placed in an out-of-home placement in Colorado by another state.
 - 4. Children and youth who are eligible for Relative Guardianship Assistance placed in Colorado by another state and who are Title IV-E eligible.
- C. Children and youth who are receiving child welfare services, living in their own home or the home of a designated relative, and the county department is not assuming full or partial financial responsibility for their care, may be eligible for coverage under other Colorado Medicaid programs for families and children.

- D. ~~Former foster care or~~ Adoption assistance youth who emancipated from foster care or adoption assistance at age eighteen (18) or after and are under age twenty-one (21), and for whom the state made foster care or adoption assistance payments in the month the youth turned eighteen (18) years of age.
- E. A child who has an acceptable non-citizen status as defined in 10 CCR 2505-10 Section 8.100.3.G and is in the custody of DHS is eligible for Colorado Medicaid and no longer need to meet the five-year waiting period to be eligible for Medicaid.
- F. Beginning January 1, 2014, former Colorado foster care youth, who were under the State's or Tribe's responsibility, when they emancipated from foster care at age eighteen (18) or after, and who were enrolled in Medicaid (IV-E or non-IV-E) under Colorado's Medicaid State Plan at the time of their emancipation, and are under age twenty-six (26); are eligible for Colorado's Former Foster Care Medicaid. Eligible placement types include the following:
- Kinship family foster care
 - Non certified kinship care
 - Foster home care
 - Group home and group center care
 - Children's Habilitation Residential Program (CHRP)
 - Residential Child Care Facilities
 - Supervised Independent Living Placement programs
 - Youth committed to the Division of Youth Services, living in one of the above, non-secure placements.
- G. YOUTH FOR WHOM THE COUNTY HAD PLACEMENT AUTHORITY OR CUSTODY ON OR AFTER THE YOUTH'S 18TH BIRTHDAY.

7.404 FEES

- A. Fees shall be determined and collected as applicable for the following services in each program area:
1. Child Welfare Child Care.
 2. Foster care.
 3. Adoptive studies.
 4. Core Services Program services as defined in the state approved Core Services Program plan.
 5. Medical care paid by the county that is not reimbursed by the state.
 6. Other services, such as case services, or custody evaluations.
- B. When both foster care and Core Services Program Services are simultaneously being provided or purchased, the foster care fee schedule shall be applied to the cost of both programs.

- C. Categories excluded from fee collection:
 - 1. Colorado Works categories, except for Supplemental Security Income eligible children in foster care and whose parents are not Colorado Works recipients.
 - 2. Individuals whose income is deemed to a Colorado Works household.
 - 3. Adoptive families who have an approved but inactive adoption assistance agreement and the child is in out-of-home placement.
 - 4. YOUTH PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM AND THEIR PARENTS.
- D. Once the amount of fee is determined, the full amount is to be paid up to the cost of services.
- E. Fees shall be determined for adoptive families as follows:
 - 1. Adoptive families who have an approved Colorado non-Title IV-E adoption assistance agreement, but are currently not receiving adoption assistance payments and the child is in out-of-home placement, are excluded from fee collection.
 - 2. Adoptive families living out of Colorado who have an approved non-Title IV-E adoption assistance agreement whose child is in out-of-home care and the family is being charged a placement fee may request continuation of the adoption assistance payments to assist in the cost associated with the child's out-of-home placement. The plan for the child shall be reunification with the family.
 - 3. Adoptive families who have an approved Colorado non-Title IV-E adoption assistance agreement and the child is in out-of-home placement shall be assessed a placement fee not to exceed the amount of the adoption assistance payment they are receiving under their adoption assistance agreement.
 - 4. Adoptive families who have an approved Title IV-E adoption assistance agreement and the child is in out-of-home placement shall be assessed a fee not to exceed the amount of the adoption assistance payment they are receiving under their adoption assistance agreement.
- F. If a family is receiving purchased services the fees shall be distributed in the following priority:
 - 1. Medical costs for non-Medicaid eligible children
 - 2. Foster care
 - 3. Core Services Program Services
 - 4. Child Welfare Child Care
 - 5. Other services

7.404.3 CHILD'S INCOME

- A. For non-IV-E children, income and other funds, including fees and child support, received by or on behalf of the child, which are more than the amount needed to meet his/her monthly needs,

shall be kept by the county treasurer in a special account or trust fund, or, with the concurrence of the county treasurer, a trust account may be established with the county director as the trustee. See the Finance Manual (11 CCR 2508-1) Such excess funds may be used to meet the child's other needs, such as medical care.

- B. For IV-E foster care children, the county department shall handle payment according to Volume V, Disbursement of Support Collections. All other income is handled the same as for non-IV-E children.
- C. When a child in foster care has income earned from her/his employment, the county department shall consider the following:
 - 1. Income is not a consideration in determining eligibility for foster care.
 - 2. Full-time student - when a foster child is in school full-time, or would be, except for scheduled vacation. The child need not contribute toward the cost of her/his foster care.
 - 3. Part-time student:
 - a. When a child in foster care is a part-time student and employed part-time (less than 30 hours per week), earned income is not considered.
 - b. When the child is employed full-time, the child's own income shall be considered in determining a foster care fee. The guidelines permit the court to consider the child's income in setting the award against the parents.
- D. When a child is in a placement under IV-E Foster Care (Title IV-E) and has income, the county department shall refer the case to the Income Maintenance Division for determination of continuing eligibility for IV-E Foster Care. See the Income Maintenance manual Section on Eligibility for Temporary Assistance to Needy Families (9 CCR 2503-1).
- E. WHEN A YOUTH IS PARTICIPATING IN THE FOSTER YOUTH IN TRANSITION PROGRAM YOUTH'S HOUSING IS FULLY OR PARTIALLY FUNDED THROUGH FOSTER CARE MAINTENANCE PAYMENTS, IN ADDITION TO ANY OTHER HOUSING ASSISTANCE THE YOUTH IS ELIGIBLE TO RECEIVE. ANY EXPECTATIONS FOR THE YOUTH TO CONTRIBUTE TO THE YOUTH'S OWN EXPENSES MUST BE DETERMINED BY REQUIREMENTS IN 7.416.2.

7.406.1 THE STATE REIMBURSES WHEN

- A. The county's case record contains required program documentation. For out-of-home placement, documentation shall include the requirements listed under Section 7.304.51 (12 CCR 2509-4), Authority for Placement.
- B. Care is provided after the case is open and before the case is closed.
- C. The child is with a provider in possession of a valid certificate or license, when one is required.
- D. Placement is with an in-state Residential Child Care Facility or Child Placement Agency on the state approved vendor list or with out of state placement providers as approved through the Interstate Compact on the Placement of Children.
- E. A youth over eighteen (18) years of age is in placement only when the court had jurisdiction before the 18th birthday and the court orders out- of-home placement OR THE YOUTH MEETS

ELIGIBILITY CRITERIA FOR THE FOSTER YOUTH IN TRANSITION PROGRAM AND HAS AN ACTIVE VOLUNTARY SERVICES AGREEMENT.

- F. A child is absent from an out-of-home placement and the county department elects to reimburse the provider during the absence period for the placement for one of the following reasons:
1. The absence does not exceed seven days per absence, with only one (1) seven-day total reimbursement within thirty (30) calendar days for the following reasons:
 - a. The child has run away,
 - b. Trial home visit,
 - c. Trial provider visit,
 - d. Child in detention; or,
 - e. The child has been kidnapped.
 2. Thirty (30) calendar day absences are allowed for the following reasons:
 - a. Respite (unless care is being provided and it violates Section 7.708.31, D (12 CCR 2509-8) and causes a foster care home to be over capacity); or,
 - b. The absence occurs during the first thirty (30) days of a hospitalization.
 3. For children enrolled in the Children's Habilitation Residential Program Waiver (CHRP), the county may continue payment of the equivalent of the maximum federal Supplemental Security Income benefit during all absences.
- G. The out-of-home placement duration for a voluntary Title IV-E child/YOUTH does not exceed 180 calendar days when the county department has filed for a petition to review the need for placement, OR PETITION TO OPEN A FOSTER YOUTH IN TRANSITION CASE by the 90th calendar day and the county has a correctly worded court order issued, based on the request of the petition to review the need for placement; see Court-Related Procedures, Section 7.304.53 (12 CCR 2509-4).
- H. The county department reports an out-of-home or Core Services Program care placement in the Department's automated reporting system within ninety (90) calendar days of its beginning. The State reimburses for retroactive payments not greater than the current and two (2) preceding months.
- I. The county department places children in out-of-home care within the provider's licensed or certified capacity or if the licensed/certified capacity is exceeded with the placement of a sibling group. The county shall document that there are no other appropriate placements available.
- J. A child is in a Child Placement Agency or Residential Child Care Facility within Colorado for longer than ten (10) working days and an agreement to purchase Child Placement Agency or Residential Child Care Facility services is completed for the child.
- K. A child is in a Child Placement Agency or Residential Child Care Facility within Colorado for less than ten (10) working days and the facility has an emergency shelter contract with a county department.
- L. Out-of-home placement occurs in facilities holding current certificates or licenses, including kinship foster care placement.

- M. Children are placed in Child Placement Agencies and Residential Child Care Facilities outside of Colorado according to the rules for out of state placement and Interstate Compact on the Placement of Children.
- N. Respite care is paid to providers of foster care homes. This includes county department or child placement agency foster care homes, or adoptive homes receiving a foster care payment and kinship family foster care providers. It does not include foster homes that provide receiving home care.
- O. The child enters care (first day) but not for the last day in care.
- P. The child is placed and removed on the same day.
- Q. The state reimburses for supervised independent living placements for youth eighteen (18) through the end of the month of the twenty first (21st) birthday, when the county has placement and care responsibility. The state does not reimburse for youth in a supervised independent living placement under the age of eighteen (18).
- R. Child Welfare Child Care program criteria are met.
- S. The Core Services Program is operated within applicable state rules and within the provisions of the county or multi-county state approved Core Services Plan and in accordance with the requirements governing the specific funding streams used.
- T. Client travel costs for out-of-state placement and supervision activities are related to out-of-home placements approved through the Interstate Compact county liaison and the receiving state Interstate Compact on the Placement of Children office. Staff travel costs are reimbursed through county administration.
- U. Payments for out-of-home care and rate adjustments are pro-rated using the foster care daily rate in the State Department's automated reporting system.
- V. The developmental disability rate for children placed in foster care homes, kinship foster care homes, receiving home care, specialized group facilities, specialized foster care in county certified foster care homes, and homes in which a subsidized adoption maintenance payment is made.
- W. The county department for expenditure for clothing purchased for a child in out-of-home care. The state reimburses retroactive clothing payments not greater than the current and two preceding months.
- X. The child is in out-of-home care and the county department lists a child free for adoption with the Colorado Adoption Resource Registry within ninety (90) calendar days following:
 - 1. The date of relinquishment or termination of the parent-child relationship, or
 - 2. The date of placement into out-of-home care following an adoption dissolution.
- Y. The child is in out-of-home care, the county department requests and the State approves an exclusion from Colorado Adoption Resource Registry listing for a child free for adoption within ninety (90) calendar days following:
 - 1. The date of relinquishment or termination of the parent-child relationship; or,
 - 2. The date of placement into foster care following an adoption dissolution.

- Z. If the state approves a Colorado Adoption Resource Registry exclusion because the county finds an adoptive home, reimbursement for out-of-home care is limited to six months from the date the state department receives the request for exclusion.
- AA. Costs are billed for the current and two (2) preceding months.
- BB. The Early intervention and Prevention Program is operated within applicable state rules and within the provision of the county or multi- county state approved services plan.
- CC. A child with development disabilities has been placed in a locked residential setting for treatment and the county has obtained a court order of legal imposition of disability pursuant to Section 27-10.5-110, C.R.S.
- DD. A county department pays incentives to a consortium for meeting or exceeding agreed to outcomes.
- EE. A county department may pay a consortium, if the consortium's outcome measures meet or exceed the agreed to standard.
- FF. A county department purchases Transition Program services provided by an RCCF that is on the approved State RCCF vendor list. In no case shall the rate for transition services exceed the RCCF rate approved by the county department.
- GG. Placement of a child in a provisionally certified foster care home that is fully certified within ninety (90) calendar days from the date of the application.
- HH. IF REQUIRED BY SECTION 24-76.5-101, 102, OR 103 Aa county department SHALL documents the lawful presence of children age eighteen (18) and over receiving services other than those excluded from the definition of a federal public benefit, ~~or~~ state and local public benefits as those terms are defined at Section 24-76.5-102, C.R.S., OR SERVICES EXCLUDED FROM THIS REQUIREMENT AS DEFINED AT SECTION 24-76.5-103, C.R.S.
- II. A county department pays a provider at or above the state-established base anchor rates. A county that negotiates provider rates shall use a request for proposal process, a draft of which shall be submitted to the, no later than March 1. of each calendar year. The Department shall approve or deny the draft proposal no later than April 1 of each calendar year. The request for proposal shall include the following:
 - 1. The county department of human/social services' policy for:
 - a. Determining the time frames for negotiation or re-negotiation of rates, services and outcomes; and,
 - b. Actions to be taken if services are not delivered or outcomes are not met.
 - 2. The Department shall evaluate request for proposals submitted by county departments of human/social services using the following criteria:
 - a. Consideration of whether the county used an approved request for proposal process including, but not limited to, competitive bidding and negotiations;
 - b. Consideration of performance outcomes and whether they are tied to financial incentives.
- JJ. Reasonable travel is provided to the school where the child is enrolled prior to out-of-home placement.

- KK. Reasonable costs are provided for liability insurance for a child.
- LL. Adoption Assistance and Relative Guardianship Assistance Program payments are made in compliance with requirements.
- MM. Case services in adoption assistance agreements and relative guardianship assistance agreements.
- NN. Non-recurring expenses for adoption assistance and relative guardianship assistance agreements.
- OO. A child/youth is placed at the IDD facility, as defined in 7.424.5, with the approval of the State Department. The approved placement period is the duration of treatment, as stated in the most recent approval letter from the State Department, and thirty (30) days after the completion of treatment/ discharge date.
- PP. A county department makes foster care maintenance payments for children/youth placed with parents in a licensed residential family-based treatment facility for substance abuse in accordance with federal and state program and fiscal requirements. Reimbursement shall be eighty percent (80%) of the approved allowable cost, within the available allocation.

7.410 CASE SERVICE PAYMENTS FOR CHILDREN PLACED IN OUT-OF-HOME CARE [Rev. eff. 4/1/12]

Case services are a type of purchased program services that support a case plan for children in out-of-home placement, adoption assistance, or a Relative Guardianship Assistance agreement.

- A. The State reimburses for a one time physical, dental and psychological examination for individual eligible children in out-of-home care per Section 7.003.3, B, 2 (12 CCR 2509-1) 7.607.3, B, 2 (12 CCR 2509-7).
- B. The State reimburses county departments for client transportation as a case service from out-of-home care funds when travel is necessary:
 - 1. For children in out-of-home care to receive services specified in the Family Services Plan that are directly related to visitation and reunification.
 - 2. To return runaways, who are in county department custody, to their Colorado home county.
 - 3. To facilitate a permanent plan through the Interstate Compact on the Placement of Children.
- C. The State does not reimburse for transportation when the:

Child is eligible for Medicaid and the transportation is to enable him/her to secure medical benefits.
- D. The State reimburses county departments for case services provided to children placed by provider consortiums/networks when such services are not a part of either room and board or Medicaid treatment/case management services.
- E. The State reimburses county departments for other case services provided to children in out-of-home placement when such services are not a part of either room and board or Medicaid treatment or case management services.

7.416.2 REIMBURSEMENT FOR SUPERVISED INDEPENDENT LIVING PLACEMENT

This is paid according to the rate negotiated by the county department. The rate may be the State established child maintenance rate or may be the rate negotiated by the county department that ensures the youth has sufficient resources to meet their basic needs AND ANY CONTRIBUTION THE YOUTH IS REQUIRED TO MAKE SHALL BE BASED ON:

- A. THE PRESUMPTION THAT ABILITY TO PAY ALIGNS WITH STANDARDS ESTABLISHED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE OR SIMILAR VOUCHER PROGRAMS. ANY VARIANCE SHALL BE BASED ON THE NEEDS OF THE YOUTH AND:
 - 1. THE NEED TO GRADUALLY REDUCE PAYMENTS IN A MANNER THAT REDUCES POTENTIAL NEGATIVE IMPACTS ASSOCIATED WITH A SUDDEN REDUCTION IN PUBLIC BENEFITS; THIS REDUCTION SHALL NOT BEGIN MORE THAN 120 DAYS PRIOR TO THE PROJECTED END OF PAYMENTS.
 - 2. THE NEED TO PROVIDE STABLE SUPPORT TO THE YOUTH SHOULD THE YOUTH'S INCOME CHANGE RAPIDLY OR UNEXPECTEDLY.
 - 3. ANY VARIANCE AND THE REASON FOR THE VARIANCE SHALL BE DOCUMENTED IN THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM.

Notice of Proposed Rulemaking

Tracking number

2021-00551

Department

500,1008,2500 - Department of Human Services

Agency

2518 - Adult Protective Services

CCR number

12 CCR 2518-1

Rule title

ADULT PROTECTIVE SERVICES

Rulemaking Hearing**Date**

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

The proposed rules are required to implement HB21-1123, which makes changes to the Adult Protective Services statute (Title 26, Article 3.1). The changes will be effective January 1, 2022.

NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107(5)(b), C.R.S. (2020); 26-3.1-108(1), C.R.S. (2020)

Contact information**Name**

Peggy Rogers

Title

Manager, Adult Mistreatment Prevention and Response Section

Telephone

303.866.2829

Email

peggy.rogers@state.co.us

Title of Proposed Rule: Expansion of CAPS Checks to DORA and the Courts

CDHS Tracking #: 21-04-23-01

Office, Division, & Program: Rule Author: Peggy Rogers
OAADS/AAS/APS

Phone: 303.866.2829

DRAFT 8.5.21

E-Mail:
peggy.rogers@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. ☒ Board ☐ Executive Director

b. ☒ Regular ☐ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

☒ AG Initial
Review

☒ Initial Board
Reading

☐ AG 2nd Review

☐ Second Board Reading
/ Adoption

This package contains the following types of rules: *(check all that apply)*

Number

4 Amended Rules

 New Rules

 Repealed Rules

 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October 2021
What date is being requested for this rule to be effective?	January 1, 2022
Is this date legislatively required?	Yes

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated 1st Board 2nd Board Effective Date
Dates: _____

Title of Proposed Rule: Expansion of CAPS Checks to DORA and the Courts

CDHS Tracking #: 21-04-23-01

Office, Division, & Program: Rule Author: Peggy Rogers
OAADS/AAS/APS

Phone: 303.866.2829

DRAFT 8.5.21

E-Mail:
peggy.rogers@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

The proposed rules are required to implement HB21-1123, which makes changes to the Adult Protective Services statute (Title 26, Article 3.1). The changes will be effective January 1, 2022.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency: N/A

State Board Authority for Rule:

Code	Description
26-1-107(5)(b), C.R.S. (2020)	State Board to promulgate rules for programs administered and services provided by the state department as set forth in titles 26 and 27 of the C.R.S. Adult Protective Services is governed by article 3.1 of Title 26.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-3.1-108(1), C.R.S. (2020)	State Board to promulgate rules for title 25, article 3.1.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☒

Yes

☐

No

If yes, please explain.

Confidentiality exceptions added with HB21-1123 have been incorporated into the rules at 30.250,B, 10-11, using statute language.

Title of Proposed Rule: Expansion of CAPS Checks to DORA and the Courts

CDHS Tracking #: 21-04-23-01

Office, Division, & Program: Rule Author: Peggy Rogers
OAADS/AAS/APS

Phone: 303.866.2829

DRAFT 8.5.21

E-Mail:
peggy.rogers@state.co.us

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

This rule impacts county departments of social/human services adult protective services (APS) staff; district and probate courts (court); persons petitioning the court to become a guardian or conservator of an at-risk adult; the Department of Regulatory Agencies (DORA); healthcare professionals licensed by the DORA; and employers of healthcare professionals licensed by DORA.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There is no fiscal impact to CDHS. There is a fiscal impact to the courts as they will have to pay the fee to request a CAPS check. The courts may offset this cost by charging the petitioner for the CAPS check fee. DORA had earlier indicated to APS staff that there would be no fiscal impact to DORA.

County Fiscal Impact

For counties with policies to name the APS caseworker or supervisor as the guardian/conservator and for counties that are not appointed as clients' guardians and/or conservators there will be no fiscal impact. If the county department has a policy to name the county director or another county staff person who is not an APS caseworker or supervisor as the APS client's guardian or conservator, a CAPS check will be required. The county department may be charged the CAPS fee by the court.

Federal Fiscal Impact

None. APS does not have federal regulations or oversight. For recently obtained federal funding related to COVID, there is no impact.

Other Fiscal Impact (such as providers, local governments, etc.)

Title of Proposed Rule: Expansion of CAPS Checks to DORA and the Courts

CDHS Tracking #: 21-04-23-01

Office, Division, & Program: Rule Author: Peggy Rogers
OAADS/AAS/APS

Phone: 303.866.2829

DRAFT 8.5.21

E-Mail:
peggy.rogers@state.co.us

Families of APS clients who pursue guardianship or conservatorship may be charged by the court the fee for the CAPS check.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

These rules are the result of HB21-1123, which was moved by the Legislative Audit Committee to close gaps in the APS statute related to reporting substantiated perpetrators to the Department of Regulatory Agencies and the courts.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

None. HB21-1123 was signed into law and rules must be adopted to enact the statutory changes.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
30.100	Adds a definition	N/A	Adds a definition of “authorized requestor” as it applies to CAPS checks.	To simplify language and improve readability and understanding.	Yes
30.100	Adds a definition	N/A	Adds a definition for “court” as it applies to the CAPS check process (Section 30.960).	To be clear about which court may request CAPS checks.	Yes
30.100	Adds a definition	N/A	Adds a definition for “DORA” as it applies to Section 30.520.	To simplify language and improve readability and understanding.	Yes
30.100	Adds a definition	N/A	Adds a definition for “licensed healthcare professional” as it applies to Section 30.520.	To simplify language and improve readability and understanding.	Yes
30.100	Adds a definition	N/A	Adds a definition for “potential appointee” as it applies to the CAPS check process for courts (Section 30.960).	To simplify language and improve readability and understanding.	Yes
30.250.B.10	Adds a confidentiality exception.	N/A	Adds a new exception that allows the sharing of certain APS information without a court order with the Department of Regulatory Agencies (DORA).	To implement with HB21-1123.	Yes
30.250.B.11	Adds a confidentiality exception.	N/A	Adds a new exception that allows the sharing of certain APS information without a court order with District and probate courts that hear petitions for guardianship and/or conservatorship of at-risk adults.	To implement with HB21-1123.	No
30.520.B.5	Adds a requirement for employers required to request CAPS checks.	N/A	Employers that are required to request CAPS checks are now required to provide the DORA license number for current or former employees who have been substantiated of mistreatment.	To implement with HB21-1123.	No
30.520.D.3	Adds a requirement for county departments to ascertain and document a substantiated perpetrator’s DORA license number.	N/A	County department APS caseworkers are now required to ascertain and document the DORA license number for any substantiated perpetrators who hold a healthcare profession or occupation license when the mistreatment occurred during the conduct of their professional duties. The rule provides three ways that the county department can ascertain the number, from the employer, the substantiated perpetrator, or the DORA website search tool.	To implement with HB21-1123.	No
30.520.E	Adds rules regarding the information that will be provided to DORA when a licensed healthcare professional is substantiated of mistreatment.	N/A	The rule details the effective date of the rule, the specific information that will be shared with DORA, the timeline for providing that information to DORA, and that the information provided to DORA is not subject to the Colorado Open Records Act.	To implement with HB21-1123.	No
30.960. B	Adds a requirement to	N/A	Beginning January 1, 2022 courts will be required to	To implement with HB21-	No

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
	complete CAPS checks for the court.		request CAPS checks for persons who may be appointed as a guardian and/or conservator of an at-risk adult. The rule is being updated to include the court and persons who may be appointed as guardian or conservator.	1123.	
30.960. E	Technical cleanup	Includes the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”.	Replaces the phrase with “authorized requestor”.	To simplify language and improve readability and understanding.	Yes
30.960.G	Adds the courts to the rule.	Rule currently includes employers only. Includes the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”.	Beginning January 1, 2022 courts will be required to request CAPS checks for persons who may be appointed as a guardian and/or conservator of an at-risk adult. The rule is being updated to add the courts and replaces the lengthy phrase with “authorized requestor”.	To implement with HB21-1123 and to simplify language and improve readability and understanding.	No
30.960.H	Adds the courts and persons who may be appointed as a guardian and/or conservator.	Rule currently includes employers only. Includes the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”.	Beginning January 1, 2022 courts will be required to request CAPS checks for persons who may be appointed as a guardian and/or conservator of an at-risk adult. The rule is being updated to include the court and persons who may be appointed as guardian or conservator and replaces the lengthy phrase with “authorized requestor”.	To implement with HB21-1123 and to simplify language and improve readability and understanding.	No
30.960.I	Adds the courts and persons who may be appointed as a guardian and/or conservator.	Rule currently includes employers only. Includes the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”.	Beginning January 1, 2022 courts will be required to request CAPS checks for persons who may be appointed as a guardian and/or conservator of an at-risk adult. The rule is being updated to include the court and persons who may be appointed as guardian or conservator and replaces the lengthy phrase with “authorized requestor”.	To implement with HB21-1123 and to simplify language and improve readability and understanding.	No
30.960.I.3	Adds requirement for the courts to request a new CAPS check under certain conditions.	N/A	The rule will require the court to ensure that a guardian or conservator who is not appointed in a case but may be considered for a case more than 30 days later, the court must request a new CAPS check. This is to prevent to the extent possible, the possibility of a guardian/conservator being substantiated in the interim and never reported to the court. There is an exception if the guardian/conservator is a professional used frequently by the court. And the rule requires each court that uses a professional to request a check for that professional.	To implement with HB21-1123.	No
30.960.I.4	Adds the courts.	Rule currently includes employers only.	Allows the CAPS Check Unit to request information from the court when the information was incomplete.	To implement with HB21-1123.	No
30.960.I.5	Adds the courts.	Rule currently includes employers only.	Allows the CAPS Check Unit to request additional information when there is reason to believe the information provided was inaccurate.	To implement with HB21-1123.	No
30.960.I.7	Adds the courts.	Rule currently includes employers only.	Includes the court in the misdemeanor penalty for requesting a check on an individual who is not a potential appointee.	To implement with HB21-1123.	No
30.960.J.1 and 2.a	Technical clean up.	Rule currently calls CAPS checks “employer CAPS checks” and references	Removing “employer”. Updates language to reflect current website.	Technical clean up.	No

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
		a future website.			
30.960.J.3. a-c	Technical clean up.	Currently uses the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”	Replaces with “authorized requestor”.	To simplify language and improve readability and understanding.	Yes
30.960.K	Adds timeline for providing results to the court.	Rule currently includes the employer timeline only.	Beginning January 1, 2022 courts will be required to request CAPS checks for persons who may be appointed as a guardian and/or conservator of an at-risk adult. The rule is being updated to include the court timeline to receive results.	To implement with HB21-1123.	No
30.960.K.1	Technical clean up.	Currently uses the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”	Replaces with “authorized requestor”.	To simplify language and improve readability and understanding.	Yes
30.960.L.1-5	Adds the courts and potential appointees. Adds additional information that will be provided on CAPS checks.	Rule currently includes the employer only.	Beginning January 1, 2022 courts will be required to request CAPS checks for persons who may be appointed as a guardian and/or conservator of an at-risk adult. The rule is being updated to include information that will be provided to the court with CAPS check results.	To implement with HB21-1123.	No
30.960.M	Technical clean up.	Currently uses the phrase “employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer”	Replaces with “authorized requestor”.	To simplify language and improve readability and understanding.	Yes

STAKEHOLDER COMMENT SUMMARY**Development**

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County department directors, APS Task Group members, Aging and Adult Sub-PAC members, PAC members, Department of Regulatory Affairs, Judicial, court clerks, employers registered to request CAPS checks, licensed healthcare professionals, Colorado Health Care Association, Colorado Hospital Association, ARC of Colorado, ARC of Aurora, Alliance, Colorado Cross Disability Coalition, Colorado Gerontological Society, Goodwill Services, Health Care Policy and Financing, Colorado Department of Public Health and Environment, Regional Centers, Veterans Community Living Centers, Developmental Disabilities Council, Office of Public Guardianship, Office of Behavioral Health, Disability Law Colorado, Area Agencies on Aging, Colorado Commission on Aging, and the Strategic Action Planning Group on Aging.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☒ Yes ☐ No

If yes, who was contacted and what was their input?

DORA and the courts were supportive of the statutory changes. The APS staff have been working closely with representatives of both agencies to develop the rules and implement the bill's requirements.

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Name of Sub-PAC	Aging and Adult		
Date presented	Initial presentation July 8, 2021. No concerns raised. Final presentation and vote August 5, 2021.		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	14	0	0
If not presented, explain why.	4 members were absent		

PAC

Have these rules been approved by PAC?

☐ Yes ☐ No

Date presented	September 2, 2021		
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

Other Comments

DRAFT 8.5.21

Comments were received from stakeholders on the proposed rules:

☒ Yes ☐ No

If “yes” to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

Stakeholder Engagement Process and Feedback

April 26, 2021 – Began meeting with representatives from the Department of Regulatory Agencies (DORA) and Judicial to begin to establish processes to implement the statute.

May 12, 2021 – House Bill 21-1123 and the key rule changes that might be needed were discussed during the May APS Task Group meeting. During the meeting the Task Group recommended:

- The rules include a definition of “court” as it applies to CAPS checks to be clear it is only courts that hear petitions for guardianship and conservatorship of at-risk adult that can and must request CAPS checks.
 - o This has been included in the proposed rule packet in Section 30.100.
- Simplifying some language. A number of phrases from statute are long and cumbersome, creating issues with ease of reading and comprehending the rules. The task group recommended adding definitions to allow the shortening of these phrases.
 - o These have all been included in the proposed rule packet in Section 30.100:
 - ‘Authorized requestor’ defined as employer or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer, or the court.
 - ‘DORA’, defined as the Department of Regulatory Agencies, Division of Professions and Occupations.
 - ‘Licensed healthcare professional’, defined as a person with a healthcare professional or healthcare occupation license from DORA.
 - ‘Potential appointee’ defined as a person who may be appointed as guardian or conservator.
- The rules be certain to include that the “provision of their professional duties” requirement from statute be incorporated into rules in the investigation section where the rules around findings on licensed professionals are written.
 - o This was incorporated into the rules in Section 30.520.
- A clear rule to let workers know not to share additional information with DORA when DORA is conducting an investigation, unless it meets an exception in the confidentiality rules.
 - o This was incorporated into the rules in Section 30.250.

May 19, 2021 – Two Stakeholder Listening Sessions were held. DORA and Judicial attended to answer any questions specific to their agencies. A number of questions arose about the bill and how it will impact professionals and caregivers. A [CDHS Fact Sheet and Stakeholder FAQ](#) was developed from those questions and posted to the APS [website](#) on 6.16.21. There were no suggestions on how to draft/what to include in rule. Stakeholders invited to this meeting included:

- Employers registered to request CAPS checks
- Licensed healthcare professionals
- Court clerks
- Statewide associations representing employers required to request CAPS checks, including the Colorado Health Care Association and the Colorado Hospital Association,

DRAFT 8.5.21

- Advocacy groups and individuals, including ARC of Colorado, ARC of Aurora, Alliance, the Colorado Cross Disability Coalition, Colorado Gerontological Society, Goodwill Services
- County department directors, and PAC, Aging and Adult Sub-PAC, and APS task group members
- Other State agencies and offices, including Health Care Policy and Financing (HCPF), Colorado Department of Public Health and Environment (CDPHE), Regional Centers, Veterans Community Living Centers, Developmental Disabilities Council, Office of Public Guardianship, and the Office of Behavioral Health
- Disability Law Colorado
- Area Agencies on Aging
- Colorado Commission on Aging (CCOA)
- Strategic Action Planning Group on Aging (SAPGA)

June 9, 2021 – During the June APS Task Group Meeting, the group reviewed the draft rules. The Task Group voted 11-0, with one voting member absent, to approve the rules to move forward to the Aging and Adult Sub-PAC in August 2021.

July 8, 2021 – Discussed the rules with the Aging and Adult Sub-PAC during their meeting. One member noted that at 30.520.D.3 the rule did not include the phrase “committed during the performance of their professional duties” to clarify when the DORA license number is required. The Department made the correction to that rule. There was no other feedback or concerns.

Stakeholder Feedback on Drafted Rules

Judicial requested that when discussing the court, that “district” courts are noted prior to “probate” courts because there is only one probate court in Colorado. This change was made in the regulatory analysis and in the definition of “court” in 30.100.

Judicial noted that professional guardians and conservators may be appointed by several different courts. With this feedback, the Department added a rule (30.960.I.3.b) to ensure that each court request a CAPS check of the professional to ensure that should a professional guardian or conservator be subsequently substantiated of mistreatment, all courts that utilize that professional would be notified of the new finding.

DEPARTMENT OF HUMAN SERVICES

Adult Protective Services

ADULT PROTECTIVE SERVICES

12 CCR 2518-1

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

30.000 ADULT PROTECTIVE SERVICES

30.100 DEFINITIONS [Rev. eff. 8/2/19]

The following definitions shall apply to these rules.

"Abuse", pursuant to Section 26-3.1-101(1), C.R.S., means any of the following acts or omissions committed against an at-risk adult:

- A. The non-accidental infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation;
- B. Confinement or restraint that is unreasonable under generally accepted caretaking standards; or,
- C. Unlawful sexual behavior as defined in Section 16-22-102(9), C.R.S.

"Adult Protective Services (APS) Program" means the State Department supervised, county department administered program that has the authority to investigate and/or assess allegations of mistreatment and self-neglect of at-risk adults. The APS Program offers protective services to prevent, reduce, or eliminate the current or potential risk of mistreatment or self-neglect to the at-risk adult using community based services and resources, health care services, family and friends when appropriate, and other support systems. The APS Program focuses on the at-risk adult and those services that may prevent, reduce, or eliminate further mistreatment or self-neglect. The APS Program refers possible criminal activities to law enforcement and/or the district attorney for criminal investigation and possible prosecution.

"Allegation" means a statement asserting an act or suspicion of mistreatment or self-neglect involving an at-risk adult.

"Assessment" means the process of evaluating a client's functional abilities to determine the client's level of risk and, in cooperation with the client whenever possible, to identify service needs for the case plan.

"Assumed responsibility", as used in the definition of caretaker, means a person who is providing or has provided recurring or temporary assistance to help meet the basic needs of an at-risk adult. The assumption of responsibility can attach by entering into a formal or informal agreement, whether paid or unpaid; by identifying oneself as a caretaker to others; or based on the nature of the situation or relationship between the caretaker and the at-risk adult.

"At-risk adult", pursuant to Section 26-3.1-101(1.5), C.R.S., means an individual eighteen years of age or older who is susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for his or her health, safety, or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his or her person or affairs.

“AUTHORIZED REQUESTOR” PURSUANT TO SECTION 30.960, MEANS AN EMPLOYER, A PERSON OR ENTITY CONDUCTING THE EMPLOYEE CAPS CHECK ON BEHALF OF THE EMPLOYER, OR THE COURT THAT ARE REQUIRED TO REQUEST CAPS CHECKS.

“CAPS” means the Colorado Adult Protective Services (APS) State Department prescribed data system.

“CAPS check” means a check of the Colorado Adult Protective Services data system pursuant to Section 26-3.1-111, C.R.S.

“Caretaker”, pursuant to Section 26-3.1-101(2), C.R.S., means a person who:

- A. Is responsible for the care of an at-risk adult as a result of a legal relationship; or
- B. Has assumed responsibility for the care of an at-risk adult; or,
- C. Is paid to provide care, services, or oversight of services to an at-risk adult.

“Caretaker neglect”, pursuant to Section 26-3.1-101(2.3)(a), C.R.S., means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for the health, safety, or welfare of the at-risk adult is not secured for an at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise, or when a caretaker knowingly uses harassment, undue influence, or intimidation to create a hostile or fearful environment for an at-risk adult. However, the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and hydration, any medication or medical procedure or device, in accordance with any valid medical directive or order, or as described in a palliative plan of care, is not deemed caretaker neglect. In addition to those exceptions identified above, access to Medical Aid in Dying, pursuant to Title 25, Article 48, C.R.S., shall not be considered caretaker neglect.

“Case” means the process by which a county department provides services to an at-risk adult. A case begins when a report identifies an at-risk adult and allegations that qualify as a mistreatment or self-neglect, and the report is screened in for investigation and assessment. The county department may continue to provide services under a case after the investigation has concluded.

“Caseload average” means the fiscal year monthly average of new cases and the sum of cases carried over from the prior fiscal year, per caseworker. The fiscal year caseload average is calculated as: $[(\text{new cases}/12) + \text{cases carried over from prior FY}] / \text{FTE on June 30} = \text{caseload average}$. Caseload average will fluctuate on a monthly basis that may be influenced by a number of factors; therefore, the caseload average is based on the fiscal year average.

“Case planning” means using the information obtained from the investigation and/or assessment to identify, arrange, and coordinate protective services in order to reduce the client’s level of risk for mistreatment and self-neglect and improve safety.

“Certification due date” means the date by which new APS staff must complete certification training. The certification due date for supervisors, lead caseworkers, and caseworkers is six months from the date the supervisor, lead caseworker, or caseworker was hired or transferred to the APS program. The certification due date for case aides and screeners is one month from the date the case aide or screener was hired or transferred to the APS program.

“Clergy member”, pursuant to Section 26-3.1-101(2.5), C.R.S., means a priest; rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order; or recognized leader of any religious body.

“Client” means an actual or possible at-risk adult for whom a report has been received and the county department has made a response.

“Collateral contact” means a person who has relevant knowledge about the client’s situation that supports, refutes, or corroborates information provided by a client, reporting party, or other person involved in the case. Examples of contacts include, but are not limited to, family members, law enforcement, health care professionals, service providers, facility staff, neighbors, the reporting party, friends, and any person who provides/provided ongoing care or support to the client.

“County Department” means a county department of human/social services.

“COURT”, PURSUANT TO SECTION 30.960 MEANS A DISTRICT OR PROBATE COURT THAT HEARS PETITIONS FOR AND APPOINTS GUARDIANS AND/OR CONSERVATORS OF ADULTS.

“Date of notice” means the date that the notice of a substantiated finding against a perpetrator(s) is mailed to the last known mailing address(es) of the perpetrator(s).

“Direct care”, pursuant to Section 26-3.1-101(3.5), C.R.S., means services and supports, including case management services, protective services, physical care, mental health services, or any other service necessary for the at-risk adult’s health, safety, or welfare. An employer may identify which employees provide direct care, consistent with this definition, in an internal policy.

“DORA” PURSUANT TO SECTION 30.520, MEANS THE DEPARTMENT OF REGULATORY AGENCIES, DIVISION OF PROFESSIONS AND OCCUPATIONS THAT OVERSEES THE LICENSURE OF HEALTHCARE PROFESSIONALS.

“Employee”, pursuant to Section 26-3.1-111(2), C.R.S., means a person, other than a volunteer, who is employed by or contracted with an employer and includes a prospective employee.

“Employer”, pursuant to Section 26-3.1-111(2), C.R.S., means a person, facility, entity, or agency described in Section 26-3.1-111(7), C.R.S., and includes a prospective employer. “Employer” also includes a person hiring someone to provide Consumer-Directed Attendant Support Services pursuant to C.R.S. Article 10 of Title 25.5, if the person requests a CAPS check.

“Enhanced supervision” means CAPS security access that prevents a caseworker from finalizing an investigation, assessment, case plan, or case closure without supervisory approval.

“Exploitation” means an act or omission that:

- A. Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit, or possession of anything of value; or,
- B. Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult; or,
- C. Forces, compels, coerces, or entices an at-risk adult to perform services for the profit or advantage of the person or another person against the will of the at-risk adult; or,
- D. Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

“Facility” means a medical or long-term care facility that provides 24 hour care and oversight for residents, and includes a group home, alternative care facility, state regional center, or state mental health facility.

“Financial institution” means a state or federal bank, savings bank, savings and loan association or company, building and loan association, trust company, or credit union.

“Fiscal Year” means the State Department fiscal year, which begins July 1 and ends June 30.

“FTE” means Full Time Equivalent. The actual percentage of time a person works on the APS program shall be considered that person’s FTE.

“Good cause”, except as applied by a court, means emergency conditions or other circumstances which would prevent a reasonable person from meeting a deadline or complying with APS rule or practice. Examples include, but are not limited to, law enforcement request to delay the APS investigation; inability to locate the client or collaterals despite reasonable, documented attempts; additional time required to obtain documents which were timely requested but not delivered; lack of proper notice to the substantiated perpetrator of the availability of an appeal; etc.

“Harmful act” means an act committed against an at-risk adult by a person with a relationship to the at-risk adult when such act is not defined as abuse, caretaker neglect, or exploitation but causes harm to the health, safety, or welfare of an at-risk adult.

“Inconclusive finding” means that indicators of mistreatment or self-neglect may be present but the investigation could not confirm the evidence to a level necessary to substantiate the allegation.

“Investigation” means the process of determining if an allegation(s) of mistreatment or self-neglect involving an at-risk adult can be substantiated by a preponderance of evidence.

“Least restrictive intervention” means acquiring or providing services, including protective services, for the shortest duration and to the minimum extent necessary to remedy or prevent mistreatment or self-neglect.

“LICENSED HEALTHCARE PROFESSIONAL” FOR THE PURPOSE OF SECTION 30.520 MEANS A PERSON WHO IS LICENSED THROUGH THE DEPARTMENT OF REGULATORY AGENCIES, DIVISION OF OCCUPATIONS AND PROFESSIONS (DORA) FOR A HEALTHCARE PROFESSION OR HEALTHCARE OCCUPATION.

“Medical Directive or Order” means a medical durable power of attorney, a declaration as to medical treatment executed pursuant to Section 15-18-104, C.R.S., a medical order for scope of treatment form executed pursuant to Article 18.7 of Title 15, C.R.S., and a cardiopulmonary resuscitation (CPR) directive executed pursuant to Article 18.6 of Title 15, C.R.S.

“Minor impact” means the client may experience some difficulty with the assessment risk indicator, but there is very little impact on the client’s overall health, safety, and/or welfare and no intervention is necessary to improve overall safety.

“Mistreatment”, pursuant to Section 26-3.1-101(7), C.R.S., means:

- A. Abuse;
- B. Caretaker neglect;
- C. Exploitation; or,
- D. A harmful act.

“Mistreatment occurred - not culpable finding” means the investigation established by a preponderance of the evidence that mistreatment occurred but the individual who caused the mistreatment is not culpable. Documentation must clearly support that the individual who caused the mistreatment is an at-risk adult or

a minor child with cognitive functioning that prevents the at-risk adult or child from having awareness of the consequences of their actions, as demonstrated by county department observations of cognition or behaviors, and/or interviews with expert collaterals, and/or medical or neuro-psych records, and/or behavioral plans developed by the adult's or child's service agency. A "mistreatment occurred – not culpable finding" must be used if the individual who caused the mistreatment is a child under the age of ten (10) years old.

"Person with a relationship", as applied to the definition of harmful act, means a person who can be identified as having a relationship or attempting to develop a relationship with an at-risk adult. The relationship may include but is not limited to a familial, legal, caretaking, pastoral, friendship, or other relationship and excludes strangers.

"POTENTIAL APPOINTEE", PURSUANT TO SECTION 30.960 MEANS A PERSON WHO MAY BE APPOINTED BY THE COURT AS A GUARDIAN OR CONSERVATOR OF AN AT-RISK ADULT.

"Preponderance of Evidence" means credible evidence that a claim is more likely true than not.

30.200 ADULT PROTECTIVE SERVICES PROGRAM ADMINISTRATION AND OVERVIEW

30.250 CONFIDENTIALITY [Rev. eff. 8/2/19]

A. Pursuant to Section 26-3.1-102(7)(a), C.R.S. and except as provided in Section 26-3.1-102(7)(b), C.R.S. and Section 30.250, B, reports of the mistreatment or self-neglect of any at-risk adult, including the name and address of any at-risk adult, member of said adult's family, or informant, or any other identifying information contained in such reports and subsequent cases resulting from the reports, is confidential, and is not public information. The county department shall treat all information related to the report and the case, whether in written or electronic form, as confidential and such information includes, but is not limited to, the following:

1. Identifying information, such as the name, address, relationship to the at-risk adult, Date of Birth, or Social Security Number of the:
 - a. At-risk adult;
 - b. At-risk adult's family members;
 - c. Reporting party;
 - d. Alleged perpetrator; and,
 - e. Other persons involved in the case.
2. Allegations, assessment, and investigative findings, including, but not limited to:
 - a. The initial report of allegations and concerns;
 - b. The client's safety and risk as determined by the client assessment;
 - c. Medical and behavioral diagnoses, past medical conditions, and disabilities;
 - d. Services provided to or arranged for the adult;
 - e. Information learned as a result of a criminal investigation;

- f. Information obtained during the APS investigation and the substantiation or non-substantiation of the allegations; and,
 - g. Legal protections in place including, but not limited to, wills, advance directives, powers of attorney, guardianship, conservatorship, representative payeeship, and protective orders.
- B. Pursuant to Section 26-3.1-102(7)(b), C.R.S., disclosure of a report of the mistreatment or self-neglect of an at-risk adult and information relating to an investigation of such a report and subsequent cases resulting from the report is permitted only when authorized by a court for good cause. A court order is not required, and such disclosure is not prohibited when:
 - 1. A criminal investigation into an allegation of mistreatment is being conducted, when a review of death by a coroner is being conducted when the death is suspected to be related to mistreatment, or when a criminal complaint, information, or indictment is filed and the report and case information is relevant to the investigation, death review, complaint, or indictment.
 - 2. There is a death of a suspected at-risk adult from mistreatment or self-neglect and a law enforcement agency files a formal charge or a grand jury issues an indictment in connection with death.
 - 3. The disclosure is necessary for the coordination of multiple agencies' joint investigation of a report or for the provision of protection services to an at-risk adult, such as, but not limited to:
 - a. Coordination with law enforcement to conduct a joint investigation;
 - b. Providing protective services, such as establishing eligibility for, arrangement and implementation of services and benefits, and appointment of a guardian and/or conservator.
 - c. A review of a power of attorney is requested under the uniform power of attorney act, as outlined at C.R.S. Title 15, Article 14, Part 7 or review of a fiduciary under C.R.S. Title 15, Article 10, Part 5.
 - d. Reviewing a case with the Adult Protection Team to find solutions to cases with complex service provision needs, in accordance with the Adult Protection Team's by-laws, and when in executive session with members who have signed a confidentiality agreement.
 - 4. The disclosure is necessary for purposes of an audit of a county department of human or social services pursuant to Section 26-1-114.5, C.R.S.
 - 5. The disclosure is made for purposes of the appeals process relating to a substantiated case of mistreatment of an at-risk adult pursuant to Section 26-3.1-108(2), C.R.S.
 - a. This subsection is in addition to and not in lieu of other federal and state laws concerning protected confidential information. Disclosures allowed are:
 - i. Notification made by the county department to substantiated perpetrator(s) of mistreatment pursuant to Section 26-3.1-108, C.R.S.

- ii. Disclosure by the State Department for purposes of the appeals process relating to a substantiated case of mistreatment of an at-risk adult pursuant to Section 26-3.1-108(2), C.R.S.
- 6. The disclosure is made by the State Department to an employer, or to a person or entity conducting employee screening on behalf of the employer, as part of a CAPS check pursuant to Section 26-3.1-111, C.R.S. or by a county department pursuant to Section 26-3.1-107, C.R.S.
- 7. The disclosure is made to an at-risk adult, or if the at-risk adult is otherwise incompetent at the time of the request, to the guardian or guardian ad litem for the at-risk adult, with the following conditions:
 - a. The disclosure shall not be made until after investigation is complete; and,
 - b. The disclosure shall not include any identifying information related to the reporting party or any other appropriate persons, as follows:
 - i. The county department shall redact any and all identifying information related to the reporting party; and,
 - ii. The county department may redact Personal Identifying Information (PII) related to the client, supports, collaterals, and alleged or substantiated perpetrators, as deemed necessary by the county department; and,
 - c. The county department shall redact all Personal Health Information (PHI) protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), state, or federal law of the reporting party, supports, collaterals, and alleged or substantiated perpetrator; and,
 - d. The county department shall obtain from the guardian a copy of the guardianship order or guardian ad litem appointment, independently verify that the order or appointment remains valid, and attach the order or appointment to the client's case in CAPS; and,
 - e. If the guardian is a substantiated perpetrator in a case of mistreatment of an at-risk adult, the disclosure must not be made without authorization by the court for good cause. The county department shall require the guardian to obtain a court order and the county department shall obtain a copy of the court order from the guardian and attach the order to the case in CAPS.
- 8. The disclosure is made to a county department that assesses or provides protective services for children, when the information is necessary to adequately assess for safety and risk or to provide protective services for a child. A county department that assesses or provides protective services for at-risk adults is similarly permitted to access information from a county department that assesses or provides protective services for children pursuant to Section 19-1-307(2)(X), C.R.S.
 - a. Information must be limited to information regarding prior or current reports, assessments, investigations, or case information related to an at-risk adult or an alleged perpetrator.
 - b. The provisions of this Subsection 30.250, B, 8 are in addition to and not in lieu of other federal and state laws concerning protected or confidential information.

- i. the county department may not share Personal Identifying Information (PII) or Personal Health Information (PHI) protected by HIPAA that is not necessary to the child welfare investigation, assessment, or provision of services for the child(ren).
 - ii. Information provided to child welfare staff must be the minimum necessary for worker safety concerns for child welfare staff, the investigation, assessment, and provision of services for the child(ren).
 - iii. County department APS staff may share information with any county department's child welfare staff.
 - iv. The county department's child welfare staff shall not be provided access to CAPS, unless that child welfare staff person is also the county department's APS staff person.
- 9. The disclosure is made to an employer required to request a CAPS check pursuant to Section 26-3.1-111 or to the State Department agency that oversees the employer when the information is necessary to ensure the safety of other at-risk adults under the care of the employer. The information must be the minimum information necessary to ensure the safety of other at-risk adults under the care of the employer or oversight of the State Department agency.
- 10. THE DISCLOSURE IS MADE PURSUANT TO SECTION 26-3.1-111(12) TO A HEALTH OVERSIGHT AGENCY, AS DEFINED IN 42 CFR 164.501, WITHIN THE DEPARTMENT OF REGULATORY AGENCIES OR A REGULATOR, AS DEFINED IN SECTION 12-20-102(14), WITHIN SUCH A HEALTH OVERSIGHT AGENCY.
 - a. THE STATE DEPARTMENT, NOT COUNTY DEPARTMENTS, SHALL PROVIDE THIS INFORMATION TO DORA.
 - b. COUNTY DEPARTMENTS MUST OBSERVE ALL CONFIDENTIALITY REQUIREMENTS IN THE EVENT DORA CONTACTS THEM DURING AN INVESTIGATION.
- 11. THE DISCLOSURE IS MADE TO THE COURT PURSUANT TO SECTION 26-3-111(3) (b) AND (8.5)(b).
- C. Whenever there is a question about the legality of releasing information the requestor shall be advised to submit a written request to the appropriate court to order the county department to produce the desired records or information within the custody or control of the county department.
- D. Information released under Section 30.250, B, shall be the minimum information necessary to secure the services, conduct the investigation, or otherwise respond to the court order. The county department shall:
 - 1. Provide the information only to persons deemed essential to the court order, criminal or APS investigation, adult protection team activities, or the provision of services;
 - 2. Edit the information prior to its release to physically remove or redact sensitive information not essential to the court order, criminal or APS investigation, adult protection team activities, or provision of services and benefits;

3. Redact all information that would identify the reporting party unless ordered by the court, the reporting party has given written consent, or when sharing the report with law enforcement, per Section 26-3.1-102, (3), C.R.S;
 4. Always redact all HIPAA protected information and any other confidential information which is protected by law unless specifically ordered by a court; and,
 5. Redact all other report and case information not directly related to the court order.
- E. In a criminal or civil proceeding or in any other circumstance in which the APS report and/or case record is subpoenaed or any request for disclosure has been made, or any county department or State Department representative is ordered to testify concerning an APS report or case, the court shall be advised, through proper channels, of the statutory provisions, rules, and policies concerning disclosure of information.
1. Confidential information shall not be released unless so ordered by the court for good cause, except as outlined in Section 30.250, B.
 2. Courts with competent jurisdiction may determine good cause. Although it is not an exhaustive list, the following are examples of court proceedings in which a court may determine that good cause exists for the release of confidential information:
 - a. Guardianship or conservatorship proceeding in which either the county is the petitioner or has been ordered to testify;
 - b. Review of power of attorney under the uniform power of attorney act, as outlined at Title 15, Article 14, Part 7, Colorado Revised Statutes (C.R.S.);
 - c. Review of a fiduciary under Title 15, Article 10. Part 5, C.R.S.; and/or,
 - d. Criminal trial.
 3. The county department or State Department shall comply within the time frame ordered by the court, unless a motion to quash is pending, or, if there is no stated timeline within the court order, in accordance with county department or State Department policy and provide a written notice with the information to be released regarding the legality of sharing confidential information.
- F. Individuals or groups requesting information regarding APS reports and/or investigations shall be informed of the confidential nature of the information and shall be advised that a court order is required to release information held by the county department, except as provided at Section 30.250, B. These persons or groups include, but are not limited to:
1. Federal and state legislators;
 2. Members of other governmental authorities or agencies, including county commissioners, city councils, school boards, and other city and county department boards, councils, officials, and employees;
 3. Courts;
 4. Attorneys, guardians, conservators, agents under powers of attorney, representative payees, and other fiduciaries;
 5. Family members, reporting parties, or other interested parties;

6. Any alleged perpetrator; and,
 7. Media representatives.
- G. Any person who violates any provision of this Subsection 30.250, A through F is guilty of a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars as provided in Section 26-3.1-102(7), C.R.S.
- H. All confidential APS information and data shall be processed, filed and stored using safeguards that prevent unauthorized personnel from acquiring, accessing, or retrieving the information.
1. Client files created prior to July 1, 2014 when CAPS was implemented shall be kept in a secured area when not in use. All other documents related to APS reports and cases shall be kept in CAPS, as outlined in Section 30.260, B and C.
 2. Laptops and other mobile devices used to document in the field shall be protected and encrypted in compliance with HIPAA security requirements.
 3. Email correspondence that contains APS confidential information shall be sent through secure encryption programs.
 4. The State Department shall ensure that only State Department and county department staff persons with a business need to do so shall have access to CAPS.
 - a. All CAPS users must electronically sign the CAPS Security and Confidentiality Agreement annually and follow the requirements therein.
 - b. County departments shall not access information in CAPS that is not necessary to serve the client.
 - c. Violations of CAPS security and confidentiality requirements may result in loss of access to CAPS, at the discretion of the State Department.
- I. Clients shall be referred to the Colorado Address Confidentiality Program (ACP) as appropriate to determine their eligibility for services including the legal substitute mailing address and mail forwarding services. The State Department and county department shall comply with any applicable provisions for APS clients enrolled in the ACP.

30.500 INVESTIGATION AND ASSESSMENT

30.520 INVESTIGATION [Rev. eff. 8/2/19]

- A. The county department shall conduct an investigation to determine findings related to allegations of mistreatment or self-neglect, as required by Section 30.510. The investigation shall include, but may not be limited to:
1. Determining the need for protective services. If the client is in clear and immediate danger, the county shall intervene immediately by notifying the proper emergency responders.
 2. Determining if the investigation should be conducted jointly with another entity, except in self-neglect only cases, such as:

- a. Law enforcement and/or the district attorney;
 - b. Community Centered Board;
 - c. Health Facilities Division;
 - d. Attorney General's Medicaid Fraud Unit;
 - e. The long-term care ombudsman; and/or,
 - f. County department Child Welfare programs.
3. Making reasonable efforts to conduct interviews, as outlined below. The interviews and collection of evidence must address the specific allegations identified in the report and any new mistreatment or self-neglect that may be identified during the assessment or investigation. If an interview cannot be conducted for good cause, the attempts and the cause shall be documented.
- a. An in-person initial interview with the client, unannounced and in private, whenever possible.
 - i. The county department shall document in CAPS that the visit was unannounced and in private and if not unannounced and/or in private for good cause, the cause shall be documented in CAPS.
 - ii. If the client is unable to be interviewed for good cause, the cause shall be documented in CAPS.
 - b. Ongoing interviews with the client to complete the investigation and assessment as outlined in Section 30.530. If the client refuses to participate in the investigation or cannot be located, the county department shall complete the investigation by gathering evidence and interviewing other collateral contacts that have knowledge of the client and/or the alleged mistreatment or self-neglect.
 - c. Interviews with all collateral contacts. In the event a collateral contact cannot be located or interviewed for good cause, the cause shall be documented in CAPS; and,
 - d. Interview(s) with the alleged perpetrator(s), with or without law enforcement. In the event the alleged perpetrator is unable to be located or interviewed for good cause, the cause shall be documented in CAPS. The following information shall be collected related to the alleged perpetrator(s), to the fullest extent possible, in addition to information about the allegations:
 - i. Full name of the alleged perpetrator(s) with accurate spelling;
 - ii. Current email address, when available;
 - iii. Current physical and mailing address;
 - iv. Date of birth; and,
 - v. THE DORA LICENSE NUMBER IF THE SUBSTANTIATED PERPETRATOR IS A LICENSED HEALTH CARE PROFESSIONAL

WHO CAUSED MISTREATMENT WHILE IN THE PROVISION OF
THEIR PROFESSIONAL DUTIES; AND,

- wi. Other identifying demographic and contact information.
- 4. Collecting evidence and documenting with photographs or other means, when appropriate, such as:
 - a. Police reports;
 - b. Any available investigation report from a currently or previously involved facility and the occurrence report from the Health Facilities Division;
 - c. Medical and mental health records;
 - d. Bank or other financial records;
 - e. Care plans for any person in a facility or receiving other services that require a care plan and any daily logs or charts; and/or,
 - f. Staffing records and employee work schedules when investigating in a facility.
- 5. Making a finding regarding each allegation and alleged perpetrator, including the severity level of the mistreatment when there is a substantiated finding. A severity level shall not be assigned to a substantiated self-neglect allegation.
- 6. Determining whether there are additional mistreatment or self-neglect concerns not reported in the initial allegations. If there are additional concerns the county department shall enter the mistreatment and alleged perpetrator or self-neglect into the case, investigate, and make a finding, including the severity level of the mistreatment when there is a substantiated finding. A severity level shall not be assigned to a substantiated self-neglect allegation.
- 7. Supervisory review of all findings and approval only when the county department has completed a thorough investigation and the evidence justifies the findings.
- 8. Notifying law enforcement when criminal activity is suspected.
- B. Each employer defined by Section 30.960.A must provide access to the county department to conduct an investigation into an allegation of mistreatment. Access includes the ability to request interviews with relevant persons and to obtain relevant documents and other evidence, as follows:
 - 1. The patient, client, resident, or consumer of the agency who is the client in an APS case of mistreatment or who is relevant to the APS investigation; and,
 - 2. Personnel, including paid employees, contractors, volunteers, and interns who are relevant to the investigation; and,
 - 3. Individual patient, client, resident, or consumer records relevant to the investigation, including:
 - a. Health records;
 - b. Incident and investigative reports;

- c. Care and behavioral plans;
 - d. Staffing schedules and time sheets; and,
 - e. Photos and other technological evidence.
- 4. Entrance to the employer's premises as necessary to complete a thorough investigation. At the time of entry, county department staff must identify themselves and the purpose of the investigation to the person in charge of the entity.
- 5. THE PROFESSIONAL LICENSE NUMBER ISSUED BY DORA FOR ANY CURRENT OR FORMER STAFF PERSON WHO IS A LICENSED HEALTHCARE PROFESSIONAL AND WHO IS SUBSTANTIATED OF MISTREATMENT DURING THE PROVISION OF THEIR DUTIES.
- 56. Attorneys and their staff who are providing legal assistance pursuant to a contract with an area agency on aging, and the long-term care ombudsman are not subject to the requirements in this Section 30.520.B.
- C. In the event that a finding is determined to be incorrect after supervisory approval, the county department shall take the following applicable steps:
 - 1. If the finding was originally unsubstantiated and the finding is changing to inconclusive, correct the finding in CAPS.
 - 2. If the finding was originally inconclusive and the finding is changing to unsubstantiated, correct the finding in CAPS.
 - 3. If the finding was originally unsubstantiated or inconclusive and the finding is changing to substantiated, correct the finding in CAPS and notify the alleged perpetrator as outlined in Section 30.910, A-C.
 - 4. If the finding was originally substantiated and the finding is changing to unsubstantiated or inconclusive, correct the finding in CAPS and notify the alleged perpetrator of the correction as outlined in Section 30.910, C. If there is an open appeal at the time of the correction, the county department shall notify the State Department of the change in finding no later than ten (10) calendar days of identifying the need to correct the finding.
- D. The county department shall complete the investigation into the allegation(s) within sixty (60) calendar days of the receipt of the report. When allegations are received or identified after the initial report, the county department shall complete the investigation into the additional allegation(s) within sixty (60) days of the receipt or identification of the additional mistreatment or self-neglect. For all investigations the county department shall ensure that documentation of the investigation occurs in CAPS throughout the investigation process, as follows:
 - 1. All interviews, contacts, or attempted contacts with the client, collaterals, alleged perpetrators, and other contacts during the investigation shall be documented within fourteen (14) calendar days of receipt of the information.
 - 2. All evidence collected during the investigation shall be scanned and attached to the case by the conclusion of the investigation.
 - 3. IF THE SUBSTANTIATED PERPETRATOR IS A LICENSED HEALTHCARE PROFESSIONAL AND THE MISTREATMENT WAS COMMITTED DURING THE PERFORMANCE OF THEIR PROFESSIONAL DUTIES, THE COUNTY DEPARTMENT

SHALL DOCUMENT THE LICENSE NUMBER IN CAPS. THE COUNTY DEPARTMENT MAY ASCERTAIN THE LICENSE NUMBER USING ONE OF THE METHODS OUTLINED BELOW:

- a. IF THE SUBSTANTIATED PERPETRATOR'S CURRENT OR FORMER EMPLOYER IS AN AGENCY REQUIRED TO REQUEST CAPS CHECKS, AS OUTLINED IN SECTION 30.960.A, THE EMPLOYER IS REQUIRED TO PROVIDE THE DORA LICENSE NUMBER TO THE COUNTY DEPARTMENT UPON REQUEST, AS OUTLINED IN SECTION 26-3.1-103(1.3)(a)(v) AND SECTION 30.520.B.5; OR
- b. IF THE SUBSTANTIATED PERPETRATOR IS A LICENSED HEALTHCARE PROFESSIONAL, THE SUBSTANTIATED PERPETRATOR IS REQUIRED BY SECTION 26-3.1-103(1.4) TO PROVIDE THEIR DORA LICENSE NUMBER UPON REQUEST OF THE COUNTY DEPARTMENT; OR
- c. THE DORA ONLINE COLORADO PROFESSIONAL OR BUSINESS LICENSE VERIFICATION SYSTEM.

34. Findings for the allegations and alleged perpetrator(s) shall be documented no later than sixty (60) calendar days from receipt of the report, including supervisor review and approval of the findings. If the county is unable to complete the investigation timely for good cause, the cause shall be documented in CAPS. Beginning July 1, 2018 all substantiated perpetrators shall be provided notice of the substantiation and their appeal rights, as outlined in Section 30.910.

E. BEGINNING ON OR BEFORE JANUARY 1, 2022, THE STATE DEPARTMENT SHALL PROVIDE INFORMATION TO DORA WHEN A LICENSED HEALTHCARE PROFESSIONAL IS SUBSTANTIATED OF MISTREATMENT OF AN AT-RISK ADULT DURING THEIR PROFESSIONAL DUTIES.

1. NOTIFICATION TO DORA SHALL BE MADE BY THE STATE DEPARTMENT WITHIN TEN (10) CALENDAR DAYS AFTER A SUBSTANTIATED FINDING.
2. THE INFORMATION PROVIDED SHALL INCLUDE, AT A MINIMUM:
 - a. THE PROFESSIONAL'S NAME;
 - b. THE PROFESSIONAL'S LICENSE NUMBER;
 - c. THE NAME OF THE MISTREATED ADULT;
 - d. THE LOCATION OR RESIDENCE OF THE MISTREATED ADULT;
 - e. THE LOCATION WHERE THE MISTREATMENT OCCURRED;
 - f. THE DATE OF THE FINDING;
 - g. THE COUNTY THAT INVESTIGATED THE MISTREATMENT;
 - h. THE TYPE AND SEVERITY OF MISTREATMENT;
 - i. THE PROFESSIONAL'S RIGHT TO AN APPEAL AND THE TIME FRAME TO FILE AN APPEAL AND,

- j. THE UNIQUE CAPS IDENTIFIER THAT TIES THE PERPETRATOR TO THE SUBSTANTIATED FINDING.
- 3. INFORMATION PROVIDED TO DORA REGARDING A SUBSTANTIATED FINDING OF MISTREATMENT CAUSED BY A LICENSED HEALTHCARE PROFESSIONAL IS CONFIDENTIAL, NOT SUBJECT TO PART 2 OF ARTICLE 72 OF TITLE 24, AND MUST BE USED FOR PURPOSES OF A REGULATORY INVESTIGATION CONDUCTED PURSUANT TO SECTION 12-20-401.

30.900 NOTICE TO SUBSTANTIATED PERPETRATORS AND STATE LEVEL APPEALS PROCESS
[Eff. 5/30/18]

30.960 EMPLOYER CAPS CHECKS

- A. Pursuant to Section 26-3.1-111(6)(a)(I), C.R.S., beginning January 1, 2019, the following employers shall request a CAPS check prior to hiring a new employee who will provide direct care to an at-risk adult and may request a CAPS check for existing employees or volunteers who provide direct care to an at-risk adult.
 - 1. Health facilities licensed pursuant to Section 25-1.5-103, C.R.S, including those wholly owned and operated by any governmental unit;
 - 2. Adult day care facilities, as defined in Section 25.5-6-303(1), C.R.S.;
 - 3. Community integrated health care service agencies, as defined in Section 25-3.5-1301(1);
 - 4. Community-Centered Boards or program-approved service agencies that provide or contract for services and supports, pursuant to C.R.S. Article 10 OF Title 25.5;
 - 5. Single Entry Point agencies, as described in Section 25.5-6-106, C.R.S.;
 - 6. Area Agencies on Aging, as defined in Section 26-11-201(2), C.R.S., and any agency or provider the Area Agency on Aging contracts with to provide services;
 - 7. Facilities operated by the State Department for the care and treatment of persons with mental illness, pursuant to C.R.S. Article 65 OF Title 27;
 - 8. Facilities operated by the State Department for the care and treatment of persons with intellectual and developmental disabilities, pursuant to C.R.S. Article 10.5 OF Title 27;
 - 9. Veterans Community Living Centers, operated pursuant to C.R.S. Article 12 OF Title 26; and,
 - 10. The Office of Public Guardianship Pursuant to Section 13-94-105(6), C.R.S.
- B. PURSUANT TO SECTION 26-3.1.111(3)(b), C.R.S., BEGINNING JANUARY 1, 2022, THE COURTS SHALL REQUEST A CAPS CHECK FOR ANY PERSON PETITIONING TO BE APPOINTED AS THE GUARDIAN AND/OR CONSERVATOR OF AN AT-RISK ADULT (POTENTIAL APPOINTEE), WITH THE EXCEPTION OF COUNTY DEPARTMENT ADULT PROTECTIVE SERVICES STAFF WHO ARE ALREADY REQUIRED TO UNDERGO A CAPS CHECK PURSUANT TO SECTION 26-3.1-107(2) AND THE OFFICE OF PUBLIC GUARDIANSHIP STAFF REQUIRED TO UNDERGO A CAPS CHECK PURSUANT TO SECTION 26-3.1-111(7)(j).

- C. Pursuant to Section 26-3.1-111(8), beginning January 1, 2019, individuals receiving consumer-directed attendant support services (CDASS), pursuant to C.R.S. Article 10 of Title 25.5, may request a CAPS check for a new or existing employee.
- BD.** Employers identified in Section 30.960.A shall cooperate with and provide access to county departments conducting investigations of mistreatment of at-risk adults pursuant to Section 26-3.1-103(1.3), C.R.S and Section 30.520.B.
- DE.** Information obtained through a CAPS check by an employer, ~~or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer,~~ AUTHORIZED REQUESTOR shall only be released pursuant to Section 26-3.1-111(6)(d), C.R.S.
- F.** Section 26-3.1-111(6)(e), C.R.S., creates a criminal penalty for any person who improperly releases or who willfully permits or encourages the release of data or information obtained through a CAPS check to persons not permitted access to the information pursuant to C.R.S. Title 26, Article 3.1.
- EG.** Employers, ~~or a person or entity conducting the employee CAPS check on behalf of the employer,~~ AUTHORIZED REQUESTORS shall register prior to requesting a CAPS check to allow for verification of the employer's REQUESTOR'S legal authority to request the check.
1. ~~The employer, or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer,~~ THE REQUESTOR is responsible for ensuring the registration information is up to date.
 2. There shall be no fee to the employer REQUESTOR to register.
- FH.** Using a form developed by the State Department, employers, ~~or a person or entity conducting the employee CAPS check on behalf of the employer,~~ AUTHORIZED REQUESTORS shall obtain written authorization and any required identifying information from the new or existing employee or volunteer OR POTENTIAL APPOINTEE prior to requesting a CAPS check. Required identifying information necessary to request the CAPS check includes information such as name, date of birth, and email address, etc.
1. The form must be completed and signed by the employee, ~~or~~ volunteer, OR POTENTIAL APPOINTEE.
 2. Knowingly providing inaccurate information on the written authorization form is a class 1 misdemeanor as set forth in Section 26-3.1-111(6)(e.7), C.R.S.
 3. The CAPS Check Unit (CCU) may request the employee's, VOLUNTEER'S, OR potential appointee's written authorization form from the employer OR THE COURT as supporting documentation.
- GI.** Employers, ~~or a person or entity conducting the employee or volunteer CAPS check on behalf of the employer,~~ AUTHORIZED REQUESTORS shall request a CAPS check using an online or hard copy form developed by the State Department.
1. If more than thirty (30) days have elapsed between an employer's request for a CAPS check for a potential employee or volunteer, and the employer's decision to initiate hiring, the employer must request a new CAPS check prior to hiring the employee or volunteer.
 2. If an employee or volunteer leaves employment but is considered for rehire after more than thirty (30) days have elapsed since leaving employment, the employer must request a new CAPS check prior to rehire.

3. IF THE COURT DOES NOT APPOINT THE POTENTIAL APPOINTEE AS A GUARDIAN OR CONSERVATOR BUT THE PERSON IS CONSIDERED FOR APPOINTMENT AS A GUARDIAN OR CONSERVATOR OF AN AT-RISK ADULT MORE THAN THIRTY (30) DAYS AFTER THE COURT'S CASE WAS CLOSED, THE COURT MUST REQUEST A NEW CAPS CHECK PRIOR TO APPOINTMENT IN A NEW CASE.
 - a. POTENTIAL APPOINTEES WHO ARE PROFESSIONAL GUARDIANS AND/OR CONSERVATORS FREQUENTLY APPOINTED BY THE COURT ARE EXEMPTED FROM THIS REQUIREMENT ONCE THEY HAVE HAD THEIR INITIAL CAPS CHECK.
 - b. IF A PROFESSIONAL MAY BE APPOINTED AS A GUARDIAN AND/OR CONSERVATOR BY MULTIPLE COURTS, EACH COURT THAT USES THE PROFESSIONAL MUST CONDUCT ITS OWN CAPS CHECK OF THAT PROFESSIONAL TO ENSURE THAT THE COURT WILL BE NOTIFIED IN THE EVENT OF A SUBSEQUENT SUBSTANTIATED FINDING OF MISTREATMENT.
3. If the information provided for the CAPS check is incomplete the CCU may request additional information from the employer OR THE COURT.
 - a. If the additional information is not provided by the employer OR THE COURT the CCU will close the request and will not conduct the CAPS check.
 - b. The fee for the CAPS check shall not be refunded to the employer OR THE COURT.
4. If an employer OR THE COURT provides information the CCU has reason to believe is inaccurate:
 - a. The CCU will contact the employer OR THE COURT regarding the information believed to be inaccurate.
 - b. The CCU may request the employer OR THE COURT to provide the written authorization form to the CCU. If the employer OR THE COURT does not provide the written authorization form, the CCU will close the request and will not conduct the CAPS check. The CAPS check fee will not be refunded.
 - c. If the CCU identifies a pattern of inaccurate information being provided by an employer OR COURT, the CCU will implement steps to address the pattern, which may include, but are not limited to, contacting the agency administrator, requiring submission of the written authorization form with each CAPS check request, and/or requesting legal assistance to resolve the concerns.
 - d. Knowingly providing inaccurate information on a CAPS check request is a class 1 misdemeanor, as outlined in Section 26-3.1-111(6)(e.7), C.R.S.
5. If a screening company that requests CAPS checks on behalf of an employer provides information the CCU has reason to believe is inaccurate:
 - a. The CCU will contact the employer and/or screening company regarding the information believed to be inaccurate.
 - b. The CCU may request the screening company to provide the written authorization form to the CCU. If the screening company does not provide the

written authorization form, the CCU will close the request and will not conduct the CAPS check. The CAPS check fee will not be refunded.

- c. If the CCU identifies a pattern of inaccurate information being provided by a screening company hired by an employer, the CCU will implement steps to address the pattern, which may include, but are not limited to, contacting the employer that hired the screening company, requiring submission of the written authorization form with each CAPS check request, prohibiting the screening company from requesting CAPS checks, and/or requesting legal assistance to resolve the concerns.
 - d. Knowingly providing inaccurate information on a CAPS check request is a class 1 misdemeanor, as outlined in Section 26-3.1-111(6)(e.7), C.R.S.
6. Submitting a CAPS check request for an individual who is not being considered for an employee or volunteer position providing direct care to at-risk adults or providing care through Consumer Directed Support Services OR FOR A PERSON WHO IS NOT A POTENTIAL APPOINTEE is a class 1 misdemeanor, as outlined in Section 26-3.1-111(6)(e.3), C.R.S.

HJ. The fee for the CAPS check shall be:

- 1. Established to provide adequate revenue to support all direct and indirect costs related to the administrative appeals processes for substantiated perpetrators and the employer-CAPS checks.
- 2. No greater than \$16.50 per CAPS check, unless the State Board of Human Services approves an increased fee based upon increased direct and indirect costs of the administrative appeals and employer CAPS checks.
 - a. The current CAPS check fee shall be posted to-a ON THE CAPS check website.
 - b. The current CAPS check fee may be adjusted with 30 days' notice, provided via the CAPS check website.
- 3. Paid by the employer, or the person or entity conducting the CAPS check on behalf of the employer AUTHORIZED REQUESTOR at the time of the request.
 - a. If the employer, or the person or entity conducting the employee CAPS check on behalf of the employer, AUTHORIZED REQUESTOR chooses to request the CAPS check via the online form, payment must be made through the online payment system at the time of the request. A CAPS check will not be completed without payment.
 - b. If the employer, or the person or entity conducting the employee CAPS check on behalf of the employer, AUTHORIZED REQUESTOR chooses to request the CAPS check via first class mail, payment in the form of an agency warrant or bank check must be attached to the form. A CAPS check will not be completed without payment.
 - c. Employers, or a person or entity conducting the employee CAPS check on behalf of the employer, AUTHORIZED REQUESTORS may choose to request that the applicant or EMPLOYEE, volunteer, or potential appointee reimburse the employer, or the person or entity conducting the employee CAPS check on behalf of the employer, REQUESTOR for the cost of the check.

- IK.** The State Department shall complete the CAPS check and respond to the EMPLOYER'S request as soon as possible, but no later than five (5) business days ~~from~~ FOLLOWING the receipt of the request. THE STATE DEPARTMENT SHALL COMPLETE THE CAPS CHECK AND RESPOND TO THE COURT'S REQUEST AS SOON AS POSSIBLE, BUT NO LATER THAN SEVEN (7) CALENDAR DAYS FOLLOWING THE RECEIPT OF THE REQUEST.
1. The State Department shall provide the CAPS check results to the ~~employer, or the person or entity conducting the employee or volunteer CAPS check on behalf of the employer~~ REQUESTOR via email, unless receipt of the results via first class mail is requested. ~~by the employer, or the person or entity conducting the employee CAPS check on behalf of the employer.~~
 - a. If the employee is also the employer who requested the CAPS check on themselves, such as a facility administrator or owner, or an independent owner operator, and the employee/employer is determined not to have a substantiated finding of mistreatment, the results will be provided to the employee/employer.
 - b. If the employee is also the employer who requested the CAPS check on themselves, such as a facility administrator or owner, or an independent owner operator, and the employee/employer is determined to have a substantiated finding of mistreatment, the results will be provided to the employee/employer and to the parent company and/or oversight agency(ies).
 2. A person or entity conducting the employee CAPS check on behalf of the employer shall provide the results of the CAPS check to the employer.
- L.** The CAPS check results shall indicate:
1. Whether there is or is not a substantiated finding for the ~~new or existing~~ employee, or volunteer, or POTENTIAL APPOINTEE;
 2. The purposes for which the information in CAPS may be made available;
 3. The consequences of improper release of the information in CAPS; and,
 4. ~~For CAPS checks in which there is a substantiated finding, the CAPS check results will include the~~ WHETHER OR NOT THE PERSON HAS A SUBSTANTIATED FINDING. IF THE PERSON DOES HAVE A SUBSTANTIATED FINDING, THE RESULTS WILL ALSO PROVIDE THE date(s) of the SUBSTANTIATED finding(s), county department(s) that completed the investigation(s), and the type(s) and severity level(s) of the mistreatment, AND THE SUBSTANTIATED PERPETRATOR'S RIGHT TO APPEAL AND THE TIME FRAME ALLOWED BY RULE TO REQUEST AN APPEAL.
 5. FOR CAPS CHECK RESULTS FOR THE COURT IN WHICH THERE IS A SUBSTANTIATED FINDING, THE CAPS CHECK RESULTS WILL ALSO INCLUDE WHETHER THERE IS AN ACTIVE APPEAL AT THE TIME OF THE COURT'S REQUEST.
- M.** Notification of any substantiated mistreatment finding made after the initial CAPS check shall be provided to the AUTHORIZED REQUESTOR ~~employer, or the person or entity conducting the employee CAPS check on behalf of the employer, or to the employee/employer's parent company and/or oversight agency(ies), as outlined in Section 30.960.H.1.b, at the time the new finding is completed in CAPS.~~
- N.** Findings shall not be included in CAPS check results when:

1. The finding was made prior to July 1, 2018 when due process for substantiated perpetrators began, as outlined in Section 30.910; and/or,
2. The finding was expunged or overturned through the appeals process, as outlined in Section 30.920; and/or,
3. The substantiated perpetrator was under 16 years old at the time the mistreatment occurred; and/or,
4. A positive match of at least two data points between the employee and a substantiated perpetrator in CAPS, such as name, date of birth, or address, cannot be determined with certainty.

Editor's Notes

History

Entire rule eff. 08/01/2012.

Rules SB&P, 30.250, 30.640, 30.645 eff. 04/01/2013.

Rules SB&P, 30.100, 30.210, 30.330, 30.410, 30.520, 30.610-30.620, 30.830 eff. 04/01/2014.

Rules SB&P, 30.100-30.220 B.5, 30.230-30.310, 3.330-30.640, 30.650-30.810, 30.830 eff. 09/01/2014.

Entire rule eff. 02/01/2017.

Rules 30.100, 30.250 B, 30.250 E-30.250 G, 30.320 B, 30.330, 30.510 A, 30.510 B, 30.520, 30.620 C.4 eff. 04/01/2018.

Rules 30.100, 30.250 E.10, 30.260 E-F, 30.340 A-B, 30.410 D.6, 30.520 A.7-11, 30.520 B, 30.900 eff. 06/01/2018.

Rules 30.100, 30.250 E.11, 30.320, 30.960 eff. 07/30/2018.

Rules 30.100, 30.250, 30.520 A.2.d-f emer. rules eff. 08/02/2019.

Rules 30.100, 30.250, 30.520 A.2.d-f eff. 10/01/2019.

Rules 30.100, 30.210 B, 30.260 A-B, 30.330 B.4, 30.340 A.4, 30.340 D.1, 30.410 C, 30.420 F-G, 30.430 C, 30.510, 30.520, 30.530, 30.610, 30.620 K.3, 30.660 B,D 30.910 B.4,C eff. 12/30/2019. Rule 30.430 E repealed eff. 12/30/2019.

Rules 30.920 I, 30.930 A.2 emer. rules eff. 05/08/2020.

Rules 30.920 I, 30.930 A.2 eff. 08/01/2020.

Rules 30.100, 30.230-30.250, 30.310-30.330, 30.410-30.430, 30.510-30.530, 30.610-30.630, 30.660, 30.810, 30.830, 30.910, 30.930, 30.960 emer. rules eff. 09/13/2020.

Rules 30.100, 30.230-30.250, 30.310-30.330, 30.400, 30.500, 30.610-30.630, 30.660, 30.810, 30.830, 30.910, 30.930, 30.960 eff. 11/30/2020.

Annotations

The definition of "self-neglect" in Rule 30.100 (adopted 02/02/2018) was not extended by Senate Bill 19-168 and therefore expired 05/15/2019.

Notice of Proposed Rulemaking

Tracking number

2021-00548

Department

500,1008,2500 - Department of Human Services

Agency

2518 - Adult Protective Services

CCR number

12 CCR 2518-1

Rule title

ADULT PROTECTIVE SERVICES

Rulemaking Hearing

Date

10/08/2021

Time

08:30 AM

Location

Location Pending State's response to COVID-19. Anticipated to be held entirely online

Subjects and issues involved

Individuals found to be responsible for the mistreatment of an at-risk adult have a right to a State level appeal to contest the substantiated finding. HB21-1132 requires the Colorado Department of Human Services (CDHS) to share appeal information, to include appeal outcome, with the Colorado Department of Regulatory Agencies (DORA) for the purposes of a regulatory investigation. The rule change is necessary to accommodate the statutory requirements outlined in HB21-1132. NOTE: Due to the ongoing COVID-19 situation, it is anticipated that this meeting will take place entirely online. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

Statutory authority

26-1-107, C.R.S. (2015); 26-1-109, C.R.S. (2015); 26-1-111 (2015); 26-3.1-111(5), C.R.S.; 26-3.1-111(5)(h)

Contact information

Name

Shenette Odell

Title

Program Manager

Telephone

303.866.7035

Email

sheanette.odell@state.co.us

Title of Proposed Rule: 30.920 State Level Appeals Process

CDHS Tracking #: 21-05-07-01

Office, Division, & Program:
OAS/ARD/CAMDRS

Rule Author: Sheannette Worden-O'Dell

Phone: 303.866.7035

E-Mail:

sheannette.odell@state.co.us

DRAFT 5.28.21

RULEMAKING PACKET

Type of Rule: (complete a and b, below)

a. ☒ Board ☐ Executive Director

b. ☒ Regular ☐ Emergency

This package is submitted to State Board Administration as: (check all that apply)

☒ AG Initial Review

☒ Initial Board Reading

☐ AG 2nd Review

☐ Second Board Reading / Adoption

This package contains the following types of rules: (check all that apply)

Number

Amended Rules

3 New Rules

Repealed Rules

Reviewed Rules

What month is being requested for this rule to first go before the State Board?	October 2021
---	--------------

What date is being requested for this rule to be effective?	January 1, 2022
---	-----------------

Is this date legislatively required?	Yes
--------------------------------------	-----

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board	October 8, 2021	2nd Board	November 5, 2021	Effective Date	January 1, 2022
------------------	-----------	-----------------	-----------	------------------	----------------	-----------------

Title of Proposed Rule: 30.920 State Level Appeals Process

CDHS Tracking #: 21-05-07-01

Office, Division, & Program:
OAS/ARD/CAMDRS

Rule Author: Sheannette Worden-O'Dell

Phone: 303.866.7035

E-Mail:

sheannette.odell@state.co.us

DRAFT 5.28.21

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

Individuals found to be responsible for the mistreatment of an at-risk adult have a right to a State level appeal to contest the substantiated finding. HB21-1132 requires the Colorado Department of Human Services (CDHS) to share appeal information, to include appeal outcome, with the Colorado Department of Regulatory Agencies (DORA) for the purposes of a regulatory investigation. The rule change is necessary to accommodate the statutory requirements outlined in HB21-1132.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

☐
☐

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-3.1-111(5) 26-3.1-111(5)(h)	26-3.1-111(5)The state department shall promulgate rules for the implementation of this section, which rules must include the following: 26-3.1-111(5)(h)THE INFORMATION THAT WILL BE MADE AVAILABLE TO A HEALTH OVERSIGHT AGENCY, AS DEFINED IN 42 CFR 164.501, WITHIN THE DEPARTMENT OF REGULATORY AGENCIES OR A REGULATOR, AS DEFINED IN SECTION 12-20-102 (14), WITHIN SUCH A HEALTH OVERSIGHT AGENCY, FOR THE PURPOSE OF CONDUCTING A REGULATORY INVESTIGATION PURSUANT TO SECTION 12-20-401.

Does the rule incorporate material by reference?

☐ Yes

☒ No

Title of Proposed Rule: 30.920 State Level Appeals Process

CDHS Tracking #: 21-05-07-01

Office, Division, & Program:
OAS/ARD/CAMDRS

Rule Author: Sheannette Worden-O'Dell

Phone: 303.866.7035

E-Mail:

sheannette.odell@state.co.us

DRAFT 5.28.21

Does this rule repeat language found in statute?

☒

Yes

☐

No

If yes, please explain.

DORA may request appeal information for a specific population of licensed individuals. Language from statute was used in rule to outline these details.

Title of Proposed Rule: **30.920 State Level Appeals Process**

CDHS Tracking #: **21-05-07-01**

Office, Division, & Program:
OAS/ARD/CAMDRS

Rule Author: Sheannette Worden-O'Dell

Phone: 303.866.7035

E-Mail:

sheannette.odell@state.co.us

DRAFT 5.28.21

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

This rule will impact the CDHS and DORA.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

HB21-1123 requires the CDHS to create rules to share information with DORA when requested for a regulatory investigation. DORA may request appeal information, to include the appeal outcome, for individuals who are licensed by DORA and have been found responsible for the mistreatment of an at-risk adult. This information may inform decisions made during the regulatory investigation conducted by DORA.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

It is anticipated that there will be a minimal fiscal impact, which can be absorbed, to CDHS and DORA.

County Fiscal Impact

There is no fiscal impact at the county level. This rule change is specific to a new information sharing process between CDHS and DORA. The fiscal impact is at the state level.

Federal Fiscal Impact

There is no fiscal impact at the federal level. This rule change is specific to a new information sharing process between CDHS and DORA and there is no federal funding related to this function.

Other Fiscal Impact (such as providers, local governments, etc.)

No other fiscal impact. This rule change is specific to a new information sharing process between CDHS and DORA.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

N/A

Title of Proposed Rule: 30.920 State Level Appeals Process

CDHS Tracking #: 21-05-07-01

Office, Division, & Program:
OAS/ARD/CAMDRS

Rule Author: Sheannette Worden-O'Dell

Phone: 303.866.7035

E-Mail:

sheannette.odell@state.co.us

DRAFT 5.28.21

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

No alternatives were considered by CDHS as the rule-making was statutorily required by HB21-1123.

Title of Proposed Rule: 30.920 State Level Appeals Process	
CDHS Tracking #: 21-05-07-01	
Office, Division, & Program:	Rule Author: Sheannette Worden-O'Dell
OAS/ARD/CAMDRS	Phone: 303.866.7035
DRAFT 5.28.21	E-Mail: sheannette.odell@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
30.920	HB21-1123 requires the Department to promulgate rules for the Department to share appeal information, including appeal outcome, with DORA for the purposes of a regulatory investigation.		30.920(O). PURSUANT TO SECTION 26-3.1-108(H), C.R.S., DORA MAY REQUEST APPEAL INFORMATION FROM THE STATE DEPARTMENT FOR THE PURPOSES OF A REGULATORY INVESTIGATION WHEN THE INVESTIGATION INVOLVES AN INDIVIDUAL WHO HOLDS A HEALTH-CARE PROVIDER OR HEALTH-CARE OCCUPATION LICENSE WHO HAS BEEN FOUND RESPONSIBLE FOR THE MISTREATMENT OF AN AT-RISK ADULT WHILE IN THE PROVISION OF THEIR PROFESSIONAL DUTIES AND HAS AN APPEAL THROUGH THE STATE DEPARTMENT. WHEN MAKING THE REQUEST TO THE STATE DEPARTMENT, DORA MUST INCLUDE THE INFORMATION PROVIDED TO DORA THROUGH THE NOTIFICATION PROCESS OUTLINED IN 30.520(E)(2).	To implement with HB21-1123	No
30.920	Addition of the information that will be shared by the Department with DORA.		30.920(P) AFTER THE STATE DEPARTMENT RECEIVES THE REQUEST FROM DORA, THE STATE DEPARTMENT WILL PROVIDE DORA WITH THE APPEAL SUMMARY FOR THE PURPOSES OF THE REGULATORY INVESTIGATION.	To implement with HB21-1123	No
30.920	Addition of confidentiality related to sharing appeal information with DORA.		30.920(Q) APPEAL INFORMATION PROVIDED TO DORA IS CONFIDENTIAL, NOT SUBJECT TO PART 2 OF ARTICLE 72 OF TITLE 24, AND MUST BE USED FOR PURPOSES OF A REGULATORY INVESTIGATION CONDUCTED PURSUANT TO SECTION 12-20-401.	To implement with HB21-1123	No

Title of Proposed Rule:	30.920 State Level Appeals Process
CDHS Tracking #:	21-05-07-01
Office, Division, & Program:	Rule Author: Sheannette Worden-O'Dell
OAS/ARD/CAMDRS	Phone: 303.866.7035
DRAFT 5.28.21	E-Mail: sheannette.odell@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

- Adult Protective Services (APS) Task Group
- Public Stakeholder Sessions
- Administrative Review Division (ARD) Steering Committee
- Policy Advisory Committee (PAC)
- Aging and Adult Sub-PAC
- DORA

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

- Adult Protective Services (APS) Task Group
- Public Stakeholder Sessions
- Administrative Review Division (ARD) Steering Committee
- Policy Advisory Committee (PAC)
- Aging and Adult Sub-PAC
- DORA

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☒ Yes ☐ No

If yes, who was contacted and what was their input?

DORA has been contacted.

Sub-PAC

Title of Proposed Rule:	30.920 State Level Appeals Process	
CDHS Tracking #:	21-05-07-01	
Office, Division, & Program:	Rule Author: Sheannette Worden-O'Dell	Phone: 303.866.7035
OAS/ARD/CAMDRS		E-Mail:
DRAFT 5.28.21		sheannette.odell@state.co.us

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☒ Yes ☐ No

Name of Sub-PAC	Aging and Adult		
Date presented	August 5, 2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	14	0	0
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

☒ Yes ☐ No

Date presented	September 2, 2021		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

☐ Yes ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

DEPARTMENT OF HUMAN SERVICES
Adult Protective Services
ADULT PROTECTIVE SERVICES
12 CCR 2518-1

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

30.920 STATE LEVEL APPEALS PROCESS

A. Substantiated perpetrator(s) of mistreatment shall have the right to a State level appeal to contest the substantiated finding. The request for appeal of the decision shall first be submitted to the State Department unit designated to handle such appeals. If the State Department and the appellant are unable or unwilling to resolve the appeal in accordance with the provisions set forth below in this section, the State Department shall forward the appeal to the Office of Administrative Courts (OAC) to proceed to a fair hearing before an Administrative Law Judge (ALJ).

B. The grounds for appeal shall consist of the following:

1. The substantiated finding(s) are not supported by a preponderance of credible evidence; or,
2. The actions ultimately found to be substantiated as mistreatment do not meet the statutory or regulatory definition of mistreatment.

C. The substantiated perpetrator(s) of mistreatment shall have ninety (90) calendar days from the date of notice of substantiation of mistreatment to appeal the finding in writing to the State Department. The written appeal shall be submitted via the State approved online form or using the hard copy appeal form provided to the substantiated perpetrator by the county department and shall include:

1. The contact information for the appellant;
2. A statement detailing the basis for the appeal; and,
3. Notice of finding of responsibility for mistreatment of an at-risk adult sent to the appellant by the county department.

D. The State level appeal process must be initiated by the substantiated perpetrator(s) of mistreatment or his/her attorney. The appellant does not need to hire an attorney to file an appeal. If the substantiated perpetrator(s) is a minor child, the appeal may be initiated by his/her parents, legal custodian, or attorney.

E. The appeal must be submitted to the State Department within ninety (90) calendar days of the date of the notice of the substantiated finding. If the appeal is filed more than ninety (90) calendar days from the date of notice of the substantiated finding, the appellant must show good cause for not appealing within the prescribed time period as set forth in Section 30.920.c. A failure to request State review within the ninety-day (90) period without good cause shall be grounds for the State Department to not accept the appeal.

F. The substantiated finding shall continue to be used for safety and risk assessment, employment and background screening by the State Department while the administrative appeal process is pending.

G. The appellant shall have the right to appeal, even if a court action or criminal prosecution is pending as a result of the mistreatment. The State Department shall hold in abeyance the administrative appeal process pending the outcome of the court action or criminal prosecution if requested by the appellant, or if the State Department determines that awaiting the outcome of the court case is in the best interest of the parties. If the appellant objects to the continuance, the continuance shall remain in place, but the continuance of the appeal shall not exceed one hundred eighty (180) calendar days without the appellant having the opportunity to seek a review of the continuance by an administrative law judge. The pendency of other court proceedings shall be considered good cause to extend the continuance of the appeal past the one hundred eighty (180) day timeframe.

H. The following circumstances shall be considered to be admissions to the factual basis of the substantiated finding(s) of the responsibility for the mistreatment of an at-risk adult in CAPS and shall be considered conclusive evidence of the factual basis of the individual's responsibility for the mistreatment to support a motion for summary judgment submitted to the Office of Administrative Courts:

1. The appellant has been found guilty of a crime against an at-risk adult pursuant to Section 18-6.5-103, C.R.S. arising out of the same factual basis as the substantiated finding in CAPS.

2. The appellant has been found guilty or has pled guilty or nolo contendere as part of any plea agreement including, but not limited to, a deferred judgement agreement to a crime against an at-risk adult pursuant to Section 18-6.5-103, C.R.S. arising out of the same factual basis as the substantiated finding in CAPS.

3. The appellant has been found guilty or has pled guilty or nolo contendere as part of any plea agreement including, but not limited to, a deferred judgment agreement, in a case in which a crime against an at-risk adult was charged pursuant to Section 18-6.5-103, C.R.S., arising out of the same factual basis as the substantiated finding in CAPS. The offense to which the appellant pled guilty must be related to the same factual basis as the substantiated finding in CAPS.

I. After the appellant requests an appeal, the State Department shall inform the appellant of the details regarding the appeal process, including timeframes for the appeals process and contact information for the State Department.

1. The appellant, as the party in interest, shall have access to the investigative record relied upon by the county department to make the finding in order to proceed with the appeal. The appellant's use of the investigative record for any other purpose is prohibited unless otherwise authorized by law.

2. Prior to providing access to the appellant, the State Department shall redact identifying information contained in the investigative record and documents to ensure compliance with all state and federal confidentiality laws and rules regarding adult mistreatment records or other protected information, including but not limited to: reporting party name(s) and address(es), Social Security Number or alien registration number and information pertaining to other parties in the case that the appellant does not have a legal right to access.

J. The State Department is authorized to enter into settlement negotiations with the appellant as part of the litigation process. The State Department is authorized to enter into settlement agreements that modify, overturn or expunge the reports and/or findings as reflected in the State portion of CAPS. The State Department is not authorized to make any changes in the county portion of CAPS. In exercising its discretion, the State Department shall take into consideration the best interests of the at-risk adults, the weight of the evidence, the severity of the mistreatment, any patterns of mistreatment reflected in the record, the results of any court processes, the rehabilitation of the appellant and any other pertinent information.

K. The county department's findings shall not be changed to reflect the State Department's response to the appeal. The State Department shall document all decisions and the outcome of the appeal in CAPS.

L. The State Department and the appellant shall have one hundred twenty (120) calendar days from the date the State Department receives the appeal to resolve the issue(s) on the appeal. The one hundred twenty (120) day time frame may be extended by agreement of both the appellant and the State Department if it is likely that the additional time will result in a fully executed settlement agreement or resolution of the appeal.

M. As soon as it is evident within the one hundred twenty (120) days that the appellant and State Department will not resolve the issue(s) on appeal, the State Department shall forward a copy of the appellants original appeal document(s) to the Office of Administrative Courts to initiate the Office of Administrative Courts fair hearing process.

N. If, by the end of the one hundred twenty (120) day period, the State Department has been unable to contact the appellant using the information submitted by the appellant, including by first class mail, and the appellant has not contacted the State Department, the appeal shall be deemed abandoned. The substantiated finding entered into CAPS by the county department shall be upheld in CAPS without further right of appeal. The State Department shall notify the appellant of this result by first class mail to the address provided by the appellant.

O. PURSUANT TO SECTION 26-3.1-108(H), C.R.S., DORA MAY REQUEST APPEAL INFORMATION FROM THE STATE DEPARTMENT FOR THE PURPOSES OF A REGULATORY INVESTIGATION WHEN THE INVESTIGATION INVOLVES AN INDIVIDUAL WHO HOLDS A HEALTH-CARE PROVIDER OR HEALTH-CARE OCCUPATION LICENSE WHO HAS BEEN FOUND RESPONSIBLE FOR THE MISTREATMENT OF AN AT-RISK ADULT WHILE IN THE PROVISION OF THEIR PROFESSIONAL DUTIES AND HAS AN APPEAL THROUGH THE STATE DEPARTMENT. WHEN MAKING THE REQUEST TO THE STATE DEPARTMENT, DORA MUST INCLUDE THE INFORMATION PROVIDED TO DORA THROUGH THE NOTIFICATION PROCESS OUTLINED IN 30.520(E)(2).

P. AFTER THE STATE DEPARTMENT RECEIVES THE REQUEST FROM DORA, THE STATE DEPARTMENT WILL PROVIDE DORA WITH THE APPEAL SUMMARY FOR THE PURPOSES OF THE REGULATORY INVESTIGATION.

Q. APPEAL INFORMATION PROVIDED TO DORA IS CONFIDENTIAL, NOT SUBJECT TO PART 2 OF ARTICLE 72 OF TITLE 24, AND MUST BE USED FOR PURPOSES OF A REGULATORY INVESTIGATION CONDUCTED PURSUANT TO SECTION 12-20-401.

Permanent Rules Adopted

Department

Department of Education

Agency

Colorado State Board of Education

CCR number

1 CCR 301-1

Rule title

1 CCR 301-1 ADMINISTRATION OF STATEWIDE ACCOUNTABILITY MEASURES
FOR THE COLORADO PUBLIC SCHOOL SYSTEM, CHARTER SCHOOL INSTITUTE,
PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS 1 - eff 09/30/2021

Effective date

09/30/2021

DEPARTMENT OF EDUCATION

Colorado State Board of Education

ADMINISTRATION OF STATEWIDE ACCOUNTABILITY MEASURES FOR THE COLORADO PUBLIC SCHOOL SYSTEM, CHARTER SCHOOL INSTITUTE, PUBLIC SCHOOL DISTRICTS AND PUBLIC SCHOOLS

1 CCR 301-1

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

1.0 Statement of Basis and Purpose

The statutory basis for these rules is found in section 22-11-101, et seq. C.R.S., the Education Accountability Act of 2009. These rules establish requirements, criteria, and timelines related to the administration of a statewide accountability system to monitor and respond to the performance of Colorado's statewide education system, including the Charter School Institute, school districts and public schools.

...

5.0 District and Institute Accountability Processes: Accreditation Ratings

5.0 A Under H.B. 21-1161, the Department shall not assign new 2021-22 Accreditation ratings for Districts nor for the Institute. Those school districts or the Institute that implemented a Priority Improvement or Turnaround Plan during the 2020-21 school year may nevertheless request a 2021-22 Accreditation rating and plan type that reflects its level of attainment based on an alternative body of evidence. Such requests may be submitted and must be reviewed according to the following requirements:

- (1) The District or Institute must submit such request electronically by no later than September 30, 2021;
- (2) The Department must recommend whether to approve the request and the State Board must act on the request by no later than December 30, 2021;
- (3) In making its recommendation, the Department must take into consideration the following information:
 - (A) Quantitative data, which must include any state student performance data available to the department and any local student performance data provided by the District or Institute. To be considered, such quantitative data must meet standards of validity, reliability, and adequate representation of the District's or Institute's student population, as those standards are defined by the Department, in consultation with the Technical Advisory Panel established pursuant to section 22-11-202, C.R.S.; and
 - (B) Qualitative data, which must include the quality of the District's or Institute's most recent Priority Improvement or Turnaround plan and information about the fidelity with which administration and staff have implemented the plan. If the Department determines that the quality of the plan is sufficient, then the Department will assign the State Review Panel to conduct a document review and site visit, and the Department will consider input from the panel;

- (4) If the 2021 state student performance data would have allowed the District or Institute to earn a higher Accreditation rating based on the Department's 2019 annual review of school performance, then the District or Institute need not submit any additional data;
- (5) If the State Board approves a request for a new Accreditation rating based on an alternative body of evidence, the District's or Institute's Accreditation contract shall reflect that rating and plan type. However, any 2021-22 rating change shall not affect the time-based calculations in sections 22-11-207(4)(a) and 22-11-209(3.5), C.R.S.;
- (6) If the State Board approves a request under this Rule 7.0A, the District or Institute must submit a new plan that meets the requirements of the new plan type, as outlined in section 6.2 of these rules; and
- (7) To the extent possible, the Department must make available grant funding and additional supports to assist Districts and the Institute in preparing and submitting a request for a different Accreditation rating and plan type.

...

8.0 Public School Accountability Processes: Plan Type Assignments

8.0 A Under H.B. 21-1161 the Department shall not assign new plan types for Public Schools for the 2021-22 school year. If a Public School had been required to implement a Priority Improvement or Turnaround Plan during the 2020-21 school year, a District or the Institute may submit a request for a 2021-22 plan type that reflects the Public School's level of attainment based on an alternative body of evidence. Such requests may be submitted and must be reviewed according to the following requirements:

- (1) The District or Institute must submit such request electronically no later than September 30, 2021;
- (2) The Department must recommend whether to approve the request and the State Board must act on the request as soon as practicable;
- (3) In making its recommendation, the Department must take into consideration the following information:
 - (A) Quantitative data, which must include any state student performance data available to the department and any local student performance data provided by the District or Institute. To be considered, such quantitative data must meet standards of validity, reliability, and adequate representation of the Public School's student population, as those standards are defined by the Department, in consultation with the Technical Advisory Panel established pursuant to section 22-11-202, C.R.S.; and
 - (B) Qualitative data, which must include the quality of the Public School's most recent Priority Improvement or Turnaround plan and information about the fidelity with which administration and staff have implemented the plan. If the Department determines that the quality of the plan is sufficient, then the Department will assign the State Review Panel to conduct a document review and site visit, and the Department will consider input from the panel;

- (4) If the 2021 state student performance data would have allowed the Public School to earn a higher plan type assignment based on the Department's 2019 annual review of school performance, then the District or Institute need not submit any additional data;
- (5) Any change in the Public School's plan type for the 2021-22 school year shall not affect the time-based calculations in sections 22-11-210(1)(d)(I) and (5.5), C.R.S.;
- (6) If the State Board approves a request for a plan type based on an alternative body of evidence, the Public School must submit a new plan that meets the requirements of the assigned plan type, as outlined in section 9.3 of these rules; and
- (7) To the extent possible, the Department must make available grant funding and additional supports to assist Districts and the Institute in preparing and submitting a request for a different plan type on behalf of a Public School.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00364

Opinion of the Attorney General rendered in connection with the rules adopted by the

Colorado State Board of Education

on 08/11/2021

1 CCR 301-1

**ADMINISTRATION OF STATEWIDE ACCOUNTABILITY MEASURES FOR THE COLORADO
PUBLIC SCHOOL SYSTEM, CHARTER SCHOOL INSTITUTE, PUBLIC SCHOOL DISTRICTS AND
PUBLIC SCHOOLS**

The above-referenced rules were submitted to this office on 08/12/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 30, 2021 10:55:59

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-31

Rule title

5 CCR 1002-31 REGULATION NO. 31 - THE BASIC STANDARDS AND
METHODOLOGIES FOR SURFACE WATER 1 - eff 12/31/2021

Effective date

12/31/2021

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

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

5 CCR 1002-31

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

31.1 AUTHORITY AND SCOPE

31.2 PURPOSE

31.3 INTRODUCTION

This regulation presents a classification system which establishes beneficial use categories together with basic standards (section 31.11), an antidegradation rule (section 31.8), and numeric tables which define the conditions generally necessary to maintain and attain such beneficial uses. In addition, it establishes procedures for classifying the waters of the state, for assigning water quality standards, and for continued review of the classifications and standards.

The classifications set forth in section 31.13 will be assigned by applying the system to specific state surface waters, in accordance with proper procedures, including public hearings. The basic standards and the antidegradation rule will apply to all state surface waters at the effective date of this regulation. Whenever a specific stream segment or body of water receives a classification for one or more of the uses, additional numeric standards may be assigned. When appropriate, achieving water quality standards through innovative solutions or management approaches may be implemented through control regulations, TMDLs, Waste Load Allocations, antidegradation reviews, and permits. All classified uses will be protected. This does not mean that any entity has the right to rely on the presence of specific pollutants in the stream even though those pollutants may be utilized by the entity.

In assigning classifications and standards, the Commission shall take into consideration the water quality classifications and standards of downstream waters and shall ensure that as implemented through its policies, the water quality classifications and standards of downstream waters will be attained and maintained.

Water quality standards, temporary modifications of numeric standards, and classifications shall be reviewed at least once every three (3) years and revised where appropriate. No provisions of this regulation shall be interpreted so as to supersede, abrogate, or impair rights to divert water and apply water to beneficial uses.

31.4 DELETED

31.5 DEFINITIONS

See the Colorado Water Quality Control Act, section 25-8-101 et seq., C.R.S., and the codified water quality regulations additional definitions.

- (1) "ACT" means the Colorado Water Quality Control Act, section 25-8-101 et seq., C.R.S..
- (2) "ACUTE STANDARD" means the level not to be exceeded by the concentration for either a single sample or calculated as an average of all samples collected during a one-day period, except for temperature, which shall be based on the DM (see DM definition). As used in tables II and III, acute represents one-half of the LC-50 that protects 95 percent of the genera in a waterbody from lethal effects. The acute standard is implemented in combination with a selected duration and frequency of recurrence (section 31.9(1)). In determining attainment of the applicable acute standard, the representative nature of the data must be considered.
- (3) "ANTIDegradation Rule" means the rule established in section 31.8.
- (4) "BASIC STANDARDS" means those standards as established in section 31.11.
- (5) "BENEFICIAL USES" means those uses of state surface waters to be protected such as those identified in the classification system.
- (6) "BMP" (Best Management Practices) means a practice or a combination of practices that is determined by a governmental agency after problem assessment, examination of alternative practices, and appropriate public participation, to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with quality goals.
- (7) "CHRONIC STANDARD" means the level not to be exceeded by the concentration for either a single representative sample or calculated as an average of all samples collected during a thirty-day period, except for temperature, which shall be based on the WAT (see WAT definition). As used in tables II and III, chronic represents the level that protects 95 percent of the genera from chronic toxic effects. Chronic toxic effects include, but are not limited to, demonstrable abnormalities and adverse effects on survival, growth, or reproduction. The chronic standard is implemented in combination with a selected duration and frequency of recurrence (section 31.9(1)). In determining attainment of the applicable chronic standard, the representative nature of the data must be considered.
- (8) "COLD WATER BIOTA" means aquatic life, including trout, normally found in waters where the summer weekly average temperature does not frequently exceed 20 °C.
- (9) "COMMISSION" means the Colorado Water Quality Control Commission.
- (10) "COMPENSATORY WETLANDS" means wetlands developed for mitigation of adverse impacts to other wetlands (e.g. wetlands developed pursuant to section 404 of the federal Act).
- (11) "CONSTRUCTED WETLANDS" means those wetlands intentionally designed, constructed and operated for the primary purpose of wastewater or stormwater treatment or environmental remediation provided under CERCLA, RCRA, or section 319 of the federal Act, if (a) such wetlands are constructed on non-wetland sites that do not contain surface waters of the state, or (b) such wetlands are constructed on previously existing wetland sites, to the extent that approval or authorization under section 404 of the federal Act has been granted for such construction or it is demonstrated that such approval or authorization is not, or was not, required. This term includes, but is not limited to, constructed swales, ditches, culverts, infiltration devices, catch basins, and sedimentation basins that are part of a wastewater or stormwater treatment system or a system for environmental remediation mandated under CERCLA or RCRA. Compensatory wetlands shall not be considered constructed wetlands. Constructed wetlands are not state waters.

- (12) "CREATED WETLANDS" means those wetlands other than compensatory wetlands created in areas which would not be wetlands in the absence of human modifications to the environment. Created wetlands include, but are not limited to wetlands created inadvertently by human activities such as mining, channelization of highway runoff, irrigation, and leakage from man-made water conveyance or storage facilities. Wetlands resulting from hydrologic modifications such as on-channel reservoirs or on-channel diversion structures that expand or extend the reach of adjacent classified state waters are not considered created wetlands.
- (13) "DAILY MAXIMUM TEMPERATURE (DM)" means the highest two-hour average water temperature recorded during a given 24-hour period.
- (14) "DISSOLVED METALS" means that portion of a water and suspended sediment sample which passed through a 0.40 or 0.45 µm (micron) membrane filter. Determinations of "dissolved" constituents are made using the filtrate. This may include some very small (colloidal) suspended particles which passed through the membrane filter as well as the amount of substance present in true chemical solution.
- (15) "DIVISION" means the Division of Administration of the Colorado Department of Public Health and Environment of which the Water Quality Control Division is a part.
- (16) "*E. coli*" means *Escherichia coli*.
- (17) "EFFLUENT-DEPENDENT STREAM" means a stream that would be ephemeral without the presence of wastewater effluent, but has continuous or periodic flows for all or a portion of its reach as the result of the discharge of treated wastewater.
- (18) "EFFLUENT-DOMINATED STREAM" means a stream that would be intermittent or perennial without the presence of wastewater effluent whose flow for the majority of the time is primarily attributable to the discharge of treated water (i.e. greater than 50 percent of the flow consists of treated wastewater for at least 183 days annually, for eight out of the last ten years).
- (19) "EPHEMERAL STREAM" means a stream channel or reach of a stream channel that carries flow during, and for a short duration as the result of, precipitation events or snowmelt. The channel bottom is always above the groundwater table.
- (20) "EXISTING QUALITY" means the numeric value that represents the quality of a waterbody and is generally used for comparison with the water quality standard. Existing quality shall be calculated as:
- Total ammonia, nitrate, and the dissolved metals: 85th percentile
 - Total recoverable metals: 50th percentile
 - Dissolved oxygen in streams: 15th percentile
 - *E. coli*: geometric mean
 - pH: the range between the 15th and 85th percentiles
 - Temperature: For the purposes of determining standards attainment, existing quality is the seasonal maximum DM (acute) and WAT (chronic) which allows one warming event with a 3-year average exceedance frequency. For data records with less than or equal to 3 years, existing quality is equal to the maximum WAT and DM. For data records with 4-6 years, one warming event above the standard is permitted. The warming event allowance is described in Footnote 5(c)(ii) to Table I.

For the purposes of permits implementation, for data records with less than or equal to 3 years of representative upstream data, existing quality is equal to the seasonal or monthly maximum DM (acute) and WAT (chronic). For data records with 4-6 years, for monthly limits, the second highest monthly DM or WAT may be selected for one month in either winter or summer and the remaining months shall be the max DM or WAT.

- (21) "FEDERAL ACT" means the Clean Water Act, U.S.C. Section 1251 et seq., as amended.
- (22) "FIRST (1st) ORDER STREAM" means a stream that has no tributaries, based on USGS mapping at 1:100,000 scale.
- (23) "FLOODPLAIN" means any flat or nearly flat lowland that borders a stream, a lake, or an on-channel reservoir and that may be covered by its waters at flood or high stage as described by the parameter of the probable maximum flood or probable maximum high stage.
- (24) "HIGHEST ATTAINABLE USE" means the modified use that is both closest to the uses specified in section 31.13 and attainable based on the evaluation of the factors in 31.6(2)(b) that preclude attainment of the use and any other information or analyses that were used to evaluate attainability.
- (25) "LC-50" means the concentration of a parameter that is lethal to 50% of the test organisms within a defined time period.
- (26) "MAXIMUM WEEKLY AVERAGE TEMPERATURE (MWAT)" means the largest WAT in the period of interest. For lakes and reservoirs, the summertime MWAT is assumed to be equivalent to the maximum WAT from at least three profiles distributed throughout the growing season (generally July-September).
- (27) "MIXED LAYER" means that part of a lake that is well-mixed by wind action and can be expected to have relatively homogeneous physical and chemical conditions. In a thermally stratified lake, the mixed layer corresponds to the *epilimnion*; in an unstratified lake, the mixed layer extends to the bottom. The vertical extent of the mixed layer usually is determined by inspection of a vertical profile of temperature.
- (28) "MIXING ZONE" means that area of a waterbody designated on a case-by-case basis by the Division which is contiguous to a point source and in which certain standards may not apply.
- (29) "NUMERIC VALUE" means the measured concentration of a parameter.
- (30) "PARAMETER" means the chemical constituents or other characteristics of the water such as algae, *E. coli*, total dissolved solids, dissolved oxygen, or the magnitude of radioactivity levels, temperature, pH, and turbidity, or other relevant characteristics.
- (31) "PERMIT" means a National Pollutant Discharge Elimination System (NPDES) permit, a Colorado Discharge Permit System (CDPS) permit, or other state water quality permit.
- (32) "POTENTIALLY DISSOLVED METALS" means that portion of a constituent measured from the filtrate of a water and suspended sediment sample that was first treated with nitric acid to a pH of less than 2.0 and let stand for 8 to 96 hours prior to sample filtration using a 0.4 or 0.45 µm (micron) membrane filter. Note the "Potentially Dissolved" method cannot be used where nitric acid will interfere with the analytical procedure used for the constituent measured.
- (33) "PRIMARY CONTACT RECREATION" means recreational activities where the ingestion of small quantities of water is likely to occur. Such activities include but are not limited to swimming, rafting, kayaking, tubing, windsurfing, water skiing, and water play by children.

- (34) "REGIONAL WASTEWATER MANAGEMENT PLAN" means a water quality planning document prepared pursuant to section 208 of the federal Act, sometimes referred to as "208 Plans" or "Water Quality Management Plans."
- (35) "REPRODUCTIVE SEASON" means the portion of the year when fish migration, spawning, egg incubation, fry rearing or other reproductive functions occur.
- (36) "SALINITY" means total dissolved solids (TDS).
- (37) "SECOND (2nd) ORDER STREAM" means a stream which begins downstream of the confluence of two first (1st) order streams and ends downstream of the confluence of two second (2nd) order streams, based on USGS mapping at 1:100,000 scale.
- (38) "STANDARD" means a narrative and/or numeric restriction established by the Commission applied to state surface waters to protect one or more beneficial uses of such waters. Whenever only numeric or only narrative standards are intended, the wording shall specifically designate which is intended.
- (39) "STATE WATERS" means any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.
- (40) "STATUS QUO", in the context of temporary modifications, means the numeric values representative of the conditions at the time of the original temporary modification adoption for:
1. the quality of a waterbody, for which a temporary modification is applied, and
 2. the quality, and as appropriate the flow and loading, of effluent discharged into a waterbody, for which a temporary modification is applied.

Status quo shall be calculated as follows using data representative of quality at the time of the original temporary modification adoption, typically using data for the 5 years leading up to the temporary modification. Where such adequate, representative data do not exist, data representative of quality as close in time as practicable to the original temporary modification adoption shall be used.

For consideration of waterbody status quo:

- Total ammonia, nitrate, and dissolved metals (chronic): 85th percentile
- Total recoverable metals (chronic): 50th percentile
- Total ammonia, nitrate, total metals, and dissolved metals (acute): 95th percentile
- Temperature: seasonal maximum DM (acute) and WAT (chronic)
- Other parameters: As appropriate based on the duration and frequency for the water quality standard from Tables I, II, or III
- Or, in limited circumstances, as otherwise determined by the Commission on a case-by-case basis

For consideration of effluent status quo:

- Total ammonia, nitrate, and dissolved and total recoverable metals (chronic): maximum 30-day average
 - Total ammonia, nitrate, and dissolved and total recoverable metals (acute): maximum daily maximum
 - Temperature: seasonal maximum DM (acute) and WAT (chronic)
 - Other parameters: As appropriate based on permit implementation approaches of the water quality standard from Tables I, II, or III
 - Representative effluent flow and loading, as appropriate
 - Or, in limited circumstances, as otherwise determined by the Commission on a case-by-case basis
- (41) "TABLES" means tables I, II, and III, appended to this regulation, which set forth accepted levels for various parameters which will generally protect the beneficial uses of state surface waters.
- (42) "THIRD (3rd) ORDER STREAM" means a stream which begins at the confluence of two second (2nd) order streams and ends downstream of the confluence of two third (3rd) order streams, based on USGS mapping at 1:100,000 scale.
- (43) "TOTAL RECOVERABLE METALS" means that portion of a water and suspended sediment sample measured by the total recoverable analytical procedure described in "Methods for Chemical Analysis of Water and Wastes," U.S. Environmental Protection Agency, March, 1979, or its equivalent.
- (44) "TRIBUTARY WETLANDS" means wetlands that are the headwaters of surface waters or wetlands within the floodplain that are hydrologically connected to surface waters via either surface or groundwater flows. The hydrologic connection may be intermittent or seasonal, but must be of sufficient extent and duration to normally reoccur annually. Tributary wetlands do not include constructed or created wetlands.
- (45) "USE ATTAINABILITY ANALYSIS" means an assessment of the factors affecting the attainment of aquatic life uses or other beneficial uses, which may include physical, chemical, biological, and economic factors.
- (46) "USES" see Beneficial Uses.
- (47) "WARM WATER BIOTA" means aquatic life normally found in waters where the summer weekly average temperature frequently exceeds 20 °C.
- (48) "WATER QUALITY-BASED DESIGNATION" means a designation adopted by the Commission for specific state surface waters pursuant to section 31.8(2), to identify which level of water quality protection such waters will receive under the Antidegradation Rule in section 31.8(1). Such designations are adopted pursuant to the Commission's authority to classify state waters, as set forth in section 25-8-203, C.R.S., and the procedural requirements for classifying state waters shall be applied in adopting such designations.
- (49) "WATER EFFECT RATIO" means a ratio that is computed as a specific pollutant's acute or chronic toxicity value measured in water from the site covered by a standard, divided by the respective acute or chronic toxicity value in laboratory dilution water, as more specifically defined in 40 CFR. subsection 131.36(c) (1993).

- (50) "WATER QUALITY STANDARD" see Standard.
- (51) "WEEKLY AVERAGE TEMPERATURE (WAT)" means the average of daily average temperatures over a seven-day consecutive period, with a minimum of three data points spaced equally through each day. For lakes and reservoirs, the WAT is assumed to be equivalent to the average temperature of the mixed layer. The average temperature of the mixed layer is determined from a vertical profile of equally-spaced temperature measurements, separated by not more than one meter.
- (52) "WETLANDS" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

31.6 PROCESS FOR ASSIGNING CLASSIFICATIONS

The Commission is responsible for classifying state waters as set forth in sections 25-8-202(1)(a), and 25-8-203, C.R.S. All state surface waters may be classified in one or more of the use classifications as set forth in section 31.13.

Waters shall be classified for the present beneficial uses of the water, or the beneficial uses that may be reasonably expected in the future for which the water is suitable in its present condition or the beneficial uses for which it is to become suitable as a goal. The assignment of one or more classifications to a portion of the state surface waters is based upon its current suitability for the designated uses or goals for future uses. Where the use classification is based upon a future use for which the waters are to become suitable, the numeric standards assigned to such waters to protect the use classification may require a temporary modification to the underlying numeric standard and an implementation plan for eliminating the temporary modification.

When assigning classifications to waters of a given area, the Commission will consider the goals, objectives, and requirements of federal and state statutes and regulations, recommendations of the regional wastewater management plans (208 plans); 208 plans of adjoining regions; testimony, comments, and documents presented at public hearings on the issue; and other relevant information.

(1) Considerations in Assigning Classifications

(2) Upgrading and Downgrading

(a) Upgrading

The state shall maintain those water use classifications which are currently being attained. Where existing classifications specify fewer designated water uses than those which are presently being attained, the Commission shall upgrade the designated classification to reflect the uses actually being attained.

(b) Downgrading

At a minimum, the state shall maintain those water use classifications currently designated, unless it can be demonstrated that the existing classification is not presently being attained and cannot be attained within a twenty (20) year time period. Nonattainability must be due to at least one or more of the following conditions:

- (i) Naturally occurring pollutant concentrations prevent the attainment of the use within a twenty (20) year period; or

- (ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating state water conservation requirements to enable uses to be met; or
- (iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied within a twenty (20) year period or would cause more environmental damage to correct than to leave in place; or
- (iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or
- (v) Physical conditions related to the natural features of the waterbody, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or
- (vi) Controls more stringent than those required by section 301(b) and 306 of the federal Act would result in substantial and widespread economic and social impact; or
- (vii) Agricultural practices which are considered satisfactory for the locality. It must be demonstrated that these agricultural practices preclude the present classifications. Satisfactory practices will be approved by the Commission based on evidence from areawide 208 agencies, soil conservation districts, agricultural extension services and other public input.

An additional reason for revising classifications will be where previous classifications had no basis in fact and did not reflect actual beneficial uses. Such corrections to classifications shall not be considered downgrading. See e.g., section 31.6(3)(b) regarding hearings pursuant to section 25-8-207, C.R.S.

(3) Procedures for Assigning or Changing Classifications

(a) General

- (i) Assigning or changing a classification shall be accomplished by rule after a rulemaking hearing. Rulemaking hearings to consider a classification will be conducted according to the Procedural Regulations of the Commission. At a minimum, the Commission shall review classifications once every three years. Any interested person have shall have the right to petition the Commission to assign or change a stream classification. Such petition shall be open to the public inspection. Except as provided below, pursuant to section 24-4-103(7), C.R.S., action on such petition shall be within the discretion of the Commission. The Commission may also decide to consider a classification on its own motion.
- (ii) In making a decision regarding a proposed classification, the Commission will consider the principles set forth in this regulation. The decision will be made by the Commission applying its expertise after analyzing the evidence presented at public hearing and considering the requirements of law, its own policies, and all other matters deemed pertinent in the discretion of the Commission.
- (iii) Where the classifications of a waterbody segment do not include an aquatic life classification or recreation class E, P, or U, as a part of the triennial review of the segment the Division shall review any prior use attainability analyses or other basis for omission of one or more of the above classified uses. If the justification for the omission is determined not to be consistent with accepted use attainability procedures, the Division or other party, if any, advocating the omission shall perform a supplemental analysis to

provide a basis for a Commission determination whether such uses are attainable. When the Commission wishes to remove an aquatic life class 1 or 2 or recreation class E, P, or U classification, the Division shall conduct or the Commission shall require the petitioner to conduct, in consultation with the Division, a use attainability analysis to justify the proposed change.

(b) Section 25-8-207

- (i) Procedural requirements relating to reviews pursuant to section 25-8-207, C.R.S., are set forth in the Procedural Regulations, Regulation No. 21, 5 CCR 1002-21.
- (ii) The Commission shall, upon petition, or upon its own motion, review existing stream standards, classifications or water quality designations in subsection (iii) below. The Commission may revise stream standards, classifications and designations pursuant to the criteria listed in subsection (iv) below.
- (iii) The Commission shall make a finding of inconsistency, taking into account sections 25-8-102 and 25-8-104, C.R.S., if a water quality designation does not conform with the provisions of section 25-8-209 or if the existing use classification(s) or water quality standards:
 - (A) are more stringent than is necessary to protect fish life, shellfish life, and wildlife in waterbody segments which are reasonably capable of sustaining such fish life, shellfish life, and wildlife from the standpoint of physical, streambed, flow, habitat, climatic and other pertinent characteristics. Where such characteristics are adequate to support the use, use classifications shall be adopted or retained to protect aquatic life which constitutes a significant source of food supply for the fish, shellfish, or wildlife that is the basis for the classified use; or
 - (B) were adopted based upon material assumptions that were in error or no longer apply.
- (iv) As a result of any hearing held pursuant to this section, the Commission may revise or change use classifications, water quality standard(s) or water quality designations in accordance with the criteria contained in the Act or whenever necessary to insure compliance with the other provisions of this regulation.
- (v) Where the Commission determines that an inconsistency exists, it shall declare the inconsistent classification, standards or designations void ab initio and shall simultaneously establish appropriate classifications, standards or designations.

(4) **Segmentation**

31.7 PROCESS FOR ASSIGNING STANDARDS AND GRANTING, EXTENDING, OR REMOVING TEMPORARY MODIFICATIONS AND VARIANCES

Overview: Assigning or changing a standard or granting, removing before its expiration, or extending a temporary modification or variance shall be accomplished by a rule after a rulemaking hearing. The procedures for taking such action shall be the same as the procedures for assigning or changing classifications. See section 31.6(3)(a)(i).

(1) Assigning Standards

The Commission is responsible for promulgating water quality standards as set forth in section 25-8-204, C.R.S. Standards may be narrative and/or numeric and include the following:

(a) Basic Standards

The basic standards in section 31.11 shall apply to all state surface waters at the effective date of the regulation.

(b) Numeric Standards

A numeric standard may be assigned by the Commission either to apply on a statewide basis or to specific state surface waters. A numeric standard will be assigned by the Commission when it is presented with evidence that a particular numeric level for a parameter is the suitable limit for protecting the classified use. A numeric standard consists of a numeric level and may include a description as to how that numeric level is to be measured. Numeric standards will include appropriate averaging periods and appropriate frequencies of allowed excursions. A numeric standard may be exceeded due to temporary natural conditions such as unusual precipitation patterns, spring runoff or drought. Such uncontrollable conditions are not cause for changing the numeric standard.

A temporary modification of a numeric standard may be granted by the Commission if the numeric standard is not being met at the present time, but such numeric standard is necessary to allow the full attainment of the classified use.

Numeric standards will be assigned based on the evidence presented at the classification and numeric-standard-setting hearings. Numeric standards may not necessarily be assigned for all constituents listed in the tables. In making this determination, the Commission will consider the likelihood of such constituents being present in the waters in question naturally or due to point or nonpoint sources, and shall consider the significance of the constituents with respect to protection of the classified uses. Entities having specific water quality data for the waters being classified, such as 208 agencies, local municipalities and industries, and citizens' groups, the Water Quality Control Division, state and federal agencies, environmental organizations, and other interested persons are encouraged to present such information.

The Commission may use any of the following approaches to establish site-specific numeric standards, as it determines appropriate with respect to specific state surface waters. Existing site-specific standards shall remain in effect until superseded by revised standards promulgated pursuant to this section:

(i) Table Value Standards

The Commission may apply the numeric levels set forth in tables I, II, and III as site-specific standards when those levels are determined to be appropriate to protect the applicable classified uses, and the available site-specific information does not indicate that one of the following alternative approaches to numeric standards would be more appropriate. Acute and chronic standards may be adopted. Numeric standards may not necessarily be assigned for all constituents listed in the tables. Standards for metals may be established by site-specific adoption of the hardness-dependent equations in table III, instead of single-value numeric standards. The numeric levels for various parameters in tables I, II, and III, are levels determined by the Commission after careful analysis of all available information and are generally considered to protect the beneficial use classifications. They are intended to guide the Commission and others at the use classification and numeric-standard-setting hearings.

(ii) Ambient Quality-Based Standards

- (A) Where ambient water quality levels are worse than specific numeric levels contained in tables I, II, and III, but are determined adequate to protect the highest attainable uses, the Commission may adopt one of the two following types of site-specific ambient quality-based standards:
- (I) Feasibility-based Ambient Standard: Where water quality can be improved, but not to the level required by the current numeric standard, a feasibility-based numeric ambient standard may be adopted based on available representative data.
 - (II) Natural or Irreversible Ambient Standard: Where no improvement is feasible, or sources and causes are natural, a site-specific numeric standard may be adopted at existing quality based on available representative data. Site-specific acute standards for parameters in Table III shall be based on the 95th percentile value of the available representative data.
- (B) Ambient quality-based standards are authorized only where a comprehensive analysis and review is conducted:
- (I) Which identifies the sources and causes of the elevated levels and characterizes existing conditions, including spatial and temporal variation;
 - (II) Where sources and causes are not natural, a comprehensive alternatives analysis identifies the improved water quality conditions (if any) that could result from feasible pollution control alternatives;
 - (III) Which includes a rationale for either retaining or revising the current use classification(s); and
 - (IV) Which characterizes the highest attainable use.

(iii) Site-Specific Criteria-Based Standards

For state surface waters where an indicator species procedure (water effects ratio), recalculation procedure, use attainability analysis or other site-specific analysis has been completed in accordance with section 31.16(2)(b), or in accordance with comparable procedures deemed acceptable by the Commission, the Commission may adopt site-specific standards as determined to be appropriate by the site-specific study results. For segments assigned aquatic life classifications, where factors other than water quality substantially limit the diversity and abundance of species present, the Commission may adopt site-specific acute or chronic standards as determined to be appropriate based upon available information regarding the waters and the habitat. Recurrence intervals for site-specific-criteria-based standards may be determined on a site-specific basis.

Site-specific criteria-based standards and ambient quality-based standards for metals shall be based on dissolved metals whenever the Commission determines that the evidence presented is adequate to justify such standards. Site-specific standards for metals in effect prior to July 31, 1988 were generally based on total recoverable metals. Those standards shall remain in effect until superseded by revised standards promulgated pursuant to this section.

- (iv) Standards For Surface Waters In Wetlands
 - (A) Tributary wetlands to which the interim classifications referenced in section 31.13(1)(e)(iv) apply, shall be subject to the following interim standard:
 - (1) Until such time as the Commission adopts site-specific standards for the tributary wetland, water quality in the wetland shall be maintained for each parameter at whichever of the following levels is less restrictive:
 - (a) ambient quality, or
 - (b) that quality which meets the numeric standards (except for numeric standards for pH, dissolved oxygen, and any standard established for the protection of a domestic water supply use) of the tributaries of the surface water segment to which the wetland is most directly hydrologically connected. Where the applicable numeric standard is based on section 31.16, table III, of this regulation, the numeric standard applicable to the wetland may be implemented taking into account the water effect ratio of the pollutant.
 - (2) Ambient quality shall be determined in accordance with section 31.7(1)(b)(ii) and shall take into account the location, sampling date, and quality of all available data. Ambient quality shall be determined as of the time the first regulatory action is undertaken which requires the identification of water quality standards for wetlands. If available information is not adequate to otherwise determine or estimate ambient quality, the interim standard set forth in section 31.7(1) (b) (iv) (A) (1) (b) shall apply.
 - (B) Wetlands for which the Commission has adopted a site-specific “wetlands” classification described in section 31.13(1)(e)(v), shall be subject to numeric standards and designations adopted by the Commission. The Commission shall adopt any numeric standards and designations determined to be appropriate in view of the functions and values to be protected for the wetlands in question.
 - (C) Created wetlands shall be subject only to the narrative standards set forth in section 31.11, unless the Commission has adopted the wetlands classification and appropriate numeric standards. All created wetlands will have a use protected designation unless determined otherwise as a result of a site-specific hearing.
 - (D) Compensatory wetlands shall be subject to the standards of the segment in which they are located, unless the Commission adopts a wetlands classification and appropriate numeric standards.
 - (E) All other wetlands which are state waters shall be subject only to the narrative standards set forth in section 31.11, unless the Commission has adopted the wetlands classification and appropriate numeric standards.
 - (F) The issuance and use of site-specific or individual permits under section 404 of the Clean Water Act, is not precluded by the provisions of sections 31.7, 31.11 or 31.13, except as provided in the 401 certification process under section 25-8-302, C.R.S.

- (G) Wetlands water quality standards and classifications shall not be interpreted or applied in a manner that is inconsistent with sections 25-8-102(5) and 25-8-104, C.R.S.

(c) Site-Specific Narrative Standards

- (i) Narrative standards may be assigned by the Commission to apply on a specific state surface water where numeric criteria are not required under federal law. Narrative standards will be assigned based on the evidence presented at the classification and numeric-standards-setting hearings, and must protect the classified uses.
- (ii) The Commission may adopt a site-specific narrative standard where water quality currently is degraded as a result of historical mining activities and improvement is likely within 20 years, if it determines that such a standard is the most appropriate option to protect existing uses and to promote water quality improvement efforts for the segment(s) in question due to uncertainty regarding what water quality is attainable. Unless the Commission determines that a different approach is appropriate on a site-specific basis, it shall use a statement that the standard(s) for the pollutant(s) in question shall be the chemical concentrations, biological conditions, and/or physical conditions identified by a structured scientific use attainability analysis, or table value standards, if the use attainability analysis is not completed and submitted by a specified date and approved by the Commission. Generally, a numerical temporary modification based on existing ambient quality will also be adopted for the segment(s) and pollutant(s) in question.

(2) **Considerations in Assigning Standards**

(3) **Granting, Extending, and Removing Temporary Modifications to Numeric Standards**

Where non-attainment of underlying standards has been demonstrated or predicted, the Commission may grant a temporary modification to a numeric standard upon a showing that the conditions in subsection (a), below, exist, provided that adequate supporting information described in subsection (b), below, are submitted. The presence of a temporary modification will be indicated in the appropriate water quality standards basin regulation by listing the parameter, the operative value, and the expiration date. A temporary modification may be granted to an entire stream or waterbody or to any portion thereof. It may be granted at the time a numeric standard is assigned or at any later time. When the temporary modification expires or is removed by the Commission, the underlying numeric standard will be in full effect. In every case, the modification to the numeric standard shall be temporary. All temporary modifications must be reevaluated not less than once every three (3) years.

In general, requests for a temporary modification are preferred over a more permanent downgrading of a present classification where it appears that the conditions causing the lower water quality might be temporary within a twenty (20) year time frame. The adoption of a temporary modification recognizes current conditions while providing an opportunity to resolve the uncertainty.

For the term of a temporary modification, regional wastewater management plans (208 plans) and plan updates, wasteload allocations, and planning, design, and construction of new, enlarged, or improved facilities and management practices shall be geared toward fully attaining the classified use and underlying numeric standard and assist in eliminating the need for the temporary modification. Discharge permits shall be implemented such that, at a minimum, status quo is maintained, and effluent quality is maintained at the best level reasonably achievable in a manner consistent with the provisions of subsection 31.9(4).

The subsections below provide requirements for the adoption, extension, review, and implementation of temporary modifications.

(a) Conditions Justifying a Temporary Modification

The Commission may grant a temporary modification of a numeric water quality standard for a waterbody where all of the following apply:

- (i) Non-attainment of underlying standards has been demonstrated or predicted
- (ii) Such non-attainment co-occurs spatially and temporally with an existing permitted discharge that has a demonstrated or predicted problem complying with a water quality-based effluent limit with which:
 - (A) the discharge must currently comply, or
 - (B) the discharge must comply within the next five years, or
 - (C) the discharge must comply in more than five years, and evidence shows significant investment in facility infrastructure would be required before the uncertainty is resolved.
- (iii) At least one of the following is shown to exist:
 - (A) there is significant uncertainty regarding the water quality standard necessary to protect current and/or future uses.
 - (B) there is significant uncertainty regarding the extent to which existing quality is the result of natural or irreversible human-induced conditions.

(b) Adequate Supporting Information for Original Adoption of a Temporary Modification

Adequate supporting information must be submitted including all of the following:

- (i) Characterization of the waterbody and effluent including:
 - (A) raw data describing the waterbody and effluent and characterization of the status quo, or, absent adequate data, a plan to collect data representative of quality as close in time as practicable to the temporary modification adoption, and
 - (B) documentation of waterbody non-attainment and an effluent compliance problem, as required in section 31.7(3)(a).
- (ii) Documentation of uncertainty pertaining to the underlying water quality standard for the waterbody and/or the extent to which existing quality is the result of natural or irreversible human-induced conditions.
- (iii) A plan for resolving the uncertainty and eliminating the need for the temporary modification that includes, for each type of uncertainty, a detailed, site-specific approach expected to result in sufficient information to resolve the uncertainty within the term of the temporary modification. The plan shall also include a schedule of timelines for key deliverables, including, but not limited to, annual reporting on progress to the Division. Additionally, the plan shall include activities to ensure that, at a minimum, status quo is maintained, and effluent quality is maintained at the best level reasonably achievable, in a manner consistent with the provisions of subsection 31.9(4). Implementation of

nonpoint source strategies for improving waterbody quality can also be considered, as appropriate.

- (iv) A justification for the narrative or numeric operative value, as defined in section 31.7(3)(d).
- (v) A justification for the proposed expiration date, consistent with section 31.7(3)(e).

(c) Adequate Supporting Information for Extension of a Temporary Modification

In addition to the information required for adoption of an original temporary modification, a proposed extension of a temporary modification shall be supported by:

- (i) Justification for why the time allotted under the previous temporary modification term was not sufficient to resolve the uncertainty and eliminate the need for the temporary modification, and
- (ii) Demonstration that status quo has been maintained. If waterbody quality status quo is shown to have been degraded, justification that the degradation was not due to the effluent in question shall also be provided.

(d) Operative Value during the Term of a Temporary Modification

In order to ensure that, at a minimum, status quo is maintained, the operative value during the term of the temporary modification will be set to represent the current condition of the waterbody and effluent by either:

- (i) Numeric values representing the status quo, or
- (ii) A narrative "current condition" that represents the status quo; the numeric values representing status quo shall be documented in the Statement of Basis and Purpose.

(e) Term and Review of a Temporary Modification

- (i) When a temporary modification is granted, the length of term of the temporary modification will be set by the Commission. The term granted shall be the shortest possible to resolve the uncertainty. The term of a temporary modification shall be determined on a case-by-case basis, based upon all relevant factors, including, but not limited to:
 - (A) the degree of uncertainty pertaining to the justification regarding the need for and length of the original temporary modification or extension, and
 - (B) how soon resolving the issues that necessitated adoption of the temporary modification is deemed feasible.
- (ii) In making a decision as to whether a temporary modification should be removed or extended, the Commission will consider all relevant factors, including, but not limited to, whether:
 - (A) the temporary modification still qualifies under 31.7(3)(a),
 - (B) there is an adequate plan to resolve uncertainty for eliminating the need for the temporary modification and substantial progress has been made under the plan,

- (C) status quo has been maintained, or if status quo in the waterbody, alone, has not been maintained, whether degradation of the waterbody quality status quo is due to factors other than the effluent in question, and
- (D) there has been no, or minimal, impact from the temporary modification on the uses of the stream in the area of the temporary modification and upstream and downstream of that area.

A temporary modification shall not be extended if the proponent did not substantially comply with all conditions of the temporary modification, including, but not limited to, submission of annual progress updates and supporting documentation.

(f) Frequency of Commission Review

- (i) The Commission will hold, at a minimum, a biennial (i.e., every other year) public rulemaking hearing to review all temporary modifications. As a result of the hearing, the Commission may:
 - (A) Delete the temporary modification and allow the existing underlying standards to go into effect;
 - (B) Delete the temporary modification and adopt a revised underlying standard;
 - (C) Extend the expiration date of the current temporary modification, with or without a revised underlying standard; or
 - (D) Adopt a revised temporary modification with an appropriate expiration date.
- (ii) Annual progress updates must be submitted to the Division. As a result of the review of the annual progress updates submitted during years with no scheduled formal public rulemaking hearing, the Division may propose that the Commission schedule a rulemaking hearing prior to the regularly scheduled biennial hearing to review and consider revisions, deletions, or extensions of temporary modifications.

(4) Granting, Extending and Removing Variances to Standards

A variance to a water quality standard may be granted by the Commission to establish a temporary water quality standard that represents the highest feasible degree of protection of a classified use when the criteria in this subsection are met. Variances approved by the Commission shall be incorporated into the relevant standard tables, and the presence of the variance will be indicated in the appropriate water quality standards basin regulation. When the variance expires or is removed by the Commission, the underlying standard will be in full effect. In every case, the variance to the standard shall be temporary and must be reevaluated during each basin triennial review for the segment, unless the Commission requires a more frequent review when adopting the variance.

(a) Criteria for Granting a Discharger-Specific Variance

Variances to standards are authorized only where a comprehensive alternatives analysis demonstrates that there are no feasible alternatives that would allow for the regulated activity to proceed without a discharge that exceeds water quality-based effluent limits. In addition, an applicant for a variance must satisfy both of the following criteria.

- (i) Tests to Determine the Need for a Variance

- (A) Limits of Technology: Demonstration that attaining the water quality standard is not feasible because, as applied to the point source discharge, pollutant removal techniques are not available or it is technologically infeasible to meet the standard;
 - (B) Economics: Demonstration that attaining the water quality standard is not feasible because meeting the standard, as applied to the point source discharge, will cause substantial and widespread adverse social and economic impacts in the area where the discharge is located. Considerations include such factors as the cost and affordability of pollutant removal techniques; or
 - (C) Other Consequences: Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place.
 - (ii) Evaluation of the use of other regulatory tools, including compliance schedules, use attainability analyses to determine whether a change in uses or standards could fully protect actual and potential classified uses on the segment, and temporary modifications, and an explanation for how these other tools are not appropriate or would not result in water quality-based effluent limits that are feasible for the discharger to achieve within the required timeframe.
- (b) Selection of Alternative Effluent Limits for Discharger-Specific Variances

The Commission's decision on whether to adopt a variance shall be based upon an evaluation of a comprehensive alternatives analysis and consideration of the impact of the variance on the uses of the waterbody at the discharge location and downstream of the discharge.

- (i) Variances adopted by the Commission for a specific discharger shall include alternative effluent limits (AELs) that:
 - (A) represent the highest attainable condition by requiring the highest degree of protection of the classified use that is feasible for the specific discharger named in the variance, and
 - (B) reflects the greatest pollutant reduction achievable throughout the term of the variance while taking into consideration the factors in subsection 31.7(4)(a), as appropriate, and
 - (C) do not result in any lowering of the currently attained ambient water quality, unless temporarily necessary for restoration activities.
- (ii) To ensure all feasible water quality improvements are implemented throughout the term of the variance, the Commission shall adopt one of the following:
 - (A) An effluent-based AEL, expressed as an effluent concentration, load, pollutant percent removal, or other quantifiable expression of effluent quality and quantity. At its discretion, the Commission may additionally require the adoption and implementation of a Pollutant Minimization Program.
 - (B) An action-based AEL with a quantifiable expression of the specific pollution control requirements to be completed by the discharger and the adoption and implementation of a Pollutant Minimization Program. An action-based AEL may only be justified when no additional feasible pollution control technology can be

identified which could achieve a predictable, quantitative improvement in effluent quality.

- (iii) The Commission will adopt a minimum of two AELs:
 - (A) an initial AEL that applies from the onset of the variance to ensure the discharge does not contribute to any lowering of currently attained ambient water quality, and
 - (B) a final AEL which represents the highest attainable condition that is feasible to achieve during the term of the variance.
- (iv) The underlying standard is the applicable standard for assessing attainment for a waterbody and the development of effluent limitations for all other dischargers to the waterbody segment not named in the variance.

(c) Conditions on Discharger-Specific Variances

A discharger-specific variance applies only to the point source discharge and pollutant(s) specified in the variance. In all permit actions issued to implement a discharger-specific variance:

- (i) At the time the variance is implemented in the permit, compliance with the initial AEL will be required. Where necessary and appropriate, the permit may include a compliance schedule for the achievement of any interim and final AELs adopted by the Commission, which may include interim milestones towards achieving the applicable AEL.
- (ii) Ongoing investigation of treatment technologies, process changes, wastewater reuse, or other controls that may result in improvement in effluent quality, and reports regarding such investigations should be submitted with adequate time to allow for consideration of the information during the scheduled review of the variance by the Commission.
- (iii) Any limitations and requirements necessary to implement the variance shall be included as enforceable permit conditions, including but not limited to additional monitoring requirements.
- (iv) The discharge permit effluent limitations shall be established using the least stringent of the water quality-based effluent limits based upon the underlying standard or the AEL(s).

(d) Term and Review of a Discharger-Specific Variance

The Commission will set the term of a variance, on a case-by-case basis, to be only as long as necessary to achieve the highest attainable condition, including the time needed to plan, implement, or evaluate the outcome of the activities. In every case, the variance to the standard shall be temporary and must be reevaluated at a minimum during each basin triennial review for the segment. The specific timing of reviews shall be specified in the variance and comply with all requirements in this section. If the term of the variance is greater than five years, the variance must be reviewed at least every five years after EPA's approval.

The Commission will conduct a reevaluation and submit the results of its reevaluation to EPA within 30 days of the completion of the reevaluation process. If the Commission does not fulfill this requirement, the DSV will no longer be the applicable water quality standard for purposes of the Clean Water Act.

If, as a result of the reevaluation process, the Commission determines that it is possible to achieve a more stringent AEL or highest attainable condition than was originally required by the

variance, then the Commission will revise the variance to incorporate the more stringent AEL in that hearing and submit the reevaluation results to EPA. Similarly, if the Commission determines a less stringent AEL is necessary, a revised variance must be submitted to EPA.

When the variance expires, a subsequent variance shall only be adopted if the permittee completed the ongoing investigation of pollution control alternatives and substantially complied with all other conditions of the variance.

31.8 ANTIDEGRADATION

(1) Antidegradation Rule

- (a) The highest level of water quality protection applies to certain waters that constitute an outstanding state or national resource. These waters, which are those designated outstanding waters pursuant to section 31.8(2)(a), shall be maintained and protected at their existing quality. Short-term degradation of existing quality is allowed for activities that result in long-term ecological or water quality benefit or clear public interest.
- (b) An intermediate level of water quality protection applies to waters that have not been designated outstanding waters or use protected waters. These waters shall be maintained and protected at their existing quality unless it is determined that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. For these waters, no degradation is allowed unless deemed appropriate following an antidegradation review in accordance with section 31.8(3), except as specified in (i) and (ii) below. Further, all applicable statutory and regulatory requirements for point sources and, if applicable control regulations have been adopted, all cost-effective and reasonable best management practices for nonpoint sources shall be met.
 - (i) For dissolved iron, dissolved manganese, and sulfate, concentrations may reach the applicable water supply standard without an antidegradation review provided degradation for Aquatic Life based standards is not significant.
 - (ii) For all other pollutants, no degradation is allowed, unless deemed appropriate following an antidegradation review in accordance with section 31.8(3).
- (c) At a minimum, for all state surface waters existing classified uses and the level of water quality necessary to protect such uses shall be maintained and protected. No further water quality degradation is allowable which would interfere with or become injurious to these uses. The classified uses shall be deemed protected if the narrative and numerical standards are not exceeded.

The antidegradation review requirements in section 31.8(3) are not applicable to waters designated use protected pursuant to section 31.8(2)(b). For these waters, only the protection specified in this subparagraph applies.

- (d) Water quality designations and reviewable water provisions shall not be utilized in a manner that is contrary to the provisions of sections 25-8-102 and 25-8-104, C.R.S.

(2) Water Quality-Based Designations

Waters which satisfy the criteria in subparagraph (a) below may be designated by the Commission as "outstanding waters". Waters which satisfy the criteria in subparagraph (b) below may be designated "use protected." Waters not satisfying either set of criteria will remain undesignated, and will be subject to the antidegradation review provisions set forth in section 31.8(3), below.

(a) Outstanding Waters Designation

Waters may be designated outstanding waters where the Commission makes all of the following three determinations:

- (i) The existing quality for each of the following parameters is equal to or better than that specified in tables I, II, and III for the protection of aquatic life class 1, recreation class P and (for nitrate) domestic water supply uses:

Table I: dissolved oxygen, pH, *E. coli*

Table II: chronic ammonia, nitrate

Table III: chronic cadmium, chronic copper, chronic lead, chronic manganese, chronic selenium, chronic silver, and chronic zinc

The determination of existing quality shall be based on adequate representative data, from samples taken within the segment in question. Data must be available for each of the 12 parameters listed; provided, that if *E. coli* samples from within the segment are infeasible due to its location, and a sanitary survey demonstrates that there are no human sources present that are likely to impact quality in the segment in question, *E. coli* data will not be required. "Existing quality" shall be the 85th percentile of the data for ammonia, nitrate, and dissolved metals, the 50th percentile for total recoverable metals, the 15th percentile for dissolved oxygen, the geometric mean for *E. coli*, and the range between the 15th and 85th percentiles for pH.

In addition, the foregoing notwithstanding, this test shall not be considered to be met if the Commission determines that, due to the presence of substantial natural or irreversible human-induced pollution for parameters other than those listed above, the quality of the waters in question should not be considered better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

- (ii) The waters constitute an outstanding natural resource, based on the following:
- (A) The waters are a significant attribute of a State Gold Medal Trout Fishery, a National Park, National Monument, National Wildlife Refuge, or a designated Wilderness Area, or are part of a designated wild river under the Federal Wild and Scenic Rivers Act; or
- (B) The Commission determines that the waters have exceptional recreational or ecological significance, and have not been modified by human activities in a manner that substantially detracts from their value as a natural resource.
- (iii) The water requires protection in addition to that provided by the combination of water quality classifications and standards and the protection afforded reviewable water under section 31.8(3).

(b) Use Protected Designation

These are waters that the Commission has determined do not warrant the special protection provided by the outstanding waters designation or the antidegradation review process.

- (i) Waters shall be designated by the Commission use protected if any of the criteria below are met, except that the Commission may determine that those waters with exceptional

recreational or ecological significance should be undesignated, and deserving of the protection afforded by the antidegradation review provisions of section 31.8(3):

- (A) The use classifications of the waters include aquatic life warm water class 2, except as provided in subsection (iii) below;
- (B) The existing quality for at least three of the following parameters is worse than that specified in tables I, II and III for the protection of aquatic life class 1, recreation class P and (for nitrate) domestic water supply uses:

Table I: dissolved oxygen, pH, *E. coli*

Table II: chronic ammonia, nitrate

Table III: chronic cadmium, chronic copper, chronic lead, chronic manganese, chronic selenium, chronic silver, and chronic zinc

The determination of existing quality shall be based on adequate representative data, from samples taken within the segment in question. Data must be available for each of the 12 parameters listed; provided, that if *E. coli* samples from within the segment are infeasible due to its location, and a sanitary survey demonstrates that there are no human sources present that are likely to impact quality in the segment in question, *E. coli* data will not be required. "Existing quality" shall be as defined in 31.5.

- (ii) In addition, waters may be designated use protected even though none of the preceding criteria apply if the Commission determines that due to the presence of substantial natural or irreversible human induced pollution for parameters other than those listed in section 31.8(2)(b)(i)(B) the quality of the waters in question should not be considered better than necessary to support aquatic life class 1 and recreation class P uses. In making such a determination about a use protected designation, the Commission may take into account evidence of exceedances of one or more of the parameters listed in section 31.8(2)(b)(i)(B). (This provision shall be repealed effective 12/31/2031)
- (iii) Waters classified as aquatic life warm water class 2 shall not be designated use protected solely on the basis of such classification if:
 - (A) There is adequate representative data available from samples taken within the segment in question for each of the 12 parameters listed in subsection 31.8(2)(b)(i)(B), above, and that data shows that the existing quality for at least 10 of the 12 parameters is equal to or better than that specified in tables I, II and III for the protection of aquatic life class 1, recreation class P and (for nitrate) domestic water supply uses; and
 - (B) The segment in question is not listed, and does not qualify for listing, for two or more pollutants on Colorado's Section 303(d) List of Water-Quality-Limited Segments Requiring Total Maximum Daily Loads, for an exceedance of chronic or "30-day" numeric standards.

(3) Antidegradation Review Process

(a) Applicability

These antidegradation review procedures shall apply to the review of regulated activities with new or increased water quality impacts that may degrade the quality of state surface waters that have not been designated as outstanding waters or use protected waters, including waters previously designated as high quality class 2. These waters are referred to below as "reviewable waters."

"Regulated activities" means any activities which require a discharge permit or water quality certification under federal or state law, or which are subject to state control regulations unless the Commission has specified in the control regulation that the antidegradation review process is not applicable. Where possible, the antidegradation review should be coordinated or consolidated with the review processes of other agencies concerning a proposed activity in an effort to minimize costs and delays for such activities.

(b) Division and Commission Roles

For regulated activities, the significance determination set forth in section 31.8(3)(c) and the determination whether degradation is necessary to accommodate important economic or social development in the area in which the waters are located, pursuant to section 31.8(3)(d), shall be made by the Division, subject to a de novo review by the Commission in an adjudicatory hearing, on the Commission's own motion, pursuant to a petition by any interested person who has submitted written comments during the Division review process, or on the Commission's determination pursuant to section 24-4-105(2), C.R.S.

(c) Significance Determination

The initial step in an antidegradation review shall be a determination whether the regulated activity in question is likely to result in significant degradation of reviewable waters, with respect to adopted narrative or numeric standards. The significance determination will be based on the chronic numeric standard and flow for the pollutant of concern except for those pollutants which have only acute numeric standards in which case the acute standard and flow will be used. This significance determination shall be made with respect to the net effect of the new or increased water quality impacts of the proposed regulated activity, taking into account any environmental benefits resulting from the regulated activity and any water quality enhancement or mitigation measures impacting the segment or segments under review, if such measures are incorporated with the proposed regulated activity. The regulated activity shall be considered not to result in significant degradation, as measured in the reviewable waters segment, if:

- (i) For bioaccumulative toxic pollutants, (i.e., those chemicals for which the bioaccumulation factor (BAF) is equal to or greater than 1000) the new or increased loading from the source under review is less than 10 percent of the existing total load to that portion of the segment impacted by the discharge for critical constituents; provided, that the cumulative impact of increased loadings from all sources shall not exceed 10 percent of the baseline total load established for the portion of the segment impacted by the discharge (the baseline total load shall be determined at the time of the first proposed new or increased water quality impacts to the reviewable waters.); and
- (ii) For all pollutants:
 - (A) The flow rate or volume of a new or increased discharge under review is small enough that it will be diluted by 100 to 1 or more at low flow, as defined in section 31.9, by water in the stream; or
 - (B) The new activity or increased discharge from the source under review will consume, after mixing, less than 15 percent of the baseline available increment, provided that the cumulative increase in concentration from all sources shall not exceed 15 percent of the baseline available increment. The baseline available increment is the increment between low-flow pollutant concentrations and the relevant standards for critical constituents for that portion of the segment

impacted by the discharge. Except as identified in (C) below, the baseline low-flow pollutant concentration shall represent the water quality as of September 30, 2000 (or the effective date when the use protected designation is removed), and shall be determined at the time of the first proposed new or increased water quality impacts to the reviewable waters after that date.

- (C) If water quality subsequently improves as the result of the remediation of impacts from past unpermitted releases of contaminants that affected the water quality as of September 30, 2000 (or the effective date when the use protected designation is removed), the resulting improved water quality at the time of the proposed new water quality impacts shall be used as the baseline. However, if such improvement results from non-legally-mandated remediation, upon petition the Commission may determine an alternative baseline to be used for antidegradation review purposes, taking into account the site-specific circumstances, including the benefits of protecting improved water quality and the goal of not discouraging voluntary clean-up efforts, including water pollutant trading. Any individual or entity, including those involved in the remediation efforts, may petition the Commission, at any time, to establish an alternative baseline, including prior to proceeding with a remediation project.
- (D) The regulated activity will result in only temporary or short term changes in water quality. This exception shall not apply where long-term operation of the regulated activity will result in an adverse change in water quality.

For the purposes of this subsection, the phrase “portion of the segment impacted by the discharge” means the portion of the stream from the discharge point to the first major tributary inflow, or as determined by the Division based on site-specific information at the time of the analysis.

(d) Necessity of Degradation Determination

If a determination has been made in accordance with section 31.8(3)(c) that a proposed regulated activity is likely to result in significant degradation of reviewable waters, a determination shall be made pursuant to this section whether the degradation is necessary to accommodate important economic or social development in the area in which the waters are located. The following provisions shall apply to this determination:

- (i) The “area in which the waters are located” shall be determined from the facts on a case-by-case basis. The area shall include all areas directly impacted by the proposed regulated activity.
- (ii) A determination shall be made from the facts on a case-by-case basis whether the proposed regulated activity is important economic or social development. If the activity proponent submits evidence that the regulated activity is important development, it shall be presumed important unless information to the contrary is submitted in the public review process. The determination shall take into account information received during the public comment period and shall give substantial weight to any applicable determinations by local governments or land use planning authorities.
- (iii) If the proposed regulated activity is determined to be important economic or social development, a determination shall be made whether the degradation that would result from such regulated activity is necessary to accommodate that development. The degradation shall be considered necessary if there are no water quality control alternatives available that (A) would result in no degradation or less degradation of the state waters and (B) are determined to be economically, environmentally, and technologically reasonable. In situations where water quality control alternatives are

identified that satisfy the tests in (A) and (B), the Division shall consider the proposed degradation to be unnecessary, and require implementation of a non-degrading or less degrading alternative as a condition of authorizing the proposed activity.

This determination shall be based on an assessment of whether such alternatives are available, based upon a reasonable level of analysis by the project proponent, consistent with accepted engineering practice, and any information submitted by the public or which is otherwise available. The assessment shall address practical water quality control technologies, the feasibility and availability of which has been demonstrated under field conditions similar to those of the activity under review. The scope of alternatives considered shall be limited to those that would accomplish the proposed regulated activity's purpose. Any alternatives that would be inconsistent with section 25-8-104 of the Water Quality Control Act shall not be considered available alternatives.

In determining the economic reasonableness of any less-degrading water quality control alternatives, the Division may take into consideration any relevant factors, including but not limited to the following, if applicable:

- (A) Whether the costs of the alternative significantly exceed the costs of the proposal;
- (B) For publicly owned treatment works (POTWs) or public water supply projects, whether user charges resulting from the alternative would significantly exceed user charges for similarly situated POTWs or public water supply projects;
- (C) For private industry, whether the alternative would have a significant adverse effect upon the project's profitability or competitive position (if the project proponent chooses to provide such information);
- (D) For any dischargers, whether treatment costs resulting from the alternative would significantly exceed treatment costs for any similar existing dischargers on the segment in question.
- (E) The relative, long-term, energy costs and commitments and availability of energy conservation alternatives.

(e) Public Participation and Intergovernmental Coordination

Procedural provisions relating to public participation and intergovernmental coordination and antidegradation reviews are set forth in the Procedural Rules, Regulation No. 21, section 21.16 (5 CCR 1002-21).

(f) Public Nomination-Water Quality Based Designations

Any person may nominate any state water for designation as outstanding waters or use protected during triennial review or at any time. Such nomination shall include written documentation of the qualifications for such designation based upon the criteria in section 31.8(2)(a) or (b).

(g) Protection of Existing Uses

If, during an antidegradation review, it is determined that an existing use of the affected waterbody has not been classified, prior to completing the antidegradation review for an applicable regulated activity, an expeditious rulemaking hearing shall be held (on an emergency basis if necessary) to consider adoption of the additional classification.

31.9 IMPLEMENTATION OF STANDARDS

(1) Low Flow Exceptions

- (a) Water quality standards shall apply at all times; provided, that in developing effluent limitations or other requirements for discharge permits, the Division shall normally define critical flow conditions using the following low-flow values:
- (i) Generally: the empirically based 30-day average low flow with an average 1-in-3 year recurrence interval (30E3) for chronic standards and the empirically based 1-day low flow with an average 1-in-3 year recurrence interval (1E3) for acute standards, or the equivalent statistically-based flow.
 - (ii) Temperature limitations: the empirically based 7-day average low flow with an average 1-in-3 year recurrence interval (7E3), and the empirically based 1-day low flow with an average 1-in-3 year recurrence interval (1E3) for acute standards, or the equivalent statistically-based flow.
 - (iii) Total phosphorus and total nitrogen limitations: the annual median of the daily average flows with a 1-in-5 year recurrence interval.

(b) Data Requirements

The period of record for determining low flows shall be based on a minimum of ten years of flow data, except that, when ten years of data is not available, low flows may be determined, on a case-by-case basis, using a period of record of less than ten years. If more than ten years of flow data is available, it may be more appropriate to establish low flow conditions based on a longer period of record to more accurately reflect site-specific conditions.

(c) Streams With Rapid Flow Changes

For streams with seasonal rapidly rising or falling hydrographs, the Division shall use, if so requested by a discharger, the procedure set forth in subparagraphs (i) through (v) below for calculating 30E3 values for those transitional flow periods of the year. For certain substances such as ammonia, the low flow exceptions may be based on periodic or seasonal flows as determined on a case-by-case basis by the Division.

- (i) Averaging Procedure – Calculation of 30-day Forward Moving Harmonic Means - Moving harmonic means shall first be calculated for each consecutive thirty-day period in the period of record being considered.
- (ii) Calculate Annual 30E3 Value - Determine the annual 30E3 value using the procedure set forth in Appendix A using
 - (A) 30-day forward moving harmonic means, and
 - (B) the excursion procedure for a 1-in-3 year recurrence interval.
- (iii) Assigning Harmonic Means - Each 30-day harmonic mean shall then be assigned to a month. A harmonic mean shall be assigned to a specific month only if the harmonic mean is calculated using data for 15 or more days from that month.
- (iv) Ranking of Harmonic Means - Harmonic means shall be ranked from the lowest to highest for each month of the year. The lowest harmonic mean for a month shall be used

to establish the low flow value for that month using the procedure set forth in subparagraph (v) below.

- (v) Establishing Monthly 30E3 Low Flows – The low flow for a month shall be either the lowest harmonic mean assigned to that month (as determined in subparagraphs (iii) and (iv), above), or the annual low flow value (as determined in subparagraph (ii), above), whichever is greater.

(d) Waters Not Yet Classified

Discharges to waters not presently classified must meet established effluent limitation regulations, the basic standards, antidegradation rule and control regulations. Effluent flows which reach a classified body of water, even though the discharge point is to a water not yet classified, must be of a quality which will not cause the standards of the classified body of water to be violated.

(2) Compliance Schedules

Where the Commission has adopted new standards, temporary modifications or revised standards that have become more stringent, or where the Division has developed new interpretations of existing standards, including, but not limited to, implementation requirements through approved TMDLs and Wasteload Allocations, interim and final AELs for variances and antidegradation reviews; the Division may include schedules of compliance in Colorado Discharge Permit System (CDPS) permits when it determines such schedules to be necessary and appropriate.

(3) Temperature Limits

The Division will determine whether temperature limits are to be included in permits utilizing the following approach.

- (a) No temperature effluent limit will be applied if a discharge is to an effluent-dependent stream and there is no evidence that the aquatic life use may be negatively affected by the thermal component of the discharge. In implementing this provision, the Division will consider all readily available and pertinent evidence regarding the potential for the thermal properties of a discharge to affect aquatic life.
- (b) No temperature effluent limit will be applied to a discharge of water from a natural hot springs, so long as that water enters the receiving water in the vicinity of its natural outflow.
- (c) Where neither (a) nor (b) above apply to a discharge, the Division will determine whether a limitation for temperature is to be included in a permit consistent with procedures developed in accordance with Section 61.8(2)(b)(i) of the CDPS Regulations. Where there are not adequate data to determine reasonable potential, the Division may require the permittee to collect and submit temperature data.
- (d) At the time of permit renewal, where a site-specific recalculation procedure demonstrates that alternative numerical criteria are more appropriate for protection of aquatic life, these alternative criteria will be used for development of permit limits.
- (e) Consistent with section 316(a) of the federal Clean Water Act, and federal implementing regulations, the Division may impose alternate effluent limitations with respect to the thermal component of such discharge.

(4) Temporary Modifications

Where a temporary modification is adopted, permits for discharges to the segment in question:

- (a) For existing discharges:
 - (i) Will not include a compliance schedule to meet limits based on the underlying standard during the period that the temporary modification is in effect.
 - (ii) Will, regardless of whether the operative value of the temporary modification is numeric or narrative, include permit effluent limits, where appropriate, that ensure that, at a minimum, status quo is maintained during the temporary modification.
 - (iii) May include limitations or other conditions (e.g., source identification, pretreatment, and evaluation of other source control and treatment options) for the parameter(s) in question based on an assessment of the level of effluent quality reasonably achievable without requiring significant investment in facility infrastructure (e.g., based on past facility performance). Such limits (numeric or otherwise) may be at or below the level derived from the temporary modification, where such a requirement would not cause an undue economic burden, but not more restrictive than necessary to achieve the underlying standard.
- (b) For expanding discharges: Will include effluent limits that, at a minimum, do not pose an unreasonable risk to downstream uses and ensure status quo is maintained.
- (c) For new discharges: Will include effluent limits based on the underlying standard, rather than the temporary modification, unless the Commission has established a specific limit or value for new dischargers.
- (d) May include a permit condition requiring actions intended to eliminate the uncertainty regarding the appropriate underlying standard.

31.10 MIXING ZONES

(1) Definitions

(a) Physical Mixing Zone

That portion of a waterbody, surrounding or downstream from a point source of discharge, wherein constituents of the discharge are not uniformly dispersed into the receiving waters. The physical mixing zone also can be referred to simply as the "mixing zone," except where there is possible confusion with the regulatory mixing zone, as it is defined below, which differs from the physical mixing zone

(b) Exceedance Zone

That portion of a physical mixing zone within which a numeric water quality standard for a given water quality parameter is not met during critical conditions. The size of an exceedance zone may differ from one numeric standard to another at a given location.

(c) Regulatory Mixing Zone

The maximum size allowable for an exceedance zone at a given location. An acute regulatory mixing zone limits the size of exceedance zones for acute standards, and a chronic regulatory mixing zone limits the size of exceedance zones for chronic standards. The sizes of the acute

and chronic regulatory mixing zones are related to the size of the receiving water, as explained in 31.10 (3).

(d) Stream Channel Width at Bankfull Stage

The width of a stream under flow conditions when the stream just begins to enter the lowest level of the floodplain.

(e) Average Waterbody Surface Area

The average surface area for a lake shall be determined from historic data (five years or more if possible), and must be computed monthly or seasonally, as appropriate, to reflect significant monthly or seasonal changes in area.

(f) Stream, Lake, Wetland

For purposes of this regulation, streams will include Waters of the State that flow, regardless of size, and lakes will include Waters of the State that are not flowing, including reservoirs. Wetlands will be treated in the same manner as lakes.

(2) Exemptions from Restriction of Permit Limits by Mixing Zone Regulations

In the following instances, water quality-based effluent limits (permit limits) for discharges to streams will be calculated using the full chronic (30E3) and acute (1E3) low flow of the stream for dilution except where a more stringent approach is determined by the Division to be necessary to protect designated uses in the waterbody as a whole based on the factors identified in subsection 31.10(5). These exemptions do not apply to lakes.

- (a) Exemption tables, other procedures developed or approved by the Division, or site-specific data indicate that the chronic regulatory mixing zone is larger than the physical mixing zone;
- (b) The effluent flow at maximum permitted discharge is greater than twice the chronic low flow (30E3); or
- (c) The ratio of the chronic low flow (30E3) to the maximum permitted or other appropriate effluent flow is greater than or equal to 20:1 and the operation is designated by the Division as a "minor."

(3) Regulatory Mixing Zone Sizes

(a) Streams

The Division shall consider the following factors in determining the sizes of the regulatory mixing zones for streams:

- (i) The size of the chronic regulatory mixing zone for any point source of discharge to a stream shall not be greater than a plan view area equal to six times the square of the stream channel width at bankfull stage.
- (ii) Where the size of the physical mixing zone exceeds the size of the chronic regulatory mixing zone, the area of the acute regulatory mixing zone for a water quality parameter shall be established between 10 % and 25 % of the area of the chronic regulatory mixing zone for the same water quality parameter. The size of the acute regulatory mixing zone will be determined within this range based on a presumption that:

- (A) For waters determined under subsection 31.8 to be “reviewable,” the default acute regulatory mixing zone will be 10% as large as the chronic regulatory mixing zone.
- (B) For waters determined under subsection 31.8 to be “use protected,” the default acute regulatory mixing zone will be 25% as large as the chronic regulatory mixing zone.

An acute mixing zone may also be further reduced below default limits for reasons given in subsection 31.10(5). The permittee may request that the size of the acute regulatory mixing zone be higher than recommended by the Division, but no higher than 25% of the chronic regulatory mixing zone, on the basis of arguments related to cost/benefit analysis, economic reasonableness, ecological risks, use classification, or designation. The burden is on the permittee to bring appropriate information to the Division.

- (iii) The sum total of the plan view areas of all chronic regulatory mixing zones for point sources of discharge into any reach of stream for a specified water quality parameter shall not occupy more than ten percent 10% of the total plan view area of such reach of river or stream, as measured at bankfull stage. The length (approximately 10 miles) and boundaries of the stream or river reach for these purposes shall be determined by the Division. Constraints on chronic regulatory mixing zones used to determine permit limits in discharge permits resulting from the cumulative impacts of multiple point sources of discharge into a stream reach shall be shared equitably among permittees and any other sources of discharge. The distribution of the allowable loads for the pollutant of concern shall be consistent with regulations applicable to total maximum daily loads and/or upon mutual agreement amongst the permittees.

(b) Lakes

The Division shall consider the following factors in determining the size of the regulatory mixing zones for lakes:

- (i) For each point source of discharge, the size of the chronic regulatory mixing zone shall not be greater than 3% of the average inter-annual seasonal or monthly surface area. The Division may apply this limit to an entire lake or to a smaller, geographically distinguishable (bay, arm, etc.), portion of a lake.
- (ii) Where the physical mixing zone exceeds the chronic regulatory mixing zone, the area of the acute regulatory mixing zone for lakes, for any water quality parameter, shall be established between 10% and 25% of the area of the chronic regulatory mixing zone for the same water quality parameter. The size of the acute mixing zone will be determined within this range based on a presumption that:
 - (A) For waters determined under subsection 31.8 to be “reviewable” the default acute regulatory mixing zone will be 10% as large as the chronic regulatory mixing zone.
 - (B) For waters determined under subsection 31.8 to be “use protected” the default acute regulatory mixing zone will be 25% as large as the chronic regulatory mixing zone.

An acute mixing zone may also be further reduced below default limits for reasons given in subsection 31.10 (5). The permittee may request that the size of the acute regulatory mixing zone be higher than recommended by the Division, but no higher than 25% of the chronic regulatory mixing zone, on the basis of arguments related to cost/benefit

analysis, economic reasonableness, ecological risks, use classification, or designation. The burden is on the permittee to bring appropriate information to the Division.

- (iii) The sum total of the plan view areas of all chronic regulatory mixing zones for point sources of discharge into lakes for a specified water quality parameter shall not occupy more than ten percent 10% of the total plan view area of such lake, or a geographically distinguishable portion thereof, at any seasonally average area. Constraints on chronic regulatory mixing zones used to determine limits in discharge permits resulting from the cumulative impacts of multiple point sources of discharge into lakes shall be shared equitably among permittees and any other sources of discharge. The distribution of the allowable loads for the pollutant of concern shall be consistent with regulations applicable to total maximum daily loads and/or upon mutual agreement amongst the permittees.
- (iv) For artificial lakes supplied principally with potable water, mixing zones larger than those allowed above may be designated for purposes of CDPS permits. Appropriate mixing zone size limits shall be determined by the Division on a case-by-case basis, consistent with the constraints described in subsection 31.10(5). Such mixing zones shall be kept as small as practicable, on a parameter-by-parameter basis, and shall provide for protection of existing and designated uses in the waterbody as a whole.

(4) Use of Mixing Zone Regulations in Setting Permit Limits

(a) Streams

Computation of chronic or acute permit limits for point source discharges to streams shall be as follows:

- (i) For discharges not exempted as explained in subsection 31.10(2), the permit limit for any parameter for which there is a water quality standard shall be that resulting in acute and chronic exceedance zones equal to or smaller than the respective acute and chronic regulatory mixing zones.
- (ii) Where the annual acute low flow (1E3) of the receiving stream is zero, no dilution will be provided in calculating acute permit limits. Where the chronic low flow (30E3) of the receiving stream is equal to zero, no dilution will be provided in calculating chronic permit limits.

(b) Lakes

Computation of chronic or acute permit limits for point source discharges to lakes shall be as follows:

- (i) The permit limit for any parameter for which there is a water quality standard shall be that resulting in acute and chronic exceedance zones equal to or smaller than the respective acute and chronic regulatory mixing zones as shown by site-specific analysis for each regulated substance.

(5) Additional Constraints on Mixing Zones

- (a) Exceedance zones from multiple point sources of discharge shall not overlap to such an extent as to harm beneficial uses.
- (b) Regulatory mixing zones shall comply with the narrative basic standards included in subsection 31.11(1), except that these requirements do not apply to the protection of any sessile organisms residing within acute and chronic regulatory mixing zones.

- (c) Where sampling shows that the conditions described in subsection 31.10(3) are not attained, the mixing zone analysis will be revised as necessary to achieve compliance with subsection 31.10(3).
- (d) The Division may limit or deny regulatory mixing zones on a site-specific basis for specific regulated substances. In doing so, the Division shall consider the following:
 - (i) The need to provide a zone of passage for aquatic life;
 - (ii) The likelihood of bioaccumulation of toxins in fish or wildlife;
 - (iii) The special importance of certain habitat such as fish spawning or nursery areas or habitat that supports threatened or endangered species;
 - (iv) Potential for human exposure to pollutants through drinking water or recreation;
 - (v) The possibility that aquatic life will be attracted to the effluent plume;
 - (vi) The potential for adverse effects on groundwater; or
 - (vii) The toxicity or persistence of the substance discharged.

(6) Mixing Zones for Whole Effluent Toxicity-based Permit Requirements

31.11 BASIC STANDARDS APPLICABLE TO SURFACE WATERS OF THE STATE

All surface waters of the state are subject to the following basic standards; however, discharge of substances regulated by permits which are within those permit limitations shall not be a basis for enforcement proceedings under these basic standards:

- (1) Except where authorized by permits, BMPs, 401 certifications, or plans of operation approved by the Division or other applicable agencies, state surface waters shall be free from substances attributable to human-caused point source or nonpoint source discharge in amounts, concentrations or combinations which:
 - (a) for all surface waters except wetlands;
 - (i) can settle to form bottom deposits detrimental to the beneficial uses. Depositions are stream bottom buildup of materials which include but are not limited to anaerobic sludges, mine slurry or tailings, silt, or mud; or
 - (ii) form floating debris, scum, or other surface materials sufficient to harm existing beneficial uses; or
 - (iii) produce color, odor, or other conditions in such a degree as to create a nuisance or harm existing beneficial uses or impart any undesirable taste to significant edible aquatic species or to the water; or
 - (iv) are harmful to the beneficial uses or toxic to humans, animals, plants, or aquatic life; or
 - (v) produce a predominance of undesirable aquatic life; or

- (vi) cause a film on the surface or produce a deposit on shorelines; and
- (b) for surface waters in wetlands;
 - (i) produce color, odor, changes in pH, or other conditions in such a degree as to create a nuisance or harm water quality dependent functions or impart any undesirable taste to significant edible aquatic species of the wetland; or
 - (ii) are toxic to humans, animals, plants, or aquatic life of the wetland.
- (2) The radioactive materials in surface waters shall be maintained at the lowest practical level. In no case shall radioactive materials in surface waters be increased by any cause attributable to municipal, industrial, or agricultural practices or discharges to as to exceed the levels in 31.11 Table A below, unless alternative site-specific standards have been adopted pursuant to subsection (4) below:

31.11 TABLE A - RADIONUCLIDE STANDARDS

TABLE A RADIONUCLIDE STANDARDS**	
Parameter	Picocuries per Liter
Americium 241*	0.15
Cesium 134	80
Plutonium 239 and 240*	0.15
Radium 226 and 228*	5
Strontium 90*	8
Thorium 230 and 232*	60
Tritium	20,000

*Radionuclide samples for these materials should be analyzed using unfiltered (total) samples.

**These Human Health based standards are 30-day average values.

- (3) The interim organic pollutant standards contained in 31.11 Table B Basic Standards for Organic Chemicals Table below are applicable to all surface waters of the state for which the corresponding use classifications have been adopted, unless alternative site-specific standards have been adopted pursuant to sub-section (4) below.

Note that all standards in the 31.11 Table B Basic Standards for Organic Chemicals Table are being adopted as "interim standards." These interim standards will remain in effect until alternative permanent standards are adopted by the Commission in revisions to this regulation or site-specific standards determinations. Although fully effective with respect to current regulatory applications, these interim standards shall not be considered final or permanent standards subject to antibacksliding or downgrading restrictions.

31.11 TABLE B - BASIC STANDARDS FOR ORGANIC CHEMICALS

TABLE B BASIC STANDARDS FOR ORGANIC CHEMICALS (concentration in µg/L)						
Parameter	CAS No.	Human Health Based ¹			Aquatic Life Based ⁴	
		Water Supply ²	Water + Fish ³	Fish Ingestion ⁸	Acute	Chronic
Acenaphthene	83-32-9	420	420	--- ¹⁰	1,700	520
Acetochlor	34256-82-1	140	---	---	---	---
Acetone	67-64-1	6300	---	---	---	---
Acrolein	107-02-8	3.5	3.5	9.3	3	3
Acrylamide ^{C, 13}	79-06-1	0.022	---	---	---	---
Acrylonitrile ^C	107-13-1	0.065	0.051	0.25	7,500	2,600
Alachlor	15972-60-8	2 ^M	2	140	---	---
Aldicarb	116-06-3	7 ^M	---	---	---	---
Aldicarb Sulfone	1646-88-4	7 ^M	---	---	---	---
Aldicarb Sulfoxide	1646-87-3	7 ^M	---	---	---	---
Aldrin ^C	309-00-2	0.0021	4.9X10 ⁻⁵	5.0X10 ⁻⁵	1.5	---
Aniline ^C	62-53-3	6.1	---	---	---	---
Anthracene (PAH)	120-12-7	2,100	2,100	40,000	---	---
Aramite ^C	140-57-8	1.4	---	---	---	---
Atrazine	1912-24-9	3 ^M	---	---	---	---
Azobenzene ^C	103-33-3	0.32	---	---	---	---
Benzene ^{C, 12}	71-43-2	2.3 to 5 ^M	2.2	51	5,300	---
Benzidine ^C	92-87-5	0.00015	8.6X10 ⁻⁵	0.00020	2,500	---
Benzo(a)anthracene (PAH) ^{C, 13}	56-55-3	0.16	0.0051	0.0053	---	---
Benzo(a)pyrene (PAH) ^{C, 12, 13}	50-32-8	0.016	0.00051	0.00053	---	---
Benzo(b)fluoranthene (PAH) ^{C, 13}	205-99-2	0.16	0.0051	0.0053	---	---
Benzo(k)fluoranthene (PAH) ^{C, 13}	207-08-9	1.6	0.051	0.053	---	---
Benzo(g,h,i)perylene (PAH)	191-24-2	---	0.0038	0.018	---	---
Benzotrichloride ^C	98-07-7	0.0027	---	---	---	---
Benzyl chloride ^C	100-44-7	0.21	---	---	---	---
Biphenyl ^C	92-52-4	4.4	---	---	---	---
Bis(chloromethyl)ether (BCME) ^C	542-88-1	0.00016	0.0001	0.0003	---	---
Bromate ^C	15541-45-4	0.050	---	---	---	---
Bromobenzene	108-86-1	56	---	---	---	---

Bromodichloromethane (HM) ^C	75-27-4	---	0.55	17	11,000	---
Bromoform (HM) ^C	75-25-2	---	4.3	140	---	---
Butyl benzyl phthalate	85-68-7	1,400	1,400	1,900	---	---
Carbaryl	63-25-2	---	---	---	2.1	2.1
Carbofuran ¹²	1563-66-2	35 to 40 ^M	---	---	---	---
Carbon tetrachloride ^{C, 12}	56-23-5	0.5 to 5 ^M	0.43	3.0	35,200	---
Chlordane ^{C, 12}	57-74-9	0.10 to 2 ^M	0.00080	0.00081	1.2	0.0043
Chlordecone ^C	143-50-0	0.0035	---	---	---	---
Chlorethyl ether (BIS-2) ^C	111-44-4	0.032	0.030	0.53	---	---
Chlorobenzene ¹¹	108-90-7	100 ^M	100	1,600	---	---
Chlorodibromomethane (dibromochloromethane) (HM) ¹¹	124-48-1	---	54.0	1,700	---	---
Chloroform (HM) ^C	67-66-3	---	3.4	110	28,900	1,240
Chloroisopropyl ether(BIS-2)	108-60-1	280	280	65,000	---	---
4-Chloro-3-methylphenol	59-50-7	210	---	---	30	---
Chloronaphthalene	91-58-7	560	560	--- ¹⁰	2,300	620
Chlorophenol,2-	95-57-8	35	35	150	4,380	2,000
Chlorpyrifos	2921-88-2	21	---	---	0.083	0.041
Chrysene (PAH) ^{C, 13}	218-01-9	16	0.51	0.53	---	---
Dalapon	75-99-0	200 ^M	---	---	---	---
DDD ^C	72-54-8	0.15	0.00031	0.00031	0.6	---
DDE ^C	72-55-9	0.1	0.00022	0.00022	1,050	---
DDT ^C	50-29-3	0.1	0.00022	0.00022	0.55	0.001
Demeton	8065-48-3	---	---	---	---	0.1
Di(2-ethylhexyl)adipate	103-23-1	400 ^M	---	---	---	---
Diazinon	333-41-5	---	---	---	0.17	0.17
Dibenzo(a,h)anthracene (PAH) ^{C, 13}	53-70-3	0.016	0.00051	0.00053	---	---
1,2 Dibromo-3-Chloropropane (DBCP)	96-12-8	0.2 ^M	---	---	---	---
Dibromoethane 1,2 ^C	106-93-4	0.018	---	---	---	---
Dicamba	1918-00-9	210	170	860	---	---
Dichloroacetic acid ^C	79-43-6	0.7	---	---	---	---
Dichlorobenzene 1,2 ¹¹	95-50-1	600 ^M	420	1,300	---	---
Dichlorobenzene 1,3	541-73-1	94	94	960	---	---

Dichlorobenzene 1,4 ¹¹	106-46-7	75 ^M	63	190	---	---
Dichlorobenzidine ^C	91-94-1	0.078	0.021	0.028	---	---
Dichloroethane 1,2 ^{C, 12}	107-06-2	0.38 to 5 ^M	0.38	37	118,000	20,000
Dichloroethylene 1,1	75-35-4	7 ^M	7	3,600	---	---
Dichloroethylene 1,2-cis ¹²	156-59-2	14 to 70 ^M	---	---	---	---
Dichloroethylene 1,2-trans ¹¹	156-60-5	100 ^M	100	10,000	---	---
Dichloromethane (methylene chloride) ^{C, 13}	75-09-2	5 ^M	4.6	590	---	---
Dichlorophenol 2,4	120-83-2	21	21	290	2,020	365
Dichlorophenoxyacetic acid (2,4-D)	94-75-7	70 ^M	---	---	---	---
Dichloropropane 1,2 ^{C, 12}	78-87-5	0.52 to 5 ^M	0.50	14	23,000	5,700
Dichloropropylene 1,3 ^C	542-75-6	0.35	0.34	21	6,060	244
Dichlorvos ^C	62-73-7	0.12	---	---	---	---
Dieldrin ^C	60-57-1	0.002	5.2X10 ⁻⁵	5.4X10 ⁻⁵	0.24	0.056
Diethyl phthalate	84-66-2	5,600	5,600	44,000	---	---
Diisopropylmethylphosphonate (DIMP)	1445-75-6	8	---	---	---	---
Dimethylphenol 2,4	105-67-9	140	140	850	2,120	---
Dimethyl phthalate	131-11-3	70,000	70,000	1,100,000	---	---
Di-n-butyl phthalate	84-74-2	700	700	4,500	---	---
Dinitro-o-cresol 4,6	534-52-1	0.27	1.3	28	---	---
Dinitrophenol 2,4	51-28-5	14	14	5,300	---	---
Dinitrotoluene 2,4 ^C	121-14-2	0.11	0.11	3.4	---	---
Dinitrotoluene 2,6 ^C	606-20-2	---	---	---	330	230
Dinoseb	88-85-7	7 ^M	---	---	---	---
Dioxane 1,4- ^C	123-91-1	0.35	---	---	---	---
Dioxin (2,3,7,8 TCDD) ^{C, 12}	1746-01-6	2.2x10 ⁻⁷ to 3.0x10 ^{-5, M}	5.0X10 ⁻⁹	5.1X10 ⁻⁹	0.01	0.00001
Diphenylhydrazine 1,2 ^C	122-66-7	0.044	0.036	0.20	270	---
Diquat ¹²	85-00-7	15 to 20 ^M	---	---	---	---
Endosulfan	115-29-7	42	--- ¹⁰	---	0.11	0.056
Endosulfan, alpha	959-98-8	42	--- ¹⁰	---	0.11	0.056
Endosulfan, beta	33213-65-9	42	--- ¹⁰	---	0.11	0.056
Endosulfan sulfate	1031-07-8	42	--- ¹⁰	---	0.11	0.056
Endothall	145-73-3	100 ^M	---	---	---	---

Endrin	72-20-8	2 ^M	--- ¹⁰	---	0.086	0.036
Endrin aldehyde	7421-93-4	2.1	0.29	0.30	---	---
Epichlorohydrin ^C	106-89-8	3.5	---	---	---	---
Ethylbenzene ¹¹	100-41-4	700 ^M	530	2,100	32,000	---
Ethylene dibromide ^{C, 12} (1,2 – dibromoethane)	106-93-4	0.02 to 0.05 ^M	---	---	---	---
Ethylene glycol monobutyl ether (EGBE) (2- Butoxyethanol)	111-76-2	700	---	---	---	---
Ethylhexyl phthalate (BIS-2) ^{C, 12} (DEHP)	117-81-7	2.5 to 6 ^M	1.2	2.2	---	---
Fluoranthene (PAH)	206-44-0	280	130	140	3,980	---
Fluorene (PAH)	86-73-7	280	280	5,300	---	---
Folpet ^C	133-07-3	10	---	---	---	---
Furmecyclo ^C	60568-05-0	1.2	---	---	---	---
Glyphosate	1071-83-6	700 ^M	---	---	---	---
Guthion	86-50-0	---	---	---	---	0.01
Heptachlor ^{C, 12}	76-44-8	0.008 to 0.4 ^M	7.8X10 ⁻⁵	7.9X10 ⁻⁵	0.52	0.0038
Heptachlor epoxide ^{C, 12}	1024-57-3	0.004 to 0.2 ^M	3.9X10 ⁻⁵	3.9X10 ⁻⁵	0.52	0.0038
Hexachlorobenzene ^{C, 12}	118-74-1	0.022 to 1.0 ^M	0.00028	0.00029	---	---
Hexachlorobutadiene	87-68-3	0.45	0.44	--- ¹⁰	90	9.3
Hexachlorocyclohexane, Alpha ^C	319-84-6	0.0056	0.0026	0.0049	---	---
Hexachlorocyclohexane, Beta	319-85-7	0.019	0.0091	0.017	---	---
Hexachlorocyclohexane, Gamma (Lindane)	58-89-9	0.2 ^M	0.2	--- ¹⁰	0.95	0.08
Hexachlorocyclohexane, Technical ^C	608-73-1	---	0.012	0.041	100	---
Hexachlorocyclopentadiene ^{11, 12} (HCCPD)	77-47-4	42 to 50 ^M	40	--- ¹⁰	7	5
Hexachlorodibenzo-p-dioxin (1,2,3,7,8,9- hccd) ^C	19408-74-3	5.60E-06	---	---	---	---
Hexachloroethane ^C	67-72-1	0.88	0.5	1.2	980	540
Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)	121-82-4	0.42	---	---	---	---
Hexanone 2-	591-78-6	35	---	---	---	---
Hydrazine/Hydrazine sulfate ^C	302-01-2	0.012	---	---	---	---
Indeno(1,2,3-cd)pyrene (PAH) ^{C, 13}	193-39-5	0.16	0.0051	0.0053	---	---
Isophorone ¹¹	78-59-1	140	130	3,600	---	---

Malathion	121-75-5	140	---	---	---	0.1
Methanol	67-56-1	14,000	---	---	---	---
Methoxychlor ¹²	72-43-5	35 to 40M	---10	---	---	0.03
Methyl bromide (HM)	74-83-9	---	9.8	1,500	---	---
Methyl chloride (HM) ^C	74-87-3	---	5.6	180	---	---
Methylene bis(N,N'-dimethyl)aniline 4,4 ^C	101-61-1	0.76	---	---	---	---
Metribuzin	21087-64-9	180	160	1,700	---	---
Mirex	2385-85-5	1.4	---	---	---	0.001
Naphthalene (PAH)	91-20-3	140	140	--- ¹⁰	2,300	620
Nitrobenzene	98-95-3	14	14	2,800	27,000	---
Nitrophenol 4	100-02-7	56	56	9,700	---	---
Nitrosodibutylamine N ^C	924-16-3	0.0065	0.0043	0.012	---	---
Nitrosodiethylamine N ^C	55-18-5	0.00023	0.00023	0.0083	---	---
Nitrosodimethylamine N ^C (NDMA)	62-75-9	0.00069	0.00069	3.0	---	---
N-Nitrosodiethanolamine ^C	1116-54-7	0.013	---	---	---	---
Nitrosodiphenylamine N ^C	86-30-6	7.1	3.3	6.0	---	---
N-Nitroso-N-methylethylamine ^C	10595-95-6	0.0016	---	---	---	---
N-Nitrosodi-n-propylamine ^C	621-64-7	0.005	0.005	0.50	---	---
Nitrosopyrrolidine N ^C	930-55-2	0.017	0.016	36	---	---
Nonylphenol	84852-15-3 and 25154-52-3	---	---	---	28	6.6
Oxamyl (vydate) ¹²	23135-22-0	175 to 200 ^M	---	---	---	---
PCBs ^{C, 9, 12}	1336-36-3	0.0175 to 0.5 ^M	6.4X10 ⁻⁵	6.4X10 ⁻⁵	2.0	0.014
Parathion	56-38-2	---	---	---	0.065	0.013
Pentachlorobenzene	608-93-5	5.6	1.4	1.5	---	---
Pentachlorophenol ^{C, 12}	87-86-5	0.088 to 1.0 ^M	0.080	0.91	19 ⁶	15 ⁶
Perchlorate	7790-98-9	4.9	---	---	---	---
Phenol	108-95-2	2,100	2,100	--- ¹⁰	10,200	2,560
Picloram	1918-02-1	490	---	---	---	---
Prometon	1610-18-0	100	---	---	---	---
Propylene oxide ^C	75-56-9	0.15	---	---	---	---
Pyrene (PAH)	129-00-0	210	210	4,000	---	---
Quinoline ^C	91-22-5	0.012	---	---	---	---

Simazine	122-34-9	4 ^M	---	---	---	---
Styrene	100-42-5	100 ^M	---	---	---	---
Tetrachlorobenzene 1,2,4,5	95-94-3	2.1	0.97	1.07	---	---
Tetrachloroethane 1,1,2,2 ^C	79-34-5	0.18	0.17	4	---	2,400
Tetrachloroethylene (PCE) ^C	127-18-4	5 ^M	5	62	5,280	840
Tetrahydrofuran	109-99-9	6,300	---	---	---	---
Toluene ^{11, 12}	108-88-3	560 to 1,000 ^M	510	5,900	17,500	---
Toxaphene ^{C, 12}	8001-35-2	0.032 to 3 ^M	0.00028	--- ¹⁰	0.73	0.0002
Tributyltin (TBT)	56573-85-4	---	---	---	0.46	0.072
Trichloroacetic acid	76-03-9	0.52	---	---	---	---
Trichlorobenzene 1,2,4 ¹¹	120-82-1	70 ^M	35	--- ¹⁰	250	50
Trichloroethane 1,1,1 (1,1,1-TCA)	71-55-6	200 ^M	---	---	---	---
Trichloroethane 1,1,2 (1,1,2-TCA) ^{11, 12}	79-00-5	2.8 to 5 ^M	2.7	71	9,400	---
Trichloroethylene (TCE) ^C	79-01-6	5 ^M	2.5	30	45,000	21,900
Trichloropropane 1,2,3 ^{C, 13}	96-18-4	3.7E-4	---	---	---	---
Trichlorophenol 2,4,5	95-95-4	700	700	3,600	---	---
Trichlorophenol 2,4,6 ^C	88-06-2	3.2	1.4	2.4	---	970
Trichlorophenoxypropionic acid (2,4,5-tp) (Silvex)	93-72-1	50 ^M	---	---	---	---
Total Trihalomethanes (HMs)	(total) ⁷	80	80	---	---	---
Trimethylbenzene 1,2,3	526-73-8	67	---	---	---	---
Trimethylbenzene 1,2,4	95-63-6	67	---	---	---	---
Trimethylbenzene 1,3,5	108-67-8	67	---	---	---	---
Vinyl Chloride ^{C, 12}	75-01-4	0.023 to 2 ^M	0.023	2.3	---	---
Xylenes (total) ¹²	1330-20-7	1,400 to 10,000 ^M	---	---	---	---

Table B – Footnotes

- (1) All standards are chronic or 30-day standards. They are based on information contained in EPA's Integrated Risk Information System (IRIS) and/or EPA lifetime health advisories for drinking water using a 10^{-6} incremental risk factor unless otherwise noted.
- (2) Only applicable to segments classified for water supply.
- (3) Applicable to all Class 1 aquatic life segments which also have a water supply classification or Class 2 aquatic life segments which also have a water supply classification designated by the Commission after rulemaking hearing. These class 2 segments will generally be those where fish of a catchable size and which are normally consumed are present, and where there is evidence that fishing takes place on a recurring basis. The Commission may also consider additional evidence that may be relevant to a determination whether the conditions applicable to a particular segment are similar enough to the assumptions underlying the Water + Fish ingestion criteria to warrant the adoption of Water + Fish ingestion standards for the segment in question.
- (4) Applicable to all aquatic life segments.
- (5) Deleted.
- (6) Standards are pH-dependent. Those listed are calculated for pH = 7.8.
$$\text{Acute} = e^{[1.005(\text{pH})-4.869]}; \text{Chronic} = e^{[1.005(\text{pH})-5.134]}$$
- (7) Total trihalomethanes are considered the sum of the concentrations of bromodichloromethane (CAS No. 75-27-4), dibromochloromethane (Chlorodibromomethane(HM), CAS No. 124-48-1), tribromomethane (bromoform, CAS No. 75-25-2) and trichloromethane (chloroform, CAS No. 67-66-3).
- (8) Applicable to the following segments which do not have a water supply classification: all Class 1 aquatic life segments or Class 2 aquatic life segments designated by the Commission after rulemaking hearing. These class 2 segments will generally be those where fish of a catchable size and which are normally consumed are present, and where there is evidence that fishing takes place on a recurring basis. The Commission may also consider additional evidence that may be relevant to a determination whether the conditions applicable to a particular segment are similar enough to the assumptions underlying the fish ingestion criteria to warrant the adoption of fish ingestion standards for the segment in question.
- (9) PCBs are a class of chemicals which include aroclors, 1242, 1254, 1221, 1232, 1248, 1260 and 1016, CAS numbers 53469-21-9, 11097-69-1, 11104-28-2, 11141-16-5, 12672-29-6, 11096-82-5, and 12674-11-2 respectively. The aquatic life criteria apply to this set of PCBs. The human health criteria apply to total PCBs, i.e. the sum of all congener or all isomer analyses.
- (10) The chronic aquatic life standard is more stringent than the associated Water + Fish or Fish Ingestion standard, and therefore no Water + Fish or Fish Ingestion standard has been adopted.
- (11) The Water + Fish and Fish Ingestions standards for these compounds have been calculated using a relative source contribution (RSC).

(12) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(13) Mutagenic compound, age dependent factors were used in calculating standard.

(C) Carcinogens classified by the EPA as A, B1, or B2.

(M) Drinking water MCL.

CAS No. – Chemical Abstracts Service Registry Number.

(HM) – Halomethanes

(PAH) – Polynuclear Aromatic Hydrocarbons.

(4) Site-Specific Radioactive Materials and Organic Pollutants Standards.

(a) In determining whether to adopt site-specific standards to apply in lieu of the statewide standards established in sections (2) and (3) above, the Commission shall first determine the appropriate use classifications, in accordance with section 31.13. If such a determination would result in removing an existing classification, the downgrading factors in section 31.6 (2)(B) shall apply.

(b) The Commission shall then determine whether numerical standards other than some or all of the statewide standards established in sections (2) and (3) above would be more appropriate for protection of the classified uses, taking into account the factors prescribed in section 25-8-204(4), C.R.S. and in section 31.7. The downgrading factors described in section 31.6(2)(B) shall not apply to the establishment of site-specific standards under this section.

(c) Site-specific standards to apply in lieu of statewide standards may be based upon consideration of the appropriateness of the assumptions used in the risk assessment based potency factors and reference dose values, including, but not limited to, consideration of the uncertainty factor, exposure assessment, bioaccumulation factor, exposed population factor, assumed consumption factor, risk comparisons, uncertainty analysis, and the availability of the toxics in the water column, considering persistence, hardness, pH, temperature or valence form in the water column.

(5) Nothing in this regulation shall be interpreted to preclude:

(a) An agency responsible for implementation of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601 et seq., as amended, from selecting a remedial action that is more or less stringent than would be

achieved by compliance with the statewide numerical standards established in this section, or alternative site-specific standards adopted by the Commission, where a determination is made that such a variation is authorized pursuant to the applicable provisions of CERCLA.

- (6) Except where the Commission adopts or has adopted a different standard on a site-specific basis, the less restrictive of the following two options shall apply as numerical standards for all surface waters with a “water supply” classification, if water supply is an actual use of the waters in question or of hydrologically connected groundwater:

- i. existing quality as of January 1, 2000; or
- ii. the following table value criteria set forth in Tables II and III:

Iron	300 µg/L (dissolved)
Manganese	50 µg/L (dissolved)
Sulfate	250 mg/L (dissolved)

Provided, that if the existing quality of these constituents in such surface waters as of January 1, 2000, is affected by an unauthorized discharge with respect to which the Division has undertaken an enforcement action, the numerical standards shall be the ambient conditions existing prior to the unauthorized discharge or the above table value criteria, whichever is less restrictive.

Data generated subsequent to January 1, 2000 shall be presumed to be representative of existing quality as of January 1, 2000, if the available information indicates that there have been no new or increased sources of these pollutants impacting the segment(s) in question subsequent to that date.

For all surface waters with a “water supply” classification that are not in actual use as a water supply, the water supply table value criteria for sulfate, iron and manganese set forth in Tables II and III may be applied as numerical standards only if the Commission determines as the result of a site-specific rulemaking hearing that such standards are necessary and appropriate in accordance with section 31.7.

- (7) Methylmercury Fish Tissue: Fish tissue concentrations shall not exceed 0.3 milligrams methylmercury per kilogram (0.3 mg/kg) of wet-weight fish tissue. Attainment of the standard will be assessed by comparing the average fish tissue methylmercury concentration for each species and size class to the 0.3 mg/kg standard.

31.12 SALINITY AND SUSPENDED SOLIDS

31.13 STATE USE CLASSIFICATIONS

Waters are classified according to the uses for which they are presently suitable or intended to become suitable. In addition to the classifications, one or more of the qualifying designations described in section 31.13(2), may be appended. Classifications may be established for any state surface waters, except that water in ditches and other manmade conveyance structures shall not be classified.

(1) Classifications

(a) Recreation

(i) Class E Existing Primary Contact Use

These surface waters are used for primary contact recreation or have been used for such activities since November 28, 1975.

(ii) Class P - Potential Primary Contact Use

These surface waters have the potential to be used for primary contact recreation. This classification shall be assigned to water segments for which no use attainability analysis has been performed demonstrating that a recreation class N classification is appropriate, if a reasonable level of inquiry has failed to identify any existing primary contact uses of the water segment, or where the conclusion of a UAA is that primary contact uses may potentially occur in the segment, but there are no existing primary contact uses.

(iii) Class N - Not Primary Contact Use

These surface waters are not suitable or intended to become suitable for primary contact recreation uses. This classification shall be applied only where a use attainability analysis demonstrates that there is not a reasonable likelihood that primary contact uses will occur in the water segment(s) in question within the next 20-year period.

(v) Class U - Undetermined Use

These are surface waters whose quality is to be protected at the same level as existing primary contact use waters, but for which there has not been a reasonable level of inquiry about existing recreational uses and no recreation use attainability analysis has been completed. This shall be the default classification until inquiry or analysis demonstrates that another classification is appropriate.

(b) Agriculture

These surface waters are suitable or intended to become suitable for irrigation of crops usually grown in Colorado and which are not hazardous as drinking water for livestock.

(c) Aquatic Life

These surface waters presently support aquatic life uses as described below, or such uses may reasonably be expected in the future due to the suitability of present conditions, or the waters are intended to become suitable for such uses as a goal:

(i) Class 1 - Cold Water Aquatic Life

These are waters that (1) currently are capable of sustaining a wide variety of cold water biota, including sensitive species, or (2) could sustain such biota but for correctable water quality conditions. Waters shall be considered capable of sustaining such biota where physical habitat, water flows or levels, and water quality conditions result in no substantial impairment of the abundance and diversity of species.

(ii) Class 1 - Warm Water Aquatic Life

These are waters that (1) currently are capable of sustaining a wide variety of warm water biota, including sensitive species, or (2) could sustain such biota but for correctable water quality conditions. Waters shall be considered capable of sustaining such biota where physical habitat, water flows or levels, and water quality conditions result in no substantial impairment of the abundance and diversity of species.

(iii) Class 2 - Cold and Warm Water Aquatic Life

These are waters that are not capable of sustaining a wide variety of cold or warm water biota, including sensitive species, due to physical habitat, water flows or levels, or uncorrectable water quality conditions that result in substantial impairment of the abundance and diversity of species.

(d) Domestic Water Supply

These surface waters are suitable or intended to become suitable for potable water supplies. After receiving standard treatment (defined as coagulation, flocculation, sedimentation, filtration, and disinfection with chlorine or its equivalent) these waters will meet Colorado drinking water regulations and any revisions, amendments, or supplements thereto.

(i) Direct Use Water Supply Lakes and Reservoirs Sub-classification

- (A) For the purpose of this section, “plant intake” means the works or structures at the head of a conduit through which surface water is diverted from a source (e.g., lake) into the treatment plant.
- (B) Direct Use Water Supply Lakes and Reservoirs (DUWS) are those water supply lakes and reservoirs where:
 - (I) There is a plant intake located in the lake or reservoir or a man-made conveyance from the lake or reservoir that is used regularly to provide raw water directly to a water treatment plant that treats and disinfects raw water, or
 - (II) The Commission, based on evidence in the record, determines that the reservoir will meet the criteria in 31.13(1)(d)(i)(B)(I) in the future.

(e) Wetlands

- (i) The provisions of this section do not apply to constructed wetlands.
- (ii) Compensatory wetlands shall have, as a minimum, the classifications of the segment in which they are located.
- (iii) Created wetlands shall be considered to be initially unclassified, and shall be subject only to the narrative standards set forth in section 31.11, unless and until the Commission adopts the “wetlands” classification described below and appropriate numeric standards for such wetlands.
- (iv) Tributary wetlands shall be considered tributaries of the surface water segment to which they are most directly connected and shall be subject to interim classifications as follows: such wetlands shall be considered to have the same classifications, except for drinking water supply classifications, as the segment of which they are a part, unless the

“wetlands” classification and appropriate site-specific standards have been adopted to protect the water quality dependent functions of the wetlands. Interim numeric standards for these wetlands are described in section 31.7(1)(b)(iv).

- (v) The Commission may adopt a “wetlands” classification based on the functions of the wetlands in question. Wetland functions that may warrant site-specific protection include groundwater recharge or discharge, flood flow alteration, sediment stabilization, sediment or other pollutant retention, nutrient removal or transformation, biological diversity or uniqueness, wildlife diversity or abundance, aquatic life diversity or abundance, and recreation. Because some wetland functions may be mutually exclusive (e.g., wildlife abundance, recreation), the functions to be protected or restored will be determined on a wetland-by-wetland basis, considering natural wetland characteristics and overall benefits to the watershed. The initial adoption of a site-specific wetlands classification and related standards to replace the interim classifications and standards described above shall not be considered a downgrading.

(2) Qualifiers

The following qualifiers may be appended to any classification to indicate special considerations. Where a qualifier applies, it will be appended to the use classification; for example, “Class 1, Warm Water Aquatic Life (Goal)”.

(a) Goal

A qualifier which indicates that the waters are presently not fully suitable but are intended to become fully suitable for the classified use. “Goal” will be used to indicate that a temporary modification for one or more of the underlying numeric standards has been granted.

(b) Seasonal

A qualifier which indicates that the water may only be suitable for a classified use during certain periods of the year. During those periods when water is in the stream, the standards as defined in sections 31.7(1)(b) and 31.9(1) shall apply.

(c) Interrupted Flow

A qualifier which indicates that due to natural or human induced conditions the continuity of flow is broken not necessarily according to a seasonal schedule. This qualifier appended to a classification indicates that the flow conditions still permit the classified use during period of flow. The presence of water diversions in a stream does not change the classifications and standards, and the standards do not require that flow be maintained in the stream.

(3) Areas Requiring Special Protection

31.14 RESERVED

31.15 SEVERABILITY

31.16 TABLES

(1) INTRODUCTION

(2) TESTING PROCEDURES

(3) REFERENCES

Capital letters following levels in the tables indicate the sources of the level; they are referenced below.

- (A) EPA Quality Criteria for Water, July 1976, U.S. Environmental Protection Agency, U.S. Government Printing Office: 1977 0-222-904, Washington, D.C. 256 p.
- (B) EPA Water Quality Criteria 1972, Ecological Research Series, National Academy of Sciences, National Academy of Engineering, EPA-R3-73-033, March 1973, Washington, D.C. 594 p.
- (C) Davies, P.H. and Goettl, J.P., Jr., July 1976, Aquatic Life - Water Quality Recommendations for Heavy Metal and Other Inorganics.
- (D) Parametrix Inc., Attachment II, Parametrix Reports - Toxicology Assessments of As, Cu, Fe, Mn, Se, and Zn, May 1976, Bellevue, Washington, 98005. submitted to Water Quality Control Commission by Gulf Oil Corp., Inc., 161 p.
- (E) EPA National Interim Primary Drinking Water Regulations, 40 Code of Federal Regulations, Part 141.
- (F) EPA, March 1977, Proposed National Secondary Drinking Water Regulation, Federal Register, Vol. 42 No. 62, pp 17143-17147.
- (G) Recommendations based on review of all available information by the Committee on Water Quality Standards and Stream Classification.
- (H) American Fishery Society, June 1978, A Review of the EPA Red Book Quality Criteria for Water, (Preliminary Edition).
- (I) Section 307 of the Clean Water Act, regulations promulgated pursuant to Section 307.
- (J) Final Report of the Water Quality Standards and Methodologies Committee to the Colorado Water Quality Control Commission, June 1986.
- (K) Proposed Nitrogenous Water Quality Standards for the State of Colorado, by the Nitrogen Cycle Committee of the Basic Standards Review Task Force, March 12, 1986 (Final Draft).
- (L) Quality Criteria for Water, 1986, and Updates Through 1989, U.S. Environmental Protection Agency, U.S. Government Printing Office, EPA 440/5-86-001, Washington, D.C. 20460.
- (M) Level modified by Commission
- (N) 1999 Update of Ambient Water Quality Criteria for Ammonia (1999 Ammonia Update), U.S. Environmental Protection Agency, Office of Water, EPA-823-F-99-024, Washington, D.C. 20460.

- (O) Raisbeck, M.F., S. L. Riker, C. M. Tate, R. Jackson, M. A. Smith, K. J. Reddy and J. R. Zygmunt. 2008. Water quality for Wyoming livestock and wildlife. University of Wyoming AES Bulletin B-1183.

TABLE I - PHYSICAL AND BIOLOGICAL PARAMETERS

TABLE I PHYSICAL AND BIOLOGICAL PARAMETERS								
Parameter	Recreation			Aquatic Life			Agriculture	Domestic Water Supply
	CLASS E (Existing Primary Contact) and CLASS U (Undetermined Use)	CLASS P (Potential Primary Contact Use)	CLASS N (Not Primary Contact Use)	CLASS 1 COLD WATER BIOTA	CLASS 1 WARM WATER BIOTA	CLASS 2		
PHYSICAL								
D.O. (mg/L) ⁽¹⁾⁽⁹⁾	3.0 ^(A)	3.0 ^(A)	3.0 ^(A)	6.0 ^{(2)(G)} 7.0 (spawning)	5.0 ^{(2)(G)}	5.0 ^(A)	3.0 ^(A)	3.0 ^(A)
pH (Std. Units) ⁽³⁾	6.5–9.0 ^(B,M)	6.5–9.0 ^(B,M)	6.5–9.0 ^(B,M)	6.5–9.0 ^(A)	6.5–9.0 ^(A)	6.5–9.0 ^(A)		5.0–9.0 ^(A)
Suspended Solids ⁽⁴⁾								
Temperature (°C) ⁽⁵⁾				Rivers & Streams: Tier I^{a,g}: June–Sept = 17.0 (ch), 21.7 (ac) Oct–May = 9.0 (ch), 13.0 (ac) Tier II^{b,g}: Apr–Oct = 18.3 (ch), 24.3 (ac) Nov–Mar = 9.0 (ch), 13.0 (ac) Lakes & Res^h: Apr–Dec = 17.0 (ch), 21.2 (ac) Jan–Mar = 9.0 (ch), 13.0 (ac) Large Lakes & Res^{c,h}: Apr–Dec = 18.3 (ch), 24.2 (ac) Jan–Mar = 9.0 (ch), 13.0 (ac)	Rivers & Streams: Tier I^d: Mar–Nov = 24.2 (ch), 29.0 (ac) Dec–Feb = 12.1 (ch), 24.6 (ac) Tier II^e: Mar–Nov = 27.5 (ch), 28.6 (ac) Dec–Feb = 13.8 (ch), 25.2 (ac) Tier III^f: Mar–Nov = 28.7 (ch), 31.8 (ac) Dec–Feb = 14.3 (ch), 24.9 (ac) Lakes & Res: Apr–Dec = 26.2 (ch), 29.3 (ac) Jan–Mar = 13.1 (ch), 24.1 (ac)	Same as Class 1		
BIOLOGICAL:								
<i>E. coli</i> per 100 ml	126 ⁽⁷⁾	205 ⁽⁷⁾	630 ⁽⁷⁾					630
Note: Capital letters in parentheses refer to references listed in section 31.16(3); numbers in parentheses refer to Table I footnotes.								
Temperature Definitions ^a Cold Stream Tier I temperature criteria apply where cutthroat trout and brook trout are expected to occur. ^b Cold Stream Tier II temperature criteria apply where cold-water aquatic species, excluding cutthroat trout or brook trout, are expected to occur. ^c Large Cold Lakes temperature criteria apply to lakes and reservoirs with a surface area equal to or greater than 100 acres surface area. ^d Warm Stream Tier I temperature criteria apply where common shiner, johnny darter, or orangethroat darter, or stonecat are expected to occur. ^e Warm Stream Tier II temperature criteria apply where brook stickleback, central stoneroller, creek chub, finescale dace, longnose dace, mountain sucker, northern redbelly dace, razorback sucker, or white sucker are expected occur, and none of the more thermally sensitive species in Tier I are expected to occur. ^f Warm Stream Tier III temperature criteria apply where warm-water aquatic species are expected to occur, and none of the more thermally sensitive species in Tiers I and II are expected to occur. ^g Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur. ^h Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.								

Table I – Footnotes

- (1) Standards for dissolved oxygen are minima, unless specified otherwise. For the purposes of permitting, dissolved oxygen may be modeled for average conditions of temperature and flow for the worst case time period. Where dissolved oxygen levels less than these levels occur naturally, a discharge shall not cause a further reduction in dissolved oxygen in receiving water. (For lakes, also see footnote 9.)
- (2) A 7.0 mg/liter standard (minimum), during periods of spawning of cold water fish, shall be set on a case by case basis as defined in the NPDES or CDPS permit for those dischargers whose effluent would affect fish spawning.
- (3) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (4) Suspended solid levels will be controlled by Effluent Limitation Regulations, Basic Standards, and Best Management Practices (BMPs).
- (5) Temperature shall maintain a normal pattern of diel and seasonal fluctuations and spatial diversity with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deleterious to the resident aquatic life. These criteria shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.
 - a. The MWAT of a waterbody shall not exceed the chronic temperature criterion more frequently than one event in three years on average.
 - b. The DM of a waterbody shall not exceed the acute temperature criterion more frequently than one event in three years on average.
 - c. The following shall not be considered an exceedance of the criteria:
 - i. Lakes and reservoirs: When a lake or reservoir is stratified, the mixed layer may exceed the applicable temperature criteria in Table 4I provided that an adequate refuge exists in water below the mixed layer. Adequate refuge means that there is concurrent attainment of the applicable Table I temperature and dissolved oxygen criteria. If the refuge is not adequate because of dissolved oxygen levels, the lake or reservoir may be included on the 303(d) List as “impaired” for dissolved oxygen, rather than for temperature.
 - ii. A “warming event” is the maximum allowable extent of exceedances above the standard, in units of degree-days (°C-days). This concept integrates both the magnitude of temperature (°C) above the standard as well as the duration (in days) and represents the cumulative temperatures above which growth or lethal impacts to fisheries are expected. For all Cold Stream tiers the allowable degree-days are 2.4 (acute) and 13.5 (chronic). For all Warm Stream tiers the allowable degree-days are 3.8 (acute) and 35.5 (chronic).
- (6) Deleted
- (7) *E. coli* criteria and resulting standards for individual water segments are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are

expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.

- (8) Deleted
- (9) The dissolved oxygen standard applies to lakes and reservoirs as follows.
 - a. Recreation: In the upper portion of a lake or reservoir, dissolved oxygen shall not be less than the criteria in Table I or the applicable site-specific standard. In the lower portion of a lake or reservoir, dissolved oxygen may be less than the applicable standard except where a site-specific standard has been adopted. A site-specific dissolved oxygen standard will be established for the lower portion of a lake or reservoir where there is evidence that primary contact occurs within the lower portion.
 - b. Agriculture: In the upper portion of a lake or reservoir, dissolved oxygen shall not be less than the criteria in Table I or the applicable site-specific standard. In the lower portion of a lake or reservoir, dissolved oxygen may be less than the applicable standard except where a site-specific standard has been adopted. A site-specific dissolved oxygen standard will be established for the lower portion of a lake or reservoir where there is evidence that livestock watering or irrigation water is pumped from the lower portion.
 - c. Aquatic Life: In the upper portion of a lake or reservoir, dissolved oxygen shall not be less than the criteria in Table I or the applicable site-specific standard. In the lower portion of a lake or reservoir, dissolved oxygen may be less than the applicable standard as long as there is adequate refuge. Adequate refuge means that there is concurrent attainment of the applicable Table I temperature and dissolved oxygen criteria. A site-specific dissolved oxygen standard will be established for the lower portion of a lake or reservoir where the expected aquatic community has habitat requirements within the lower portion.
 - i. Fall turnover exclusion: Dissolved oxygen may drop 1 mg/L below the criteria in Table I in the upper portion of a lake or reservoir for up to seven consecutive days during fall turnover provided that profile measurements are taken at a consistent location within the lake or reservoir 7-days before, and 7-days after the profile with low dissolved oxygen. The profile measurements taken before and after the profile with low dissolved oxygen must attain the criteria in Table I in the upper portion of the lake or reservoir. The fall turnover exclusion does not apply to lakes or reservoirs with fish species that spawn in the fall unless there are data to show that adequate dissolved oxygen is maintained in all spawning areas, for the entire duration of fall turnover.
 - d. Water Supply: The dissolved oxygen criteria is intended to apply to the epilimnion and metalimnion strata of lakes and reservoirs. Dissolved oxygen in the hypolimnion may, due to the natural conditions, be less than the table criteria. No reductions in dissolved oxygen levels due to controllable sources is allowed.

TABLE II - INORGANIC PARAMETERS

TABLE II INORGANIC PARAMETERS								
Parameter	Aquatic Life						Agriculture	Domestic Water Supply
	CLASS 1 COLD WATER BIOTA		CLASS 1 WARM WATER BIOTA		CLASS 2			
Ammonia (mg/L as N) Total	chronic = elsp or elsa ⁽¹⁾ acute = sp ^{(1)(N)}		chronic = Apr 1-Aug 31 = elsp ⁽¹⁾ Sept 1-Mar 29 = elsa ⁽¹⁾ acute = sa ^{(1)(N)}		Class 2 Cold/Warm have the same standards as Class 1 Cold/Warm ^(N)			
Total residual Chlorine (mg/L)	0.019 ^(L) (acute)	0.011 ^(L) (chronic)	0.019 ^(L) (acute)	0.011 ^(L) (chronic)	0.019 ^(L) (acute)	0.011 ^(L) (chronic)		
Cyanide - Free (mg/L)	0.005 ^(H) (acute)		0.005 ^(H) (acute)		0.005 ^(H) (acute)		0.2 ^(G) (acute)	0.2 ^(B,D,M) (acute)
Fluoride ⁽⁶⁾ (mg/L)								2.0 ^(E) (acute)
Nitrate (mg/L as N)							100 ^{(2)(B)} (acute)	10 ^{(4)(K)} (acute)
Nitrite (mg/L as N)	TO BE ESTABLISHED ON A CASE BY CASE BASIS ⁽³⁾				A CASE BY CASE BASIS ⁽³⁾		10 ^{(2)(B)} (acute)	1.0 ^{(2)(4)(K)} (acute)
Sulfide as H ₂ S (mg/L)	0.002 undissociated ^(A) (chronic)		0.002 undissociated ^(A) (chronic)		0.002 undissociated ^(A) (chronic)			0.05 ^(F) (chronic)
Boron (mg/L)							0.75 ^(A,B) (chronic)	
Chloride (mg/L)								250 ^(F) (chronic)
Sulfate, dissolved ⁽⁷⁾ (mg/L)								250 ^(F) (chronic)
Asbestos ⁽⁶⁾ fibers/L								7,000,000 ⁽⁵⁾ (chronic)
Note: Capital letters in parentheses refer to references listed in 31.16(3); numbers in parentheses refer to Table II footnotes.								

Table II – Footnotes

(1) Chronic:

For fish early life stage present (elsp)*:

$$chronic\ elsp = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$$

For fish early life stage absent (elsa)*:

$$chronic\ elsa = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028 * (25 - MAX(T, 7))}$$

*T = Temperature

Acute:

For salmonids present (sp):

$$acute\ sp = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$$

For salmonids absent (sa):

$$acute\ sa = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$$

(2) In order to provide a reasonable margin of safety to allow for unusual situations such as extremely high water ingestion or nitrite formation in slurries, the NO3-N plus NO2-N content in drinking waters for livestock and poultry should be limited to 100ppm or less, and the NO2-N content alone be limited to 10ppm or less.

(3) Salmonids and other sensitive fish species* present:

$$Acute = 0.10 (0.59 * [Cl^-] + 3.90) \text{ mg/L NO}_2\text{-N}$$

$$Chronic = 0.10 (0.29 * [Cl^-] + 0.53) \text{ mg/L NO}_2\text{-N}$$

[Cl⁻] = Chloride ion concentration; upper limit for Cl⁻ = 40 mg/L

Salmonids and other sensitive fish species* absent:

$$Acute = 0.20 (2.00 * [Cl^-] + 0.73) \text{ mg/L NO}_2\text{-N}$$

$$Chronic = 0.10 (2.00 * [Cl^-] + 0.73) \text{ mg/L NO}_2\text{-N}$$

[Cl⁻] = Chloride ion concentration; upper limit for Cl⁻ = 22 mg/L

*Sensitive fish species include salmonids, channel catfish, logperch and brook stickleback. Either total or dissolved chloride data may be used in these equations.

- (4) The combined total of nitrate plus nitrite will not exceed 10 mg/L.
 - a. The nitrate limit shall be calculated to meet the relevant standard in accordance with the provisions of Section 31.10 of this regulation, unless the permittee provides documentation that a reasonable level of inquiry demonstrates that there is no actual domestic water supply use of the waters in question or of hydrologically connected groundwater. The combined total of nitrate plus nitrite at the point of intake to the domestic water supply will not exceed 10 mg/L as demonstrated through modeling or other scientifically supportable analysis. (This Footnote 4a is repealed effective 12/31/2022).
- (5) Asbestos standard applies to fibers 10 micrometers or longer.
- (6) Consistent with 31.7(1)(b) and 31.7(2), these table values will be applied on a site-specific basis.
- (7) The dissolved sulfate standard may be assessed and implemented from either unfiltered or filtered samples.

TABLE III - METAL PARAMETERS

TABLE III METAL PARAMETERS (concentration in µg/L)						
Metal ⁽¹⁾	Aquatic Life ^{(1)(3)(4)(J)}		Agriculture ⁽²⁾	Domestic Water Supply ⁽²⁾	Water + Fish ⁽⁷⁾	Fish Ingestion ⁽¹⁰⁾
	ACUTE	CHRONIC	CHRONIC		CHRONIC	CHRONIC
Aluminum	$e^{(1.3695 \ln(\text{hardness}) + 1.8308)}$ (total recoverable)	87 or $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ (total recoverable) ⁽¹¹⁾			---	---
Antimony ⁽¹⁸⁾				6.0 (chronic)	5.6	640
Arsenic	340	150	100 ^(A)	0.02 – 10 ⁽¹³⁾ (chronic)	0.02	7.6
Barium ⁽¹⁸⁾				1,000 ^(E) (acute) 490 (chronic)	---	---
Beryllium ⁽¹⁸⁾			100 ^(A,B)	4.0 (chronic)	---	---
Cadmium	Warm ⁽¹⁷⁾ = $(1.136672 - \ln(\text{hardness}) * 0.041838) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Cold ⁽¹⁷⁾ = $(1.136672 - \ln(\text{hardness}) * 0.041838) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$	$(1.101672 - \ln(\text{hardness}) * 0.041838) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$	10 ^(B)	5.0 ^(E) (acute)	---	---
Chromium III ⁽⁵⁾	$e^{(0.819 \ln(\text{hardness}) + 2.5736)}$	$e^{(0.819 \ln(\text{hardness}) + 0.5340)}$	100 ^(B)	50 ^(E) (acute)	---	---
Chromium VI ⁽⁵⁾	16	11	100 ^(B)	50 ^(E) (acute)	100	---
Copper	$e^{(0.9422 \ln(\text{hardness}) - 1.7408)}$	$e^{(0.8545 \ln(\text{hardness}) - 1.7428)}$	200 ^(B)	1,000 ^(F) (chronic)	1,300	---
Iron		1,000 (total recoverable) ^(A,C)		300 (dissolved) ^(F) (chronic)	---	---
Lead	$(1.46203 - \ln(\text{hardness}) * 0.145712) * e^{(1.273 \ln(\text{hardness}) - 1.46)}$	$(1.46203 - \ln(\text{hardness}) * 0.145712) * e^{(1.273 \ln(\text{hardness}) - 4.705)}$	100 ^(B)	50 ^(E) (acute)	—	---
Manganese	$e^{(0.3331 \ln(\text{hardness}) + 6.4676)}$	$e^{(0.3331 \ln(\text{hardness}) + 5.8743)}$	200 ^{(B)(12)}	50 (dissolved) ^(F) (chronic)	—	---
Mercury		FRV(fish) ⁽⁶⁾ = 0.01		2.0 ^(E)	—	---

		(total recoverable)		(acute)		
Molybdenum			300 ^{(O)(15)}	210 (chronic)		
Nickel	$e^{(0.846 \cdot \ln(\text{hardness}) + 2.253)}$	$e^{(0.846 \cdot \ln(\text{hardness}) + 0.0554)}$	200 ^(B)	100 ^(E) (chronic)	610	4,600
Selenium ⁽⁹⁾	18.4	4.6	20 ^(B,D)	50 ^(E) (chronic)	170	4,200
Silver	$0.5 \cdot e^{(1.72 \cdot \ln(\text{hardness}) - 6.52)}$	$e^{(1.72 \cdot \ln(\text{hardness}) - 9.06)}$ Trout ⁽¹⁹⁾ = $e^{(1.72 \cdot \ln(\text{hardness}) - 10.51)}$		100 ^(F) (acute)	—	---
Thallium ⁽¹⁸⁾		15 ^(C)		0.5 (chronic)	0.24	0.47
Uranium ⁽¹⁶⁾	$e^{(1.1021 \cdot \ln(\text{hardness}) + 2.7088)}$	$e^{(1.1021 \cdot \ln(\text{hardness}) + 2.2382)}$		16.8 – 30 ⁽¹³⁾ (chronic)	---	---
Zinc	$0.978 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.9095)}$	$0.986 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.6235)}$ Sculpin ⁽¹⁴⁾ = $e^{(2.140 \cdot \ln(\text{hardness}) - 5.084)}$	2000 ^(B)	5,000 ^(F) (chronic)	7,400	26,000
Note: Capital letters in parentheses refer to references listed in section 31.16(3); numbers in parentheses refer to Table III footnotes.						

Table III – Footnotes

- (1) Metals for aquatic life use are stated as dissolved unless otherwise specified.

Where the hardness-based equations in Table III are applied as table value water quality standards for individual water segments, those equations define the applicable numerical standards. As an aid to persons using this regulation, Table IV provides illustrative examples of approximate metals values associated with a range of hardness levels. This table is provided for informational purposes only.
- (2) Metals for agricultural and domestic uses are stated as total recoverable unless otherwise specified.
- (3) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L. The exception is for aluminum, where the upper cap on calculations is a hardness of 220 mg/L. For permit effluent limit calculations, the hardness values used in calculating the appropriate metal standard should be based on the lower 95 percent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not possible, a site-specific method should be used, e.g., where hardness data exists without paired flow data, the mean of the hardness during the low flow season established in the permit shall be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist. For determination of standards attainment, where paired metal/hardness data is available, attainment will be determined for individual sampling events. Where paired data is not available, the mean hardness will be used.
- (4) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (5) Unless the stable forms of chromium in a water body have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (6) FRV means Final Residue Value and should be expressed as “total recoverable” mercury. The term “total recoverable” refers to the mineral acid digestion of an unfiltered sample to account for all forms of mercury present in water. Mercury data analyzed and reported as “total” or “total recoverable” mercury by using EPA approved total mercury analysis methods listed in 40 CFR 136.3 are considered equivalent.

Many forms of mercury are readily converted to toxic forms under natural conditions. The FRV of 0.01 µg/liter is the maximum allowed concentration of total mercury in the water. This value is estimated to prevent bioaccumulation of methylmercury in edible fish or shellfish tissue above the fish tissue standard for methylmercury of 0.3 mg/kg.

In waters supporting populations of fish or shellfish with a potential for human consumption, the Commission can adopt the FRV as the stream standard to be applied as a 30-day average. Alternatively, the Commission can adopt site-specific ambient-based standards for mercury in accordance with section 31.7(1)(b)(ii) and (iii). Site-

specific water-column standards shall be calculated from the site-specific bioaccumulation factor, using measured water column concentrations of total mercury and measured fish tissue concentrations of methylmercury. Fish tissue data shall be collected from species of the highest trophic level present in the waterbody. Fish tissue samples should include older, larger individuals present in the waterbody. A bioaccumulation factor should be calculated separately for each species sampled, and the highest bioaccumulation factor should be used to calculate the site-specific water column standard in order to prevent the average fish tissue concentrations from exceeding 0.3 mg/kg for all species.

- (7) Applicable to all Class 1 aquatic life segments which also have a water supply classification or Class 2 aquatic life segments which also have a water supply classification designated by the Commission after rulemaking hearing. These Class 2 segments will generally be those where fish of a catchable size and which are normally consumed are present, and where there is evidence that fishing takes place on a recurring basis. The Commission may also consider additional evidence that may be relevant to a determination whether the conditions applicable to a particular segment are similar enough to the assumptions underlying the Water + Fish ingestion criteria to warrant the adoption of Water + Fish ingestion standards for the segment in question.
- (8) The use of 0.1 micron pore size filtration for determining dissolved iron is allowed as an option in assessing compliance with the drinking water standard.
- (9) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (10) Applicable to the following segments which do not have a water supply classification: all Class 1 aquatic life segments or Class 2 aquatic life segments designated by the Commission after rulemaking hearing. These class 2 segments will generally be those where fish of a catchable size and which are normally consumed are present, and where there is evidence that fishing takes place on a recurring basis. The Commission may also consider additional evidence that may be relevant to a determination whether the conditions applicable to a particular segment are similar enough to the assumptions underlying the fish ingestion criteria to warrant the adoption of fish ingestion standards for the segment in question.
- (11) Where the pH is equal to or greater than 7.0 in the receiving water after mixing, the chronic hardness-dependent equation will apply. Where pH is less than 7.0 in the receiving water after mixing, either the 87 µg/L chronic total recoverable aluminum criterion or the criterion resulting from the chronic hardness-dependent equation will apply, whichever is more stringent.
- (12) This standard is only appropriate where irrigation water is applied to soils with pH values lower than 6.0.
- (13) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the

Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

- (14) The chronic zinc equation for sculpin applies in areas where mottled sculpin are expected to occur and hardness is less than 102 ppm CaCO₃. The regular chronic zinc equation applies in areas where mottled sculpin are expected to occur, but the hardness is greater than 102 ppm CaCO₃.
- (15) In determining whether adoption of a molybdenum standard is appropriate for a segment, the Commission will consider whether livestock or irrigated forage is present or expected to be present. The table value assumes that copper and molybdenum concentrations in forage are 7 mg/kg and 0.5 mg/kg respectively, forage intake is 6.8 kg/day, copper concentration in water is 0.008 mg/L, water intake is 54.6 L/day, copper supplementation is 48 mg/day, and that a Cu:Mo ratio of 4:1 is appropriate with a 0.075 mg/L molybdenum margin of safety. Numeric standards different than the table-value may be adopted on a site-specific basis where appropriate justification is presented to the Commission. In evaluating site-specific standards, the relevant factors that should be considered include the presence of livestock or irrigated forage, and the total intake of copper, molybdenum, and sulfur from all sources (i.e., food, water, and dietary supplements). In general, site-specific standards should be based on achieving a safe copper:molybdenum total exposure ratio, with due consideration given to the sulfur exposure. A higher Cu:Mo ratio may be necessary where livestock exposure to sulfur is also high. Species specific information shall be considered where cattle are not the most sensitive species.
- (16) When applying the table value standards for uranium to individual segments, the Commission shall consider the need to maintain radioactive materials at the lowest practical level as required by Section 31.11(2) of the Basic Standards regulation.
- (17) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
- (18) Consistent with 31.7(1)(b) and 31.7(2), these table values will be applied on a site-specific basis.
- (19) The chronic silver equation for trout applies in areas where trout are expected to occur. The regular chronic silver equation applies in areas where trout are not expected to occur.

TABLE IV – AQUATIC LIFE TABLE VALUE STANDARDS FOR SELECTED HARDNESS CONCENTRATIONS

TABLE IV AQUATIC LIFE TABLE VALUE STANDARDS FOR SELECTED HARDNESS CONCENTRATIONS (µg/L)											
Mean Hardness in mg/L Calcium Carbonate											
		25	50	75	100	150	200	250	300	350	400
Aluminum	Acute	512	1324	2307	3421	5960	8838	10071	10071	10071	10071
	Chronic	73	189	329	488	851	1262	1438	1438	1438	1438
Cadmium	Acute(cold)	0.49	0.94	1.4	1.8	2.6	3.4	4.2	5.0	5.8	6.5
	Acute(warm)	0.75	1.4	2.1	2.7	4.0	5.2	6.4	7.6	8.8	10
	Chronic	0.25	0.43	0.58	0.72	0.97	1.2	1.4	1.6	1.8	2.0
Chromium III	Acute	183	323	450	570	794	1005	1207	1401	1590	1773
	Chronic	24	42	59	74	103	131	157	182	207	231
Copper	Acute	3.6	7.0	10	13	20	26	32	38	44	50
	Chronic	2.7	5.0	7.0	9.0	13	16	20	23	26	29
Lead	Acute	14	30	47	65	100	136	172	209	245	281
	Chronic	0.5	1.2	1.8	2.5	3.9	5.3	6.7	8.1	9.5	11
Manganese	Acute	1881	2370	2713	2986	3417	3761	4051	4305	4532	4738
	Chronic	1040	1310	1499	1650	1888	2078	2238	2379	2504	2618
Nickel	Acute	145	260	367	468	660	842	1017	1186	1351	1513
	Chronic	16	29	41	52	72	94	113	132	150	168
Silver	Acute	0.19	0.62	1.2	2.0	4.1	6.7	9.8	13	18	22
	Chronic(trout)	0.01	0.02	0.05	0.08	0.15	0.25	0.36	0.50	0.65	0.81
	Chronic	0.03	0.10	0.20	0.32	0.64	1.0	1.6	2.1	2.8	3.5
Uranium	Acute	521	1119	1750	2402	3756	5157	6595	8062	9555	11070
	Chronic	326	699	1093	1501	2346	3221	4119	5036	5968	6915
Zinc	Acute	45	85	123	160	231	301	368	435	500	565
	Chronic(sculpin)	6.1	27	64	118	N/A	N/A	N/A	N/A	N/A	N/A
	Chronic	34	65	93	121	175	228	279	329	379	428
Shading indicates the aquatic life standards exceed drinking water supply standards.											

APPENDIX A. Calculation of a Biologically-Based Low Flow

The biologically-based flow calculation method is an iterative convergence procedure consisting of five parts. In Part I, Z (the allowed number of excursions) is calculated. In Part II, the set of X-day running averages is calculated from the daily flows for the period of record being considered. Because the ambient (instream) concentration of a pollutant can be considered to be inversely proportional to stream flow, the appropriate “running averages” of stream flow are actually “running harmonic means.” (The harmonic mean of a set of numbers is the reciprocal of the arithmetic mean of the reciprocals of the numbers.) Thus, “X-day running averages” should be calculated as, not as, where F is the flow for an individual day. Throughout this Appendix A, the term “running average” will mean “running harmonic mean.”

Part III describes the calculation of N (the total number of excursions of a specified flow for the period of record being considered). The calculations described in Part III will be performed for a number of different flows that are specified in Parts IV and V. In Part IV, initial lower and upper limits on the flow are calculated, the number of excursions at each limit are calculated using Part III, and an initial trial flow is calculated by interpolation between the lower and upper limits. In Part V, successive iterations are performed to calculate the flow as the highest flow that results in no more than the number of allowed excursions calculated in Part I.

Part I. Calculation of allowed number of excursions.

- I-1. Calculate $Z = D/[(Y)(365.25 \text{ days/year})]$

where D = the number of days in the flow record;

Y = the average number of years specified in

the frequency; and

Z = the allowed number of excursions based on a 1-in-3-year recurrence interval.

Part II. Calculation of X-day running averages, i.e., X-day running harmonic means.

- II-1. Where X = the specified duration (in days) of the averaging period, calculate the set of X-day running averages for the entire period of record being considered, i.e., calculate an X-day average starting with day 1, day 2, day 3, etc. Each average will have X-1 days in common with the next average, and the number of X-day averages calculated from the period of record being considered will be $(D+1-X)$.

Part III. Determination of the number of excursions of a specified flow in a set of running averages, i.e., running harmonic means.

- III-1. Select a specified trial low flow by method outlined in Part IV or an equivalent method.
- III-2. In the set of X-day running averages for the period of record being considered, record the date for which the first average is below the specified trial low flow and record the number of consecutive days that are part of at least one or more of the X-day averages that are below the specified flow. (Note that whether a day is counted as an excursion day does not depend exclusively on whether the X-day average for that day is below the specified trial low flow. Instead, it depends entirely on whether that day is part of any X-day average that is below the specified trial low flow. Table A-1 provides examples of the counting of excursion days. For ease in discussion, it is based on a 4-day flow period, rather than a 30-day flow period. When calculating a low flow pursuant to Section 31.9(1), a 30-day period should be used.)

Thus the starting date and the duration (in days) of the first excursion period will be recorded. By definition, the minimum duration is X days.

- III-3. Determine the starting dates of, and number of days in, each succeeding excursion period in the period of record being considered.
- III-4. Identify all of the excursion periods that begin within 120 days after the beginning of the first excursion period. (Although the first excursion period is often the only one in the 120-day period, two or three sometimes occur within the 120 days. Rarely do any excursion periods occur during days 121 to 240.) All of these excursion periods are considered to be in the first low flow period. Add up the total number of excursion days in the first low flow period and divide the sum by X to obtain the number of excursions in the first low flow period. If the number of excursions is calculated to be greater than 5.0, set it equal to 5.0.
- III-5. Identify the first excursion period that begins after the end of the first low flow period, and start the beginning of the second 120-day low flow period on the first day of this excursion period. Determine the number of excursion days and excursions in the second low flow period.
- III-6. Determine the starting dates of, and the number of excursions in, each succeeding 120-day low flow period.
- III-7. Sum the number of excursions in all the low-flow periods to determine S = the total number of excursions of the specified trial low flow.

Part IV. Calculation of initial limits of the low flow and initial trial flow.

- IV-1. Use $L = 0$ as the initial lower limit.
- IV-2. Use $U =$ the XQY low flow as the initial upper limit.
- IV-3. Use $N_L = 0$ as the number of excursions (see Part III) of the initial lower limit.
- IV-4. Calculate $N_U =$ the number of excursions (see Part III) of the initial upper limit.

$$T = L + \frac{(Z - N_L)(U - L)}{(N_U - N_L)}$$

- IV-5. Calculate $T =$ the initial trial flow as
- IV-6. Calculation of initial limits of the low flow and initial trial flow may be accomplished using equivalent methods.

Part V. Iterative convergence to the low flow.

- V-1. Calculate $N_T =$ the number of excursions for the trial low flow.

$$\text{If } -0.005 < (N_T - Z) / Z < +0.005$$

$$\text{If } N_T > Z, \text{ set } U = T \text{ and } N_U = N_T.$$
- V-2. $\text{If } N_T < Z, \text{ set } L = T \text{ and } N_L = N_T.$, use T as the low flow and stop.
- V-3. $\text{If } ((U - L) / U) < 0.005, \text{ use } L \text{ as the low flow and stop.}$

$$T = L + (Z - N_L)(U - L)$$

Otherwise, calculate a new trial flow as $\frac{(N_U - N_L)}{(N_U - N_L)}$ and repeat steps V-1, V-2, and V-3 as necessary.

APPENDIX A TABLE A-1 - COUNTING EXCURSION DAYS FOR A SPECIFIED FLOW OF 100 FT³/SEC USING 4-DAY AVERAGES.

TABLE A-1. COUNTING EXCURSION DAYS FOR A SPECIFIED FLOW OF 100 FT ³ /SEC USING 4-DAY AVERAGES.									
Date	Daily flow	4-day avg. flow	Is the 4-day average below 100?	Is this date part of any 4-day average that is below 100?	Date of start of excursion period	Number of days in excursion period	Date of start of low flow period	Number of excursion days in low flow period	Number or excursions in low flow period
1	130	112.5	No	No					
2	120	102.5	No	No					
3	110	97.5	Yes	Yes	3	4	3	12	3
4	90	102.5	No	Yes					
5	90	117.5	No	Yes					
6	100	112.5	No	Yes					
7	130	102.5	No	No					
8	150	102.5	No	No					
9	70	87.5	Yes	Yes	9	8			
10	60	90.0	Yes	Yes					
11	130	102.5	No	Yes					
12	90	95.0	Yes	Yes					
13	80	97.5	Yes	Yes					
14	110	127.5	No	Yes					
15	100	225.0	No	Yes					
16	100	>100	No	Yes					
17	200	>100	No	No					
18	500	>100	No	No					
The daily flows and four-day average flows for days 19 to 200 are all above 100 ft ³ /sec.									

31.17 NUTRIENTS

(a) Overview

This section establishes interim numeric values for phosphorus, nitrogen and chlorophyll *a* and also sets forth provisions regarding the use of these numeric values for the adoption of water quality standards.

(b) Interim Phosphorus Values

Table 1 Interim Total Phosphorus Values	
Lakes and Reservoirs, cold > 25 acres	25 µg/L ¹
Lakes and Reservoirs, warm > 25 acres	83 µg/L ¹
Lakes and Reservoirs < = 25 acres	RESERVED
Rivers and Streams - cold	110 µg/L ²
Rivers and Streams - warm	170 µg/L ²
¹ summer (July 1 - September 30) average total phosphorus (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1-in-5 years.	
² annual median total phosphorus (µg/L), allowable exceedance frequency 1-in-5 years.	

(c) Interim Nitrogen Values (Effective December 31, 2027)

Table 2 Interim Total Nitrogen Values	
Lakes and Reservoirs, cold > 25 acres	426 µg/L ¹
Lakes and Reservoirs, warm > 25 acres	910 µg/L ¹
Lakes and Reservoirs < = 25 acres	RESERVED
Rivers and Streams - cold	1,250 µg/L ²
Rivers and Streams - warm	2,010 µg/L ²
¹ summer (July 1 – September 30) average total nitrogen (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1-in-5 years.	
² annual median total nitrogen (µg/L), allowable exceedance frequency 1-in-5 years.	

(d) Interim Chlorophyll *a* Values

Table 3 Interim Chlorophyll <i>a</i> Values		
Waterbody type		DUWS
Lakes and Reservoirs, cold > 25 acres	8 µg/L ¹	5 µg/L ³
Lakes and Reservoirs, warm > 25 acres	20 µg/L ¹	5 µg/L ³
Lakes and Reservoirs < = 25 acres	RESERVED	5 µg/L ³
Rivers and Streams - cold	150 mg/m ²	
Rivers and Streams - warm	150 mg/m ²	
¹ summer (July 1 - September 30) average chlorophyll <i>a</i> (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1-in-5 years.		
² summer (July 1 - September 30) maximum attached algae, not to exceed.		
³ March 1 - November 30 average chlorophyll <i>a</i> (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1-in-5 years.		

(e) Use of Interim Phosphorus Values for Standards Adoption

Prior to December 31, 2027 the values set forth in subsection (b) above will be considered for the adoption of water quality standards for specific water bodies in Colorado in the following circumstances.

(i) Waters located upstream of

- (A) all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012,
- (B) cooling tower discharges, and
- (C) any non-domestic facility subject to Regulation #85 effluent limits and discharging prior to May 31, 2012.

(ii) Circumstances where the Commission has determined that adoption of numerical standards is necessary to address existing or potential nutrient pollution because the provisions of Regulation #85 will not result in adequate control of such pollution.

(f) Chlorophyll *a* Values for Standards Adoption

Prior to December 31, 2022, the values set forth in subsection (d) above will be considered for the adoption of water quality standards for specific water bodies in Colorado in the following circumstances.

(i) Waters located upstream of

- (A) all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012, or with preliminary effluent limits requested prior to May 31, 2012,
- (B) cooling tower discharges, and
- (C) any non-domestic facility subject to Regulation #85 effluent limits and discharging prior to May 31, 2012.

(ii) Discretionary Application of the Values for Direct Use Water Supply (DUWS) Lakes and Reservoirs. The Commission may determine that a numerical chlorophyll standard is appropriate for specific water bodies with this sub-classification after consideration of the following factors:

- (A) Whether the public water system using the lake or reservoir as a raw water supply experiences impacts attributed to algae on an intermittent or continual basis;
- (B) Whether there are lake or reservoir use restrictions in place that recognize the importance of the reservoir as a water supply;
- (C) Whether application of this value appropriately balances protection of all classified uses of the lake or reservoir;
- (D) Other site specific considerations which affect the need for a more protective value.

- (iii) Circumstances where the Commission has determined that adoption of numerical standards is necessary to address existing or potential nutrient pollution because the provisions of Regulation #85 will not result in adequate control of such pollution.

(g) Use of Interim Nitrogen Values for Standards Adoption

After December 31, 2027, the values set forth in subsection (c) above will be considered for the adoption of water quality standards for specific water bodies in Colorado in the circumstances identified in subsection (e)(i) and (ii) above.

(h) Phase 2 Application of Numeric Standards

After December 31, 2022, the values set forth in subsection (d) will be considered by the Commission when applying numeric standards to individual segments. After December 31, 2022, the values set forth in subsections (b) and (c) for lakes and reservoirs will be considered by the Commission when applying numeric standards to Direct Use Water Supply (DUWS) reservoirs and lakes or lakes and reservoirs with public swim beaches that meet the definition of natural swimming areas in C.R.S. § 25-5-801. After December 31, 2027, the values set forth in subsection (b) and (c) will be considered by the Commission when applying numeric standards to individual segments where total phosphorus and total nitrogen standards have not yet been adopted.

For each individual segment where numeric standards for total phosphorus, total nitrogen, and chlorophyll *a* have not yet been adopted, numeric standards will be adopted by the Commission where necessary to:

- (i) protect the assigned use classifications, and
- (ii) comply with the Colorado Water Quality Control Act and the Federal Act.

(i) Site-Specific Flexibility to Consider Alternatives to the Interim Values

In accordance with the preceding subsection, both before and after December 31, 2027, in considering adoption of numeric standards for specific water bodies in Colorado, the Commission may review relevant site-specific factors and conditions in determining what numeric standards are most appropriate, and may adopt standards, either more or less stringent than the 31.17(b)(c) and (d) interim values.

- (i) Where evidence demonstrates that an alternative numeric standard would be more appropriate for the protection of use classifications, the Commission may consider assigning ambient quality-based standards or site-specific criteria based standards as outlined in 31.7(1)(b)(ii-iii).
- (ii) Where it has been demonstrated that interim values are not feasible to achieve, the Commission may consider modifying the use classification as outlined in Section 31.6(2).
- (iii) Where the conditions established in Section 31.7(3)(a) are met, the Commission may consider granting a temporary modification.

31.18 RESERVED.

31.19 RESERVED.

31.58 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE; APRIL 13, 2020 RULEMAKING; FINAL ACTION MAY 11, 2020; EFFECTIVE DATE JUNE 30, 2020

31.59 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. EPA DISAPPROVALS AND ACTION LETTERS

A. Use Protected Designation for Effluent Dependent/Dominated Waters

On December 8, 2011, EPA disapproved the Use Protected default for effluent-dependent or effluent-dominated waters provision at 31.8(2)(b)(i)(C) because Use Protected designations are to be based on water quality, not a default assumption regarding the impact of effluent on water quality. In the 2016 Regulation No. 31 rulemaking hearing, the commission adopted a sunset date of 12/31/2019 for this provision to resolve the disapproval. In this hearing, the commission deleted the repealed antidegradation provision at 31.8(2)(b)(i)(C).

B. Temperature Excursions

To adequately protect aquatic life in Colorado, the commission, following guidance from the Temperature Technical Advisory Committee (TAC) deleted the air temperature, low-flow, and shoulder season excursions in Regulation No. 31 at Table I Footnote 5(c). In the 2016 Regulation No. 31 rulemaking hearing, the commission adopted a warming event provision. However, there was no technical basis for the joint adoption and application of both the warming event and excursions concepts.

On August 17, 2016, EPA wrote a letter to the commission citing concerns that the materials developed by the division to support its proposal did not align with the decision made by the commission. In addition, EPA requested additional information supporting joint application of the excursions and warming event allowance, as EPA did “not currently have a basis for approval.” In its October 2, 2017 action letter regarding its review of the commission’s 2016 changes to Regulation No. 31, EPA took no action on these standards changes. While EPA did not issue a formal disapproval, EPA’s rationale for no action was that “a technical analysis has not been submitted which supports the revisions.” Subsequent analysis by the division and TAC found that application of both the warming event and excursions is not biologically protective and recommended deleting the air temperature, low-flow, and shoulder season excursions and retaining only the warming event allowance.

During the 2016 Regulation No. 31 rulemaking hearing, some stakeholders voiced concern that deletion of the excursions would result in an unacceptable increase in 303(d) temperature impairment listings. Analysis of over 500 temperature sites across the state indicate that the warming event and excursions are approximately equal in resulting in an assessment decision of impairment or attainment for a waterbody; therefore, deletion of the excursions is not likely to result in an increase in temperature 303(d) listings, given the similar practical outcomes of these provisions. Regarding impacts to permitting, the air temperature, low-flow, and shoulder season

excursions in Table I Footnote 5(c) have never been incorporated into permit effluent limits, and deletion of these excursions will not affect permit effluent limit calculations.

C. Point of Application Footnote for Nitrate Water Supply Standards

On December 8, 2011, EPA disapproved the point of application footnote for nitrate in Table II Footnote 4 that allowed the nitrate standard to not be implemented in discharge permits if no actual Water Supply use was identified and only applied the nitrate standard to the point of intake. The provision was disapproved because the standards are intended to protect classified uses, regardless of whether they are set to protect actual or future uses. During the 2016 Regulation No. 31 rulemaking hearing, a sunset date of 12/31/2022 was adopted for this provision to resolve the disapproval. The commission did not take any action regarding this provision in the current rulemaking hearing. However, Table II Footnote 4 at 31.16 was revised to clarify that the commission intended to retain the condition that the sum of nitrate and nitrite will not exceed the standard of 10 mg/L. The commission restructured the footnote to separate this condition from the portion of the footnote that expires on 12/31/2022.

II. REVISIONS OF CRITERIA IN LIGHT OF NEW INFORMATION

A. Aquatic Life standards for Acrolein and Carbaryl

The commission adopted revised acute and chronic Aquatic Life water quality standards of 3 µg/L for acrolein, based on the EPA 304(a) criteria updated in 2009. The commission also adopted new acute and chronic Aquatic Life water quality standards of 2.1 µg/L for carbaryl, based on the EPA 304(a) criteria published in 2012.

B. Other Standards to Protect Aquatic Life and Recreation Uses

The commission declined to adopt EPA's revised 304(a) Aquatic Life criteria for selenium, ammonia, and aluminum at this time; however, the division is committed to evaluating these new criteria. Studies are currently underway for each parameter to improve understanding of these criteria in the context of water quality conditions in Colorado and how these criteria may be adopted and implemented in Colorado in the future.

EPA has also released updated criteria or guidance for several other parameters, including copper (Aquatic Life), *E. coli* (Recreation), cyanotoxins (Recreation), and the human health risk exposure assumptions. However, the division does not recommend adopting EPA's recommendations for these parameters at this time, as these items are not included on the division's 10-Year Water Quality Roadmap.

III. ANTIDEGRADATION STATUTE ALIGNMENT

As part of the June 2020 Regulation No. 38 rulemaking hearing (final action August 10, 2020), the commission raised questions about a potential misalignment of the Use Protected regulatory provisions in Regulation 31.8(2)(b)(ii) that considered the reversibility of existing pollution, with the statutory language in the Water Quality Control Act that limits the water quality test for the Use Protected designation to existing quality.

SUNSET 31.8(2)(b)(ii) Effective December 31, 2031

Having considered the evidence and statements submitted in this rulemaking, the commission believes that it is appropriate to move forward toward revision or deletion of the discretionary water quality-based antidegradation test at 31.8(2)(b)(ii). While the late stages of this rulemaking helped to advance the discussion regarding options for Use Protected designations based on the presence of substantial pollution for parameters other than those listed in section 31.8(2)(b)(i)(B), it was not possible within the

constraints of this rulemaking to subject these issues and options to the robust public process that they deserve. This included the division's compromise option presented as part of its consolidated proposal - Option B, which proposed to add clear and relevant factors for the commission to holistically consider the overall characteristics of a waterbody when determining antidegradation designations in the limited circumstances where the 12 parameters test may not be sufficient. Since the issues are complex and there remains much controversy at the time of the rulemaking hearing, the commission adopted the division's alternative compromise proposal – Option A and repealed the antidegradation provision at 31.8(2)(b)(ii) with a delayed effective date of December 31, 2031. It is the intention of the commission to retain the current provision until that date but maintain its focus on Use Protected designations based on the 12 parameters test.

This action preserves division resources already fully allocated to criteria development and implementation efforts as identified in the 10-Year Water Quality Roadmap (Roadmap) through 2027 and allows adequate time for the division to conduct a separate, comprehensive stakeholder process on antidegradation following completion of the Roadmap and prior to the expiration of 31.8(2)(b)(ii). The commission intends that the division will engage in this comprehensive stakeholder process to consider options to delete the test at 31.8(2)(b)(ii) or revise that test with criteria that holistically evaluate the overall characteristics of a waterbody in a manner consistent with state and federal requirements. The commission also intends to revisit the provisions at 31.8(2)(b)(ii) through a rulemaking action no later than 2031. Revisiting this provision in the future would have the added benefit of providing an opportunity to also consider other aspects of Colorado's antidegradation rule, such as a lack of explicit "Tier 1" antidegradation review for existing uses as noted by EPA. If this stakeholder process is delayed due to unforeseen circumstances, it is the commission's intent that a limited extension of the sunset date will be adopted to allow time for the stakeholder process and rulemaking hearing prior to deletion of 31.8(2)(b)(ii). The commission also deleted the word "or" to align with the federal antidegradation rule at 40 CFR 131.12(a)(2) and the Colorado Water Quality Control Act at 25-8-209(4).

Prior to 2021 the commission has only considered the presence of substantial pollution for parameters other than those listed in Section 31.8(2)(b)(i)(B) in the context of antidegradation designations in rare circumstances throughout the history of the antidegradation program in Colorado. The commission selected the 12 parameters listed in 31.8(2)(b)(i)(B) because they are effective indicators of water quality for antidegradation designation purposes. Accordingly, as the commission's past practice has reflected, the water quality-based tests set out in 31.8(2)(b)(i) will ordinarily suffice to determine whether waters' existing quality warrants a Reviewable or a Use Protected designation.

If proposals based on 31.8(2)(b)(ii) are advanced prior to 2031, the commission will thoroughly and holistically consider the physical, chemical, and biological characteristics of a waterbody, social and economic impacts throughout the segment and on downstream waters and users, environmental justice and health equity principles, and ensure that the public has adequate notice and time to engage and comment on proposals.

It is also important to note that under the tests at 31.8(2)(b)(i), the commission may determine that those waters with exceptional recreational or ecological significance should be undesignated, and deserving of the protection afforded by the antidegradation review provisions of section 31.8(3).

Future Considerations

At this time, the commission believes that it would be appropriate for it to revisit the option of a discretionary test for use in the limited circumstances where the 12 parameters test may not be sufficient, so long as that test (1) includes clear factors established in the regulation for making Use Protected antidegradation determinations that are consistent with state and federal law and (2) is based on a finding of substantial pollution for parameters outside those included in the 12 parameters test. Without presuming to limit the options available to future decision makers and based on its experience in this rulemaking, the commission recommends that the following issues should be addressed in a future

stakeholder and rulemaking process to revisit section 31.8(2)(b)(ii) . The issues include, but are not limited to, thorough and holistic consideration of all of the following:

- A. the physical, chemical, and biological characteristics of a waterbody, including consideration of how many pollutants and/or what magnitude of pollution should be considered substantial pollution, impacting both aquatic life and recreation uses;
- B. the social and economic impacts throughout the segment and on downstream waters and users;
- C. environmental justice and health equity principles;
- D. ensuring that mechanisms are in place to ensure that the public has adequate notice and time to engage and comment on proposals;
- E. that waters with exceptional recreational or ecological significance should not be designated as Use Protected; and
- F. whether and how to provide exclusions from the Use Protected designation based on short-term degradation, such as existing quality resulting from temporary events influencing the waterbody that are not representative of normal conditions (e.g., pollution from temporary land disturbance, illegal discharges, spills of toxic chemicals, and impacts from fires, floods, or other catastrophic events).

The commission further recommends that the future stakeholder and rulemaking process should address the broader aspects of the antidegradation program noted above (e.g., explicit Tier 1 antidegradation review).

IV. DISCHARGER-SPECIFIC VARIANCES

The commission revised the discharger-specific variance (DSV) provisions at 31.7(4) to improve the clarity and organization of requirements, reflect the commission's current practices, and align with the 2015 federal rule (40 CFR 131.14). The commission's criteria for DSVs have been utilized successfully to develop DSVs that have been approved by EPA and are resulting in water quality improvements. Overall, the commission determined that the requirements at 31.7(4) continue to be appropriate. The changes made during this hearing are not expected to substantively change the requirements for variances, but rather are intended to improve transparency and facilitate commission action and EPA approval.

Previously, the requirements for DSVs were included in three locations in the regulations, at 31.7(4) *Granting, Extending and Removing Variances to Numeric Standards*, at 31.9(5) *Conditions on Discharger-Specific Variances*, and in some of the basin regulations, which include reevaluation requirements for existing DSVs (e.g., 32.6(6)(a) and (b)). The commission centralized the DSV requirements in a single location at 31.7(4) to ensure that requirements are not overlooked.

A. Variances to Narrative Standards

The commission deleted the term "numeric" from 31.7(4) *Granting, Extending and Removing Variances to Numeric Standards* and 31.7(4)(a) to better align with the federal rule, which does not preclude the possibility of variances to narrative criteria. As with all variances, a DSV for a narrative standard would need to meet all Colorado and federal requirements and be supported by a comprehensive alternatives analysis demonstrating that there are no feasible pollution control alternatives that would allow for the regulated activity to proceed without a discharge that exceeds water quality-based effluent limits (WQBELs) for a given parameter(s) and an evaluation that there are no other regulatory options to achieve compliance. Therefore, a DSV must include identification of the pollutant(s) or water quality parameter(s) to be able to perform an alternatives analysis and a detailed demonstration of why it is not feasible to meet the narrative standard. The identification of the pollutant is a critical and crucial step of the DSV process whether the standard is narrative or numeric, because the treatment and control technologies can vary significantly based on the pollutant requiring removal. For example, feasible treatment technologies for removing organic carbon and ammonia may not be effective at removing zinc, cadmium, or sulfate.

There are several narrative standards in Regulation No. 31 with implementation tools that help determine numeric effluent limitations or quantifiable conditions in NPDES permits. For example, one of the narrative water quality standards listed in 31.11(1) specifies that waters should be free from substances that cause toxicity to humans, animals, plants, and aquatic life. The implementation tool used for aquatic life toxicity determinations is Whole Effluent Toxicity (WET) testing. WET tests directly measure the toxic effects on aquatic life due to the presence of one or more pollutants in the wastewater. Because WET testing is a control mechanism that measures, and limits, the combined toxic effect that the pollutants in the effluent have on aquatic life, it does not require the identification of each one of the pollutants in the effluent. The commission recognizes that each situation is unique, but in cases such as the one for toxicity described here, to qualify for a DSV, the discharger will need to identify the pollutant(s) or water quality parameter(s) that is/are causing non-compliance with the standard and/or failures with the implementation tool. The identification of the pollutant will serve two purposes during a DSV process: first, to determine if there are any pollution control alternatives that can feasibly achieve compliance with the narrative standard (in other words, whether or not the discharger qualifies for a variance); and second, to develop the alternatives analysis of feasible pollution control technologies that will provide incremental water quality improvements.

To align with the federal rule and ensure that a variance results in measurable progress towards attaining the underlying designated use, the commission will also adopt a quantifiable expression of the highest attainable condition for narrative standards. A quantifiable expression of the highest attainable condition can be expressed as numeric pollutant concentrations in ambient water, numeric effluent conditions, or other quantitative expressions of pollutant reduction. The preamble to the federal rule at 40 CFR 131.14 describes the quantifiable expression by providing the example of the maximum number of combined sewer overflows that is achievable after implementation of a long-term control plan. The commission believes such a quantifiable expression helps ensure measurable water quality improvements during the term of the variance, which is a key purpose of a variance.

Although this change acknowledges the possibility of DSVs adopted for narrative standards, the commission encourages potential proponents of DSVs for narrative standards to closely coordinate with the division before proposing such variances. At this time, the commission does not have a full understanding of all the circumstances under which DSVs for narrative standards may be warranted. Similarly, no guidance yet exists for developing and implementing alternative effluent limits (AEL) for narrative standards that protect the highest attainable condition.

B. Review Requirements

In 31.7(4), the commission changed the requirement to reevaluate DSVs “every three years” to “during each basin triennial review for the segment, unless the Commission requires a more frequent review when adopting the variance” to be consistent with current commission practice. Because the DSV reevaluation occurs across multiple hearings (Issues Scoping Hearing, Issues Formulation Hearing, and Rulemaking Hearing), the term “triennial review” better captures the process and timing of DSV reviews. This revision also provides flexibility to conduct more frequent reviews if it is required by the variance.

C. When a DSV is the Right Regulatory Tool

In 31.7(4)(a)(ii), the commission changed the requirement to obtain a DSV from being a preferable matter of policy when the conditions for granting a temporary modification are not met, to requiring evaluation of whether other regulatory tools are appropriate to obtain feasible WQBELs within the required timeframe. This change reflects the commission’s practice of granting a DSV only in instances where there has been an evaluation of other regulatory tools, such as compliance schedules or a Use Attainability Analysis (UAA), to determine whether these tools may result in WQBELs that are feasible for the discharger to achieve within the required timeframe.

The required timeframe to evaluate the potential use of other regulatory tools is based on site-specific conditions; however, a reasonable timeframe for such determinations usually does not exceed a few years. For example, if a discharger is expecting more stringent WQBELs in a future permit, or has a compliance schedule and is considering a variance because it will not be able to achieve its WQBELs at the end of the compliance schedule, the discharger should use this time to evaluate other regulatory tools. A UAA can be evaluated if there is a potential to change the classified uses or standards on the segment; while uses and standards are required to be reviewed at least once every three years, and future changes are possible, DSVs are definitely temporary. In the past, UAAs to support removal of the Water Supply use where there are no current or future water supplies have been effective for several dischargers. This type of analysis can generally be completed within months. It is important to evaluate the potential use of other regulatory tools first, as it is the commission's intent that DSVs are to be used only in cases where the compliance problem cannot be solved using other regulatory tools.

D. Alternative Effluent Limits

In 31.7(4)(b), the commission adopted revisions to both the definition and selection of AELs to improve clarity and align with the federal rule. The commission clarified that the AEL selection process should be based on (1) implementation of the best feasible alternative(s) to achieve WQBELs over the longer term, (2) achieving the highest attainable condition throughout the term of the variance, and (3) protecting the existing water quality conditions at the time of the adoption of the variance unless necessary for restoration activities.

The commission renamed the two options for AELs to reflect what each option represents. The AEL must be either (i) an effluent-based (numeric) limit expressed as an effluent concentration, load, pollutant percent removal, or other quantifiable expression of effluent quality and quantity, or (ii) an action-based (narrative) limit with a quantifiable expression of the specific pollution control requirements to be completed by the discharger and the adoption and implementation of a Pollutant Minimization Program (PMP).

In addition, the commission revised its practice of only adopting AELs to be met by the end of the variance. Previously, the commission adopted only a final AEL, which established the required water quality improvement to be achieved once the selected alternatives had been fully implemented. To ensure that the DSV did not result in any lowering of the currently attained ambient water quality, the commission previously relied upon implementation requirements that directed the permit writer to develop "initial effluent limits" based upon the level of effluent quality currently achieved that applied from the beginning of the variance until the AEL was achieved. The permit writer would also develop "interim effluent limits" if the water quality improvements were planned in phases.

In order to align with federal requirements, the commission will instead adopt AELs that apply throughout the term of the variance. This will include an initial AEL that applies from the beginning of the variance and a final AEL based upon the expected water quality improvement to be achieved once the selected alternatives have been fully implemented. The purpose of the initial AEL is to ensure that the DSV does not result in any lowering of the currently attained ambient water quality. The purpose of the final AEL is to set requirements that represent the highest attainable condition that is feasible to achieve within the term of the variance. The commission may also adopt interim AELs to set requirements for variances with multiple planned phases of water quality improvement.

The commission strongly prefers adoption of effluent-based initial and final AELs, expressed as effluent concentrations, loads, or pollutant removal percentages. However, in cases where the commission determines that an action-based final AEL is appropriate, the commission may still adopt an effluent-based initial effluent limit. Action-based initial AELs with a quantifiable expression and a PMP will be considered only in extraordinary circumstances when it is not

feasible for the discharger to comply with an effluent-based initial AEL. For instance, City of Pueblo's selenium DSV is a good example of a case where the permittee did not have sufficient control over pollutant concentrations at the onset of the variance and there was a high degree of variability and unpredictability that limited numerical characterization of the pollutant reductions achievable in effluent concentrations. This DSV, adopted by the commission in the 2018 Regulation No. 32 rulemaking hearing, included an action-based AEL (formerly known as a narrative AEL) that quantified the requirements of the DSV as a specific set of source control and optimization measures with a specific timeline (implemented as a PMP).

E. Pollutant Minimization Program

To be consistent with the federal rule, the commission revised the language to allow the adoption of an effluent-based (numeric) AEL or an action-based (narrative) AEL with a quantifiable expression and a PMP to ensure all feasible water quality improvements are implemented throughout the term of the variance. The commission described the effluent-based AELs as limits that can be expressed as an effluent concentration, load, pollutant percent removal, or other quantifiable expression of effluent quality and quantity. The commission described the action-based AELs as a quantifiable expression of the specific pollution control requirements to be completed by the discharger and the adoption and implementation of a PMP. The commission specified that the action-based AEL is only justified when there is no additional feasible control technology that can achieve a predictable, quantitative improvement in effluent quality, and therefore, will also require adoption and implementation of a PMP to specify the actions that need to be taken to achieve maximum pollutant reduction with existing control technologies. For the effluent-based AEL (numeric), the commission stated that it may also adopt a PMP at its discretion. These requirements are consistent with the nine DSVs adopted by the commission to date.

A PMP is a comprehensive source control measure described in 40 CFR 131.14 that will prevent and reduce the pollutant loadings to the receiving waterbody. A PMP is particularly essential for variances where the requirements are adopted as actions to be completed by the discharger, rather than effluent quality. Based upon experience with the DSVs previously adopted by the commission, a PMP provides a clear set of expectations and timeline for implementation, which makes it straightforward for both the discharger and the commission to determine compliance with the requirements. Without a PMP, there is a risk of the discharger and the commission having different expectations about the DSV requirements and whether compliance has been achieved. A PMP may be a short document, and the development of a PMP should not be an onerous requirement. Previously, it has been an extremely useful document to the discharger (particularly to the plant operator) after the variance has been adopted.

F. Organization

The *Conditions on Discharger-Specific Variances* section was moved from 31.9(5) to 31.7(4)(c) to facilitate consolidation of DSV requirements in a single location. Section 31.9(5) was deleted. Section 31.7(4)(c)(i) was revised to avoid redundancy with Section 31.7(4)(b)(i). The commission also included language to state that the discharger should be in compliance with the initial AEL when the variance is implemented in the permit and that the permit writer determines the compliance schedule(s) of the interim (if any) and final AELs. The commission also clarified the language to allow the permit writer to set interim milestones to achieve the final AEL, if appropriate.

The commission moved Section 31.7(4)(b)(iii) to 31.7(4)(c)(iv) because it governs the division's permitting implementation rather than a requirement for the selection of AELs. The previous regulatory language in this provision also gave direction to the permit writer regarding DSV implementation; however, the language was confusing. Therefore, the commission clarified the language in 31.7(4)(c)(iv) to state that the effluent limits for the point source discharge in the variance should be based on either WQBELs based on the underlying standard for the receiving

waterbody or the AEL, whichever is less stringent. This is applicable in situations where a discharger's WQBELs increase, for example, due to an increase in dilution in their discharging segment.

G.

Other Changes

In 31.7(4)(b), the commission revised the language that described the variance as a standard "which represents the highest degree of protection of the classified use that is feasible within 20 years" to instead state that variances shall include AELs "that reflect the greatest pollutant reduction achievable throughout the term of the variance". While it is important to consider the potential for attaining standards on a long time horizon (i.e., approximately 20 years), in practice, there is often a great deal of uncertainty regarding the timeframe over which it may be feasible for the permittee to achieve WQBELs based upon the underlying standard. Adopting a variance with a shorter timeframe and a more certain AEL would allow for water quality improvement in the short-term, while retaining the ability to reconsider long-term feasibility during the reevaluation of the variance or at the end of the term of the variance.

Section 31.9(2) was clarified to note that compliance schedules are authorized when appropriate and necessary to meet interim and final AELs for variances.

The commission made several revisions to 31.7(4)(d). First, the commission changed the requirements for the duration of a DSV and included language to account for the planning, implementation, and monitoring of the activities planned to achieve better water quality. Previously, 31.7(4)(c) stated that the duration of the DSV will be determined on a case-by-case basis, based upon all relevant factors, including the potential for achieving more protective effluent levels. This was not entirely consistent with the federal rule, which states "The term of the WQS variance must only be as long as necessary to achieve the highest attainable condition." For each of the DSVs that the commission has adopted to date, the duration was based upon the time needed to achieve the highest attainable condition. The commission revised this section to align with the federal rule and reflect current commission practice.

Second, the same requirements included in the basin regulations (such as 32.6(6)(a) and (b)) regarding the reevaluation of DSVs were added to 31.7(4)(d). These requirements were not included in Regulation No. 31 previously. The requirements include conducting a reevaluation of the variance during the triennial basin review when the term of the variance is longer than five years, and more frequently if needed, and submitting the results of its reevaluation to EPA within 30 days of the date the commission completes its reevaluation, as is required by federal rule.

Third, to better align with the federal rule, the commission added that it would incorporate a more stringent AEL if, as part of the reevaluation process, it determines that a more stringent AEL or higher attainable condition than originally required by the variance is achievable. The commission added that if the commission determines a less stringent AEL is necessary, a revised variance must be submitted to EPA.

Lastly, the commission changed the language from "extending" to adopting "a subsequent variance" in order to better align with the federal rule, and clarified the requirements for adopting a subsequent variance.

V. LAKE TEMPERATURE AND DISSOLVED OXYGEN FOOTNOTE

The commission adopted Footnote 5(c)(i) to Table I, which states:

Lakes and reservoirs: When a lake or reservoir is stratified, the mixed layer may exceed the applicable temperature criteria in Table I provided that an adequate refuge exists in water below the mixed layer. Adequate refuge means that there is concurrent attainment of the applicable Table I temperature and dissolved oxygen criteria. If the refuge is not adequate because of

dissolved oxygen levels, the lake or reservoir may be included on the 303(d) List as “impaired” for dissolved oxygen, rather than for temperature.

This footnote previously existed in Regulation No. 31, but was deleted in the 2016 Regulation No. 31 rulemaking hearing. In 2016, the commission declined to adopt the division’s statewide temperature proposal for lakes to adjust the Table Value Standards (TVS) for temperature based on elevation. The proposal would have resulted in an increase in the allowable temperature for many lakes. A component of the proposal was also to delete Footnote 5(c)(iii) to Table I, which allowed for surface temperatures to exceed standards as long as concurrent attainment of dissolved oxygen (DO) and temperature existed in a profile of the reservoir. The commission did not adopt this proposal; however, Footnote 5(c)(iii) was still deleted, in error. The footnote deletion should not have been adopted because deletion of the footnote was directly coupled to the elevation-based temperature standards proposal.

The division provided evidence in this hearing showing that lake surface temperatures are widely subject to exceedances and correlated with elevation, and that Table I Footnote 5(c)(iii) should be reinstated. The reinstatement of Footnote 5(c)(iii), modified for clarity, will allow for lakes to have surface or mixed layer temperature exceedances (a naturally occurring condition) and assessments to consider 303(d) and M&E listings for DO where DO and temperature are not concurrently attained.

VI. LONGEVITY PLANS FOR SITE-SPECIFIC STANDARDS

The commission considered but did not adopt a proposal to revise section 31.7(1)(b)(ii) and (iii) and 31.7(1)(c) to incorporate a longevity plan requirement for all ambient quality-based, criteria-based, and narrative site-specific standards. The commission determined that, at this time, a regulatory change is not needed for longevity plans to continue to be adopted with site-specific standards.

The purpose of longevity plans is to ensure that site-specific standards can be reviewed during subsequent triennial reviews, as required by federal and state rule (Federal Clean Water Act Section 303(c)(1) and Colorado Water Quality Control Act Section 25-8-202(f)). Consistent with past practice, the commission will continue to thoughtfully consider the expected longevity of each site-specific standard and identify the types, extent, and timing of information needed to facilitate future reviews of the standards. The commission will continue to adopt longevity plans as needed to guarantee the collection and analysis of information that will be necessary to ensure that a site-specific standard is maintained over time, continues to be scientifically sound, protects the beneficial uses, and can be updated or revised as needed.

The commission intends that longevity plans will continue to be developed in collaboration with the division and other interested parties. In addition, the commission intends that longevity plans will be implemented by the parties proposing site-specific standards; in some situations, longevity plans may be implemented by multiple parties. Longevity plans should include plans for collection of evidence necessary to support review of the site-specific standards in subsequent rulemaking hearings, taking into account the expected longevity of the site-specific standards, the conditions on which the site-specific standards were based, the time horizon in which those conditions are expected to change, and the resources required to collect, analyze, and report on data and other information. The purpose of collecting such information is to ensure the commission can determine whether the basis and assumptions used to support the initial adoption of the site-specific standards are still valid or if there has been a significant change in conditions. Depending on the type of site-specific standard (ambient-based, criteria-based, or narrative), this may include collection of instream and effluent water quality data (and, as appropriate, the flow and loading of effluent) to characterize existing quality; aquatic life community information; updates to toxicity databases; analysis of data; investigation of treatment technologies, treatment alternatives, and/or other controls to determine if further improvements to water quality are feasible; land use or habitat evaluations; or collection of other relevant site-specific information.

For example, longevity plans for site-specific standards based on the copper Biotic Ligand Model have included continued collection of the water quality data required to run the model; longevity plans for site-specific standards based on the recalculation procedure have included investigations of new toxicity data,

reporting on changes to instream chemical, physical, or biological conditions, and additional biological and water quality data collection; longevity plans for site-specific standards based on natural or irreversible ambient conditions have included ongoing biological and water quality data collection.

When the division has identified an existing site-specific standard as a priority for review in an upcoming rulemaking hearing, the division will conduct outreach with potentially impacted entities as early as possible to identify data and other information needs and collaborate on data and information collection as needed. The division shall notify potentially impacted entities in consideration of a timeline that allows them adequate notice of the division's intent for review and allow participation in the routine approach to stakeholder participation in basin reviews.

The commission expects that longevity plans will result in the collection of evidence that is of the right type, quality, and quantity to be useful for future evaluations of the site-specific standard, recognizing that the type(s) of data collection is dependent on conditions unique to the site, and that a longer time horizon (beyond a single triennial review period) for the frequency of data collection may be warranted for certain sites. For some situations, it may be appropriate to require certain activities only if certain types of changes occur; for example, water quality data collection may only be necessary if changes to land use or flow are observed. Because every site-specific standards situation is unique, so too will be the components, review elements, and review timing of every longevity plan. In addition, the commission anticipates that individual longevity plans may be revised in future reviews to account for site-specific circumstances.

In addition, the commission encourages the division to begin evaluating the basis of all existing site-specific standards. Where the basis or validity of an existing site-specific standard cannot be confirmed with available data or other information, the commission encourages the original proponents of existing site-specific standards (including the division), and/or other dischargers whose permit compliance relies on the site-specific standards, to begin working with the division, EPA, CPW, and other interested parties to develop a plan to collect the necessary information and provide an update to the commission at the soonest possible triennial review for the waterbody at issue. Because most existing site-specific standards do not have a longevity plan, and in many cases, sampling is not occurring, the commission anticipates it will take time for representative data and/or information required for a comprehensive review of each site-specific standard to become available, and that progress will be incremental during routine basin review cycles. The division will compile and store information about all site-specific standards in a publicly available site-specific standards library; this library will house information about the basis and review history for each site-specific standard and will be used to prioritize site-specific standards for future review.

VII. TEMPORARY MODIFICATIONS

The commission adopted changes to the temporary modification provisions at 31.7(3) and 31.9 to reflect current commission practice and better ensure that temporary modifications are adopted only when necessary and eliminated in a timely manner. Changes were also adopted to ensure that facilities receiving regulatory relief through a temporary modification take measures to, at a minimum, maintain status quo and manage effluent quality at the best level reasonably achievable under the term of the temporary modification. These changes are described in more detail in the following sections.

Section 31.7(3) was also reorganized slightly for clarification and a definition for the term "status quo" was added to 31.5(40). The commission considers division Policy 13 *Permit Implementation Method for Narrative (Current Condition) Temporary Modifications* to be consistent with this regulatory definition.

A. Changes to 31.7(3)(a): Non-attainment Requirements and Appropriate Use of Predicted Non-compliance

The commission made several substantive and editorial revisions to 31.7(3)(a). The commission clarified that temporary modifications may be granted for numeric water quality standards. Additionally, the commission clarified at 31.7(3)(a) that non-attainment of the underlying water

quality standard in the waterbody is an explicit requirement for justifying a temporary modification. This requirement for a temporary modification is set forth at 31.7(3), namely that “Where non-attainment of underlying standards has been demonstrated or predicted the Commission may grant a temporary modification...”. However, this requirement was not previously raised again explicitly at 31.7(3)(a). Furthermore, the commission added clarification that the appropriate scope of temporary modification application to a waterbody is only where demonstrated or predicted waterbody non-attainment and compliance problems co-occur (i.e., the temporal and spatial application should be appropriately narrow). For example, if a compliance problem or non-attainment is only observed in the summer, it may not be appropriate to grant a year-round temporary modification. These changes recognize current practice and are not meant to change that policy, only to clarify and expressly approve its use. The commission recognizes that evaluations of co-occurrence of non-attainment and non-compliance can vary depending on the situation and intends to consider site-specific information in determining the appropriate spatial and temporal extent of a temporary modification.

Additionally, the commission added language at 31.7(3)(a)(ii) to clarify how predicted compliance problems are justified. It was specified that temporary modifications are only justified in situations where, in addition to significant uncertainty and non-attainment, there is either a demonstrated or predicted problem complying with a water quality-based effluent limit (WQBEL) on a timescale such that, absent a temporary modification, the discharger would face unreasonable consequences. For purposes of temporary modifications, unreasonable consequences are defined as situations where it can be demonstrated that the timing of the anticipated permit limit (considering any potential compliance schedules or other permitting flexibility) would not provide sufficient time to resolve the uncertainty prior to requiring significant investment in design or construction of facility infrastructure. As such, the commission further defined predicted non-compliance as a problem complying with a WQBEL with which the discharge must comply within the next five years (i.e., within five years of the effective date of the temporary modification). Another example situation that would qualify for a temporary modification is where a discharge has a predicted problem complying with a WQBEL in more than five years, and evidence shows significant investment in facility infrastructure would be required before the uncertainty is resolved. For the purposes of temporary modifications, significant investment can be equated to any measures beyond low cost options for maintaining the best effluent quality reasonably achievable, such as example activities provided at 31.9(4).

These changes provide clarity regarding the appropriate use of prediction in determining whether compliance problems exist in the context of temporary modifications. The commission expects that, when time allows, progress to resolve the uncertainty (e.g., derivation of an appropriate site-specific standard or DSV) will occur in coordination with the division and other stakeholders outside of a temporary modification. This will allow for optimal use of resources and help to ensure that the scope of a temporary modification is appropriately narrow and the term is appropriately short.

B. Changes to 31.7(3)(b), 31.7(3)(c), and 31.7(3)(e): Status Quo Characterization and Plan to Resolve Uncertainty Requirements

The commission revised 31.7(3)(b) and 31.7(3)(c) to clarify what supporting information is required for temporary modification adoption and extension, respectively. To support an extension of a temporary modification, the commission added a requirement to provide justification as to why the time allotted under the previous temporary modification term was not sufficient to resolve the uncertainty. This information will help the commission judge whether the reasoning behind the need for extension is justified and avoid granting temporary modification extensions where the need for extension results from lack of sufficient effort to eliminate the need for the temporary modification.

The commission also added an explicit provision to 31.7(3)(b) and (c) requiring a characterization of the status quo of the waterbody and effluent, or, absent sufficient data, a plan to collect data to characterize the status quo as soon as possible. This characterization will ensure that the

commission can use these data points to compare to future characterizations of ambient and effluent conditions when a temporary modification is reviewed or when it is proposed to be modified or extended, to verify that status quo has been maintained. As such, the commission also adopted revisions to 31.7(3)(e) that explicitly list consideration of the maintenance of the status quo when making a decision as to whether a temporary modification should be removed or extended. Additionally, a statement was added to the review criteria to clarify that an extension of the temporary modification shall not be granted in cases where the basic reporting requirements (i.e., providing annual updates and supporting documentation to the division) have not been met over the prior term of the temporary modification. All of these actions are aligned with the current intent of the regulatory language and reflect current commission practice. The commission recognizes that, during the temporary modification, permitted dischargers' effluent quality may be marginally changed and variability in effluent quality may occur; however, the commission also expects that dischargers take measures to ensure that effluent quality is maintained at the best level reasonably achievable, in a manner consistent with the provisions of 31.9(4), under the term of the temporary modification, as discussed below. There may also be situations where the waterbody quality status quo has not been maintained due to causes outside of the discharger's control (e.g., hydrological modifications of the waterbody upstream of the discharge point). Under these circumstances, justification that the waterbody degradation was not due to the effluent in question should also be provided and considered, as specified in 31.7(3)(c) and 31.7(3)(e).

The commission also made changes to 31.7(3)(b) to clarify the expectations for the required plan to resolve uncertainty that accompanies each temporary modification. The commission clarified that, for each type of uncertainty identified, the plan should include an adequately detailed, site-specific approach, including sampling plans where appropriate, to resolve the uncertainty. Plans should also include timelines for key deliverables and annual reporting of progress to the division. Furthermore, the commission added a requirement for plans to include activities to ensure that, at a minimum, status quo is maintained and effluent quality is maintained at the best level reasonably achievable. This is not only aligned with existing provisions at 31.9(4), but also with previous commission intent documented in the Statement of Basis and Purpose at 31.44 and existing commission practice to adopt plans that include low-cost activities that would result in water quality improvements under the term of the temporary modification. Such activities may include optimization-like activities such as pretreatment, source identification, and evaluations of source control and treatment options. Nonpoint source implementation of strategies for improving waterbody quality can also be considered, as appropriate. These activities also serve to help eliminate the uncertainty regarding the extent to which conditions are natural or irreversible. Except where justified otherwise, it is the commission's intent that efforts to resolve each type of uncertainty occur in parallel, rather than in sequence, such that the need for the temporary modification is eliminated as expeditiously as possible.

C. Changes to 31.7(3)(d): Removal of Term “Existing Uses” and Alignment of Numeric and Narrative Operative Values

The commission removed the requirement for temporary modification operative values to “protect existing uses” at 31.7(3)(d). This requirement is not consistent with the intent of temporary modifications, which focuses on maintaining status quo. Thus, the requirement to “protect existing uses” was replaced with a requirement that the temporary modification operative values, at a minimum, ensure that status quo is maintained. The commission also aligned the language at 31.7(3)(d)(i) and (ii) to clarify that characterization of status quo is the requirement for both numeric and narrative operative values.

D. Changes to 31.7(3)(e): Clarification of Considerations for Setting the Term of and Extending the Temporary Modifications

The commission added clarifying language at 31.7(3)(e) to better specify appropriate considerations when setting the term of temporary modifications. In circumstances where there is uncertainty pertaining to the justification for the temporary modification and further data are being

gathered to support the justification (e.g., where there is some uncertainty whether waterbody non-attainment exists), a shorter term for the temporary modification may be warranted. The commission also clarified that the term granted shall be the shortest possible to sufficiently resolve the uncertainty. The reasoning for the length of term selected should be clearly justified in the plan to resolve uncertainty for the temporary modification. Additionally, the commission clarified that, when evaluating extension of a temporary modification, the situation must still qualify for a temporary modification under 31.7(3)(a) and substantial progress towards resolving the uncertainty must have been made under the previous term of the temporary modification. The commission will evaluate the adherence to planned activities scheduled in the plan to resolve uncertainty, as well as the justification (newly required at 31.7(3)(c)) as to why the time allotted under the previous temporary modification duration term was not sufficient to resolve the uncertainty.

E. Changes to 31.7(3)(f): Modification of Scope and Schedule for Rulemaking

The commission revised 31.7(3)(f) to expand the scope of temporary modifications included in the temporary modifications public rulemaking hearings from those expiring within the subsequent two years to all temporary modifications, so that the commission is able to better ensure that timely progress is being made on all temporary modifications, regardless of the expiration date. The commission also modified the minimum routine schedule for temporary modifications public rulemaking hearings from annually to biennially. The commission expects that proponents of temporary modifications will supply annual updates for all temporary modifications to the division, which the division will review to ensure that temporary modifications are still justified and timely progress is being made to resolve uncertainty. However, formal temporary modifications public rulemaking hearings will only occur routinely on a biennial basis. The need for a public rulemaking hearing in off years will be assessed after updates are received and hearings can be scheduled as needed.

F. Changes to 31.9(4): Clarification, Alignment with Division Practice, and Inclusion of Examples of Division Authority to include Low Cost Optimization in Permits for Temporary Modifications

Section 31.9(4) was reorganized slightly for clarification. The commission also added a new section (31.9(4)(ii)) that clarifies how numeric and narrative operative values for temporary modifications should be implemented in permits. Where a permit is issued for an existing discharge to a waterbody where a temporary modification applies, whether numeric or narrative, permit effluent limits applicable under the term of the temporary modification should be developed to ensure that, at a minimum, status quo is maintained.

Additionally, the commission removed the statement at 31.9(4) that specified that “The Division, where necessary and within a reasonable period of the expiration of a temporary modification, shall reopen any permit for a discharge to that segment and include a permit condition to attain limits based on the underlying standard”. This was removed because it does not reflect current permitting practices.

The commission also added language at 31.9(4)(iii) to reemphasize that inclusion of low cost optimization in permits, which includes activities such as pretreatment, source identification, and evaluation of source control and treatment options, is authorized and may be an effective permitting tool for ensuring that effluent quality is maintained at the best level reasonably achievable without requiring significant investment in facility infrastructure under the term of the temporary modification, as well as resolving uncertainty regarding the extent to which ambient conditions resulting from the effluent in question are reversible.

Finally, the commission revised the language in 31.9(4) that pertains to implementation of temporary modifications for expanding and new discharges. The commission added clarification that, when considering expanding discharges to a waterbody where a temporary modification

applies, permits should not only protect downstream uses, but unless specifically decided otherwise by the commission, should, at a minimum, ensure that status quo is maintained. The commission revised the expectations for permits for new discharges to waterbodies where temporary modifications apply from establishing limits that protect downstream uses to establishing limits based on the underlying standard, unless the commission has established a specific limit or value for new dischargers for a particular temporary modification or set of modifications. An example of such a case is the operative value assigned to new discharges by the commission for arsenic temporary modifications, which also considers arsenic control and treatment limits. This revision for new discharges aligns with the commission's intent at 31.53(IV), which states that "Specifically, the Commission added references to "existing discharges" to clarify that effluent limits based upon temporary modifications only apply to existing discharges, and that effluent limits for new and expanded discharges must generally be set to the underlying standard." The commission considers division Policy 13 *Permit Implementation Method for Narrative (Current Condition) Temporary Modifications* to be consistent with this regulatory revision.

VIII. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Nitrite Aquatic Life Standards

The commission added additional instructions for using the chloride-based nitrite standards for aquatic life in Table II Footnote 3 at 31.16 to clarify that sensitive fish species include salmonids, channel catfish, logperch and brook stickleback. The "sensitive species" are defined in the 1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force document. This footnote was also edited to clarify that either total or dissolved chloride data may be used in these equations. About half of the available chloride data in Colorado is reported as "total" and the remainder is reported as dissolved. Whether or not a sample was filtered should not impact the concentration of chloride, because chloride is completely soluble at concentrations well above 40 mg/L. As more nitrite data become available and nitrite standards are assessed and implemented more frequently, it is expected that there may be more interest in adopting the equation-based standards from Regulation No. 31 in the basin tables on a site-specific basis. The proposed clarifying edits are intended to make this option as straightforward as possible.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations in Table III at 31.16 to improve compatibility with Excel:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Chronic aluminum: a missing parenthesis was added to the end of the equation.
- Acute and chronic lead: brackets and an extra parenthesis were deleted from the conversion factor in the equation.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

These changes were also made in Regulation Nos. 32-38.

C. Duration of Radionuclide Standards in Table A

The commission revised the footnote to the Radionuclide Standards table (Table A) in 31.11(2) to state that all of the radionuclide standards listed should be applied as chronic 30-day average health-based standards. Colorado's radionuclide standards (with the exception of americium 241) were adopted in 1979 using the 1976 National Interim Primary Drinking Water Regulations, which included maximum contaminant levels for radionuclides that are based on annual dose exposures

and maintaining a body burden below harmful levels. In 1996, revised plutonium and new americium standards were adopted with the footnote specifying that they are 30-day averages. However, because all of the radionuclide standards in Table A are based on long-term risk exposure assumptions, the footnote was modified to specify that all should be implemented as chronic 30-day average standards.

D. Duration of Nitrate and Asbestos in Table II

31.16 Table II: (acute) was added to the agriculture nitrate standard and (chronic) was added to the asbestos standard to clarify the durations of the standards.

E. Duration of Standards in Tables II and III

31.16 Table III: The word “chronic” was added to the column headers for the Agriculture, Water + Fish, and Fish Ingestion standards, and the phrase ‘30-day’ was removed from cells in those columns to clarify the durations of the standards.

31.16 Tables II and III: In columns that include both acute and chronic standards, the duration is noted in the cell with each standard. To clarify the duration of the standards, the phrase “1-day” was replaced with “acute” and the phrase “30-day” was replaced with “chronic”.

F. Standards Not Routinely Applied

Footnote 6 was added to Table II and Footnote 18 was added to Table III at 31.16 to clarify that fluoride, asbestos, antimony, barium, beryllium, and thallium standards should be applied on a site-specific basis in accordance with 31.7(1)(b) and 31.7(2). Since their initial adoption, these standards have not been adopted broadly into the basin regulations (Regulation Nos. 32-38), and the footnote was included to encourage adoption of protective criteria, where appropriate.

G. Sulfate

The sulfate standard at 31.11(6)(ii) and in Table II at 31.16 was edited to clarify that the standard applies to dissolved sulfate concentrations. This change was also made in Regulation Nos. 32-38. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations. In addition to clarifying that sulfate is a dissolved parameter, Footnote 7 was added to Table II to clarify that sulfate can be assessed and implemented using data from unfiltered or filtered samples.

H. Mercury Clarification

The commission revised the term “total” in Table III and the associated Footnote 6 to the term “total recoverable” mercury to align with the basin regulations and clarify the confusion caused by the use of two different terms that refer to the same fraction of mercury. The term currently used to describe the mercury standard in Table III is “total” to denote that the standard is based on all forms of mercury, not just methylmercury. It is also meant to denote that the standard is based on the “total” (unfiltered) fraction, rather than dissolved (filtered) fraction of mercury. However, in the basin regulations (Nos. 32-38), the term “total recoverable” is used to refer to the same fraction and all forms of mercury.

The term “total recoverable” comes from the analytical protocols used to analyze heavy metals, including mercury, and requires a pre-digestion step. This pre-digestion step does not provide quantification of any additional fraction of mercury in the sample. It simply serves as a sample preparation step for high turbidity samples to facilitate determination of mercury (all forms) present in the sample. Although both “total” and “total recoverable” terms are used in the

literature to define results from analytical methods that include a pre-digestion step of unfiltered samples, “total recoverable” is technically the more correct term.

The commission also revised Table III Footnote 6 to clarify that mercury data analyzed and reported as “total” or “total recoverable” using EPA approved total mercury analysis methods listed in 40 CFR 136.3 are considered equivalent.

I. Chromium Footnote

The commission revised Table III Footnote 5 to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 5 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification. This change was also made in Regulation Nos. 32-38.

J. Definition of Existing Quality for Temperature

The commission revised the definition of existing quality for temperature at 31.5(20) to distinguish between the calculations used to determine standards attainment and the calculations used in permits implementation. Standards attainment in the context of 303(d) assessment allows for a short duration of temperature exceedance as defined by the biological warming event in units of degree-days and was developed in the 2017 303(d) listing methodology. The warming event and degree-days concept was added to Table I Footnote 5(c)(ii). Permits implementation requires ambient upstream temperatures in seasonal or monthly maxima to calculate effluent limits and for reasonable potential analysis.

The method for calculating permits implementation was developed in the 2016 Regulation No. 31 rulemaking hearing at 31.53(A) to incorporate an allowable exceedance frequency for monthly determination of effluent limits. This method is being added to the definitions section of Regulation No. 31 and clarified by adding “seasonal or monthly maxima” to make clear that permits has the flexibility to implement seasonal or monthly based effluent limits. The commission expects the division to continue to engage with stakeholders regarding permits implementation of temperature and explore whether the warming event assessment method may be considered in the permitting context through workgroups and other appropriate means.

K. Table Numbering

'Table A' was added to the title of Radionuclide Standards at 31.11. 'Table B' was added to the title of Basic Standards for Organic Chemicals at 31.11.

L. Housekeeping

The following edits were made to improve clarity and correct typographical errors:

- The word “frequent” was removed from the definition of primary contact recreation at 31.5(33) to better reflect the commission’s past practice. This change also aligns with *E. coli*’s exposure risk assumptions and EPA’s definition of primary contact recreation in the federal Recreational Water Quality Criteria.
- Letter references to 31.16(3) in Table I and Table II were changed to superscript to improve clarity and consistency.
- In order to reflect a previous change to the Stream Classifications and Water Quality Standards Tables, the reference to the 'Temporary Modifications and Qualifiers' column at 31.7(3) was replaced with language that specifies the presence of a temporary modification will be indicated in the appropriate water quality standards basin regulation.
- All variations of *E. coli* were edited to display a consistent format throughout the regulation. This change was also made in Regulation Nos. 32-38.
- References to “tot.rec.” in Table III were replaced with “total recoverable”. References to “dis” were replaced with “dissolved”.
- Footnote 1 to Table II was modified to clarify that the “T” in the chronic ammonia equations stands for temperature. This change was also made in Regulation Nos. 32-38.
- The fluoride Water Supply standard in Table II included a reference to Footnote 3, which is the nitrite footnote. This reference was deleted to correct a previous error.
- Footnote 19 was added to Table III to provide clarity regarding the application of the chronic(trout) equation for silver.
- Tables and footnotes were formatted for consistency and clarity.
- Other minor edits were made to improve clarity and consistency.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00091

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-31

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

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:01:08

A handwritten signature in blue ink, appearing to read 'P. J. Weiser'.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-32

Rule title

5 CCR 1002-32 REGULATION NO. 32 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR ARKANSAS RIVER BASIN 1 - eff 12/31/2021

Effective date

12/31/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

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

5 CCR 1002-32

32.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq. C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

32.2 PURPOSE

These regulations establish classifications and numeric standards for the Arkansas River, including all tributaries and standing bodies of water as indicated in section 32.6. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

32.3 INTRODUCTION

These regulations and tables present the classifications and numeric standards assigned to stream segments listed in the attached tables (See Appendix 32-1). As additional stream segments are classified and numeric standards for designated parameters are assigned for this drainage system, they will be added to or replace the numeric standards in the tables in Appendix 32-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the "Basic Standards and Methodologies for Surface Water".

32.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

32.5 BASIC STANDARDS

(1) Temperature

All waters of the Arkansas River Basin are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard). Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water + Fish" are presumptively applied to all aquatic life class 1 streams which also have a water supply classification, and are applied to aquatic life class 2 streams which also have a water supply classification, on a case-by-case basis as shown in Appendix 32-1. The column in the tables at 31.11 and 31.16 Table III headed "Fish Ingestion" is presumptively applied to all aquatic life class 1 streams which do not have a water supply classification, and are applied to aquatic life class 2 streams which do not have a water supply classification, on a case-by-case basis as shown in Appendix 32-1.

(3) Uranium

- (a) All waters of the Arkansas River Basin are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium levels in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Nutrients

Prior to December 31, 2022 for chlorophyll a and prior to December 31, 2027 for total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e) and (f). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. Additionally, prior to December 31, 2027, only total phosphorus and chlorophyll a will be considered for adoption. After December 31, 2027, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(g).

Prior to December 31, 2027, nutrient criteria will be adopted for headwaters on a segment by segment basis for the Arkansas River Basin. Moreover, pursuant to 31.17(e) nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior

to May 31, 2012. The following is a list of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the Arkansas River Basin:

Segment	Permittee	Facility name	Permit No.
COARUA02b	Leadville MHC LLC	Lake Fork MHP	COG588060
COARUA03	Buena Vista Sanitation District	Buena Vista San Dist WWTF	CO0045748
COARUA03	Salida City of	Salida WWTF	CO0040339
COARUA04a	Fremont Sanitation District	Rainbow Park WWTF	CO0039748
COARUA05	Young Life Campaign Inc	Frontier Ranch	CO0034304
COARUA05	Moose Haven Condominiums	Moose Haven Condominiums	CO0047279
COARUA05	Mountain View Villages Water & Sanitation District	Mountain View Villages	CO0048372
COARUA06	Leadville Sanitation District	Leadville San Dist WWTF	CO0021164
COARUA12a	Mount Princeton Hot Springs Resort	Mount Princeton Hot Springs Resort WWTF	COG588017
COARUA12a	Christian Mission Concerns	Silver Cliff Ranch	COG588102
COARUA13	Monarch Mountain Lodge	Garfield WWTF	CO0028444
COARUA13	PowderMonarch LLC	Monarch Ski Area	CO0031399
COARUA14d	Penrose Sanitation District	Penrose WWTF	CO0046523
COARUA14d	Royal Gorge Company of Colorado	Royal Gorge	CO0029033
COARUA21a	Cripple Creek City of	Cripple Creek WWTF	CO0039900
COARUA23	Victor City of	Victor WWTF	CO0024201
COARMA04a; COARMA04g	Pueblo West Metro District	Pueblo West Metro District WWTF	CO0040789
COARMA04c	Sunset Metropolitan District	Ellicott Springs WWTF	CO0047252
COARMA04c	Woodmen Hills Metropolitan District	Woodmen Hills Metro Dist WWTF	CO0047091
COARMA04d	Avondale Water and Sanitation District	Avondale and Fort Reynolds WWTF	CO0021075
COARMA04f	Cherokee Metropolitan District	Cherokee Metropolitan District WRF	COX048348
COARMA09	Colorado City Metropolitan District	Colorado City Metro Dist WWTF	CO0021121
COARMA13b	Cucharas Sanitation and Water District	Cucharas WWTF	CO0043745
COARMA14	La Veta Town of	La Veta WWTF	CO0032409
COARMA14	City of Walsenburg	Walsenburg City of	CO0020745
COARFO02a	Fountain Sanitation District	Fountain Sanitation District WWTF	CO0020532
COARFO02a	Colorado Springs Utilities	Las Vegas Street WWTF	CO0026735
COARFO02a	Security Sanitation District	Security Sanitation District WWTF	CO0024392
COARFO02a	Widefield Water and Sanitation District	Widefield WSD WWTF	CO0021067
COARFO04	Academy Water and Sanitation District	Academy Water and San Dist WWTF	COG589020
COARFO04	Broadmoor Park Properties	Broadmoor Park Properties	COG589021
COARFO04	Academy School Dist 20	Edith Wolford Elem School	CO0048429
COARFO04	Lower Fountain Metropolitan Sewage Disposal District	HDTRWRF	CO0000005
COARFO06	Colorado Springs Utilities	J D Phillips Water Reclamation Facility	CO0046850
COARFO06	Tri-Lakes Wastewater Treatment Facility	Tri-Lakes WWTF	CO0020435
COARFO06	Donala Water and Sanitation District	Upper Monument Crk Reg	CO0042030

Segment	Permittee	Facility name	Permit No.
		WWTF	
COARLA01a	Pueblo City of	James R Dilorio WRF	CO0026646
COARLA01a	Meadowbrook MHP LLC	Meadowbrook MHP	COG588022
COARLA01b	Crowley County Correctional	Crowley Correctional Facility	CO0046795
COARLA01b	Colorado Dept of Corrections	Fort Lyon Correctional Facility WWTF	CO0046311
COARLA01b	Colorado Dept of Corrections	Fort Lyon Correctional Facility WWTF	CO0048801
COARLA01b	Fowler Town of	Fowler WWTF	CO0021571
COARLA01b	Las Animas City of	Las Animas WWTF	CO0040690
COARLA01b	North La Junta Sanitation District	North La Junta San Dist WWTF	CO0039519
COARLA01b	Rocky Ford City of	Rocky Ford WWTF	CO0023850
COARLA02a	Boone Town of	Boone WWTF	COG589116
COARLA02a	Calhan Town of	Calhan WWTF	COG589018
COARMA13c	Country Host Motel	Country Host Motel	COG589038
COARLA02a	Crowley Town of	Crowley WWTF	CO0041599
COARLA02a	Eads Town of	Eads WWTF	COG589016
COARLA02d	Limon, Town of	Limon WWTF	COG589023
COARLA02a	Simla Town of	Simla WWTF	COG589031
COARLA02d	Springfield Town of	Springfield WWTF	COG589102
COARLA02d	Colorado Dept of Corrections	Trinidad Correctional Facility	CO0046094
COARLA02b	La Junta City of	La Junta WWTF	CO0021261
COARLA05b	Trinidad City of	Trinidad WWTF	CO0024015
COARLA05b; COARLA06a	Cokedale Town of	Cokedale WWTF	CO0048461
COARLA07	Hoehne School District R-3	Hoehne School	COG588110
COARLA07	Trinidad City of	Trinidad WWTF	CO0031232
Unclassified	Colorado Dept of Natural Resources	Arkansas Point WWTF	COG589008
Unclassified	Manzanola, Town of	Manzanola WWTF	COG589012
Unclassified	Wiley Sanitation District	Wiley San Dist WWTF	COG589007

Prior to May 31, 2022:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, *nutrient standards apply only above these facilities*. A note was added to the total phosphorus and chlorophyll a standards in these segments. The note references the table of qualified facilities at 32.5(4).
- For segments located entirely below these facilities, nutrient standards do not apply.

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

32.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 32-1 were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 32-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and the tables in Appendix 32-1:

Ac	=	acute (1-day)
°C	=	degrees Celsius
Ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
<i>E. coli</i>	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sp	=	spawning
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

(b) In addition, the following abbreviations are used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual water supply use, the less restrictive of the following two options shall apply as numerical standards, as specified in the Basic Standards and Methodologies at 31.16 Table II and III:

- (i) existing quality as of January 1, 2000; or
- (ii) Iron = 300 µg/L (dissolved)

Manganese	=	50 µg/L (dissolved)
Sulfate	=	250 mg/L (dissolved)

For all surface waters with a “water supply” classification that are not in actual use as a water supply, no water supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

(c) Temporary Modification for Water + Fish Chronic Arsenic Standard

- (i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water + Fish qualifier is listed in the Other column in Appendix 32-1 tables as As(ch)=hybrid.
- (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
- (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
 - (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.
 - (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
 - (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 32-1, the designation “TVS” is used to indicate that for a particular parameter a “table value standard” has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾					
Aluminum(T)	Acute = $e^{(1.3695 \cdot \ln(\text{hardness}) + 1.8308)}$ pH equal to or greater than 7.0 Chronic = $e^{(1.3695 \cdot \ln(\text{hardness}) - 0.1158)}$ pH less than 7.0 Chronic = $e^{(1.3695 \cdot \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is more stringent					
Ammonia ⁽⁴⁾	Cold Water = (mg/L as N) Total $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ Warm Water = (mg/L as N) Total $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr 1 - Aug 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep 1 - Mar 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028 * (25 - MAX(T, 7))}$					
Cadmium	Acute(warm) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \cdot \ln(\text{hardness}) - 3.443)}$ Acute(cold) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \cdot \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \cdot \ln(\text{hardness}) - 3.909)}$					
Chromium III ⁽⁶⁾	Acute = $e^{(0.819 \cdot \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \cdot \ln(\text{hardness}) + 0.5340)}$					
Chromium VI ⁽⁶⁾	Acute = 16 Chronic = 11					
Copper	Acute = $e^{(0.9422 \cdot \ln(\text{hardness}) - 1.7408)}$ Chronic = $e^{(0.8545 \cdot \ln(\text{hardness}) - 1.7428)}$					
Lead	Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \cdot \ln(\text{hardness}) - 1.46)}$ Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \cdot \ln(\text{hardness}) - 4.705)}$					
Manganese	Acute = $e^{(0.3331 \cdot \ln(\text{hardness}) + 6.4676)}$ Chronic = $e^{(0.3331 \cdot \ln(\text{hardness}) + 5.8743)}$					
Nickel	Acute = $e^{(0.846 \cdot \ln(\text{hardness}) + 2.253)}$ Chronic = $e^{(0.846 \cdot \ln(\text{hardness}) + 0.0554)}$					
Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6					
Silver	Acute = $0.5 * e^{(1.72 \cdot \ln(\text{hardness}) - 6.52)}$ Chronic = $e^{(1.72 \cdot \ln(\text{hardness}) - 9.06)}$ Chronic(Trout) = $e^{(1.72 \cdot \ln(\text{hardness}) - 10.51)}$					
Temperature	TEMPERATURE TIER	TIER CODE	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)	
	Cold Stream Tier I	CS-I	brook trout, cutthroat trout	June – Sept.	MWAT	DM
				Oct. – May	17.0	21.7
	Cold Stream Tier II	CS-II	Other cold-water species	April – Oct.	9.0	13.0
				Nov. – March	18.3	24.3
	Cold Lakes ⁽⁸⁾	CL		April – Dec.	9.0	13.0
					17.0	21.2

			brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	Jan. – March	9.0	13.0
	Cold Large Lakes (>100 acres surface area) ⁽⁶⁾	CLL	rainbow trout, brown trout, lake trout	April – Dec.	18.3	24.2
				Jan. – March	9.0	13.0
	Warm Stream Tier I	WS-I	common shiner, Johnny darter, orangethroat darter, stonecat	March – Nov.	24.2	29.0
				Dec. – Feb.	12.1	24.6
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
	Warm Lakes	WL	black crappie, bluegill, common carp, gizzard shad, golden shiner, largemouth bass, northern pike, pumpkinseed, sauger, smallmouth bass, spottail shiner, stonecat, striped bass, tiger muskellunge, walleye, wiper, white bass, white crappie, yellow perch	April – Dec.	26.2	29.3
Jan. – March				13.1	24.1	
Uranium	Acute = $e^{(1.1021 \cdot \ln(\text{hardness}) + 2.7088)}$ Chronic = $e^{(1.1021 \cdot \ln(\text{hardness}) + 2.2382)}$					
Zinc	Acute = $0.978 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.9095)}$ Chronic = $0.986 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.6235)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L, except for aluminum for which hardness shall be no greater than 220 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 per cent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.
- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be modified by the commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.
- (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.

-
- (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (8) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.
-

(4) Site-specific Standards, Assessment Locations, and Assessment Criteria

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

- (a) Middle Arkansas Segment 4a, Wildhorse Creek, Se(ac)=2376, Se(ch)=2110: Selenium Assessment Location

- Wildhorse Creek above Pesthouse Gulch: 38.296478, -104.649201

- (b) Middle Arkansas Segment 4g, Pesthouse Gulch, Se(ac)=389, Se(ch)=369: Selenium Assessment Location

- Pesthouse above No Name: 38.309568, -104.672244

- (c) Middle Arkansas Segment 6b, St. Charles River, Se(ac)=173, Se(ch)=50: Selenium Assessment Locations

Determinations of attainment of the chronic and acute selenium standards will be based on the 85th and 95th percentile, respectively of all available data from the segment. The selenium assessment locations are:

- SC-5: St. Charles River approximately one mile downstream of the confluence with Edson Arroyo.
- SC-6-US: St. Charles River upstream of the confluence with Thomkins Arroyo and the Comanche discharge.
- SC-7: Approximately 2 miles upstream of the Bessemer Canal crossing.
- SC-8: Immediately upstream of the Bessemer Canal crossing.
- SC-9: St. Charles River downstream of where the river flows under U.S. Highway 50, approximately 3 miles upstream of the confluence with the Arkansas River.

- (d) Middle Arkansas Segment 20, Pueblo Reservoir: Chlorophyll a Assessment Location

- Site 7b (USGS Site 381602104435200): Near the dam and the south outlet works

(5) Stream Classifications and Water Quality Standards Tables

The stream classifications and water quality standards tables in Appendix 32-1 are incorporated herein by reference.

The following is information regarding duration and measured form of standards in Appendix 32-1:

- (a) *E. coli* criteria and resulting standards for individual water segments, are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.
- (b) All phosphorus standards are based upon the concentration of total phosphorus. For total phosphorus, stream standards are expressed as an annual median and for lakes standards as a summer (July 1 - September 30) average in the mixed layer. For chlorophyll a, stream standards are expressed as a maximum of attached algae and lakes standards as a summer (July 1 - September 30) average in the mixed layer. For additional assessment details, see tables at Regulation 31.17(b) and (d).
- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

(6) Discharger-Specific Variances

- (a) Lower Arkansas Segment 1a (COARLA01a):

Discharger-Specific Variance, City of Pueblo James R. Dilorio Water Reclamation Facility (CO0026646): Adopted 6/12/2018.

Selenium (acute) = 19.1 µg/L: narrative; Selenium (chronic) = 14.1 µg/L: narrative;
Sulfate (chronic) = 329 mg/L: narrative. Expiration date: 12/31/2028.

Narrative alternative effluent limit: During the DSV term, Pueblo will be required to spend \$10 million to implement a comprehensive source control, sampling, analysis, and optimization adaptive management program to reduce selenium and sulfate concentrations in the effluent as much as feasible and to ensure that the discharge does not contribute to any lowering of the currently attained ambient water quality. The adaptive management program will include the following elements, in order of priority:

- Lining up to 175,000 ft² in the sewer collection system in Basins 2 and 3.
- Sealing up to 400 manholes in Basins 2 and 3.
- The amount of sewer lining and manhole sealing may be reduced by:
 - Repair of service taps in poor condition;

-
- Repair of service lines in poor condition; or
 - Additional effort where epoxy sealing of manholes is insufficient to control I & I.
 - A comprehensive long-term sampling and analysis program to identify source control projects and evaluate the effectiveness of implemented controls.
 - Investigation of the contribution from sump pumps.
 - Pilot testing to determine the feasibility of treatment optimization to reduce selenium, and implementation of feasible treatment optimization measures.
- (b) Lower Arkansas Segment 1b (COARLA01b):
- (i) Discharger-Specific Variance, City of La Junta (CO0021261): Adopted 10/11/2016.
- Selenium (acute) = TVS: no limit; Selenium (chronic) = TVS: 0.37 lbs/day as a 12-month rolling average. Expiration date: 12/31/2026.
- (ii) Discharger-Specific Variance, City of Las Animas (CO0040690): Adopted 06/11/2018
- Selenium (chronic) = TVS narrative. Effective Date: 12/30/2018; Expiration Date: 12/31/2025
- Narrative alternative effluent limit: During the DSV term, Las Animas will implement a Pollutant Minimization Plan, which is expected to result in effluent concentrations between 0.8 – 28.4 µg/L. The following measures are required during the term of the variance to reduce selenium concentrations as much as feasible and to ensure the discharge does not contribute to any lowering of ambient in-stream water quality:
- Monitor selenium concentrations in each municipal water well and use the wells with the lowest selenium concentrations to meet water demand to the maximum extent feasible
 - Initiate a water conservation program
 - Locate and repair sources of water loss in the water distribution system.
 - Maintain the ongoing sanitary sewer collection system replacement program to address groundwater infiltration
 - Complete a wetland treatment pilot study by 12/31/2025, if compliance with water quality based effluent limits based upon the underlying standards remains infeasible after implementing the above measures.

32.7 – 32.9 RESERVED

32.68 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. DISCHARGER-SPECIFIC VARIANCES

The commission deleted subsections 32.6(6) (a) and (b), which described the regulatory basis and implementation of discharger-specific variances, because this information was revised and consolidated into 31.7(4).

II. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

32.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 32.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the

chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Duration of Nitrite Aquatic Life Standard

The commission corrected the duration of all nitrite standards with a value of 0.05 or 0.5 mg/L from acute to chronic on all segments. The nitrite standards in this basin pre-date the nitrite standards in Regulation No. 31 (chloride-based equations). There has been confusion in recent years regarding the correct duration for these standards. There is no record available that explains the basis for these standards or the intended duration (acute or chronic). Based upon a comparison with the nitrite standards in Regulation No. 31, nitrite values of 0.05 and 0.5 mg/L are more consistent with the chronic values calculated using the chloride-based equations. Also, the study that the commission relied upon when adopting the nitrite standards in Regulation No. 31 indicates that these values are protective as chronic standards (1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force Proposed Nitrogenous Water Quality Standards for the State of Colorado). In order to resolve the inconsistencies in the duration of the nitrite standards currently adopted in Regulation Nos. 32-38, the commission determined that these nitrite values should be consistently listed as chronic standards. Over time, the commission expects that these nitrite standards may be replaced with the more recent and well-documented chloride equation-based standards in Regulation No. 31.

E. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.
- At 32.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
- At 32.6(1), text was added to clarify that the tables in Appendix 32-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
- The reference to the 'temporary modification and qualifiers' column at 32.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
- References to "Trec" were replaced with "total recoverable" or "T".
- Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
- Information was added at 32.6(5) specifying that the ammonia, nitrate, and nitrite standards are to be reported as nitrogen. This is consistent with the description of the standards as they are included in Table II of Regulation No. 31. This change brings the regulation into alignment with Regulation Nos. 33, 37, and 38; the commission made this change in those regulations during triennial reviews in 2019 through 2020.
- Other minor edits were made to improve clarity and consistency.

**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 12/31/2021

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
EQ	=	existing quality
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

1a. All streams and wetlands within Mount Massive and Collegiate Peaks Wilderness areas.

COARUA01A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Mainstem of the East Fork of the Arkansas River from its source to a point immediately above the confluence with Birdseye Gulch.

COARUA01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 1		DM	MWAT		acute	chronic
Reviewable	Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	---	TVS
Arsenic(chronic) = hybrid		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Expiration Date of 12/31/2024		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.					Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	---	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

2a. Mainstem of the East Fork of the Arkansas River and the Arkansas River from a point immediately above the confluence with Birdseye Gulch to a point immediately above the confluence with the California Gulch.							
COARUA02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2b. Mainstem of the Arkansas River from a point immediately above California Gulch to a point immediately above the confluence with Lake Fork.							
COARUA02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
*Designation: 9/30/00 Base-line does not apply		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7998[ln hardness]-3.1725)		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.					Iron(T)	---	1000
*Zinc(acute) = 0.978*e^(0.8537[ln(hardness)]+2.2178)		Inorganic (mg/L)			Lead	TVS	TVS
*Zinc(chronic) = 0.986*e^(0.8537[ln(hardness)]+2.0469)		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	---	SSE*
		Phosphorus	---	---	Zinc	SSE*	---
		Sulfate	---	---			
		Sulfide	---	0.002			

2b. Mainstem of the Arkansas River from a point immediately above California Gulch to a point immediately above the confluence with Lake Fork.							
COARUA02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*
<div>Other:</div> <div>*Designation: 9/30/00 Base-line does not apply</div> <div>*Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7998[ln hardness]-3.1725)</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div> <div>*Zinc(acute) = 0.978*e^(0.8537[ln(hardness)]+2.2178)</div> <div>*Zinc(chronic) = 0.986*e^(0.8537[ln(hardness)]+2.0469)</div>		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	---	SSE*
		Phosphorus	---	---	Zinc	SSE*	---
Sulfate	---	---					
Sulfide	---	0.002					

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

2c. Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Fork to a point immediately above the confluence with Lake Creek.							
COARUA02C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*Designation: 9/30/00 Base-line does not apply		Ammonia	TVS	TVS	Lead	TVS	TVS
*Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7998[ln hardness]-3.1725)		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 32.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 32.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*Zinc(acute) = 0.978*e^(0.8537[ln(hardness)]+2.2178)		Cyanide	0.005	---	Molybdenum(T)	---	150
*Zinc(chronic) = 0.986*e^(0.8537[ln(hardness)]+2.0469)		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---
3. Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Creek to the Chaffee/Fremont County line.							
COARUA03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3. Mainstem of the Arkansas River from a point immediately above the confluence with the Lake Creek to the Chaffee/Fremont County line.							
COARUA03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

4a. Mainstem of the Arkansas River from the Chaffee/Fremont County Line to a point immediately above Highway 115 bridge (38.390243, -105.068648), due east of Florence.								
COARUA04A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=CSII and MWAT=CSII from 11/1-3/31 DM= 24.8 and MWAT=22.1 from 4/1-10/31		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		4b. Mainstem of the Arkansas River from a point immediately above Highway 115 bridge (38.390243, -105.068648), due east of Florence, to the inlet of Pueblo Reservoir.						
		COARUA04B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

4b. Mainstem of the Arkansas River from a point immediately above Highway 115 bridge (38.390243, -105.068648), due east of Florence, to the inlet of Pueblo Reservoir.							
COARUA04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

5a. All tributaries to the Arkansas River, including wetlands, from the source to immediately below the confluence with Brown's Creek, except for specific listings in segments 5b through 12b.

COARUA05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

5b. Mainstem of Trout Creek from its source to Trout Creek Reservoir, including all tributaries and wetlands.

COARUA05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

6. Mainstem of California Gulch, including all tributaries, from the source to the confluence with the Arkansas River. Mainstem of St. Kevin's Gulch from the source to the confluence with Tennessee Creek.					
COARUA06	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Recreation N			Arsenic	---
Qualifiers:		acute	chronic	Cadmium	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.	D.O. (mg/L)	---	---	Chromium III	---
	pH	---	---	Chromium VI	---
	chlorophyll a (mg/m ²)	---	---	Copper	---
	E. coli (per 100 mL)	---	630	Iron	---
	Inorganic (mg/L)			Lead	---
		acute	chronic	Manganese	---
	Ammonia	---	---	Mercury(T)	---
	Boron	---	---	Molybdenum(T)	---
	Chloride	---	---	Nickel	---
	Chlorine	---	---	Selenium	---
	Cyanide	---	---	Silver	---
	Nitrate	---	---	Uranium	varies*
	Nitrite	---	---	Zinc	---
	Phosphorus	---	---		
	Sulfate	---	---		
	Sulfide	---	---		
7. Mainstem of Evans Gulch from the source to the confluence with the Arkansas River.					
COARUA07	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	CS-I	CS-I	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply				0.02
Qualifiers:		acute	chronic	Cadmium	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.	D.O. (mg/L)	---	6.0	Cadmium(T)	5.0
	D.O. (spawning)	---	7.0	Chromium III	---
	pH	6.5 - 9.0	---	Chromium III(T)	50
	chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
	E. coli (per 100 mL)	---	126	Copper	TVS
				Iron	WS
	Inorganic (mg/L)			Iron(T)	1000
		acute	chronic	Lead	TVS
	Ammonia	TVS	TVS	Lead(T)	50
	Boron	---	0.75	Manganese	TVS
	Chloride	---	250		TVS/WS
	Chlorine	0.019	0.011	Mercury(T)	---
	Cyanide	0.005	---		0.01
	Nitrate	10	---	Molybdenum(T)	---
	Nitrite	---	0.05		150
	Phosphorus	---	0.11	Nickel	TVS
	Sulfate	---	WS	Nickel(T)	---
	Sulfide	---	0.002		100
				Selenium	TVS
				Silver	TVS
					TVS(tr)
				Uranium	varies*
					varies*
				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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

8a. Mainstem of Iowa Gulch from the source to the historic upper ASARCO water supply intake at 39.224327, -106.223432.							
COARUA08A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	---	SSE*
	Qualifiers:	D.O. (spawning)	---	7.0	Cadmium	SSE*	---
Other:	*Cadmium(acute) = (1.136672-[ln(hardness)*0.041838])*e^(0.9789*ln(hardness)-3.5146) *Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7977*ln(hardness)-3.5338) *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Zinc(acute) = 0.978*e^(0.8571[ln(hardness)]+1.3673) *Zinc(chronic) = 0.986*e^(0.8571[ln(hardness)]+1.1711)	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
E. coli (per 100 mL)		---	126	Chromium III(T)	50	---	
			Chromium VI	TVS	TVS		
Inorganic (mg/L)			Copper	TVS	TVS		
acute		chronic	Iron	---	WS		
Ammonia		TVS	TVS	Iron(T)	---	1000	
Boron		---	0.75	Lead	TVS	TVS	
Chloride		---	250	Lead(T)	50	---	
Chlorine		0.019	0.011	Manganese	TVS	TVS/WS	
Cyanide		0.005	---	Mercury(T)	---	0.01	
Nitrate		10	---	Molybdenum(T)	---	150	
Nitrite		---	0.05	Nickel	TVS	TVS	
Phosphorus		---	0.11	Nickel(T)	---	100	
Sulfate		---	WS	Selenium	TVS	TVS	
Sulfide		---	0.002	Silver	TVS	TVS(tr)	
			Uranium	varies*	varies*		
			Zinc	---	SSE*		
			Zinc	SSE*	---		

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) at 39.215532, -106.286037.							
COARUA08B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100	
Qualifiers:	D.O. (mg/L)	---	6.0	Cadmium	---	SSE*	
	D.O. (spawning)	---	7.0	Cadmium	SSE*	---	
Other:	*Cadmium(acute) = (1.136672-[ln(hardness)*0.041838])*e^(0.9789*ln(hardness)-3.5146) *Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7977*ln(hardness)-3.5338) *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Zinc(acute) = 0.978*e^(0.8571[ln(hardness)]+1.3673) *Zinc(chronic) = 0.986*e^(0.8571[ln(hardness)]+1.1711)	pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
E. coli (per 100 mL)		---	126	Chromium VI	TVS	TVS	
			Copper	TVS	TVS		
Inorganic (mg/L)			Iron(T)	---	1000		
acute		chronic	Lead	TVS	TVS		
Ammonia		TVS	TVS	Manganese	TVS	TVS	
Boron		---	0.75	Mercury(T)	---	0.01	
Chloride		---	---	Molybdenum(T)	---	150	
Chlorine		0.019	0.011	Nickel	TVS	TVS	
Cyanide		---	---	Selenium	TVS	TVS	
Nitrate		100	---	Silver	TVS	TVS(tr)	
Nitrite		---	0.05	Uranium	varies*	varies*	
Phosphorus		---	0.11	Zinc	---	SSE*	
Sulfate		---	---	Zinc	SSE*	---	
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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

9. Mainstem of Iowa Gulch from a point immediately below the headgate of the Paddock #1 Ditch (Iowa Ditch) at 39.215532, -106.286037 to the confluence with the Arkansas River.							
COARUA09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	---	SSE*
Other: *Cadmium(acute) = (1.136672-[ln(hardness)*0.041838])*e^(0.9789*ln(hardness)-3.5146) *Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7977*ln(hardness)-3.5338) *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Zinc(acute) = 0.978*e^(0.8571[ln(hardness)]+1.3673) *Zinc(chronic) = 0.986*e^(0.8571[ln(hardness)]+1.1711)		D.O. (spawning)	---	7.0	Cadmium	SSE*	---
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)		Iron(T)	---	1000	
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11	Zinc	---	SSE*
		Sulfate	---	---	Zinc	SSE*	---
		Sulfide	---	0.002			
10. Mainstem of Lake Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for the specific listing in segment 11.							
COARUA10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	14.6	10.6
		Inorganic (mg/L)		Iron	---	WS	
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

10. Mainstem of Lake Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for the specific listing in segment 11.							
COARUA10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	14.6	10.6
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

11. Mainstem of South Fork of Lake Creek, including all tributaries and wetlands, from the source to the confluence with Lake Creek.						
COARUA11	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	750
	Recreation E	acute	chronic	Arsenic	340	---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS
*Uranium(acute) = See 32.5(3) for details.		pH	5.0-9.0	---	Chromium III	TVS
*Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron(T)	---
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.11	Zinc	TVS
		Sulfate	---	---		
		Sulfide	---	0.002		

12a. Mainstem of Chalk Creek from the source to the confluence with the Arkansas River.						
COARUA12A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

12b. Mainstem of Cottonwood Creek (Chaffee County), from the source to the confluence with the Arkansas River; South Fork of the Arkansas, including all tributaries and wetlands, from the National Forest boundary to the confluence with the Arkansas River.

COARUA12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

13. All tributaries to the Arkansas River, including wetlands, which are on National Forest lands, from the confluence with Brown's Creek to the inlet to Pueblo Reservoir, except for specific listings in segments 12b, 14a, 14c and 15-27.

COARUA13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

14a. Mainstem of Big Red Creek, Little Red Creek, and Hardscrabble Creek from their sources to their confluence with the Arkansas River.							
COARUA14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.5	Zinc	TVS	TVS
		Phosphorus	---	0.17			
		Sulfate	---	---			
Sulfide	---	0.002					
14b. All tributaries to the Arkansas River, including wetlands, which are not on National Forest lands, from the confluence with Brown's Creek to the Chaffee/Fremont County line, except for the specific listing in segment 12b.							
COARUA14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

14c. Mainstems of North and South Hardscrabble Creeks, including all tributaries and wetlands, from their sources to their confluences.							
COARUA14C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=CSI and MWAT=CSI from 11/1-5/31 DM= 22.1 and MWAT=17 from 6/1-10/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
14d. All tributaries to the Arkansas River, including wetlands, which are not on National Forest lands, from immediately above the confluence of 6-mile Creek (38.405677, -105.122321) to the inlet to Pueblo Reservoir, except for specific listings in segments 14a, 14c, 14e, 14f, and 15-27.							
COARUA14D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic(T)	---	7.6
	Recreation E		acute	chronic	Beryllium(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	---	10
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III(T)	---	100
		pH	6.5 - 9.0	---	Chromium VI(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Copper(T)	---	200
		E. coli (per 100 mL)	---	126	Iron	---	---
					Lead(T)	---	100
		Inorganic (mg/L)			Manganese	---	---
			acute	chronic	Mercury(T)	---	---
		Ammonia	---	---	Molybdenum(T)	---	150
		Boron	---	0.75	Nickel(T)	---	200
		Chloride	---	---	Selenium(T)	---	20
		Chlorine	---	---	Silver	---	---
		Cyanide	0.2	---	Uranium	varies*	varies*
		Nitrate	100	---	Zinc(T)	---	2000
		Nitrite	10	---			
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		Sulfide	---	---			

14d. All tributaries to the Arkansas River, including wetlands, which are not on National Forest lands, from immediately above the confluence of 6-mile Creek (38.405677, -105.122321) to the inlet to Pueblo Reservoir, except for specific listings in segments 14a, 14c, 14e, 14f, and 15-27.

COARUA14D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic(T)	---	7.6
	Recreation E	acute		chronic	Beryllium(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	---	10
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III(T)	---	100
		pH	6.5 - 9.0	---	Chromium VI(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Copper(T)	---	200
		E. coli (per 100 mL)	---	126	Iron	---	---
					Lead(T)	---	100
		Inorganic (mg/L)			Manganese	---	---
		acute		chronic	Mercury(T)	---	---
		Ammonia	---	---	Molybdenum(T)	---	150
		Boron	---	0.75	Nickel(T)	---	200
		Chloride	---	---	Selenium(T)	---	20
		Chlorine	---	---	Silver	---	---
		Cyanide	0.2	---	Uranium	varies*	varies*
		Nitrate	100	---	Zinc(T)	---	2000
		Nitrite	10	---			
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		Sulfide	---	---			

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

14e. All tributaries to the Arkansas River, including wetlands, which are not on National Forest lands from the Chaffee/Fremont County line to immediately below the confluence with Chandler Creek (38.407024,-105.137940). Newlin Creek (except for listings in segment 15b), Mineral Creek, Adobe Creek, and Oak Creek, including all tributaries and wetlands which are not on National Forest Service Land.

COARUA14E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		pH	6.5 - 9.0	---	Chromium III(T)	---	100
Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)			Iron(T)	---	1000
		acute	chronic		Lead	TVS	TVS
		Ammonia	---	---	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11*	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			

14f. Turkey Creek including all tributaries and wetlands from its source to immediately below the confluence with Little Turkey Creek at 38.594727, -104.851458.

COARUA14F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic(T)	---	7.6
	Recreation E	acute	chronic		Beryllium(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	---	10
Other:		D.O. (spawning)	---	7.0	Chromium III(T)	---	100
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		pH	6.5 - 9.0	---	Chromium VI(T)	---	100
Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		chlorophyll a (mg/m ²)	---	150	Copper(T)	---	200
*Uranium(acute) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Iron	---	---
*Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)			Lead(T)	---	100
		acute	chronic		Manganese	---	---
		Ammonia	---	---	Mercury(T)	---	---
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel(T)	---	200
		Chlorine	---	---	Selenium(T)	---	20
		Cyanide	0.2	---	Silver	---	---
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	10	---	Zinc(T)	---	2000
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		Sulfide	---	---			

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

15a. Mainstem of Badger Creek from the source to the confluence with the Arkansas, including all tributaries and wetlands. Mainstem of Texas Creek from the forest service boundary to the confluence with the Arkansas River, including all tributaries and wetlands which are not on forest service land.

COARUA15A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

15b. Mainstem of Grape Creek, including all tributaries and wetlands, from the source to the outlet of De Weese Reservoir, except for specific listings in segment 25. Mainstems of Hayden, Hamilton, Stout, and Big Cottonwood Creeks, including all tributaries and wetlands, from their sources to their confluences with the Arkansas River. Tributaries and wetlands to Texas Creek which are on Forest Service Land. Mainstem of Newlin Creek from the National Forest boundary to County Road 92 (38.300765, -105.140927).

COARUA15B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

16a. Mainstem of Middle Tallahassee Creek, including all tributaries and wetlands, from the source to the intersection with Road 23.								
COARUA16A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		16b. Mainstem of North Tallahassee Creek, South Tallahassee Creek, Middle Tallahassee Creek, and Tallahassee Creek from their sources to a point immediately below their confluence with South Tallahassee Creek, except for the specific listing in segment 16a.						
		COARUA16B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

16b. Mainstem of North Tallahassee Creek, South Tallahassee Creek, Middle Tallahassee Creek, and Tallahassee Creek from their sources to a point immediately below their confluence with South Tallahassee Creek, except for the specific listing in segment 16a.

COARUA16B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

16c. Mainstem of Tallahassee Creek from a point immediately below the confluence with South Tallahassee Creek to the confluence with the Arkansas River.							
COARUA16C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

17a. Mainstem of Cottonwood Creek (Fremont County), including all tributaries and wetlands, from the source to a point immediately below the confluence with North Waugh Creek.							
COARUA17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

17a. Mainstem of Cottonwood Creek (Fremont County), including all tributaries and wetlands, from the source to a point immediately below the confluence with North Waugh Creek.							
COARUA17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

17b. Mainstem of Cottonwood Creek (Fremont county), including all tributaries and wetlands, from a point immediately below the confluence with North Waugh Creek to the intersection with F6 Road.

COARUA17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2 Recreation E	Temperature °C	CS-II	CS-II	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	100
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

17c. Mainstem of Cottonwood Creek from F6 Road to the confluence with Currant Creek.

COARUA17C	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-II	CS-II	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies	varies
					Zinc	---	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

18. Mainstem of Currant Creek (Park County), including all tributaries and wetlands, from the source to the confluence with Tallahassee Creek, except for the specific listings in 17a, 17b, and 17c.							
COARUA18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

19. Mainstem of Fourmile Creek, including all tributaries and wetlands, from the source to immediately below the confluence with High Creek.							
COARUA19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

20a. Mainstem of Fourmile Creek, including all tributaries and wetlands, from immediately below the confluence with High Creek to a point immediately above the confluence with Long Gulch, except for the specific listing to segment 23.

COARUA20A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=14.2 and MWAT=9.7 from 11/1-2/29 DM= 27.1 and MWAT=21 from 3/1-10/31		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
					Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11*			
		Sulfate	---	---			
Sulfide	---	0.002					

20b. Mainstem of Fourmile Creek, including all tributaries and wetlands, from the confluence with Long Gulch to the confluence with the Arkansas River.

COARUA20B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Sulfate(chronic) = Dissolved standards applicable at the point of withdraw. *Manganese(chronic) = Dissolved standards applicable at the point of withdraw. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=13 and MWAT=9.4 from 11/1-2/29 DM= 28.1 and MWAT=22 from 3/1-10/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS*
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS*	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

21a. Mainstem of Cripple Creek from the source to a point 1.5 miles upstream of the confluence with Fourmile Creek.								
COARUA21A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	100		
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
		Inorganic (mg/L)			Lead	TVS	TVS	
		acute	chronic	Manganese	TVS	TVS		
		Ammonia	TVS(sa)	TVS(ela)	Mercury(T)	---	0.01	
		Boron	---	0.75	Molybdenum(T)	---	150	
		Chloride	---	---	Nickel	TVS	TVS	
		Chlorine	0.019	0.011	Selenium	TVS	TVS	
		Cyanide	0.005	---	Silver	TVS	TVS	
		Nitrate	100	---	Uranium	varies*	varies*	
		Nitrite	---	0.05	Zinc	TVS	TVS	
		Phosphorus	---	0.11*				
		Sulfate	---	---				
Sulfide	---	0.002						

21b. Mainstem of Cripple Creek from a point 1.5 miles upstream to the confluence with Fourmile Creek.								
COARUA21B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	100		
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
		Inorganic (mg/L)			Lead	TVS	TVS	
		acute	chronic	Manganese	TVS	TVS		
		Ammonia	TVS(sp)	TVS(elp)	Mercury(T)	---	0.01	
		Boron	---	0.75	Molybdenum(T)	---	150	
		Chloride	---	---	Nickel	TVS	TVS	
		Chlorine	0.019	0.011	Selenium	TVS	TVS	
		Cyanide	0.005	---	Silver	TVS	TVS	
		Nitrate	100	---	Uranium	varies*	varies*	
		Nitrite	---	0.05	Zinc	TVS	TVS	
		Phosphorus	---	---				
		Sulfate	---	---				
Sulfide	---	0.002						

21b. Mainstem of Cripple Creek from a point 1.5 miles upstream to the confluence with Fourmile Creek.								
COARUA21B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
			Inorganic (mg/L)		Lead	TVS	TVS	
				acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS(sp)	TVS(elp)	Mercury(T)	---	0.01	
		Boron	---	0.75	Molybdenum(T)	---	150	
		Chloride	---	---	Nickel	TVS	TVS	
		Chlorine	0.019	0.011	Selenium	TVS	TVS	
		Cyanide	0.005	---	Silver	TVS	TVS	
		Nitrate	100	---	Uranium	varies*	varies*	
		Nitrite	---	0.05	Zinc	TVS	TVS	
		Phosphorus	---	---				
		Sulfate	---	---				
Sulfide	---	0.002						

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

22a. Mainstem of Arequa Gulch from the source to the confluence with Cripple Creek.

COARUA22A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum	11000	11000
	Recreation N		acute	chronic	Arsenic	340	---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---	100
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
		pH	6.0 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	5903	3674
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11	Zinc	3500	600
		Sulfate	---	---			
		Sulfide	---	0.002			

22b. Squaw Gulch from the source to the confluence with Cripple Creek.

COARUA22B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic(T)	---	200
	Recreation N		acute	chronic	Cadmium(T)	---	50
Qualifiers:		D.O. (mg/L)	---	6.0	Chromium III(T)	---	1000
Other:		D.O. (spawning)	---	7.0	Chromium VI(T)	---	1000
		pH	6.5 - 9.0	---	Copper(T)	---	500
		chlorophyll a (mg/m ²)	---	---	Iron	---	---
		E. coli (per 100 mL)	---	630	Lead(T)	---	100
					Manganese	---	---
		Inorganic (mg/L)			Mercury(T)	---	10
			acute	chronic	Molybdenum(T)	---	150
		Ammonia	---	---	Nickel	---	---
		Boron	---	5.0	Selenium(T)	---	50
		Chloride	---	---	Silver	---	---
		Chlorine	---	---	Uranium	varies*	varies*
		Cyanide	0.2	---	Zinc(T)	---	25000
		Nitrate	100	---			
		Nitrite	10	---			
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	---			

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

23. Mainstem of Wilson Creek (Teller County), including all tributaries and wetlands, from the source to the confluence with Fourmile Creek.							
COARUA23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
	Sulfide	---	0.002				
24. Mainstem of East and West Beaver Creeks, including all tributaries and wetlands, from the source to the confluence with Beaver Creek; mainstem of Beaver Creek from the source to the point of diversion to Brush Hollow Reservoir.							
COARUA24	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
Sulfate	---	WS	Silver	TVS	TVS(tr)		
	Sulfide	---	0.002	Uranium	varies*	varies*	
				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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

25. Mainstem of Cottonwood Creek (Custer County) from the headwaters to 37.940597, -105.411656.							
COARUA25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
26. Mainstem of Beaver Creek from the point of diversion for Brush Hollow Reservoir to the confluence with the Arkansas River.							
COARUA26	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.5	Uranium	varies*	varies*
		Phosphorus	---	0.17	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			

26. Mainstem of Beaver Creek from the point of diversion for Brush Hollow Reservoir to the confluence with the Arkansas River.							
COARUA26	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

27. Mainstem of Eightmile Creek, including all tributaries and wetlands, from the source to the mouth of Phantom Canyon (38.495270,-105.110024).								
COARUA27	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS
				Inorganic (mg/L)		Iron	---	WS
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
						Zinc	TVS	TVS

28. All lakes and reservoirs within the Mount Massive and Collegiate Peaks Wilderness areas.								
COARUA28	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS
				Inorganic (mg/L)		Iron	---	WS
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
						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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

29. All lakes and reservoirs tributary to the Arkansas River from the source to immediately below the confluence with Brown's Creek, except for specific listings in segments 28 and 30.								
COARUA29	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
		acute			chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.025*	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		30. Turquoise Reservoir, Clear Creek Reservoir, Twin Lakes and Mt. Elbert Forebay.						
COARUA30	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS to Twin Lakes and Elbert Forebay *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM and MWAT=CLL from 1/1-3/31 Turquoise Reservoir, Twin Lakes (Upper and Lower), Mt. Elbert Forebay DM=22.4 and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CLL from 4/1-12/31		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
		acute			chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.025*	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

31. All lakes and reservoirs tributary to the Arkansas River which are on National Forest lands, from the confluence with Brown's Creek to the inlet to Pueblo Reservoir, except for specific listings in segments 32 and 34-40.

COARUA31	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
				Iron	---	WS
				Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.025*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS

32. All lakes and reservoirs tributary to the South Fork of the Arkansas from the source to the confluence with the Arkansas River.

COARUA32	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
				Iron	---	WS
				Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.025*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

33. All lakes and reservoirs tributary to the Arkansas River which are not on National Forest lands, from the confluence with Brown's Creek to the inlet to Pueblo Reservoir, except for specific listings in segments 32 and 34-40.

COARUA33	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CL,CLL CL,CLL	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	--- 0.02-10 ^A
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (ug/L)	--- 8*	Chromium III(T)	50 ---
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
		Inorganic (mg/L)		Copper	TVS TVS
		acute	chronic	Iron	--- WS
		Ammonia	TVS TVS	Iron(T)	--- 1000
		Boron	--- 0.75	Lead	TVS TVS
		Chloride	--- 250	Lead(T)	50 ---
		Chlorine	0.019 0.011	Manganese	TVS TVS/WS
		Cyanide	0.005 ---	Mercury(T)	--- 0.01
		Nitrate	10 ---	Molybdenum(T)	--- 150
		Nitrite	--- 0.05	Nickel	TVS TVS
		Phosphorus	--- 0.025*	Nickel(T)	--- 100
		Sulfate	--- WS	Selenium	TVS TVS
		Sulfide	--- 0.002	Silver	TVS TVS(tr)
				Uranium	varies* varies*
				Zinc	TVS TVS

34. All lakes and reservoirs tributary to the mainstems of Texas, Badger, Hayden, Hamilton, Stout, and Big Cottonwood Creeks from their sources to their confluences with the Arkansas River. All lakes and reservoirs tributary to the mainstem of Grape Creek from the source to the outlet of DeWeese Reservoir, except for the specific listing in segment 35.

COARUA34	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL CL	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (ug/L)	--- 8*	Chromium III(T)	50 ---
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
		Inorganic (mg/L)		Copper	TVS TVS
		acute	chronic	Iron	--- WS
		Ammonia	TVS TVS	Iron(T)	--- 1000
		Boron	--- 0.75	Lead	TVS TVS
		Chloride	--- 250	Lead(T)	50 ---
		Chlorine	0.019 0.011	Manganese	TVS TVS/WS
		Cyanide	0.005 ---	Mercury(T)	--- 0.01
		Nitrate	10 ---	Molybdenum(T)	--- 150
		Nitrite	--- 0.05	Nickel	TVS TVS
		Phosphorus	--- 0.025*	Nickel(T)	--- 100
		Sulfate	--- WS	Selenium	TVS TVS
		Sulfide	--- 0.002	Silver	TVS TVS(tr)
				Uranium	varies* varies*
				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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

35. DeWeese Reservoir.									
COARUA35	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=CLL and MWAT=CLL from 1/1-3/31 DM= CLL and MWAT=21.3 from 4/1-12/31		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	0.025*	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS		
		36. All lakes and reservoirs tributary to the mainstem of Currant Creek (Park County) from the source to the confluence with Tallahassee Creek, except lakes and reservoirs tributary to Cottonwood Creek (Fremont County) from a point immediately below the confluence with North Waugh Creek to the intersection with F6 Road. All lakes and reservoirs tributary to the mainstem of Middle Tallahassee Creek from the source to the intersection with Road 23.							
		COARUA36	Classifications	Physical and Biological			Metals (ug/L)		
		Designation	Agriculture		DM	MWAT		acute	chronic
		Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
Recreation E			acute	chronic	Arsenic(T)	---	0.02		
Water Supply	D.O. (mg/L)		---	6.0	Cadmium	TVS	TVS		
	D.O. (spawning)		---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	0.025*	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS		

36. All lakes and reservoirs tributary to the mainstem of Currant Creek (Park County) from the source to the confluence with Tallahassee Creek, except lakes and reservoirs tributary to Cottonwood Creek (Fremont County) from a point immediately below the confluence with North Waugh Creek to the intersection with F6 Road. All lakes and reservoirs tributary to the mainstem of Middle Tallahassee Creek from the source to the intersection with Road 23.

COARUA36	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

37. All lakes and reservoirs tributary to the mainstem of Fourmile Creek from the source to the confluence with the Arkansas River. This segment includes Wrights Reservoir.							
COARUA37	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Classification: DUWS applies to Ott Reservoir		Boron	---	0.75	Lead(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(acute) = See 32.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*Uranium(chronic) = See 32.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
38. All lakes and reservoirs tributary to the mainstem of East and West Beaver Creeks from the source to the confluence with Beaver Creek. This segment includes Skagway and Bison Reservoirs.							
COARUA38	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Classification: Bison Reservoir = DUWS		Boron	---	0.75	Lead(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(acute) = See 32.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*Uranium(chronic) = See 32.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

38. All lakes and reservoirs tributary to the mainstem of East and West Beaver Creeks from the source to the confluence with Beaver Creek. This segment includes Skagway and Bison Reservoirs.							
COARUA38	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: Bison Reservoir = DUWS *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute			Iron	---	WS
		chronic			Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

39. All lakes and reservoirs tributary to the mainstem of Eightmile Creek from the source to the mouth of Phantom Canyon (38.495270,-105.110024).						
COARUA39	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Uranium(acute) = See 32.5(3) for details.
*Uranium(chronic) = See 32.5(3) for details.

40. Brush Hollow Reservoir.						
COARUA40	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (ug/L)	---	20*	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	0.083*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Uranium(acute) = See 32.5(3) for details.
*Uranium(chronic) = See 32.5(3) for details.

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Arkansas River Basin

41. Teller Reservoir							
COARUA41	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

1. All tributaries, including wetlands, to the Arkansas River within the Sangre de Cristo, Greenhorn, and Spanish Peaks Wilderness Areas.

COARMA01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Mainstem of the Arkansas River from the outlet of Pueblo Reservoir to a point immediately above the confluence with Wildhorse/Dry Creek Arroyo.

COARMA02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

3. Mainstem of the Arkansas River from a point immediately above the confluence with Wildhorse/Dry Creek Arroyo to a point immediately above the confluence with Fountain Creek.							
COARMA03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	26.3	17.1
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
4a. Mainstem of Wildhorse Creek from the source to the confluence with the Arkansas River.							
COARMA04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Selenium(acute) = See selenium assessment location at 32.6(4). *Selenium(chronic) = See selenium assessment location at 32.6(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	2376*	2110*
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

4a. Mainstem of Wildhorse Creek from the source to the confluence with the Arkansas River.							
COARMA04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Selenium(acute) = See selenium assessment location at 32.6(4). *Selenium(chronic) = See selenium assessment location at 32.6(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	2376*	2110*
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		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 further details on applied 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	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
*Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

4c. Mainstem of Chico Creek, including all tributaries and wetlands, from the source to the confluence with the Arkansas River, except for specific listings in segment 4f.

COARMA04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.			acute	chronic	Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4d. All tributaries, including wetlands, to the Arkansas River and Pueblo Reservoir from the inlet to Pueblo Reservoir to the Colorado Canal headgate, except for specific listings in the Fountain Creek Subbasin and in segments 4a, 4b, 4c and 4e through 18b.							
COARMA04D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic(T)	---	0.02-10 ^A
	Water Supply	acute	chronic	Beryllium(T)	---	100	
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium(T)	5.0	10
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI(T)	---	100
		Inorganic (mg/L)			Copper(T)	---	200
		acute	chronic	Iron	---	WS	
		Ammonia	---	---	Lead(T)	50	100
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury(T)	---	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	100
		Nitrate	10	---	Selenium(T)	---	20
		Nitrite	10	---	Silver	---	---
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	WS	Zinc(T)	---	2000
		Sulfide	---	---			
4e. Golf Course Wash							
COARMA04E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100	
	Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	---	10
		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI(T)	---	100
		acute	chronic	Copper(T)	---	200	
		Ammonia	TVS	TVS	Iron	---	---
		Boron	---	0.75	Lead(T)	---	100
		Chloride	---	---	Manganese	---	---
		Chlorine	---	---	Mercury(T)	---	---
		Cyanide	0.2	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel(T)	---	200
		Nitrite	10	---	Selenium	TVS	TVS
		Phosphorus	---	0.17	Silver	---	---
		Sulfate	---	---	Uranium	varies*	varies*
Sulfide	---	---	Zinc(T)	---	2000		

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

4f. Mainstem of Black Squirrel Creek, including all tributaries and wetlands, from just below Highway 94 to Squirrel Creek Road.						
COARMA04F	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C		WS-III	Arsenic(T)	100
	Recreation P	acute		chronic	Beryllium(T)	100
Qualifiers:		D.O. (mg/L)		5.0	Cadmium(T)	10
Other:		pH		6.5 - 9.0	Chromium III(T)	100
chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		chlorophyll a (mg/m ²)		150	Chromium VI(T)	100
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		E. coli (per 100 mL)		205	Copper(T)	200
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Iron	---
*Uranium(chronic) = See 32.5(3) for details.		acute		chronic	Lead(T)	100
		Ammonia		---	Manganese(T)	200
		Boron		0.75	Mercury(T)	---
		Chloride		---	Molybdenum(T)	150
		Chlorine		---	Nickel(T)	200
		Cyanide		0.2	Selenium(T)	20
		Nitrate		100	Silver	---
		Nitrite		10	Uranium	varies*
		Phosphorus		0.17*	Zinc(T)	2000
		Sulfate		---		
		Sulfide		---		

4g. Mainstem of Pesthouse Gulch, from the source to the confluence with Wildhorse Creek.						
COARMA04G	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C		WS-II	Arsenic(T)	100
	Recreation E	acute		chronic	Beryllium(T)	100
Qualifiers:		D.O. (mg/L)		5.0	Cadmium(T)	10
Other:		pH		6.5 - 9.0	Chromium III(T)	100
chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		chlorophyll a (mg/m ²)		150	Chromium VI(T)	100
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		E. coli (per 100 mL)		126	Copper(T)	200
*Selenium(acute) = See selenium assessment location at 32.6(4).		Inorganic (mg/L)			Iron	---
*Selenium(chronic) = See selenium assessment location at 32.6(4).		acute		chronic	Lead(T)	100
*Uranium(acute) = See 32.5(3) for details.		Ammonia		---	Manganese(T)	200
*Uranium(chronic) = See 32.5(3) for details.		Boron		0.75	Mercury(T)	---
		Chloride		---	Molybdenum(T)	150
		Chlorine		---	Nickel(T)	200
		Cyanide		0.2	Selenium	389*
		Nitrate		100	Silver	---
		Nitrite		10	Uranium	varies*
		Phosphorus		0.17*	Zinc(T)	2000
		Sulfate		---		
		Sulfide		---		

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

5a. Mainstem of the Saint Charles River, including all tributaries and wetlands, from the source to the San Isabel National Forest boundary.							
COARMA05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

5b. Mainstem of the Saint Charles River, including all tributaries and wetlands, from the San Isabel National Forest boundary to a point immediately above the CF&I diversion canal (38.045800, -104.802787) near Burnt Mill.							
COARMA05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

6a. Mainstem of the Saint Charles River from a point immediately above the CF&I diversion canal (38.045800, -104.802787) near Burnt Mill to a point immediately upstream of the confluence with Edson Arroyo.						
COARMA06A Classifications		Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other: *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)			Chromium VI	TVS
			acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.17*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS
						TVS
						TVS
6b. Mainstem of the Saint Charles River from the confluence with Edson Arroyo to the confluence with the Arkansas River.						
COARMA06B Classifications		Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	varies*	varies*	Arsenic	340
	Recreation E		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other: *Selenium(acute) = See selenium assessment location at 32.6(4). *Selenium(chronic) = See selenium assessment location at 32.6(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=32.6 and MWAT=WS-II from 3/1-11/30 DM=WS-II and MWAT=WS-II from 12/1-2/29		chlorophyll a (mg/m ²)	---	---	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)			Chromium VI	TVS
			acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	173*
					Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS
						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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

7a. Mainstem of Greenhorn Creek, including all tributaries and wetlands, from the source to the San Isabel National Forest boundary, except for specific listings in segment 1. Mainstem of Graneros Creek, from the source to the San Isabel National Forest boundary, except for specific listings in segment 1. All tributaries to Muddy Creek, including wetlands, from the source to the San Isabel National Forest boundary.

COARMA07A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.			acute	chronic	Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

7b. Mainstem of Greenhorn Creek, including all tributaries and wetlands, from the San Isabel National Forest boundary to a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam. Mainstem of Graneros Creek below the San Isabel National Forest boundary. Muddy Creek, including all tributaries and wetlands, from the San Isabel National Forest boundary to 232/Bondurant Road.

COARMA07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.			acute	chronic	Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

8. Deleted.							
COARMA08	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT		acute	chronic	
Qualifiers:		acute	chronic				
Other:							
		Inorganic (mg/L)					
		acute	chronic				
9. Mainstem of Greenhorn Creek, from a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam, to the confluence with the Saint Charles River.							
COARMA09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
Temporary Modification(s):		acute	chronic		Copper	TVS	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---	WS
Expiration Date of 12/31/2024		Boron	---	0.75	Iron(T)	---	1000
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).		Chloride	---	250	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		Chlorine	0.019	0.011	Lead(T)	50	---
*Uranium(acute) = See 32.5(3) for details.		Cyanide	0.005	---	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 32.5(3) for details.		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	700	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

10. Mainstem of Sixmile Creek from the source to the confluence with the Arkansas River.

COARMA10	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	Arsenic	340	---
			acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
*Uranium(acute) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.5	Uranium	varies*	varies*
		Phosphorus	---	0.17	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			

11a. Mainstem of the Huerfano River including all tributaries and wetlands, from the source to 570 Road near Malachite, except for the specific listings in segment 1. Pass Creek, including all tributaries and wetlands, from the source to 565 Road. Muddy Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Bruff Creek, except for the specific listings in segment 1. Mainstem of Turkey Creek (in Huerfano County) from the source to 620 Road, except for the specific listings in segment 1.

COARMA11A	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	Arsenic	340	---
			acute	chronic	Arsenic(T)	---	0.02
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III	---	TVS
Arsenic(chronic) = hybrid		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Expiration Date of 12/31/2024		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

11b. Mainstem of the Huerfano River, including all tributaries and wetlands, from 570 Road near Malachite to Highway 69 at Badito, except for the specific listings in segment 1, 11a and 17.

COARMA11B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12. Mainstem of Huerfano River from Highway 69 at Badito to the confluence with the Arkansas River.

COARMA12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

13a. All tributaries, including wetlands, to the Cucharas River within the San Isabel National Forest boundaries, except for the specific listings in segment 1. Mainstem of the Cucharas River, from the source to a point immediately above the confluence with Middle Creek, except for the specific listings in segment 1. Wahatoya Creek, including all tributaries and wetlands, from the source to the confluence with the Cucharas River, except for the specific listings in segment 1. All tributaries to Middle Creek, including wetlands, from the source to a point immediately below the confluence of North and South Middle Creeks.

COARMA13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.					Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.					Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

13b. Mainstem of the Cucharas River from a point immediately above the confluence with Middle Creek to the confluence with North Abeyta Creek (37.567852, -104.907046). All tributaries, including wetlands, to the Cucharas River from the San Isabel National Forest boundary to a point immediately below North Abeyta Creek (37.567852, -104.907046), except for specific listings in Segment 13a. Mainstem of Middle Creek, including all tributaries and wetlands, from a point immediately below the confluence of North and South Middle Creeks to the confluence with the Cucharas River, except for specific listings in 13a.

COARMA13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).					Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

13c. All tributaries and wetlands to the Cucharas and Huerfano Rivers not on forest service lands, except for specific listings in 13a and 13b.

COARMA13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic(T)	---	0.02-10 ^A
	Recreation N		acute	chronic	Beryllium(T)	---	4.0
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI(T)	50	100
		Inorganic (mg/L)			Copper(T)	---	200
			acute	chronic	Iron	---	WS
		Ammonia	---	---	Lead(T)	50	100
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury(T)	2.0	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	100
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	1.0	---	Selenium(T)	---	20
		Phosphorus	---	0.17*	Silver(T)	---	100
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.05	Zinc(T)	---	2000

14. Mainstem of the Cucharas River from the point of diversion for the Walsenburg public water supply to the outlet of Cucharas Reservoir.

COARMA14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

15. Mainstem of Cucharas River from the outlet of Cucharas Reservoir to the confluence with the Huerfano River.							
COARMA15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic(T)	---	100
	Recreation E		acute	chronic	Beryllium(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium(T)	---	10
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI(T)	---	100
		Inorganic (mg/L)			Copper(T)	---	200
			acute	chronic	Iron	---	---
		Ammonia	---	---	Lead(T)	---	100
		Boron	---	0.75	Manganese	---	---
		Chloride	---	---	Mercury(T)	---	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	200
		Nitrate	100	---	Selenium(T)	---	20
		Nitrite	10	---	Silver	---	---
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc(T)	---	2000
		Sulfide	---	---			
16. Deleted.							
COARMA16	Classifications	Physical and Biological			Metals (ug/L)		
Designation			DM	MWAT		acute	chronic
Qualifiers:			acute	chronic			
Other:							
		Inorganic (mg/L)					
			acute	chronic			

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

17. All tributaries to Apache Creek, including wetlands, from the source to a point immediately below the confluence of North and South Apache Creeks, except for the specific listings in segment 1. All tributaries, including wetlands, to the Huerfano River above the confluence with the Cucharas River that are within the San Isabel National Forest boundaries, except for the specific listings in segment 1 and 11a.

COARMA17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.			acute	chronic	Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

18a. Mainstem of Boggs Creek from the source to Pueblo Reservoir.

COARMA18A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

18b. Turkey Creek (Pueblo County) from U.S. Highway 50 to Pueblo Reservoir. Unnamed tributary to Arkansas River, that flows from the south and whose confluence with the Arkansas River is located at 38.267623, -104.668298. Mainstem of Rush Creek (Pueblo County) from the source to the confluence with the Arkansas River.

COARMA18B Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

19. All lakes and reservoirs tributary to the Arkansas River within the Sangre de Cristo, Greenhorn, and Spanish Peaks Wilderness areas.

COARMA19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

20. Pueblo Reservoir.						
COARMA20	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS	TVS
	DUWS	D.O. (spawning)	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	5*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid				Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
*chlorophyll a (ug/L)(chronic) = See assessment location at 32.6(4).		Ammonia	TVS	Lead	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Boron	0.75	Lead(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		Chloride	250	Manganese	TVS	TVS/WS
*Temperature =		Chlorine	0.019	Mercury(T)	---	0.01
DM=CLL and MWAT=CLL from 1/1-3/31		Cyanide	0.005	Molybdenum(T)	---	150
DM= CLL and MWAT=23.6 from 4/1-12/31		Nitrate	10	Nickel	TVS	TVS
		Nitrite	0.05	Nickel(T)	---	100
		Phosphorus	---	Selenium	TVS	TVS
		Sulfate	WS	Silver	TVS	TVS(tr)
		Sulfide	0.002	Uranium	varies*	varies*
				Zinc	TVS	TVS

21. All lakes and reservoirs tributary to Chico Creek from the source to the confluence with the Arkansas River.						
COARMA21	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	Cadmium(T)	5.0	---
Other:		chlorophyll a (ug/L)	20*	Chromium III	---	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	126	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		acute	chronic	Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	Iron	---	WS
		Boron	0.75	Iron(T)	---	1000
		Chloride	250	Lead	TVS	TVS
		Chlorine	0.019	Lead(T)	50	---
		Cyanide	0.005	Manganese	TVS	TVS/WS
		Nitrate	10	Mercury(T)	---	0.01
		Nitrite	0.5	Molybdenum(T)	---	150
		Phosphorus	0.083*	Nickel	TVS	TVS
		Sulfate	WS	Nickel(T)	---	100
		Sulfide	0.002	Selenium	TVS	TVS
				Silver	TVS	TVS
				Uranium	varies*	varies*
				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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

22. All lakes and reservoirs tributary to the Saint Charles River from the source to a point immediately above the CF&I diversion canal near Burnt Mill.							
COARMA22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
23. All lakes and reservoirs tributary to Greenhorn Creek from the source to a point immediately below the Greenhorn Highline (Hayden Supply Ditch) diversion dam, except for specific listings in segment 19. All lakes and reservoirs tributary to Graneros Creek from the source to the San Isabel National Forest boundary, except for specific listings in segment 19. All lakes and reservoirs tributary to Muddy Creek from the source to 232/Bondurant Road. Beckwith Reservoir.							
COARMA23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Beckwith Reservoir *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

24. All lakes and reservoirs tributary to the Huerfano River from the source to Highway 69 at Badito, except for the specific listings in segment 19. All lakes and reservoirs tributary to the Huerfano River above the confluence with the Cucharas River that are within the San Isabel National Forest boundaries, except for the specific listings in segment 19.

COARMA24	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	Chromium III	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	8*	Chromium III(T)	50
		E. coli (per 100 mL)	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	---
		Ammonia	TVS	Iron(T)	1000
		Boron	0.75	Lead	TVS
		Chloride	250	Lead(T)	50
		Chlorine	0.019	Manganese	TVS
		Cyanide	0.005	Mercury(T)	---
		Nitrate	10	Molybdenum(T)	---
		Nitrite	0.05	Nickel	TVS
		Phosphorus	0.025*	Nickel(T)	---
		Sulfate	WS	Selenium	TVS
		Sulfide	0.002	Silver	TVS
				Uranium	varies*
				Zinc	TVS

25. All lakes and reservoirs tributary to the Cucharas River from the source to the point of diversion for the Walsenburg public water supply, except for the specific listings in segment 19. Huajatolla Reservoirs and Diagre Reservoir

COARMA25	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	Chromium III	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	8*	Chromium III(T)	50
		E. coli (per 100 mL)	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	---
		Ammonia	TVS	Iron(T)	1000
		Boron	0.75	Lead	TVS
		Chloride	250	Lead(T)	50
		Chlorine	0.019	Manganese	TVS
		Cyanide	0.005	Mercury(T)	---
		Nitrate	10	Molybdenum(T)	---
		Nitrite	0.05	Nickel	TVS
		Phosphorus	0.025*	Nickel(T)	---
		Sulfate	WS	Selenium	TVS
		Sulfide	0.002	Silver	TVS
				Uranium	varies*
				Zinc	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

26. Horseshoe Lake, Martin Lake (Ohem Lake) and Walsenburg Lower Town Lake.							
COARMA26	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = Horseshoe DM=CLL and MWAT=CLL from 1/1-3/31, DM= CLL and MWAT=18.8 from 4/1-12/31. Martin DM=CLL and MWAT=CLL from 1/1-3/31, DM= CLL and MWAT=21.7 from 4/1-12/31. Walsenburg DM=CL and MWAT=CL		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		
27. Deleted.							
COARMA27	Classifications	Physical and Biological			Metals (ug/L)		
Designation			DM	MWAT			
					acute	chronic	
Qualifiers:			acute	chronic			
Other:							
		Inorganic (mg/L)					
			acute	chronic			

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle Arkansas River Basin

28. Valco Ponds and Runyon/Fountain Lake.						
COARMA28	Classifications	Physical and Biological			Metals (ug/L)	
Designation			DM	MWAT	acute	chronic
Reviewable	Agriculture		WL	WL		
	Aq Life Warm 1	Temperature °C			Arsenic	340
	Recreation E		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)			Chromium VI	TVS
			acute	chronic	Copper	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 32.6 for further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

1a. Mainstem of Fountain Creek, including all tributaries and wetlands, from the source to a point immediately above the confluence with Monument Creek, except for specific listings in segment 1b.

COARF001A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Severy Creek and all tributaries from the source to a point just upstream of where US Forest Service Road 330 crosses the stream.

COARF001B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

2a. Mainstem of Fountain Creek from a point immediately above the confluence with Monument Creek to a point immediately above the State Highway 47 Bridge.							
COARFO02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
2b. Mainstem of Fountain Creek from a point immediately above the State Highway 47 Bridge to the confluence with the Arkansas River.							
COARFO02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	3300
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	485	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	28.1
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

3a. All tributaries to Fountain Creek which are within the boundaries of National Forest or Air Force Academy lands, including all wetlands, from a point immediately above the confluence with Monument Creek to the confluence with the Arkansas River, except for the mainstem of Monument Creek in the Air Force Academy lands and specific listings in segment 3b. Cheyenne Creek, including tributaries and wetlands from the source to the confluence with Fountain Creek. Bear Creek below Gold Camp Road to the confluence with Fountain Creek. Little Fountain Creek from the source to Highway 115. Rock Creek from the source to Highway 115. North Monument Creek from the source to the confluence with Monument Creek. Beaver Creek from the source to the confluence with Monument Creek.

COARFO03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute chronic			Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3b. Bear Creek, and all tributaries, from the source to a point immediately upstream of Gold Camp Road.

COARFO03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 32.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

4a. Mainstems of Jackson Creek, Monument Branch, Elkhorn Springs, Pine Creek, South Pine Creek, South Rockrimmon Creek, Templeton Gap North, Templeton Gap Floodway, Douglas Creek and South Douglas Creek, from the sources to confluences with Monument Creek, including all tributaries and wetlands, which are not within the boundaries of the National Forest or Air Force Academy lands.

COARF004A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

4b. All tributaries to Monument Creek from the sources to the confluences with Monument Creek which are not within the boundaries of National Forest or Air Force Academy lands, including all wetlands, from a point immediately below the confluence with North Monument Creek to the confluence with Fountain Creek, except for specific listings in segments 3a, 4a and 4c. This includes Dirty Woman Creek, Smith Creek, Black Squirrel Creek, Cottonwood Creek, Dry Creek and an unnamed tributary with the confluence at Monument Creek located near (38.948613, -104.829623).

COARF004B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		acute	chronic		Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

4c. Mainstems of Kettle Creek, North Rockrimmon Creek and Mesa Creek, including tributaries and wetlands, from the sources to confluences with Monument Creek.						
COARFO04C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C		WS-II	340	---
	Recreation E	acute		chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)		5.0	TVS	TVS
Qualifiers:		pH		6.5 - 9.0	---	---
Other:	*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.	chlorophyll a (mg/m ²)		---	150*	Chromium III
		E. coli (per 100 mL)		---	126	Chromium III(T)
		Inorganic (mg/L)			Chromium VI	TVS
		acute		chronic	Copper	TVS
		Ammonia		TVS	TVS	WS
		Boron		---	0.75	Iron(T)
		Chloride		---	250	Lead
		Chlorine		0.019	0.011	Lead(T)
		Cyanide		0.005	---	Manganese
		Nitrate		10	---	TVS
		Nitrite		---	0.5	TVS/WS
		Phosphorus		---	0.17*	Mercury(T)
		Sulfate		---	WS	---
		Sulfide		---	0.002	0.01
					Molybdenum(T)	---
					Nickel	150
					Nickel(T)	TVS
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	varies*
					TVS	TVS

4d. All tributaries with confluences with Fountain Creek from South Academy Blvd (CO83) to and including the unnamed tributary immediately south of Old Pueblo Road (38.585843, -104.669591), including tributaries and wetlands, except for Little Fountain Creek and its tributaries and wetlands, and specific listings in segments 3a, 5a and 5b. All tributaries with confluences with Fountain Creek from a point immediately above University Blvd (CO47) (38.312846, -104.590524), to the confluence with the Arkansas River.

COARFO04D	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM		MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C		WS-II	340	---
	Recreation E	acute		chronic	Arsenic	---
		D.O. (mg/L)		5.0	Arsenic(T)	100
Qualifiers:		pH		6.5 - 9.0	---	---
Other:	*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.	chlorophyll a (mg/m ²)		---	150*	Chromium III
		E. coli (per 100 mL)		---	126	Chromium III(T)
		Inorganic (mg/L)			Chromium VI	TVS
		acute		chronic	Copper	TVS
		Ammonia		TVS	TVS	1000
		Boron		---	0.75	Lead
		Chloride		---	250	TVS
		Chlorine		0.019	0.011	TVS
		Cyanide		0.005	---	TVS
		Nitrate		100	---	TVS
		Nitrite		---	0.5	TVS
		Phosphorus		---	0.17*	TVS
		Sulfate		---	---	varies*
		Sulfide		---	0.002	varies*
					Uranium	TVS
					Zinc	TVS
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

4e. All tributaries to Fountain Creek, including tributaries and wetlands, from a point immediately below the confluence with Monument Creek to University Blvd (CO47) near Pueblo except for specific listings in 3a, 4d, 5a and 5b.

COARF004E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

5a. Jimmy Camp Creek, including all tributaries and wetlands from the source to Old Pueblo Road (38.673200, -104.696739). Williams Creek, including all tributaries and wetlands, from the source to the confluence with Fountain Creek.

COARF005A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply	acute	chronic		Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

5b. Jimmy Camp Creek from Old Pueblo Road (38.673200, -104.696739) to the confluence with Fountain Creek, including the marshland located on the 60-acre parcel at 13030 Old Pueblo Road. Unnamed tributary from the boundary of Fort Carson (38.694465, -104.738735) to the confluence with Fountain Creek.

COARF005B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

6. Mainstem of Monument Creek, from the boundary of National Forest lands to the confluence with Fountain Creek.

COARF006	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic		Copper	---	TVS*
		Ammonia	TVS	TVS	Copper	TVS*	---
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVSWS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	0.17*	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

7a. Pikeview Reservoir, Willow Springs Pond #1, and Willow Springs Pond #2.						
COARF007A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Water + Fish Standards Apply		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		acute	chronic	Copper	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

7b. Prospect Lake, Quail Lake, and Monument Lake.						
COARF007B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Fish Ingestion Standards Apply		pH	6.5 - 9.0	---	Chromium III	TVS
Other:		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)		Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	0.083*	Uranium	varies*
		Sulfate	---	---	Zinc	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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

8. All lakes and reservoirs tributary to the mainstem of Fountain Creek from the source to a point immediately above the confluence with Monument Creek, except for specific listings in segment 9.

COARFO08	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	8*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid				Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	Lead	TVS	TVS
		Boron	0.75	Lead(T)	50	---
		Chloride	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	Mercury(T)	---	0.01
		Cyanide	0.005	Molybdenum(T)	---	150
		Nitrate	10	Nickel	TVS	TVS
		Nitrite	0.05	Nickel(T)	---	100
		Phosphorus	0.025*	Selenium	TVS	TVS
		Sulfate	WS	Silver	TVS	TVS(tr)
		Sulfide	0.002	Uranium	varies*	varies*
				Zinc	TVS	TVS

9. North Catamount Reservoir, South Catamount Reservoir, and Crystal Creek Reservoir.

COARFO09	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CLL	CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	126	Chromium VI	TVS	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	Lead	TVS	TVS
		Boron	0.75	Lead(T)	50	---
		Chloride	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	Mercury(T)	---	0.01
		Cyanide	0.005	Molybdenum(T)	---	150
		Nitrate	10	Nickel	TVS	TVS
		Nitrite	0.05	Nickel(T)	---	100
		Phosphorus	0.025*	Selenium	TVS	TVS
		Sulfate	WS	Silver	TVS	TVS(tr)
		Sulfide	0.002	Uranium	varies*	varies*
				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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Fountain Creek Basin

10. All lakes and reservoirs tributary to Fountain Creek which are within the boundaries of National Forest or Air Force Academy lands from a point immediately above the confluence with Monument Creek to the confluence with the Arkansas River, except for specific listings in Segment 11. This segment includes Rampart Reservoir.

COARFO10	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL CL,CLL	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
	DUWS*	D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Qualifiers:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Other:		chlorophyll a (ug/L)	--- 8*	Chromium III(T)	50 ---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: Rampart Reservoir = DUWS *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
		Inorganic (mg/L)		Copper	TVS TVS
		acute	chronic	Iron	--- WS
		Ammonia	TVS TVS	Iron(T)	--- 1000
		Boron	--- 0.75	Lead	TVS TVS
		Chloride	--- 250	Lead(T)	50 ---
		Chlorine	0.019 0.011	Manganese	TVS TVS/WS
		Cyanide	0.005 ---	Mercury(T)	--- 0.01
		Nitrate	10 ---	Molybdenum(T)	--- 150
		Nitrite	--- 0.05	Nickel	TVS TVS
		Phosphorus	--- 0.025*	Nickel(T)	--- 100
		Sulfate	--- WS	Selenium	TVS TVS
		Sulfide	--- 0.002	Silver	TVS TVS(tr)
				Uranium	varies* varies*
				Zinc	TVS TVS

11. AFA Non Potable Reservoir #1 (38.70939, -104.82928) and all lakes and reservoirs tributary to Fountain Creek from a point immediately above the confluence with Monument Creek to the confluence with the Arkansas River, excluding lakes and reservoirs within the boundaries of the National Forest and other lakes on Air Force Academy lands and the specific listings in segments 7a and 7b.

COARFO11	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL WL	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	--- 0.02-10 ^A
	Water Supply	D.O. (mg/L)	--- 5.0	Cadmium	TVS TVS
	DUWS*	pH	6.5 - 9.0 ---	Cadmium(T)	5.0 ---
Qualifiers:		chlorophyll a (ug/L)	--- 20*	Chromium III	--- TVS
Other:		E. coli (per 100 mL)	--- 126	Chromium III(T)	50 ---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Lower Reservoir, Keeton Reservoir, Unknown Reservoir at 38.70939, -104.82928, Gold Camp Reservoir, South Suburban Reservoir *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)		Chromium VI	TVS TVS
		acute	chronic	Copper	TVS TVS
		Ammonia	TVS TVS	Iron	--- WS
		Boron	--- 0.75	Iron(T)	--- 1000
		Chloride	--- 250	Lead	TVS TVS
		Chlorine	0.019 0.011	Lead(T)	50 ---
		Cyanide	0.005 ---	Manganese	TVS TVS/WS
		Nitrate	10 ---	Mercury(T)	--- 0.01
		Nitrite	--- 0.5	Molybdenum(T)	--- 150
		Phosphorus	--- 0.083*	Nickel	TVS TVS
		Sulfate	--- WS	Nickel(T)	--- 100
		Sulfide	--- ---	Selenium	TVS TVS
				Silver	TVS TVS
				Uranium	varies* varies*
				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 further details on applied 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	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Discharger Specific Variance(s): Selenium(acute) = 19.1 µg/L: narrative Selenium(chronic) = 14.1 µg/L: narrative Sulfate(chronic) = 329 mg/L: narrative Expiration Date of 12/31/2028 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Temperature = DM=WS-II and MWAT=WS-II from 1/1-11/30 DM= 21.5 and MWAT=20.7 from 12/1-12/31 *Variance: Selenium = see 32.6(6)(c) for details on variance for City of Pueblo. *Variance: Sulfate = see 32.6(6)(c) for details on variance for City of Pueblo.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	2800
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	329	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	19.1	14.1
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Mainstem of the Arkansas River from the Colorado Canal headgate to the inlet to John Martin Reservoir.							
COARLA01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 Discharger Specific Variance(s): Selenium(chronic) = See Section 32.6(6)(d)(ii) for details on variance for the City of Las Animas. Expiration Date of 12/31/2025 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1950
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	902	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

1c. Mainstem of the Arkansas River from the outlet of John Martin Reservoir to the Colorado/Kansas border.							
COARLA01C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/190
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	1900	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
2a. All tributaries to the Arkansas River, including wetlands, from the Colorado Canal headgate to the Colorado/Kansas border except for specific listings in segments 2b, 2c, 2d, 3a, through 9b, and Middle Arkansas Basin listings.							
COARLA02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other:		chlorophyll a (mg/m²)	---	---	Cadmium(T)	5.0	---
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		E. coli (per 100 mL)	---	630	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	0.17*	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
			Uranium	varies*	varies*		
			Zinc	TVS	TVS		

2a. All tributaries to the Arkansas River, including wetlands, from the Colorado Canal headgate to the Colorado/Kansas border except for specific listings in segments 2b, 2c, 2d, 3a, through 9b, and Middle Arkansas Basin listings.

COARLA02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Cadmium(T)	5.0	---
		E. coli (per 100 mL)	---	630	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	0.17*	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

2b. King Arroyo.							
COARLA02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic(T)	---	200
	Recreation E		acute	chronic	Cadmium(T)	---	50
Qualifiers:		D.O. (mg/L)	---	5.0	Chromium III	TVS	TVS
Livestock Watering Only		pH	6.5 - 9.0	---	Chromium III(T)	---	1000
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium VI(T)	---	1000
		E. coli (per 100 mL)	---	126	Copper(T)	---	500
		Inorganic (mg/L)			Iron	---	---
			acute	chronic	Lead(T)	---	100
		Ammonia	---	---	Manganese	---	---
		Boron	---	5.0	Mercury(T)	---	10
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	---	---	Nickel	---	---
		Cyanide	0.2	---	Selenium(T)	---	50
		Nitrate	100	---	Silver	---	---
		Nitrite	10	---	Uranium	varies*	varies*
		Phosphorus	---	0.17*	Zinc(T)	---	25000
		Sulfate	---	---			
		Sulfide	---	---			
		2c. Mainstem of Wildhorse Creek, including all tributaries, from a point immediately below US Highway 287 in Kit Carson to the confluence with Big Sandy Creek.					
COARLA02C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic(T)	---	100
	Recreation N		acute	chronic	Beryllium(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium(T)	---	50
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI(T)	---	100
		Inorganic (mg/L)			Copper(T)	---	200
			acute	chronic	Iron	---	---
		Ammonia	---	---	Lead(T)	---	100
		Boron	---	0.75	Manganese	---	---
		Chloride	---	---	Mercury(T)	---	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	200
		Nitrate	100	---	Selenium(T)	---	50
		Nitrite	10	---	Silver	---	---
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc(T)	---	2000
		Sulfide	---	---			

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

2d. Unnamed tributary from the source north of county road 350 (37.304487, -104.29068) to the confluence with the Purgatoire.							
COARLA02D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation N	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
		3a. Mainstem of the Apishapa River, including all tributaries and wetlands, from the source to I-25, except for specific listings in Middle Arkansas segment 1 and Lower Arkansas segments 3b and 3c.					
COARLA03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
			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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

3b. Mainstem of West Torino Canyon Creek, North Fork, Middle Fork and mainstem of Trujillo Creek, Mitotes Canyon Creek, Luis Canyon Creek, Wheeler Canyon Creek, Mauricio Canyon Creek, Daisy Canyon Creek, Adobe Canyon Creek, Gonzales Canyon Creek, Frio Canyon Creek, Borrego Canyon Creek, Munoz Canyon Creek, William Canyon Creek and Castro Canyon Creek, including all tributaries, from their sources to their confluences with the Apishapa River, except for the specific listings in Middle Arkansas segment 1.

COARLA03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N	acute	chronic		Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI(T)	50	---
		Inorganic (mg/L)			Copper(T)	200	---
		acute		chronic	Iron	---	WS
		Ammonia	---	0.5	Lead(T)	50	---
		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury(T)	2.0	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	100
		Nitrate	10	---	Selenium(T)	---	20
		Nitrite	1.0	---	Silver(T)	100	---
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	WS	Zinc(T)	---	2000
		Sulfide	---	0.05			

3c. The mainstem of Jarosa Canyon Creek including all tributaries from the source to the confluence with the Apishapa River.

COARLA03C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

4a. Mainstem of the Apishapa River from I-25 to the confluence with the Arkansas River. Mainstem of Timpas Creek from the source to the Arkansas River.							
COARLA04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1805
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
4b. Mainstem of Lorencito Canyon, from the source to the confluence with the Purgatoire River.							
COARLA04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	4.0	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

4b. Mainstem of Lorencito Canyon, from the source to the confluence with the Purgatoire River.							
COARLA04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	4.0	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

5a. Mainstem of the North Fork of the Purgatoire River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Guajatoyah Creek; mainstem of the Middle Fork of the Purgatoire River, including all tributaries and wetlands, from the source to the Bar Ni Ranch Road at Stonewall Gap; Mainstem of the South Fork of the Purgatoire River, including all tributaries and wetlands, from the source to Tercio.

COARLA05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.			acute	chronic	Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	4.0	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

5b. Mainstem of the North Fork of the Purgatoire River, including all tributaries and wetlands, from a point immediately below the confluence with Guajatoyah Creek to the confluence with the Purgatoire River. Mainstem of the Middle Fork of the Purgatoire River from the Bar Ni Ranch Road at Stonewall Gap to the confluence with the North Fork of the Purgatoire River. Mainstem of the South Fork of the Purgatoire River from Tercio to the confluence with the Purgatoire River. Mainstem of the Purgatoire River to Trinidad Lake. Mainstem of Long Canyon Creek from the source to Trinidad Reservoir.

COARLA05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 32.5(4).			acute	chronic	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		Ammonia	TVS	TVS	Iron(T)	---	1000
*Uranium(acute) = See 32.5(3) for details.		Boron	---	4.0	Lead	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

5c. Purgatoire mainstem from Trinidad Lake outlet works to I-25. Mainstem of Raton Creek from the source to the confluence of Purgatoire River.							
COARLA05C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	2.0	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		
6a.All tributaries to the Purgatoire River, including all wetlands, from the source to Interstate 25, except for specific listings in segments 4b, 5a, 5b, 5c and 6b.							
COARLA06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	4.0	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.5	Zinc	TVS	TVS
		Phosphorus	---	0.11*			
		Sulfate	---	---			
Sulfide	---	0.002					

6a.All tributaries to the Purgatoire River, including all wetlands, from the source to Interstate 25, except for specific listings in segments 4b, 5a, 5b, 5c and 6b.							
COARLA06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Manganese	TVS	TVS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

6b. Wet Canyon and all tributaries, including wetlands, from the source to the confluence with the Purgatoire River.							
COARLA06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic(T)	---	0.02-10 ^A
	Recreation E		acute	chronic	Beryllium(T)	---	4.0
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	2.0	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.5	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
7. Mainstem of the Purgatoire River from Interstate 25 to the confluence with the Arkansas River.							
COARLA07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

8. Mainstem of Ricardo Creek, including all tributaries and wetlands, which are within Colorado (Costilla and Las Animas Counties), mainstem of the Canadian River, including all tributaries, wetlands, lakes and reservoirs.

COARLA08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

9a. Mainstems of Adobe, Buffalo, Cheyenne, Clay, Gageby, Horse, Two Butte, Wildhorse and Wolf Creeks from their sources to their confluences with the Arkansas River. Mainstems of Chacuacho Creek, San Francisco Creek, Trinchera Creek and Van Bremer Arroyo from their sources to their confluences with the Purgatoire River. Mainstem of Willow Creek from Highway 287 to the confluence with the Arkansas River. Mainstem of Big Sandy Creek from the source to the El Paso/Elbert county line. Mainstem of South Rush Creek from the source to the confluence with Rush Creek. Mainstem of Middle Rush Creek from the source to the confluence with North Rush Creek. North Rush Creek from the source to the confluence with South Rush Creek. Mainstem of Rush Creek to the Lincoln County Line. Mainstem of Antelope Creek from the source to the confluence with Rush Creek; the West May Valley drain from the Fort Lyon Canal to the confluence with the Arkansas River.

COARLA09A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):					Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Copper	TVS	TVS
Expiration Date of 12/31/2024		acute		chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.5	Nickel	TVS	TVS
		Phosphorus	---	0.17	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

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

COARLA09B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		acute	chronic		Copper	TVS	TVS
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 32.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 32.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

10. Two Buttes Reservoir, Two Buttes Pond, Hasty Lake, Holbrook Reservoir, Burchfield Lake, Nee-Skah (Queens) Reservoir, Adobe Creek Reservoir, Neeso Pah Reservoir, Nee Noshe Reservoir; Nee Gronda Reservoir.

COARLA10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

11. John Martin Reservoir.								
COARLA11	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS		
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

12. Lake Henry, Lake Meredith.								
COARLA12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	7.6		
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Manganese	TVS	TVS	
		Chloride	---	---	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.5	Silver	TVS	TVS	
		Phosphorus	---	---	Uranium	varies*	varies*	
		Sulfate	---	---	Zinc	TVS	TVS	
		Sulfide	---	0.002				

12. Lake Henry, Lake Meredith.							
COARLA12	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

13. American Crystal Reservoir, Chancellor Ponds, Horse Creek Reservoir, Hugo Ponds, Jim Davis Pond, John Robertson Ponds, Karval Lake, Kinney Lake, Kissel Pond, La Junta Kids Pond, Las Animas Kids Pond, Mayhem Pond, Merit Lake, Olney Springs Pond, Otero Pond, Pursley Ponds, Ranch Reservoir, Reynolds Gravel Pit, Pyan Ponds, Thurston Reservoir, Turks Pond, Ramah Reservoir.

COARLA13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
*Uranium(acute) = See 32.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

14. All lakes and reservoirs tributary to the Apishapa River from the source to I-25, except for specific listings in Middle Arkansas segment 19.

COARLA14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		acute	chronic		Iron	---	WS
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

15. All lakes and reservoirs tributary to the mainstem of the North Fork of the Purgatoire River from the source to a point immediately below the confluence with Guajatomah Creek. All lakes and reservoirs tributary to the Middle Fork of the Purgatoire River from the source to the USGS gage at Stonewall. Mainstem of the South Fork of the Purgatoire River, from the source to Tercio. Monument Lake, North Lake, Trinidad Lake, Long Canyon Reservoir and Lake Dorothy.

COARLA15	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	Arsenic	340
	Recreation E	Temperature °C	CLL*	Arsenic(T)	---
	Water Supply			Cadmium	TVS
	DUWS*			Cadmium(T)	5.0
Qualifiers:		D.O. (mg/L)	---	Chromium III	TVS
Other:		D.O. (spawning)	---	Chromium III(T)	50
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	Chromium VI	TVS
*Classification: DUWS Applies only to Monument Lake and North Lake		chlorophyll a (ug/L)	---	Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	Iron	---
*Uranium(acute) = See 32.5(3) for details.				Iron(T)	1000
*Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)		Lead	TVS
*Temperature = Trinidad Reservoir (CLL)				Lead(T)	50
				Manganese	TVS
		Ammonia	TVS	Mercury(T)	---
		Boron	---	Molybdenum(T)	---
		Chloride	---	Nickel	TVS
		Chlorine	0.019	Nickel(T)	---
		Cyanide	0.005	Selenium	TVS
		Nitrate	10	Silver	TVS
		Nitrite	---	Uranium	varies*
		Phosphorus	---	Zinc	TVS
		Sulfate	---		
		Sulfide	---		

16. All lakes and reservoirs tributary to the Purgatoire River from the source to I-25, except for the specific listings in segment 15 and 17.

COARLA16	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CL	Arsenic(T)	---
	Recreation E			Beryllium(T)	---
Qualifiers:		D.O. (mg/L)	---	Cadmium(T)	10
Other:		D.O. (spawning)	---	Chromium III	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		pH	6.5 - 9.0	Chromium III(T)	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	Chromium VI(T)	---
*Uranium(acute) = See 32.5(3) for details.		E. coli (per 100 mL)	---	Copper(T)	200
*Uranium(chronic) = See 32.5(3) for details.				Iron	---
		Inorganic (mg/L)		Lead(T)	100
				Manganese	---
				Mercury(T)	---
		Ammonia	---	Molybdenum(T)	150
		Boron	---	Nickel(T)	200
		Chloride	---	Selenium(T)	20
		Chlorine	---	Silver	---
		Cyanide	0.2	Uranium	varies*
		Nitrate	100	Zinc(T)	2000
		Nitrite	10		
		Phosphorus	---		
		Sulfate	---		
		Sulfide	---		

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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

17. All lakes and reservoirs tributary to Wet Canyon, from the source to the confluence with the Purgatoire River.							
COARLA17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic(T)	---	0.02-10 ^A
	Recreation E		acute	chronic	Beryllium(T)	---	4.0
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium(T)	5.0	---
Qualifiers:		D.O. (spawning)	---	7.0	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	50	---
		chlorophyll a (ug/L)	---	8*	Chromium VI(T)	50	100
		E. coli (per 100 mL)	---	126	Copper(T)	---	200
					Iron	---	WS
		Inorganic (mg/L)			Lead(T)	50	100
					Manganese	---	WS
					Mercury(T)	2.0	---
					Molybdenum(T)	---	150
					Nickel(T)	---	100
					Nickel(T)	---	100
					Selenium(T)	---	20
					Silver(T)	100	---
					Uranium	varies*	varies*
					Zinc(T)	---	2000
18. All lakes and reservoirs tributary to Ricardo Creek, which are within Colorado (Costilla and Las Animas Counties). All lakes and reservoirs tributary to the Canadian River.							
COARLA18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Arkansas River Basin

19. All lakes and reservoirs tributary to the Arkansas River, except for specific listings in segments 10-18 and Middle Arkansas Basin segments 19-28.							
COARLA19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Ammonia	TVS	TVS	Iron	---	WS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(acute) = See 32.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cimarron River Basin

1. Mainstem of the Cimarron River, including all tributaries and wetlands, in Las Animas, Baca, and Prowers Counties, except for the specific listing in segment 2.							
COARCI01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic(T)	---	100
	Recreation N		acute	chronic	Beryllium(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium(T)	---	10
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI(T)	---	100
		Inorganic (mg/L)			Copper(T)	---	200
			acute	chronic	Iron	---	---
		Ammonia	---	---	Lead(T)	---	100
		Boron	---	0.75	Manganese	---	---
		Chloride	---	---	Mercury(T)	---	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	200
		Nitrate	100	---	Selenium(T)	---	20
		Nitrite	10	---	Silver	---	---
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc(T)	---	2000
		Sulfide	---	---			
2. Mainstem of North Carrizo Creek from the source to the Colorado/Oklahoma state line; mainstems of East and West Carrizo Creek, to the confluence with North Carrizo Creek; mainstems of Cottonwood Creek and Tecolote Creek to the confluence with West Carrizo Creek, Fitzer Pond.							
COARCI02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #32 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cimarron River Basin

3. All lakes and reservoirs tributary to the Cimarron River.							
COARCI03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers: Fish Ingestion Standards Apply		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) *Reserved.*
- (C) *Reserved.*

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00092

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-32

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

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:02:13

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-33

Rule title

5 CCR 1002-33 REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER
(PLANNING REGION 12) 1 - eff 12/31/2021

Effective date

12/31/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

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

5 CCR 1002-33

33.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq. C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

33.2 PURPOSE

These regulations establish classifications and numeric standards for the Colorado River, the Yampa River, and the North Platte River, including all tributaries and standing bodies of water as indicated in section 33.6. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

33.3 INTRODUCTION

These regulations and tables present the classifications and numeric standards assigned to stream segments listed in the attached tables (See Appendix 33-1). As additional stream segments are classified and numeric standards for designated parameters are assigned for this drainage system, they will be added to or replace the numeric standards in the tables in Appendix 33-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the Basic Standards and Methodologies for Surface Water.

33.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

33.5 BASIC STANDARDS

(1) Temperature

All waters of Region 12 are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard). Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water Fish" are presumptively applied to all Aquatic Life class 1 streams and are applied to Aquatic Life class 2 streams on a case-by-case basis as shown in Appendix 33-1. The column in the tables at 31.11 headed "Fish Ingestion" is presumptively applied to all Aquatic Life class 1 streams which do not have a water supply classification, and are applied to Aquatic Life class 2 streams which do not have a water supply classification, on a case-by-case basis as shown in Appendix 33-1.

(3) Uranium

- (a) All waters of the Upper Colorado River Basin, are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium level in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Nutrients

Prior to December 31, 2022 for chlorophyll a and prior to December 31, 2027 for total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e) and (f). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. Additionally, prior to December 31, 2027, only total phosphorus and chlorophyll a will be considered for adoption. After December 31, 2027, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(g).

Prior to December 31, 2027, nutrient criteria will be adopted for headwaters on a segment by segment basis for the Upper Colorado and North Platte River Basins. Moreover, pursuant to 31.17(e) nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The following is a list of all permitted domestic

wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the Upper Colorado and North Platte River Basins:

Segment	Permittee	Facility name	Permit No.
COUCUC03	Colorado Dept of Transportation	Grizzly Creek Res Area WWTF	COG588067
COUCUC03	Rock Gardens MHP	Rock Gardens MHP & Campground	COG588083
COUCUC03	Colorado Dept of Transportation	Hanging Lake Res Area WWTF	COG588076
COUCUC03	Colorado Dept of Transportation	Bair Ranch Rest Area	COG588075
COUCUC03	Hermes Group	Two Rivers Village Metro Dist WWTF	COG588070
COUCUC03	Roundup River Ranch	Roundup River Ranch WWTF	COG588116
COUCUC03	Hot Sulphur Springs Town of	Hot Sulphur Springs WWTF	COG588084
COUCUC03	Allegient Management	Ouray Ranch Homeowners Assn WWTF	COG588041
COUCUC06a	C Lazy U Ranch Holdings LLC % Triton Investment Co	C Lazy U Ranch, INC.	COG588072
COUCUC06b	Three Lakes Water and Sanitation District	Willow Creek Lagoons	CO0037681
COUCUC07e	Kremmling Sanitation District	Kremmling Sanitation Dist WWTF	CO0048437
COUCUC10a	Winter Park Water and Sanitation District	Winter Park WSD WWTF	CO0026051
COUCUC10a	Young Life Campaign Inc	Crooked Creek Ranch	CO0045411
COUCUC10a	Colorado Mountain Resort Investors LLC	Devil's Thumb Ranch	CO0046566
COUCUC10a	Tabernash Meadows WSD	Tabernash Meadows WSD WWTF	CO0045501
COUCUC10c	Fraser Town of	Upper Fraser Valley TP	CO0040142
COUCUC10c	Granby Sanitation District	Granby Sanitation District	CO0020699
COUCBL02a	Upper Blue Sanitation Dist	Iowa Hill Water Reclamation	CO0045420
COUCBL08	Dundee Realty USA LLC	Arapahoe Basin Ski Area	CO0023876
COUCBL13	Copper Mountain Consolidated Metro Dist	Copper Mtn Cons Metro District	CO0021598
COUCBL17	Silverthorne/Dillon Joint Sewer Authority	Blue River WWTF	CO0020826
COUCBL22	Frisco Sanitation District	Frisco Sanitation District WWTF	CO0020451
COUCBL22	Snake River WWTF	Summit County Snake River WWTP	CO0029955
COUCBL22	Upper Blue Sanitation District	Farmers Korner WWTF	CO0021539
COUCEA02	Red Cliff Town of	Red Cliff Town of WWTP	CO0021385
COUCEA08	Eagle River WSD	Vail WWTF	CO0021369
COUCEA09a	Eagle River Water & Sanitation Dist	Avon WWTP	CO0024431
COUCEA09a	Eagle River Water & San Dist	Edwards WWTF	CO0037311
COUCEA09b	Eagle Town of	Eagle Town of WWTP	CO0048241
COUCEA09b	Gypsum Town of	Gypsum Town of WWTF	CO0048830
COUCRF03a	Aspen Consolidated Sanitation District	Aspen Consolidated San District	CO0026387
COUCRF03a	Woody Creek Mobile HOA	Woody Creek Mobile Home Park	COG588103
COUCRF03a	Aspen Village Inc c/o Independence Environmental Services	Aspen Village, INC.	COG588085
COUCRF03a	Riversbend HOA	Riverbend Apartments	COG588066
COUCRF03a	Independence Environmental Services	Lazy Glen Homeowners Assoc.	COG588049
COUCRF03a	Basalt SD	Basalt Sanitation District	COG588063
COUCRF03a	Ranch at Roaring Fork c/o Independence Environmental Services	Ranch at Roaring Fork HOA	COG588051
COUCRF03a	Carbondale Town of	Carbondale Town of	COG588050
COUCRF03a	Roaring Fork Water and San District	Roaring Fork WSD WWTF	CO0044750
COUCRF03a	Spring Valley SD	Spring Valley SD WWTF	CO0046124
COUCRF03a	Oak Meadows Service Company	Oak Meadows WWTF	CO0045802
COUCRF03c	Sunlight Inc	Sunlight, INC.	CO0038598

Segment	Permittee	Facility name	Permit No.
COUCRF03c	Mid Valley Metro District	Mid Valley Metro Dist WWTF	COG588105
COUCRF03c	Blue Creek Ranch LLC	Blue Creek Ranch	COG588074
COUCRF03c	H Lazy F LLC	H Lazy F MHP WWTF	COG588035
COUCRF03c	El Rocko Mobile Home Park	El Rocko MHP	COG588029
COUCRF04	Snowmass WSD	Snowmass WSD	CO0023086
COUCRF08	Sopris Engineering LLC	Redstone Castle WWTF	COG588115
COUCRF08	Redstone WSD	Redstone WSD WWTF	CO0046370
COUCNP05b	Walden Town of	Walden Town of WWTF	CO0020788
COUCYA02a	Yampa Town of	Yampa WWTF	CO0030635
COUCYA02a	Routt County	Milner Community WWTF	CO0047449
COUCYA02c	Hayden Town of	Hayden Town WWTF	CO0040959
COUCYA02c	Steamboat Springs City of	Steamboat Springs, City of	CO0020834
COUCYA03	Whiteman School	Whiteman School	CO0031062
COUCYA04	Routt County Phippsburg/Dept of Envir Hlth	Routt CO for Phippsburg Comm WWTF	COG589026
COUCYA07	Oak Creek Town of	Oak Creek, Town of	CO0041106
COUCYA08	Steamboat Lake Water and Sanitation Dist	Steamboat Lake Water & Sanitation Dist WWTF	CO0035556
COUCYA22	Morrison Creek Metropolitan Water and Sanitation District	Morrison Creek Metro WWTF	CO0022969
COUCYA22	Steamboat Lake Water and Sanitation Dist	Steamboat Lake Water & Sanitation Dist WWTF	CO0035556

Prior to December 31, 2027:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, *nutrient standards only apply above these facilities*. A note was added to the total phosphorus and chlorophyll a standards in these segments. The note references the table of qualified facilities at 33.5(4).
- For segments located entirely below these facilities, nutrient standards do not apply

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

33.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 33-1 were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 33-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and in the tables in Appendix 33-1:

ac	=	acute (1-day)
°C	=	degrees Celsius
ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
DM	=	daily maximum temperature
DUWS	=	direct use water supply
D.O.	=	dissolved oxygen
<i>E. coli</i>	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
sp	=	spawning
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WL	=	warm lake temperature tier
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three

(b) In addition, the following abbreviations were used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual Water Supply use, the less restrictive of the following two options shall apply as numerical chronic standards, as specified in the Basic Standards and Methodologies at 31.16 Table II and III:

- (i) existing quality as of January 1, 2000; or
- (ii)

Iron	=	300 µg/L (dissolved)
Manganese	=	50 µg/L (dissolved)
Sulfate	=	250 mg/L (dissolved)

For all surface waters with a “water supply” classification that are not in actual use as a water supply, no water supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

- (c) Temporary Modification for Water + Fish Chronic Arsenic Standard
 - (i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water + Fish qualifier is listed in the Other column in Appendix 33-1 tables as As(ch)=hybrid.
 - (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
 - (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
 - (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.
 - (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
 - (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 33-1, the designation “TVS” is used to indicate that for a particular parameter a “table value standard” has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾				
Aluminum(T)	Acute = $e^{(1.3695 \ln(\text{hardness}) + 1.8308)}$ pH equal to or greater than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ pH less than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is more stringent				
Ammonia ⁽⁴⁾	Cold Water = (mg/L as N)Total $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ Warm Water = (mg/L as N)Total $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr 1 - Aug 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep 1 - Mar 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028 * (25 - MAX(T, 7))}$				
Cadmium	Acute(warm) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$				
Chromium III ⁽⁶⁾	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$				
Chromium VI ⁽⁶⁾	Acute = 16 Chronic = 11				
Copper	Acute = $e^{(0.9422 \ln(\text{hardness}) - 1.7408)}$ Chronic = $e^{(0.8545 \ln(\text{hardness}) - 1.7428)}$				
Lead	Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 1.46)}$ Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 4.705)}$				
Manganese	Acute = $e^{(0.3331 \ln(\text{hardness}) + 6.4676)}$ Chronic = $e^{(0.3331 \ln(\text{hardness}) + 5.8743)}$				
Nickel	Acute = $e^{(0.846 \ln(\text{hardness}) + 2.253)}$ Chronic = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$				
Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6				
Silver	Acute = $0.5 * e^{(1.72 \ln(\text{hardness}) - 6.52)}$ Chronic = $e^{(1.72 \ln(\text{hardness}) - 9.06)}$ Chronic(Trout) = $e^{(1.72 \ln(\text{hardness}) - 10.51)}$				
Temperature	TEMPERATURE TIER	TIER CODE	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)
	Cold Stream Tier I ⁽⁸⁾	CS-I	brook trout, cutthroat trout	June – Sept.	17.0
				Oct. – May	9.0
	Cold Stream Tier II ⁽⁸⁾	CS-II	all other cold-water species	April – Oct.	18.3
				Nov. – March	9.0
	Cold Lake ⁽⁹⁾	CL	brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	April – Dec.	17.0
				Jan. – March	9.0

	Cold Large Lake (>100 acres surface area) ⁽⁹⁾	CLL	brown trout, lake trout, rainbow trout	April – Dec.	18.3	24.2
				Jan. – March	9.0	13.0
	Warm Stream Tier I	WS-I	common shiner, Johnny darter, orangethroat darter, stonecat	March – Nov.	24.2	29.0
				Dec. – Feb.	12.1	24.6
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, Northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
Warm Lakes	WL	yellow perch, walleye, pumpkinseed, smallmouth bass, striped bass, white bass, largemouth bass, bluegill, spottail shiner, stonecat, northern pike, tiger muskellunge, black crappie, common carp, gizzard shad, sauger, white crappie, wiper	April – Dec.	26.2	29.3	
			Jan. – March	13.1	24.1	
Uranium	Acute= e ^{(1.1021*ln(hardness)+2.7088)} Chronic= e ^{(1.1021*ln(hardness)+2.2382)}					
Zinc	Acute = 0.978*e ^{(0.9094*ln(hardness)+0.9095)} Chronic = 0.986*e ^{(0.9094*ln(hardness)+0.6235)} Where hardness is less than 102 mg/L CaCO ³ and mottled sculpin are expected to be present: Chronic (sculpin) = e ^{(2.140*ln(hardness)-5.084)}					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L, except for aluminum for which hardness shall be no greater than 220 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 percent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.
- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be modified by the Commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.

- (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
- (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (8) Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur.
- (9) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.

(4) Site-Specific Standards, Assessment Locations and Assessment Criteria

(a) Upper Colorado River Segment 3: Temperature Standards

Upper Colorado from below the confluence with the Blue River to below the confluence with the Roaring Fork River.

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = CS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = CS-II from 11/1 – 3/31

All other locations DM and MWAT = CS-II

(b) Upper Colorado River Segment 7a: Temperature Standards

Canyon Creek

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = CS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = CS-II from 11/1 – 3/31

All other locations DM and MWAT = CS-II

(c) Upper Colorado Segment 12: Temperature Standards

All locations DM and MWAT = CL,CLL from 1/31 – 3/31

Grand Lake DM = 22.4 and MWAT = 16.6 from 4/1 – 12/31

Lake Granby DM = 22.4 and MWAT = 19.6 from 4/1– 12/31

Shadow Mountain Reservoir DM = CLL and MWAT = 19.3 from 4/1 – 12/31

All other locations DM and MWAT = CL,CLL from 4/1 – 12/31

(d) Upper Colorado Segment 13: Temperature Standards

All locations DM and MWAT = CL,CLL from 1/31 – 3/31

Wolford Mountain Reservoir DM = CLL and MWAT = 21.3 from 4/1 – 12/31

Williams Fork Reservoir DM = 22.4 and MWAT = 21.6 from 4/1-12/31

Deep Lake DM = CL and MWAT = 16.6 from 4/1 – 12/31

All other locations DM and MWAT = CL/CLL from 4/1 – 12/31

(e) Roaring Fork River Segment 3c: Temperature Standards

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = CS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = CS-II from 11/1 – 3/31

(f) North Platte River Segment 9: Temperature Standards

All locations DM and MWAT = CL, CLL from 1/1 – 1/31

Lower Big Creek Lake and Upper Big Creek Lake DM = 22.4 and MWAT = 16.6 from 4/1 -12/31

Agua Fria Lake DM = CL and MWAT = 16.6 from 4/1 – 12/31

South Delaney Lake DM = CLL and MWAT = 18.8 from 4/1 – 12/31

North Delaney Lake DM = CLL and MWAT = 20.1 from 4/1 – 12/31

Lake John DM = CLL and MWAT = 21.2 from 4/1 – 12/31

All other locations DM and MWAT= CL,CLL from 4/1-12/31

(g) Yampa River Segment 2b: Temperature Standards

Yampa River from above the confluence with Oak Creek to below the confluence with Dry Creek.

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = CS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = CS-II from 11/1 – 3/31

Yampa River below confluence with Dry Creek DM and MWAT = CS-II

(h) Yampa River Segment 13b: Iron Standards and Assessment Locations

Iron Standards:

Middle Creek:

March-June, Iron(chronic) = 2090(T), median of all data

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

Foidel Creek Iron(chronic) = 1000(T), median of all data

Iron Assessment Locations:

Middle Creek Site G-MC-2/Site 29: located at 40°23'48.3"N, 106°58'47.0"W.

Foidel Creek Site 14: located at 40°33'48.6"N, 107°08'63.5"W.

Foidel Creek Site 8: located at 40°21'55.7"N, W107°02'43.6"W.

Foidel Creek Site 900: located at 40°23'24.7"N, 106°59'40.9"W.

(i) Yampa River Segment 13b: Temperature Standards

Fish Creek

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = WS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = WS-II from 11/1 – 3/31

All other locations DM and MWAT = WS-II

(j) Yampa River Segment 13d: Iron Standards and Assessment Locations

Iron Standards:

March-April, Iron(chronic) = 3040(T), snowmelt season median values

May-February, Iron(chronic) = 1110(T), no-snowmelt season median values

Iron Assessment Locations:

Seneca II-W Stream Site 7 on Hubbertson Gulch (WSH7): located in the middle reaches of Hubbertson Gulch

Seneca II-W Flume Site 1 on Hubbertson Gulch (WSHF1): located on Hubbertson 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

(k) Yampa River Segment 13e: Iron Standards and Assessment Locations

Iron Standards:

Upper Sage Creek: Iron(chronic) = 1250(T), 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

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

(l) Yampa River Segment 13f: Temperature Standards

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = CS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = CS-II from 11/1 – 3/31

(m) Yampa River Segment 22: Temperature Standards

All locations DM and MWAT = CL, CLL from 1/1 – 3/31

Pearl Lake DM = CLL and MWAT = 19.6 from 4/1 – 12/31

Steamboat Reservoir DM = CLL and MWAT = 21.6 from 4/1 – 12/31

Stagecoach Reservoir DM = CLL and MWAT = 21.7 from 4/1 – 12/31

All other locations DM and MWAT = CL,CLL from 4/1-12/31

(5) Stream Classifications and Water Quality Standards Tables

The stream classifications and water quality standards tables in Appendix 33-1 are incorporated herein by reference.

The following is information regarding duration and measured form of standards in Appendix 33-1:

- (a) *E. coli* criteria and resulting standards for individual water segments, are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.
- (b) All phosphorus standards are based upon the concentration of total phosphorus.
- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

(6) Discharger-Specific Variances

- (a) Yampa River Segment 7 (COUCYA07)

Discharger-Specific Variance, Town of Oak Creek (CO0041106): Adopted 12/14/2020.
Total Inorganic Nitrogen (TIN) (acute) = TVS:15 mg/L; Expiration date: 6/30/2026.
Effluent concentrations shall not exceed the current condition.

33.7 - 33.9 RESERVED

33.67 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. DISCHARGER-SPECIFIC VARIANCES

The commission deleted subsections 33.6(6) (a) and (b), which described the regulatory basis and implementation of discharger-specific variances, because this information was revised and consolidated into 31.7(4).

II. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

33.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 33.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the

concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Duration of Nitrite Aquatic Life Standard

The commission corrected the duration of all nitrite standards with a value of 0.05 or 0.5 mg/L from acute to chronic on all segments. The nitrite standards in this basin pre-date the nitrite standards in Regulation No. 31 (chloride-based equations). There has been confusion in recent years regarding the correct duration for these standards. There is no record available that explains the basis for these standards or the intended duration (acute or chronic). Based upon a comparison with the nitrite standards in Regulation No. 31, nitrite values of 0.05 and 0.5 mg/L are more consistent with the chronic values calculated using the chloride-based equations. Also, the study that the commission relied upon when adopting the nitrite standards in Regulation No. 31 indicates that these values are protective as chronic standards (1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force Proposed Nitrogenous Water Quality Standards for the State of Colorado). In order to resolve the inconsistencies in the duration of the nitrite standards currently adopted in Regulation Nos. 32-38, the commission determined that these nitrite values should be consistently listed as chronic standards. Over time, the commission expects that these nitrite standards may be replaced with the more recent and well-documented chloride equation-based standards in Regulation No. 31.

E. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.
- At 33.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
- At 33.6(1), text was added to clarify that the tables in Appendix 33-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
- The reference to the 'temporary modification and qualifiers' column at 33.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
- References to "Trec" were replaced with "total recoverable" or "T".
- Information was added to clarify the application of the sculpin equation in the Table Value Standards table.
- Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
- Other minor edits were made to improve clarity and consistency.

**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 12/31/2021

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
EQ	=	existing quality
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

1. Mainstem of the Colorado River, including all tributaries and wetlands, within or flowing into Rocky Mountain National Park.							
COUCUC01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
2. Mainstem of the Colorado River, including all tributaries and wetlands, within or flowing into Arapahoe National Recreation Area, except for the specific listing in Segment 5.							
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	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

Upper Colorado River Basin

3. Mainstem of the Colorado River from the outlet of Lake Granby to below the confluence with the Roaring Fork River.

COUCUC03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

4. All tributaries to the Colorado River, including all wetlands, from the outlet of Lake Granby to above the confluence with the Roaring Fork River, which are on National Forest lands, except for the specific listings in Segments 2, 8, 9 and 10a.

COUCUC04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

5. Mainstem of Willow Creek from the outlet of Willow Creek Reservoir to the confluence with the Colorado River.							
COUCUC05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

*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).

*Uranium(acute) = See 33.5(3) for details.

*Uranium(chronic) = See 33.5(3) for details.

6a. All tributaries to the Colorado River, including all wetlands, from the border of Rocky Mountain National Park and Arapahoe National Recreation Area to a point immediately above the confluence with the Blue River and Muddy Creek, which are not on National Forest lands, except for the specific listings in Segments 5, 6b, 8 and 10a-c.							
COUCUC06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

6a. All tributaries to the Colorado River, including all wetlands, from the border of Rocky Mountain National Park and Arapahoe National Recreation Area to a point immediately above the confluence with the Blue River and Muddy Creek, which are not on National Forest lands, except for the specific listings in Segments 5, 6b, 8 and 10a-c.

COUCUC06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

6b. Mainstem of un-named tributary to Willow Creek from the headwaters to the confluence with Willow Creek (40.131422, -105.920895).						
COUCUC06B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II CS-II	Arsenic	340 ---	
	Recreation N	acute chronic		Arsenic(T)	--- 100	
Qualifiers:		D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS	
Other: *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		D.O. (spawning)	--- 7.0	Chromium III	TVS TVS	
		pH	6.5 - 9.0 ---	Chromium III(T)	--- 100	
		chlorophyll a (mg/m²)	--- ---	Chromium VI	TVS TVS	
		E. coli (per 100 mL)	--- 630	Copper	TVS TVS	
				Iron(T)	--- 1000	
		Inorganic (mg/L)		Lead	TVS TVS	
		acute chronic		Manganese	TVS TVS	
		Ammonia	TVS TVS	Manganese(T)	--- 200	
		Boron	--- 0.75	Mercury(T)	--- 0.01	
		Chloride	--- ---	Molybdenum(T)	--- 150	
		Chlorine	0.019 0.011	Nickel	TVS TVS	
		Cyanide	0.005 ---	Selenium	TVS TVS	
		Nitrate	100 ---	Silver	TVS TVS(tr)	
		Nitrite	--- 0.05	Uranium	varies* varies*	
		Phosphorus	--- 0.11*	Zinc	TVS TVS	
		Sulfate	--- ---			
Sulfide	--- 0.002					
7a. All tributaries to the Colorado River, including all wetlands, from a point immediately above the confluence with the Blue River and Muddy Creek to a point immediately below the confluence with the Roaring Fork River, which are not on National Forest lands, except for specific listings in Segment 7b, 7c, 7d, 7e and in the Blue River, Eagle River, and Roaring Fork River basins.						
COUCUC07A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies* varies*	Arsenic	340 ---	
	Recreation E	acute chronic		Arsenic(T)	--- 0.02	
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS	
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		pH	6.5 - 9.0 ---	Chromium III	--- TVS	
		chlorophyll a (mg/m²)	--- 150	Chromium III(T)	50 ---	
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS	
				Copper	TVS TVS	
		Inorganic (mg/L)		Iron	--- WS	
		acute chronic		Iron(T)	--- 1000	
		Ammonia	TVS TVS	Lead	TVS TVS	
		Boron	--- 0.75	Lead(T)	50 ---	
		Chloride	--- 250	Manganese	TVS TVS/WS	
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01	
		Cyanide	0.005 ---	Molybdenum(T)	--- 150	
		Nitrate	10 ---	Nickel	TVS TVS	
		Nitrite	--- 0.05	Nickel(T)	--- 100	
		Phosphorus	--- 0.11	Selenium	TVS TVS	
		Sulfate	--- WS	Silver	TVS TVS(tr)	
		Sulfide	--- 0.002	Uranium	varies* varies*	
		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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

7b. All tributaries to Muddy Creek, including all wetlands, from the inlet of Wolford Mountain Reservoir to the confluence with the Colorado River. Mainstems of Rock Creek, Deep Creek, Sheephorn Creek, Sweetwater Creek, Piney River and Blacktail Creek, including all tributaries and wetlands, from their sources to their confluences with the Colorado River, which are not on National Forest lands.

COUCUC07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

7c. Mainstem of Muddy Creek from the source to a point immediately below the confluence with Eastern Gulch, except those waters on National Forest lands. All tributaries to Muddy Creek, including all wetlands, from the source to the inlet of Wolford Mountain Reservoir, except those waters on National Forest lands. The mainstems of Derby Creek, Cabin Creek, and Red Dirt Creeks (all tributary to the Colorado River), including all tributaries and wetlands, from their sources to their confluences with the Colorado River, except those waters on National Forest lands.

COUCUC07C	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation N		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS		
						Copper	TVS	TVS	
		Inorganic (mg/L)				Iron	---	WS	
						Iron(T)	---	1000	
					acute	chronic	Lead	TVS	TVS
		Ammonia			TVS	TVS	Lead(T)	50	---
		Boron			---	0.75	Manganese	TVS	TVS/WS
		Chloride			---	250	Mercury(T)	---	0.01
		Chlorine			0.019	0.011	Molybdenum(T)	---	150
		Cyanide			0.005	---	Nickel	TVS	TVS
		Nitrate			10	---	Nickel(T)	---	100
		Nitrite			---	0.05	Selenium	TVS	TVS
		Phosphorus			---	0.11	Silver	TVS	TVS(tr)
		Sulfate			---	WS	Uranium	varies*	varies*
		Sulfide			---	0.002	Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

7d. Mainstem of Muddy Creek from the outlet of Wolford Mountain Reservoir to above the Highway 40 Bridge in Kremmling (40.060574, -106.398739).									
COUCUC07D	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
Qualifiers:	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other:	*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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
					Inorganic (mg/L)	Iron	---	WS	
					acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	0.11*	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS/TVS(sc)		
7e. Mainstem of Muddy Creek from above the Highway 40 Bridge in Kremmling (40.060574, -106.398739) to the confluence with the Colorado River.									
COUCUC07E	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	7.6		
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS		
Other:	*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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	pH	6.5 - 9.0	---	Chromium III(T)	---	100		
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS		
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS		
					Iron(T)	---	1000		
					Inorganic (mg/L)	Lead	TVS	TVS	
					acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01		
		Boron	---	0.75	Molybdenum(T)	---	150		
		Chloride	---	250	Nickel	TVS	TVS		
		Chlorine	0.019	0.011	Selenium	TVS	TVS		
		Cyanide	0.005	---	Silver	TVS	TVS(tr)		
		Nitrate	100	---	Uranium	varies*	varies*		
		Nitrite	---	0.05	Zinc	TVS	TVS		
		Phosphorus	---	0.11*					
		Sulfate	---	---					
		Sulfide	---	0.002					

7e. Mainstem of Muddy Creek from above the Highway 40 Bridge in Kremmling (40.060574, -106.398739) to the confluence with the Colorado River.							
COUCUC07E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	250	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

8. Mainstem of the Williams Fork River, including all tributaries and wetlands, from the source to the confluence with the Colorado River, except for those tributaries in Segment 9.							
COUCUC08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS*
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS*
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	190
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
9. All tributaries to the Colorado and Fraser Rivers, including all wetlands, within the Never Summer, Indian Peaks, Byers Peak, Vasquez Peak, Eagles Nest and Flat Tops Wilderness Areas.							
COUCUC09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
*Uranium(acute) = See 33.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

10a. Mainstem of the Fraser River from the source to a point immediately below the Rendezvous Bridge (39.933728, -105.789785). All tributaries to the Fraser River, including wetlands, from the source to the confluence with the Colorado River, except for those tributaries included in Segments 2 and 9.

COUCUC10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

10b. Mainstem of the Fraser River from a point immediately below the Rendezvous Bridge (39.933728, -105.789785) to a point immediately below the Hammond No 1 Ditch (39.952113, -105.814481).

COUCUC10B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
				Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

10c. Mainstem of the Fraser River from a point immediately below the Hammond No 1 Ditch (39.952113, -105.814481) to the confluence with the Colorado River.							
COUCUC10C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 33.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Uranium(chronic) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
11. All lakes and reservoirs tributary to the Colorado River within Rocky Mountain National Park, Never Summer, Indian Peaks, Byers Peak, Vasquez Peak, Eagles Nest and Flat Tops Wilderness Areas.							
COUCUC11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.					Copper	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Temperature =		acute	chronic	Iron(T)	---	1000	
DM and MWAT=CL,CLL from 1/1-3/31		Ammonia	TVS	TVS	Lead	TVS	TVS
Rim Lake		Boron	---	0.75	Lead(T)	50	---
DM=CL and MWAT=16.6 from 4/1-12/31		Chloride	---	250	Manganese	TVS	TVS/WS
All others		Chlorine	0.019	0.011	Mercury(T)	---	0.01
DM and MWAT=CL,CLL from 4/1-12/31		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11. All lakes and reservoirs tributary to the Colorado River within Rocky Mountain National Park, Never Summer, Indian Peaks, Byers Peak, Vasquez Peak, Eagles Nest and Flat Tops Wilderness Areas.

COUCUC11	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
OW	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = DM and MWAT=CL,CLL from 1/1-3/31 Rim Lake DM=CL and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CL,CLL from 4/1-12/31		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia			TVS	TVS	Lead	TVS	TVS
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.025*	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Colorado River Basin

12. Lakes and reservoirs within Arapahoe National Recreation Area, including Grand Lake, Shadow Mountain Lake and Lake Granby.						
COUCUC12	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies* varies* ^B	Arsenic	340	---
	Recreation E		acute chronic	Arsenic(T)	---	0.02
	Water Supply	clarity	--- narrative*	Cadmium	TVS	TVS
	DUWS*	D.O. (mg/L)	--- 6.0	Cadmium(T)	5.0	---
Qualifiers:		D.O. (spawning)	--- 7.0	Chromium III	---	TVS
Goal Qualifier Grand Lake Clarity		pH	6.5 - 9.0 ---	Chromium III(T)	50	---
Other:		chlorophyll a (ug/L)	--- 8*	Chromium VI	TVS	TVS
*Goal Qualifier Grand Lake: 7/1-9/11, Clarity = 3.8 meter average and 2.5 meter minimum Secchi disk depth. *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Grand Lake *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *clarity(chronic) = For Grand Lake, the highest level of clarity attainable, consistent with the exercise of established water rights, the protection of aquatic life, and protection of water quality throughout the Three Lakes system. *Temperature = See 33.6(4) for temperature standards.		E. coli (per 100 mL)	--- 126	Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
			acute chronic	Iron(T)	---	1000
		Ammonia	TVS TVS	Lead	TVS	TVS
		Boron	--- 0.75	Lead(T)	50	---
		Chloride	--- 250	Manganese	TVS	TVS/WS
		Chlorine	0.019 0.011	Mercury(T)	---	0.01
		Cyanide	0.005 ---	Molybdenum(T)	---	150
		Nitrate	10 ---	Nickel	TVS	TVS
		Nitrite	--- 0.05	Nickel(T)	---	100
		Phosphorus	--- 0.025*	Selenium	TVS	TVS
		Sulfate	--- WS	Silver	TVS	TVS(tr)
		Sulfide	--- 0.002	Uranium	varies*	varies*
				Zinc	TVS	TVS
13. All lakes and reservoirs tributary to the Colorado River from the boundary of Rocky Mountain National Park and Arapahoe National Recreation Area to a point immediately above the confluence with the Roaring Fork River, except for specific listings in Upper Colorado Segments 11 and 12 and the Blue River and Eagle River subbasins.						
COUCUC13	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies* varies* ^B	Arsenic	340	---
	Recreation E		acute chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	--- 7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0 ---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	--- 8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: *DUWS Applies only to Ute Creek Res *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		E. coli (per 100 mL)	--- 126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
			acute chronic	Iron	---	WS
		Ammonia	TVS TVS	Iron(T)	---	1000
		Boron	--- 0.75	Lead	TVS	TVS
		Chloride	--- 250	Lead(T)	50	---
		Chlorine	0.019 0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005 ---	Mercury(T)	---	0.01
		Nitrate	10 ---	Molybdenum(T)	---	150
		Nitrite	--- 0.05	Nickel	TVS	TVS
		Phosphorus	--- 0.025*	Nickel(T)	---	100
		Sulfate	--- WS	Selenium	TVS	TVS
		Sulfide	--- 0.002	Silver	TVS	TVS(tr)
				Uranium	varies*	varies*
				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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

1. Mainstem of the Blue River from the source to above the confluence with French Gulch.							
COUCBL01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
2a. Mainstem of the Blue River from above the confluence with French Gulch to a point one half mile below Coyne Valley Road (39.523189, -106.050805).							
COUCBL02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	4	4
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = e^(1.25 (ln(hard)+0.799)) *Zinc(chronic) = e^(1.25 (ln(hard)+0.799))		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	SSE*	SSE*

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

2b. Mainstem of the Blue River from a point one half mile below Coyne Valley Road (39.523189, -106.050805) to above the confluence with the Swan River.							
COUCBL02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	SSE*	SSE*
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Cadmium(acute) = 1/2e^(1.0166(ln(hard)-3.132)) *Cadmium(chronic) = 1/2e^(1.0166(ln(hard)-3.132)) *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = e^(0.9805(ln(hard)+1.402)) *Zinc(chronic) = e^(0.9805(ln(hard)+1.402))		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	SSE*	SSE*

2c. Mainstem of the Blue River from above the confluence with the Swan River to Dillon Reservoir.							
COUCBL02C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

2c. Mainstem of the Blue River from above the confluence with the Swan River to Dillon Reservoir.							
COUCBL02C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 33.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

3. Deleted.							
COUCBL03	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT	acute	chronic		
Qualifiers:		acute	chronic				
Other:							
		Inorganic (mg/L)					
		acute	chronic				
4a. All direct tributaries, including wetlands, to Dillon Reservoir and all tributaries, including wetlands, to the Blue River above Dillon Reservoir, except for specific listings in Segments 1, 2a, 2b, 2c, 4b, 6a, 10-14 and 16.							
COUCBL04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 33.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

4b. North Fork of the Swan River, including all tributaries and wetlands, from the source to the confluence with the Swan River.

COUCBL04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

5. Deleted.

COUCBL05	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
		acute	chronic			
Qualifiers:		Inorganic (mg/L)				
Other:		acute	chronic			

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

6a. Mainstem of the Snake River, including all tributaries and wetlands, from the source to Dillon Reservoir, except for specific listings in Segments 6b, 7, 8 and 9.							
COUCBL06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		
6b. Mainstem of Camp Creek, including all tributaries and wetlands, from the source to the confluence with the Snake River.							
COUCBL06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = 0.978*e^0.8537(ln Hardness)+1.5227 *Zinc(chronic) = 0.986*e^0.8537(ln Hardness)+1.3519		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	---	SSE*		
			Zinc	SSE*	---		

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

7. Mainstem of Peru Creek, including all tributaries and wetlands, from the source to the confluence with the Snake River, except for specific listings in Segment 8.						
COUCBL07	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Aq Life Cold 1		DM	MWAT	acute	chronic
UP	Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340 ---
Qualifiers:			acute	chronic	Arsenic(T)	--- 7.6
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS TVS
		pH	6.5 - 9.0	---	Chromium VI	TVS TVS
		chlorophyll a (mg/m²)	---	150	Copper	TVS TVS
		E. coli (per 100 mL)	---	126	Iron(T)	--- 1000
					Lead	TVS TVS
		Inorganic (mg/L)			Manganese	TVS TVS
			acute	chronic	Mercury(T)	--- 0.01
		Ammonia	TVS	TVS	Molybdenum(T)	--- ---
		Boron	---	---	Nickel	TVS TVS
		Chloride	---	---	Selenium	TVS TVS
		Chlorine	0.019	0.011	Silver	TVS TVS(tr)
		Cyanide	0.005	---	Uranium	varies* varies*
		Nitrate	---	---	Zinc	TVS TVS
		Nitrite	---	0.05		
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

8. Mainstem of Keystone Gulch, including all tributaries and wetlands, from the source to the confluence with the Snake River. Mainstem of Chihuahua Creek, including all tributaries and wetlands, from the source to the confluence with Peru Creek. Mainstem of the North Fork Snake River, including all tributaries and wetlands, from the source to the confluence with the Snake River. Mainstem of Jones Gulch, including all tributaries and wetlands, from the source to the confluence with the Snake River.						
COUCBL08	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
			acute	chronic	Iron(T)	--- 1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11*	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

9. Mainstem of Deer Creek, including all tributaries and wetlands, from the source to the confluence with the Snake River.							
COUCBL09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.				Copper	TVS	TVS	
		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
				Zinc	TVS	TVS	

10. Mainstem of French Gulch, including all tributaries and wetlands, from the source to a point 1.5 miles below Lincoln (39.484661, -105.995074).							
COUCBL10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.				Copper	TVS	TVS	
		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
				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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

11. Mainstem of French Gulch from a point 1.5 miles below Lincoln (39.484661, -105.995074) to the confluence with the Blue River.							
COUCBL11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	EQ*	EQ*
Other: *Cadmium(acute) = existing quality *Cadmium(chronic) = existing quality *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = existing quality *Zinc(chronic) = existing quality		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	EQ*	EQ*
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
		12. Mainstem of Illinois Gulch and Fredonia Gulch from their sources to their confluences with the Blue River.					
COUCBL12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12. Mainstem of Illinois Gulch and Fredonia Gulch from their sources to their confluences with the Blue River.							
COUCBL12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia			TVS	TVS	
		Boron			---	0.75	
		Chloride			---	250	
		Chlorine			0.019	0.011	
		Cyanide			0.005	---	
		Nitrate			10	---	
		Nitrite			---	0.05	
		Phosphorus			---	0.11	
		Sulfate			---	WS	
		Sulfide			---	0.002	
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

13. Mainstem of Tenmile Creek from the Climax Parshall Flume (39.447556, -106.157003) to a point immediately above the confluence of West Tenmile Creek and all tributaries and wetlands from the source of Tenmile Creek to a point immediately above the confluence with West Tenmile Creek, except for the specific listing in Segment 15.

COUCBL13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
<p>*Any water quality based effluent limit shall not cause or contribute to exceedances of water quality standards adopted to protect downstream uses.</p> <p>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p>		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	---
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS/TVS(sc)
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		Sulfide	---	0.002			

14. Mainstem of Tenmile Creek, including all tributaries and wetlands, from a point immediately above the confluence with West Tenmile Creek to Dillon Reservoir, except for the specific listings in Segment 16.

COUCBL14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<p>Temporary Modification(s):</p> <p>Arsenic(chronic) = hybrid</p> <p>Expiration Date of 12/31/2024</p> <p>Molybdenum(chronic) = current conditions*</p> <p>Expiration Date of 6/30/2023</p> <p>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p> <p>*TempMod: Molybdenum = Adopted 6/9/2014</p>		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

15. Mainstem of Clinton Creek from the source to the confluence with Tenmile Creek.								
COUCBL15	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other:	*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
					Iron	---	WS	
					Iron(T)	---	1000	
					Lead	TVS	TVS	
					Lead(T)	50	---	
					Manganese	TVS	TVS/WS	
					Mercury(T)	---	0.01	
					Molybdenum(T)	---	210	
					Nickel	TVS	TVS	
					Nickel(T)	---	100	
					Selenium	TVS	TVS	
					Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		16. All tributaries to the Blue River, including all wetlands, within the Eagles Nest and Ptarmigan Peak Wilderness Areas.						
		COUCBL16	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other:	*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
					Iron	---	WS	
					Iron(T)	---	1000	
					Lead	TVS	TVS	
					Lead(T)	50	---	
					Manganese	TVS	TVS/WS	
					Mercury(T)	---	0.01	
					Molybdenum(T)	---	150	
					Nickel	TVS	TVS	
					Nickel(T)	---	100	
					Selenium	TVS	TVS	
					Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

16. All tributaries to the Blue River, including all wetlands, within the Eagles Nest and Ptarmigan Peak Wilderness Areas.							
COUCBL16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

17. Mainstem of the Blue River from the outlet of Dillon Reservoir to the confluence with the Colorado River.							
COUCBL17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
18. All tributaries to the Blue River, including all wetlands, from the outlet of Dillon Reservoir to the outlet of Green Mountain Reservoir, except for the specific listings in Segment 16.							
COUCBL18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

18. All tributaries to the Blue River, including all wetlands, from the outlet of Dillon Reservoir to the outlet of Green Mountain Reservoir, except for the specific listings in Segment 16.							
COUCBL18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

19. All tributaries to the Blue River, including all wetlands, from the outlet of Green Mountain Reservoir to the confluence with the Colorado River, except for specific listings in Segment 20.

COUCBL19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

20. Mainstems of Elliot Creek and Spruce Creek, including all tributaries and wetlands, from their sources to the confluence with the Blue River.

COUCBL20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

21. All lakes and reservoirs tributary to the Blue River within the Eagles Nest and Ptarmigan Peak Wilderness Areas.						
COUCBL21	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	CL,CLL	CL,CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS
22. Dillon Reservoir and all lakes and reservoirs tributary to the Blue River above Dillon Reservoir, except for specific listings in Segment 21.						
COUCBL22	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL,CLL	CL,CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Goose Pasture Tarn *Phosphorus(chronic) = 0.0074 mg/l for Dillon Reservoir in the top 15 meters of the water column for the months of July, August, September & October. Additional total phosphorus or Chla standards adopted for this segment do not apply to Dillon Reservoir. *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.0074*	Nickel(T)	---
		Phosphorus	---	0.025*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 33.6 for further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Blue River Basin

23. All lakes and reservoirs tributary to the Blue River below Dillon Reservoir, except for specific listings in Segment 21.							
COUCBL23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = DM and MWAT=CL/CLL from 1/1-3/31 Green Mountain Reservoir DM=22.4 and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CL/CLL from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

1. All tributaries to the Eagle River, including all wetlands, within the Gore Range - Eagles Nest and Holy Cross Wilderness Areas.						
COUCEA01	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Designation: Consistent with the provisions of section 25-8-104 C.R.S. the OW designation shall not apply with respect to the Homestake Water Project of the Cities of Aurora and Colorado Springs. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS
2. Mainstem of the Eagle River from the source to above the compressor house bridge at Belden (39.526879, -106.394950).						
COUCEA02	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS
						TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

3. All tributaries to the Eagle River, including wetlands, from the source to above the compressor house bridge at Belden (39.526879, -106.394950), except for the specific listings in Segments 1 and 4.

COUCEA03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

4. Mainstem of Homestake Creek from the confluence of the East Fork to the confluence with the Eagle River.

COUCEA04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(acute) = See 33.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

5a. Mainstem of the Eagle River from above the compressor house bridge at Belden (39.526879, -106.394950) to a point immediately above the Highway 24 Bridge near Tigiwon Road (39.554936, -106.401691).

COUCEA05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Designation: 9/30/00 Baseline does not apply *Cadmium(chronic) = $(1.101672 - [\ln(\text{hardness}) * (0.041838)]) * e^{(0.7998 [\ln(\text{hardness})] - 3.1725)}$ *Copper(acute) = $0.96 * e^{0.9801 [\ln(\text{hardness})] - 1.1073}$ *Copper(chronic) = $0.96 * e^{0.5897 [\ln(\text{hardness})] - 0.0053}$ *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = $0.978 * e^{0.8537 [\ln(\text{hardness})] + 2.1302}$ *Zinc(chronic) = $0.986 * e^{0.8537 [\ln(\text{hardness})] + 1.9593}$		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	---	SSE*
		acute		chronic	Copper	SSE*	---
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

5b. Mainstem of the Eagle River from a point immediately above the Highway 24 Bridge near Tigiwon Road (39.554936, -106.401691) to a point immediately above the confluence with Martin Creek.

COUCEA05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Designation: 9/30/00 Baseline does not apply *Cadmium(chronic) = $(1.101672 - [\ln(\text{hardness}) * (0.041838)]) * e^{(0.7998 [\ln(\text{hardness})] - 3.1725)}$ *Copper(acute) = $0.96 * e^{0.9801 [\ln(\text{hardness})] - 1.5865}$ *Copper(chronic) = $0.96 * e^{0.5897 [\ln(\text{hardness})] - 0.4845}$ *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = $0.978 * e^{0.8537 [\ln(\text{hardness})] + 2.1302}$ from 1/1 - 4/30 $0.978 * e^{0.8537 [\ln(\text{hardness})] + 1.4189}$ from 5/1 - 12/31 *Zinc(chronic) = $0.986 * e^{0.8537 [\ln(\text{hardness})] + 1.9593}$ from 1/1 - 4/30 $0.986 * e^{0.8537 [\ln(\text{hardness})] + 1.2481}$ from 5/1 - 12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	---	SSE*
		acute		chronic	Copper	SSE*	---
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

5c. Mainstem of the Eagle River from a point immediately above Martin Creek to a point immediately above the confluence with Gore Creek.

COUCEA05C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Designation: 9/30/00 Baseline does not apply *Cadmium(chronic) = (1.101672-[ln(hardness)*(0.041838)])* e^(0.7998 [ln(hardness)]-3.1725) *Copper(acute) = 0.96*e^0.9801[ln(hardness)]-1.5865 *Copper(chronic) = 0.96*e^0.5897[ln(hardness)]-0.4845 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = 0.978*e^0.8537[ln(hardness)]+1.4189 *Zinc(chronic) = 0.986*e^0.8537[ln(hardness)]+1.2481		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	SSE*
		Inorganic (mg/L)			Copper	SSE*	---
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

6. All tributaries to the Eagle River, including all wetlands, from above the compressor house bridge at Belden (39.526879, -106.394950) to a point immediately below the confluence with Lake Creek, except for the specific listings in Segments 1, 7a, 7b, and 8.

COUCEA06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 33.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

7a. Mainstem of Cross Creek from the source to below the Minturn Water Facility (39.565419, -106.417032), except for the specific listings in Segment 1.								
COUCEA07A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS/TVS(sc)	
		7b. Mainstem of Cross Creek from below the Minturn Water Facility (39.565419, -106.417032) to the confluence with the Eagle River.						
		COUCEA07B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	SSE*	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Designation: 9/30/00 Baseline does not apply *Cadmium(chronic) = (1.101672-[ln(hardness)*(0.041838)])* e^(0.7998 [ln(hardness)]-3.1725) *Copper(acute) = 0.96*e^0.9801[ln(hardness)]-1.5865 *Copper(chronic) = 0.96*e^0.5897[ln(hardness)]-0.4845 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Zinc(acute) = 0.978*e^0.8537[ln(hardness)]+2.1302 from 1/1 - 4/30 0.978*e^0.8537[ln(hardness)]+1.4189 from 5/1 - 12/31 *Zinc(chronic) = 0.986*e^0.8537[ln(hardness)]+1.9593 from 1/1 - 4/30 0.986*e^0.8537[ln(hardness)]+1.2481 from 5/1 - 12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	---	SSE*	
		Inorganic (mg/L)			Copper	SSE*	---	
					Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.11	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	---	SSE*	
					Zinc	SSE*	---	

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

8. Mainstem of Gore Creek from the confluence with Black Gore Creek to the confluence with the Eagle River.							
COUCEA08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = MWAT= 14 from 6/1 - 6/30 MWAT=CS-I from 7/1 - 9/30 MWAT=12 from 10/1 - 10/15 MWAT=CS-I from 10/16 - 5/31		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
		Zinc	TVS	TVS/TVS(sc)			

9a. Mainstem of the Eagle River from above Gore Creek to a point immediately below the confluence with Squaw Creek.							
COUCEA09A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = MWAT=16 from 6/1 - 6/30 MWAT=CS-I from 7/1 - 9/30 MWAT=12 from 10/1 - 10/15 MWAT=11 from 10/16 - 10/31 MWAT=CS-I from 11/1 - 5/31		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
		Zinc	TVS	TVS			

9a. Mainstem of the Eagle River from above Gore Creek to a point immediately below the confluence with Squaw Creek.							
COUCEA09A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

*Uranium(acute) = See 33.5(3) for details.

*Uranium(chronic) = See 33.5(3) for details.

*Temperature =

MWAT=16 from 6/1 - 6/30

MWAT=CS-I from 7/1 - 9/30

MWAT=12 from 10/1 - 10/15

MWAT=11 from 10/16 - 10/31

MWAT=CS-I from 11/1 - 5/31

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

9b. Mainstem of the Eagle River from a point immediately below the confluence with Squaw Creek to a point immediately below the confluence with Rube Creek.							
COUCEA09B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = DM=15 and MWAT=12 from 4/1 - 5/31 DM=CS-II and MWAT=CS-II from 6/1 - 9/30 DM=15 and MWAT=12 from 10/1 - 10/15 DM=15 and MWAT=11 from 10/16 - 10/31 DM=CS-II and MWAT=CS-II from 11/1-3/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9c. Mainstem of the Eagle River from a point immediately below the confluence with Rube Creek to the confluence with the Colorado River.							
COUCEA09C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9c. Mainstem of the Eagle River from a point immediately below the confluence with Rube Creek to the confluence with the Colorado River.							
COUCEA09C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

10a. All tributaries to the Eagle River, including all wetlands, from a point immediately below the confluence with Lake Creek to the confluence with the Colorado River, except for specific listings in Segments 10b, 11 and 12, and those waters included in Segment 1.

COUCEA10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

10b. Abrams Creek, including all tributaries and wetlands, from the source to the eastern boundary of the United States Bureau of Land Management lands.

COUCEA10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 33.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

11. Mainstem of Alkali Creek (near Wolcott) from the source to the confluence with the Eagle River. Mainstem of Milk Creek from the source to the confluence with the Eagle River.								
COUCEA11	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation P		acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium(T)	---	100	
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
			Inorganic (mg/L)		Iron(T)	---	1000	
				acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS	
		Boron	---	0.75	Manganese(T)	---	200	
		Chloride	---	250	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS(tr)	
		Phosphorus	---	0.11	Uranium	varies*	varies*	
		Sulfate	---	---	Zinc	TVS	TVS	
		Sulfide	---	0.002				

12. Mainstem of Brush Creek, from the source to the confluence with the Eagle River, including the East and West Forks, except for those tributaries included in Segment 1.								
COUCEA12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
			Inorganic (mg/L)		Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

12. Mainstem of Brush Creek, from the source to the confluence with the Eagle River, including the East and West Forks, except for those tributaries included in Segment 1.										
COUCEA12	Classifications	Physical and Biological			Metals (ug/L)					
Designation	Agriculture		DM	MWAT	acute	chronic				
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---			
	Recreation E		acute	chronic	Arsenic(T)	---	0.02			
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS			
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---			
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS			
Other:	Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---			
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS			
					Copper	TVS	TVS			
					Inorganic (mg/L)	Iron	---	WS		
						acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS			
		Boron	---	0.75	Lead(T)	50	---			
		Chloride	---	250	Manganese	TVS	TVS/WS			
		Chlorine	0.019	0.011	Mercury(T)	---	0.01			
		Cyanide	0.005	---	Molybdenum(T)	---	150			
	Nitrate	10	---	Nickel	TVS	TVS				
	Nitrite	---	0.05	Nickel(T)	---	100				
	Phosphorus	---	0.11	Selenium	TVS	TVS				
	Sulfate	---	WS	Silver	TVS	TVS(tr)				
	Sulfide	---	0.002	Uranium	varies*	varies*				
				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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Eagle River Basin

13. All lakes and reservoirs tributary to the Eagle River within the Gore Range - Eagles Nest and Holy Cross Wilderness Areas.								
COUCEA13	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
OW	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
14. All lakes and reservoirs tributary to the Eagle River except for specific listings in Segment 13.								
COUCEA14	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

1. All tributaries to the Roaring Fork River, including all wetlands, within the Maroon Bells/Snowmass, Holy Cross, Raggeds, Collegiate Peaks and Hunter/Fryingpan Wilderness Areas.

COUCRF01	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
					Lead	TVS	TVS		
		Ammonia			TVS	TVS			
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.11	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS		

2. Mainstem of the Roaring Fork River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Hunter Creek, except for those tributaries included in Segment 1.

COUCRF02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

3a. Mainstem of the Roaring Fork River, from a point immediately below the confluence with Hunter Creek, to a point immediately below the confluence with the Fryingpan River. All tributaries to the Roaring Fork River, including wetlands, from a point immediately below the confluence with Hunter Creek to the confluence with the Colorado River, except for those tributaries included in Segment 1, 3b, 3d, 4-10b.

COUCRF03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		acute		chronic	Iron(T)	---	1000
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3b. Mainstem of Red Canyon, including all tributaries and wetlands, from the source to the confluence with the Roaring Fork River, except for Landis Creek from the source to the Hopkins Ditch (39.522138, -107.223479).

COUCRF03B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS
		Inorganic (mg/L)				Iron	---	WS
						Iron(T)	---	1000
					acute	chronic		
		Ammonia		TVS	TVS	Lead	TVS	TVS
		Boron		---	0.75	Lead(T)	50	---
		Chloride		---	250	Manganese	TVS	TVS/WS
		Chlorine		0.019	0.011	Mercury(T)	---	0.01
		Cyanide		0.005	---	Molybdenum(T)	---	150
		Nitrate		10	---	Nickel	TVS	TVS
		Nitrite		---	0.05	Nickel(T)	---	100
		Phosphorus		---	0.11	Selenium	TVS	TVS
		Sulfate		---	WS	Silver	TVS	TVS(tr)
		Sulfide		---	0.002	Uranium	varies*	varies*
						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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

3c. Mainstem of the Roaring Fork River from a point immediately below the confluence with the Fryingspan River to the confluence with the Colorado River.								
COUCRF03C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
3d. Mainstem of Cattle Creek, including all tributaries and wetlands, from the source to the most downstream White River National Forest boundary.								
COUCRF03D	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

3d. Mainstem of Cattle Creek, including all tributaries and wetlands, from the source to the most downstream White River National Forest boundary.									
COUCRF03D	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
					Iron	---	WS		
					Inorganic (mg/L)				
					acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	0.11	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
			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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

4. Mainstem of Brush Creek from the source to the confluence with the Roaring Fork River.								
COUCRF04	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT					
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	acute 340	chronic ---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024					Copper	TVS	TVS	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

5. Mainstem of the Fryingpan River from the source to the confluence with the North Fork Fryingpan River, except for the portion included in Segment 1.								
COUCRF05	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT					
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	acute 340	chronic ---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024					Copper	TVS	TVS	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

6. Mainstem of the Fryingpan River from the confluence with the North Fork Fryingpan River to the confluence with the Roaring Fork River.							
COUCRF06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
7. All tributaries to the Fryingpan River, including all wetlands, from the source to the confluence with the Roaring Fork River, except for those tributaries included in Segment 1.							
COUCRF07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

8. Mainstem of the Crystal River, including all tributaries and wetlands, from the source to the confluence with the Roaring Fork River, except for the specific listings in Segments 1, 9, 10a and 10b.						
COUCRF08	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS
9. Mainstem of Coal Creek, including all tributaries and wetlands, from the source to the confluence with the Crystal River.						
COUCRF09	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

10a. Mainstem of Thompson Creek, including all tributaries and wetlands, from the source to the confluence with the Crystal River, except for specific listings in Segment 10b.							
COUCRF10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 33.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

10b. Mainstem of North Thompson Creek, including all tributaries and wetlands, from the source to the White River National Forest boundary. Mainstem of Middle Thompson Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with the South Branch of Middle Thompson Creek.							
COUCRF10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 33.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Roaring Fork River Basin

11. All lakes and reservoirs tributary to the Roaring Fork River within the Maroon Bells/Snowmass, Holy Cross, Raggeds, Collegiate Peaks and Hunter/Fryingpan Wilderness Areas.								
COUCRF11	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
OW	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = DM and MWAT=CL,CLL from 1/1-3/31 Savage Lake, Ivanhoe Lake DM=CL and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CL,CLL from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
			Zinc	TVS	TVS			

12. All lakes and reservoirs tributary to the Roaring Fork River, except for the specific listings in Segment 11.								
COUCRF12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies* ^B	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
	Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Leonard Thomas Res and Wildcat Res *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = DM and MWAT=CL,CLL from 1/1-3/31 Ruedi Reservoir DM=22.4 and MWAT=20.3 from 4/1-12/31 All others DM and MWAT=CL,CLL from 4/1-12/31		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Platte River Basin

1. All tributaries to the North Platte and Encampment Rivers, including all wetlands, within the Mount Zirkel, Never Summer, and Platte River Wilderness Areas.							
COUCNP01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
2. Mainstem of the Encampment River, including all tributaries and wetlands, from the source to the Colorado/Wyoming border, except for those tributaries included in Segment 1.							
COUCNP02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Platte River Basin

3. Mainstem of the North Platte River from the confluence of Grizzly Creek and Little Grizzly Creek to the Colorado/Wyoming border.						
COUCNP03	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II CS-II	Arsenic	340 ---	
	Recreation E	acute chronic		Arsenic(T)	--- 0.02	
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS	
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---	
Other: *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0 ---	Chromium III	--- TVS	
		chlorophyll a (mg/m²)	--- 150*	Chromium III(T)	50 ---	
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS	
				Copper	TVS TVS	
		Inorganic (mg/L)		Iron	--- WS	
		acute chronic		Iron(T)	--- 1000	
		Ammonia	TVS TVS	Lead	TVS TVS	
		Boron	--- 0.75	Lead(T)	50 ---	
		Chloride	--- 250	Manganese	TVS TVS/WS	
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01	
		Cyanide	0.005 ---	Molybdenum(T)	--- 150	
		Nitrate	10 ---	Nickel	TVS TVS	
		Nitrite	--- 0.05	Nickel(T)	--- 100	
		Phosphorus	--- 0.11*	Selenium	TVS TVS	
		Sulfate	--- WS	Silver	TVS TVS(tr)	
		Sulfide	--- 0.002	Uranium	varies* varies*	
				Zinc	TVS TVS	
4a. All tributaries to the North Platte River, including all wetlands, from the source to the Colorado/Wyoming border, except for those tributaries included in Segments 1, 4b, 5a, 5b, 6, 7a and 7b.						
COUCNP04A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I CS-I	Arsenic	340 ---	
	Recreation E	acute chronic		Arsenic(T)	--- 0.02	
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS	
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0 ---	Chromium III	--- TVS	
		chlorophyll a (mg/m²)	--- 150	Chromium III(T)	50 ---	
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS	
				Copper	TVS TVS	
		Inorganic (mg/L)		Iron	--- WS	
		acute chronic		Iron(T)	--- 1000	
		Ammonia	TVS TVS	Lead	TVS TVS	
		Boron	--- 0.75	Lead(T)	50 ---	
		Chloride	--- 250	Manganese	TVS TVS/WS	
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01	
		Cyanide	0.005 ---	Molybdenum(T)	--- 150	
		Nitrate	10 ---	Nickel	TVS TVS	
		Nitrite	--- 0.05	Nickel(T)	--- 100	
		Phosphorus	--- 0.11	Selenium	TVS TVS	
		Sulfate	--- WS	Silver	TVS TVS(tr)	
		Sulfide	--- 0.002	Uranium	varies* varies*	
				Zinc	TVS TVS	

4a. All tributaries to the North Platte River, including all wetlands, from the source to the Colorado/Wyoming border, except for those tributaries included in Segments 1, 4b, 5a, 5b, 6, 7a and 7b.

COUCNP04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Platte River Basin

4b. Mainstem of the Illinois River, including all tributaries and wetlands, from a point immediately below the confluence with Indian Creek to the confluence with the Michigan River, except for specific listings in Segments 7a and 7b. Mainstem of the Canadian River from below 12E Road (40.720033, -106.088912) to the confluence with the North Platte River. All tributaries to the Canadian River, including wetlands, which enter the mainstem from the southwest from below 12E Road to the confluence with the North Platte River.

COUCNP04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 33.5(3) for details.		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

5a. Mainstem of the Michigan River from the source to a point immediately below the confluence with the North Fork Michigan River.

COUCNP05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture			DM	MWAT		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Platte River Basin

5b. Mainstem of the Michigan River from a point immediately below the confluence with the North Fork Michigan River to the confluence with the North Platte River.							
COUCNP05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
6. Mainstem of Pinkham Creek from the Routt National Forest boundary to the confluence with the North Platte River.							
COUCNP06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

6. Mainstem of Pinkham Creek from the Routt National Forest boundary to the confluence with the North Platte River.							
COUCNP06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Platte River Basin

7a. Mainstem of Government Creek from the boundary of the Colorado State Forest to the confluence with the Canadian River. Mainstem of Spring Creek from the source to Spring Creek (Number 31) Reservoir.						
COUCNP07A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340 ---
	Recreation N		acute	chronic	Arsenic(T)	--- 7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Chromium III	TVS TVS
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	--- 100
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS TVS
		E. coli (per 100 mL)	---	630	Copper	TVS TVS
					Iron(T)	--- 1000
		Inorganic (mg/L)			Lead	TVS TVS
			acute	chronic	Manganese	TVS TVS
		Ammonia	TVS	TVS	Mercury(T)	--- 0.01
		Boron	---	0.75	Molybdenum(T)	--- 150
		Chloride	---	---	Nickel	TVS TVS
		Chlorine	0.019	0.011	Selenium	TVS TVS
		Cyanide	0.005	---	Silver	TVS TVS(tr)
		Nitrate	100	---	Uranium	varies* varies*
		Nitrite	---	0.05	Zinc	TVS TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		
7b. Mainstem of Spring Creek from the outlet of Spring Creek (Number 31) Reservoir to the confluence with the Illinois River.						
COUCNP07B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Chromium III	TVS TVS
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	--- 100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS TVS
		E. coli (per 100 mL)	---	126	Copper	TVS TVS
					Iron(T)	--- 1000
		Inorganic (mg/L)			Lead	TVS TVS
			acute	chronic	Manganese	TVS TVS
		Ammonia	TVS	TVS	Mercury(T)	--- 0.01
		Boron	---	0.75	Molybdenum(T)	--- 150
		Chloride	---	---	Nickel	TVS TVS
		Chlorine	0.019	0.011	Selenium	TVS TVS
		Cyanide	0.005	---	Silver	TVS TVS(tr)
		Nitrate	100	---	Uranium	varies* varies*
		Nitrite	---	0.05	Zinc	TVS TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Platte River Basin

8. All lakes and reservoirs tributary to the North Platte and Encampment Rivers within the Mount Zirkel, Never Summer, and Platte River Wilderness Areas.							
COUCNP08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E				Arsenic(T)	---	0.02
	Water Supply				Cadmium	TVS	TVS
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = DM and MWAT=CL,CLL from 1/1-3/31 Blue Lake, Lower Big Twin Lake, Katherine Lake DM=CL and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CL,CLL from 4/1-12/31		D.O. (spawning)	---	7.0	Chromium III	---	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	50	---
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		
9. All lakes and reservoirs tributary to the North Platte and Encampment Rivers except for specific listings in Segment 8.							
COUCNP09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies* ^B	Arsenic	340	---
	Recreation E				Arsenic(T)	---	0.02
	Water Supply				Cadmium	TVS	TVS
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		D.O. (spawning)	---	7.0	Chromium III	---	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	50	---
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

1. All tributaries to the Yampa River, including all wetlands, which are within the Mount Zirkel, Flat Tops and Sarvis Creek Wilderness Areas.

COUCYA01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:	*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

2a. Mainstem of the Yampa River from the confluence of the Bear River and Phillips Creek to a point immediately above the confluence with Oak Creek.

COUCYA02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:	Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

2b. Mainstem of the Yampa River from a point immediately above the confluence with Oak Creek to a point immediately below the confluence with Elkhead Creek.								
COUCYA02B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid temperature(MWAT) = current conditions* Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards. *TempMod: temperature = applies from 7/1-9/30 and 11/1-11/30. Adopted 6/10/2019		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
		Zinc	TVS	TVS/TVS(sc)				
		3. All tributaries to the Yampa River, including all wetlands, from the source to above the confluence with the Elk River, except for specific listings in Segments 1 and 4-7. Mainstem of the Bear River, including all tributaries and wetlands, from the boundary of the Flat Tops Wilderness Area to the confluence with the Yampa River.						
		COUCYA03	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
		Zinc	TVS	TVS/TVS(sc)				

3. All tributaries to the Yampa River, including all wetlands, from the source to above the confluence with the Elk River, except for specific listings in Segments 1 and 4-7. Mainstem of the Bear River, including all tributaries and wetlands, from the boundary of the Flat Tops Wilderness Area to the confluence with the Yampa River.

COUCYA03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

4. Mainstem of Little White Snake Creek from the source to the confluence with the Yampa River.							
COUCYA04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
5. Mainstem of Chimney Creek and Phillips Creek, including all tributaries and wetlands, which are not on National Forest lands, from their sources to the confluence with the Yampa River.							
COUCYA05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation P	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

6. Mainstem of Oak Creek, including all tributaries and wetlands, from the source to a point 0.25 mile below County Road 27 (40.279241, -106.965405).							
COUCYA06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 33.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

7. Mainstem of Oak Creek, including all tributaries and wetlands, from a point 0.25 mile below County Road 27 (40.279241, -106.965405) to the confluence with the Yampa River.							
COUCYA07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
Discharger Specific Variance(s):		Inorganic (mg/L)			Iron	---	WS
Nitrate(acute) = See Section 33.6(c) for details on variance for the Town of Oak Creek.			acute	chronic	Iron(T)	---	1000
Expiration Date of 6/30/2026		Ammonia	TVS	TVS	Lead	TVS	TVS
*chlrophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).		Boron	---	0.75	Lead(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(acute) = See 33.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*Uranium(chronic) = See 33.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

8. Mainstem of the Elk River, including all tributaries and wetlands, from the source to the confluence with the Yampa River, except for those tributaries included in Segments 1 and 20a. Mainstem of the West Fork Elk River from the source to the confluence with the Yampa River.

COUCYA08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4). *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

9. Deleted.

COUCYA09	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
Qualifiers:		acute	chronic			
Other:						
		Inorganic (mg/L)				
		acute	chronic			

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

10. Deleted.

COUCYA10	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
Qualifiers:		acute	chronic		
Other:					
		Inorganic (mg/L)			
		acute	chronic		

11. Fish Creek, including all tributaries and wetlands, from the source to County Road 27 (40.355559, -107.105131), except for specific listings in Segment 20a.

COUCYA11	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	Arsenic	340	---
	Water Supply		acute	Arsenic(T)	---	0.02
	Recreation N	D.O. (mg/L)	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	630	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	Lead	TVS	TVS
		Boron	0.75	Lead(T)	50	---
		Chloride	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	Manganese(T)	---	200
		Cyanide	0.005	Mercury(T)	---	0.01
		Nitrate	10	Molybdenum(T)	---	150
		Nitrite	0.05	Nickel	TVS	TVS
		Phosphorus	0.11	Nickel(T)	---	100
		Sulfate	WS	Selenium	TVS	TVS
		Sulfide	0.002	Silver	TVS	TVS(tr)
				Uranium	varies*	varies*
				Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

12. All tributaries to the Yampa River, including all wetlands, from above the confluence with the Elk River to above the confluence with Elkhead Creek, except for specific listings in Segments 8, 11, 13a-13j and 20a.

COUCYA12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	630	Copper	TVS	TVS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Manganese	TVS	TVS
					Manganese(T)	---	200
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

13a. Mainstem of Trout Creek, including all tributaries and wetlands, from the source to the headgate of Spruce Hill Ditch (40.317190, -107.005110), except for specific listings in Segments 1 and 20a. Mainstem of Middle Creek, including all tributaries and wetlands, from the source to County Road 27 (40.339183, -107.025533), except for specific listings in Segment 20a.

COUCYA13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:	Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.	chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13b. Mainstem of Foidel Creek, including all tributaries and wetlands, from the source to the confluence with Middle Creek. Mainstem of Fish Creek, including all tributaries and wetlands, from County Road 27 (40.355559, -107.105131) to the confluence with Trout Creek, except for specific listings in Segment 13g. Mainstem of Middle Creek, including all tributaries and wetlands, from County Road 27 (40.339183, -107.025533) to the confluence with Trout Creek.

COUCYA13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Iron(T)(chronic) = See section 33.6(4) for standards and assessment locations for Foidel Creek and Middle Creek. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Iron(T)	---	varies*
		acute		chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11	Zinc	TVS	TVS
Sulfate	---	---					
Sulfide	---	0.002					

13c. Mainstem of Trout Creek, including all tributaries and wetlands, from the headgate of Spruce Hill Ditch (40.317190, -107.005110) to the confluence with Fish Creek, except for specific listings in Segment 13b.

COUCYA13C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture			DM	MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E			acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 further details on applied 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 above the confluence with Temple Gulch.						
COUCYA13D	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---
Iron(chronic) = current condition	3/1 - 4/30	E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 6/30/2023		Inorganic (mg/L)		Copper	TVS	TVS
Iron(T)(chronic) = See section 33.6(4) for standards and assessment locations.		acute	chronic	Iron(T)	---	varies
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
*Uranium(chronic) = See 33.5(3) for details.		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.17	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

13e. Mainstem of Sage Creek, including all tributaries and wetlands, from the source to the confluence with the Yampa River.						
COUCYA13E	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Water Supply	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation N	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	630	Chromium III(T)	50
Selenium(chronic) = current conditions*		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2022		acute	chronic	Copper	TVS	TVS
*Iron(T)(chronic) = See section 33.6(4) for standards and assessment locations for Sage Creek.		Ammonia	TVS	TVS	Iron	---
*Uranium(acute) = See 33.5(3) for details.		Boron	---	0.75	Iron(T)	---
Uranium(chronic) = See 33.5(3) for details.		Chloride	---	250	Iron(T)	varies
*TempMod: Selenium = Adopted 6/9/2014		Chlorine	0.019	0.011	Lead	TVS
		Cyanide	0.005	---	Lead(T)	50
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.05	Mercury(T)	---
		Phosphorus	---	0.17	Molybdenum(T)	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 33.6 for further details on applied standards.

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 the 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	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 33.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Temperature =		Ammonia	TVS	TVS	Lead	TVS	TVS
See 33.6(4) for temperature standards.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek (40.398773, -107.016467) 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	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Selenium(chronic) = current conditions*		Inorganic (mg/L)			Copper	TVS	TVS
Expiration Date of 12/31/2022		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Boron	---	0.75	Manganese	TVS	TVS
*TempMod: Selenium = Adopted 6/9/2014		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

13g. All tributaries to Fish Creek from the confluence with Cow Camp Creek (40.398773, -107.016467) 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	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: Temporary Modification(s): Selenium(chronic) = current conditions* Expiration Date of 12/31/2022 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *TempMod: Selenium = Adopted 6/9/2014		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13h. Mainstem of Dry Creek (near Hayden), including all tributaries and wetlands, from above the confluence with Temple Gulch to the confluence with the Yampa River.							
COUCYA13H	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
		13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.					
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: Temporary Modification(s): Iron(chronic) = current conditions* Expiration Date of 6/30/2023 Selenium(chronic) = current conditions* Expiration Date of 12/31/2022 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *TempMod: Iron = applies to Grassy Creek. *TempMod: Selenium = Adopted 6/9/2014		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

13i. Mainstem of Grassy Creek, including all tributaries and wetlands, from the source to immediately above the confluence with Scotchmans Gulch.							
COUCYA13I	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---	100
Iron(chronic) = current conditions*		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
Expiration Date of 6/30/2023		Inorganic (mg/L)			Copper	TVS	TVS
Selenium(chronic) = current conditions*			acute	chronic	Iron(T)	---	1000
Expiration Date of 12/31/2022		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Boron	---	0.75	Manganese	TVS	TVS
*Uranium(chronic) = See 33.5(3) for details.		Chloride	---	---	Mercury(T)	---	0.01
*TempMod: Iron = applies to Grassy Creek.		Chlorine	0.019	0.011	Molybdenum(T)	---	150
*TempMod: Selenium = Adopted 6/9/2014		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

13j. Mainstem of Grassy Creek (near Hayden), including all tributaries and wetlands, from above the confluence with Scotchmans Gulch to the confluence with the Yampa River.							
COUCYA13J	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: Temporary Modification(s): Selenium(chronic) = current conditions* Expiration Date of 12/31/2022 *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *TempMod: Selenium = Adopted 12/11/2017		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
14. Mainstem of Elkhead Creek, including all tributaries and wetlands, from the boundary of the National Forest lands, to a point immediately below the confluence with Calf Creek. Dry Fork Elkhead Creek, including all tributaries and wetlands, from the source to a point immediately below 80A Road (40.612676, -107.228533), which are not on National Forest lands.							
COUCYA14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVSWS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
Sulfide	---	0.002	Uranium	varies*	varies*		
			Zinc	TVS	TVS		

14. Mainstem of Elkhead Creek, including all tributaries and wetlands, from the boundary of the National Forest lands, to a point immediately below the confluence with Calf Creek. Dry Fork Elkhead Creek, including all tributaries and wetlands, from the source to a point immediately below 80A Road (40.612676, -107.228533), which are not on National Forest lands.

COUCYA14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

15. Mainstem of Elkhead Creek, including all tributaries and wetlands, from a point immediately below the confluence with Calf Creek to the confluence with the Yampa River. Dry Fork Elkhead Creek, including all tributaries and wetlands, from a point immediately below 80A Road (40.612676, -107.228533) to the confluence with Elkhead Creek.

COUCYA15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

16. Deleted.

COUCYA16	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM		MWAT	acute	chronic	
Qualifiers:		acute	chronic				
Other:		Inorganic (mg/L)					
		acute	chronic				

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

17. Deleted.

COUCYA17	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
Qualifiers:		acute	chronic		
Other:					
		Inorganic (mg/L)			
		acute	chronic		

18. South Fork Little Snake River and Middle Fork Little Snake River, including all tributaries and wetlands, from their sources to the confluence with the Little Snake River, which are not on National Forest lands. North Fork Little Snake River, including all tributaries and wetlands, from the Colorado/Wyoming border to the confluence with the Little Snake River.

COUCYA18	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I CS-I	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (mg/m²)	--- 150	Chromium III(T)	50 ---
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
				Copper	TVS TVS
		Inorganic (mg/L)		Iron	--- WS
		acute	chronic	Iron(T)	--- 1000
	Ammonia	TVS	TVS	Lead	TVS TVS
	Boron	---	0.75	Lead(T)	50 ---
	Chloride	---	250	Manganese	TVS TVS/WS
	Chlorine	0.019	0.011	Mercury(T)	--- 0.01
	Cyanide	0.005	---	Molybdenum(T)	--- 150
	Nitrate	10	---	Nickel	TVS TVS
	Nitrite	---	0.05	Nickel(T)	--- 100
	Phosphorus	---	0.11	Selenium	TVS TVS
	Sulfate	---	WS	Silver	TVS TVS(tr)
	Sulfide	---	0.002	Uranium	varies* varies*
				Zinc	TVS TVS/TVS(sc)

*Uranium(acute) = See 33.5(3) for details.
*Uranium(chronic) = See 33.5(3) for details.

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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

19. All tributaries to the South Fork Little Snake River and Middle Fork Little Snake River, including all wetlands, which are on National Forest lands in Routt County.							
COUCYA19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
20a. All tributaries to the Yampa River, including all wetlands, from above the confluence with the Elk River to below the confluence with Elkhead Creek, which are on National Forest lands, except for specific listings in Segment 20b.							
COUCYA20A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

20a. All tributaries to the Yampa River, including all wetlands, from above the confluence with the Elk River to below the confluence with Elkhead Creek, which are on National Forest lands, except for specific listings in Segment 20b.

COUCYA20A	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia			TVS	TVS	TVS		
		Boron			---	0.75	---		
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.11	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

20b. Mainstem of First Creek from the eastern boundary of state lands in California Park (40.731309, -107.141684) to the confluence with Elkhead Creek. Mainstem of Elkhead Creek from the eastern boundary of state lands in California Park (40.743796, -107.141684) to the National Forest boundary.

COUCYA20B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

21. All lakes and reservoirs tributary to the Yampa River within the Mount Zirkel, Flat Tops and Sarvis Creek Wilderness Areas, except for those lakes and reservoirs included in Lower Yampa River Segment 28.

COUCYA21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Yampa River Basin

22. All lakes and reservoirs tributary to the Yampa River from the source to the confluence with Elkhead Creek, except for those listed in Segment 21. All lakes and reservoirs tributary to Elkhead Creek from the source to the confluence with the Yampa River, except for specific listings in Segment 23. All lakes and reservoirs tributary to the Little Snake River, including those on National Forest lands.

COUCYA22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies* B	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only to Stagecoach Res. Steamboat Lake and Yampa River Holding Pond *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *Temperature = See 33.6(4) for temperature standards.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

23. Elkhead Reservoir

COUCYA23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4); applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) Assessment of adequate refuge shall rely on the Cold Large Lake table value temperature criterion and applicable dissolved oxygen standard rather than the site-specific temperature standard.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00093

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-33

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

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:02:56

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-34

Rule title

5 CCR 1002-34 REGULATION NO. 34 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR SAN JUAN AND DOLORES RIVER BASINS 1 - eff 12/31/2021

Effective date

12/31/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 34 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR SAN JUAN RIVER AND DOLORES RIVER BASINS

5 CCR 1002-34

34.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq. C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

34.2 PURPOSE

These regulations establish classifications and numeric standards for the San Juan and the Dolores River Basins, including all tributaries and standing bodies of water south of the northern Dolores County lines, as indicated in section 34.6. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

34.3 INTRODUCTION

These regulations and tables present the classifications and numeric standards assigned to stream segments listed in the attached tables (See Appendix 34-1). As additional stream segments are classified and numeric standards for designated parameters are assigned for this drainage system, they will be added to or replace the numeric standards in the tables in Appendix 34-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the "basic regulations".

34.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

34.5 BASIC STANDARDS

(1) Temperature

All waters of the San Juan/Dolores River Basin are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard). Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water + Fish" are presumptively applied to all aquatic life class 1 streams which also have a water supply classification, and are applied to aquatic life class 2 streams which also have a water supply classification, on a case-by-case basis as shown in the Appendix 34-1. The column in the tables at 31.11 and 31.16 Table III headed "Fish Ingestion" is presumptively applied to all aquatic life class 1 streams which do not have a water supply classification, and are applied to aquatic life class 2 streams which do not have a water supply classification, on a case-by-case basis as shown in Appendix 34-1.

(3) Uranium

- (a) All waters of the San Juan/Dolores River Basin, are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium level in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Indian Reservations

Some of the waterbodies in the San Juan/Dolores River Basin cross boundaries of Indian Reservations of the Southern Ute and Ute Mountain Ute Tribes. The Commission has included water quality classifications and standards on lands within the boundaries of these reservations in order to avoid a gap in the classifications and standards adopted for the river basins in question. The Southern Ute Indian tribe has not yet been granted authority by EPA to conduct their own water quality program, and EPA has granted the Ute Mountain Ute Indian tribe's application for treatment as a state with respect to adoption of water quality standards. The Commission intends that the classifications and standards that it is adopting apply to the lands in question only to the extent that the state has jurisdiction and is not attempting to resolve that jurisdictional issue here. Segments within Reservation boundaries are noted in the segment description and last column of Tables 34.6(4).

(5) Nutrients

Prior to May 31, 2022, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. Additionally, prior to May 31, 2017, only total phosphorus and chlorophyll a will be considered for adoption. After May 31, 2017, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(e).

Prior to May 31, 2022, nutrient criteria will be adopted for headwaters on a segment by segment basis for the San Juan River Basin. Moreover, pursuant to 31.17(e) nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The following is a list of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the San Juan River Basin:

Segment	Permittee	Facility name	Permit No.
COSJPN02a	Bayfield Town of	BAYFIELD TOWN OF	CO0048291
COSJAF12a	Grizzly Peak Water Sales & Distribution LLC	CASCADE VILLAGE WWTF	CO0039691
COSJDO04a	Fort Beyhan LLC	DOLORES RIVER RV PARK AND CABINS	COG588071
COSJDO04a	Dolores Town of	DOLORES WWTF	CO0040509
COSJLP010	Dove Creek Town of	DOVE CREEK WWTF	COG589079
COSJAF05a	Durango City of	DURANGO CITY OF	CO0024082
COSJAF04b	Herrick Durango Land Co LLC	DURANGO NORTH PONDEROSA KOA	COG588020
COSJAF13c	Durango West Metro Dist #2	DURANGO WEST METRO DIST #2 WWTF	COG589115
COSJAF11b	Durango La Plata County Airport	DURANGO/LA PLATA COUNTY AIRPORT	CO0047457
COSJAF10a	Edgemont Ranch Metro Dist	EDGEMONT RANCH METRO DISTRICT WWTF	CO0040266
COSJPN02a	Five Branches Camper Park	FIVE BRANCHES CAMPER PARK	COG588054
COSJAF10	Forest Groves Estates	FOREST GROVES ESTATES WWTP	COG588030
COSJPN02a	Forest Lake Metro Dist	FOREST LAKES METRO DISTRICT	CO0048160
COSJAF05a	Hermosa Sanitation District	HERMOSA SANITATION DISTRICT	COG588010
COSJSJ06a	High Country Lodge LLC	HIGH COUNTRY LODGE	COG588002
COSJPN02a	Pine River Camp LLC	KANAKUK COLORADO YOUTH CAMP	COG588059
COSJLP08	Elegant Hills Park and Estates LLC	LAKESIDE WWTF	COG589098
COSJLP09	Lee Mobile Home Park	LEE MOBILE HOME PARK	COG589070
COSJAF14b	MacArthur Apartments LLC	LIGHTNER CREEK CAMPGROUND	CO0026468
COSJLP05	Mancos Town of	MANCOS TOWN OF	CO0021687
COSJAF13d	Narrow Gauge MHP	NARROW GAUGE MHP	COG589077
COSJSJ06b	Pagosa Springs Sanitation District	PAGOSA SPRINGS SAN DISTRICT WWTF	CO0022845
COSJAF12a	Purgatory Metropolitan District	PURGATORY METROPOLITAN DIST	COG589010
COSJSJ05	San Juan River Village Metro	SAN JUAN RIVER VILLAGE METRO WWTF	COG588013
COSJAF03b	Silverton Town of	SILVERTON TOWN OF WWTF	CO0020311

COSJAF05a	South Durango Sanitation District	SOUTH DURANGO SD WWTF	COG588057
COSJLP07a	Cortez Sanitation District	SOUTHWEST WWTF	CO0027545
COSJLP05a	Upper Valley Sanitation	UPPER VALLEY SANITATION DIST.	CO0047147
COSJPN04a	Lipslea Enterprises LLC	VALLECITO RESORT	COG588026
COSJLP07a	Vista Verde Village LLC	VISTA VERDE VILLAGE	CO0037702
COSJPI06d	Pagosa Area Water and San Dist	VISTA WWTF	CO0031755

Prior to May 31, 2022:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, *nutrient standards only apply above these facilities*. A note was added to the total phosphorus and chlorophyll a standards in these segments. The note references the table of qualified facilities at 34.5(5).
- For segments located entirely below these facilities, nutrient standards do not apply.

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

34.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 34-1 were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 34-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and the tables in Appendix 34-1:

ac	=	acute (1-day)
°C	=	degrees Celsius
ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
DM	=	daily maximum temperature
D.O.	=	dissolved oxygen
DUWS	=	direct use water supply
<i>E. coli</i>	=	Escherichia coli
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature

OW	=	outstanding waters
sc	=	sculpin
sp	=	spawning
SSE	=	site-specific equation
t	=	total
T	=	total recoverable
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WL	=	warm lake temperature tier
WS	=	water supply
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three

(b) In addition, the following abbreviations are used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual water supply use, the less restrictive of the following two options shall apply as numerical standards, as specified in the Basic Standards and Methodologies at 31.16 Table II and III:

- (i) existing quality as of January 1, 2000; or
- (ii)

Iron	=	300 µg/L (dissolved)
Manganese	=	50 µg/L (dissolved)
Sulfate	=	250 mg/L (dissolved)

For all surface waters with a “water supply” classification that are not in actual use as a water supply, no water supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

(c) Temporary Modification for Water + Fish Chronic Arsenic Standard

- (i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water + Fish qualifier is listed in the Other column in Appendix 34-1 tables as As(ch)=hybrid.
- (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
- (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
 - (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.

- (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
- (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 34-1, the designation “TVS” is used to indicate that for a particular parameter a “table value standard” has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾
Aluminum(T)	<p>Acute = $e^{(1.3695 \ln(\text{hardness}) + 1.8308)}$</p> <p>pH equal to or greater than 7.0</p> <p>Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$</p> <p>pH less than 7.0</p> <p>Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is less</p>
Ammonia ⁽⁴⁾	<p>Cold Water = (mg/L as N) Total</p> $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ <p>Warm Water = (mg/L as N) Total</p> $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr1 - Aug31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep1 - Mar31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028 * (25 - MAX(T, 7))}$
Cadmium	<p>Acute(warm)⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$</p> <p>Acute(cold)⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$</p> <p>Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$</p>
Chromium III ⁽⁶⁾	<p>Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$</p> <p>Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$</p>
Chromium VI ⁽⁶⁾	<p>Acute = 16</p> <p>Chronic = 11</p>
Copper	<p>Acute = $e^{(0.9422 \ln(\text{hardness}) - 1.7408)}$</p> <p>Chronic = $e^{(0.8545 \ln(\text{hardness}) - 1.7428)}$</p>
Lead	<p>Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 1.46)}$</p> <p>Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 4.705)}$</p>
Manganese	<p>Acute = $e^{(0.3331 \ln(\text{hardness}) + 6.4676)}$</p> <p>Chronic = $e^{(0.3331 \ln(\text{hardness}) + 5.8743)}$</p>
Nickel	<p>Acute = $e^{(0.846 \ln(\text{hardness}) + 2.253)}$</p> <p>Chronic = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$</p>

Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6					
Silver	Acute = 0.5*e ^{(1.72*ln(hardness)-6.52)} Chronic = e ^{(1.72*ln(hardness)-9.06)} Chronic(Trout) = e ^{(1.72*ln(hardness)-10.51)}					
Temperature	TEMPERATURE TIER	TIER CODE	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)	
					MWAT	DM
	Cold Stream Tier I	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. – May	9.0	13.0
	Cold Stream Tier II	CS-II	all other cold-water species	April – Oct.	18.3	24.3
				Nov. – March	9.0	13.0
	Cold Lakes	CL	brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	April – Dec.	17.0	21.2
				Jan. – March	9.0	13.0
	Cold Large Lakes (>100 acres surface area)	CLL	rainbow trout, brown trout, lake trout	April – Dec.	18.3	24.2
				Jan. – March	9.0	13.0
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
	Warm Lakes	WL	black crappie, bluegill, common carp, gizzard shad, golden shiner, largemouth bass, northern pike, pumpkinseed, sauger, smallmouth bass, spottail shiner, stonecat, striped bass, tiger muskellunge, walleye, wiper, white bass, white crappie, yellow perch	April – Dec.	26.2	29.3
				Jan. – March	13.1	24.1
Uranium	Acute = e ^{(1.1021*ln(hardness)+2.7088)} Chronic = e ^{(1.1021*ln(hardness)+2.2382)}					
Zinc	Acute = 0.978*e ^{(0.9094*ln(hardness)+0.9095)} Chronic = 0.986*e ^{(0.9094*ln(hardness)+0.6235)} Where hardness is less than 102 mg/L CaCO ³ and mottled sculpin are expected to be present: Chronic (sculpin) = e ^{(2.140*ln(hardness)-5.084)}					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L, except for aluminum for which hardness shall be no greater than 220 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 per cent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific

method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.

- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be modified by the commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.
- (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
- (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.

(4) Discharger-Specific Variances

(a) Animas and Florida River Segment 13c (COSJAF13c)

Discharger-Specific Variance, Durango West Metro Dist. #2 (COG589115): The first number is the underlying standard previously adopted by the Commission for the segment and represents the long-term goal for the waterbody. The first number will be used for assessing attainment for the waterbody and for the development of effluent limitations. The second number is the Commission's determination of the effluent concentration with the highest degree of protection of the classified use that is feasible for Durango West Metro District. Control requirements, such as discharge permit effluent limitations, shall be established using the first number as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number during the term of the DSV for the named dischargers.

(b) La Plata Segment 7a (COSJLP07a)

Discharger-Specific Variance, Vista Verde Village, LLC (CO0037702): Adopted 12/14/2020. Ammonia (acute/chronic) = TVS:14 mg/L from May – October; TVS:24 mg/L from November – April. Expiration date: 6/30/2031. Effluent concentrations shall not exceed the current condition.

(c) La Plata Segment 10 (COSJLP10)

Discharger-Specific Variance, Town of Dove Creek (COG589079): Adopted 12/14/2020. Ammonia (acute/chronic) = TVS:10 mg/L from June – October; TVS:20 mg/L from November - May. Expiration date: 6/30/2025. Effluent concentrations shall not exceed the current condition.

(5) Stream Classifications and Water Quality Standards Tables

The stream classifications and water quality standards tables in Appendix 34-1 are incorporated herein by reference.

The following is information regarding duration and measured form of standards in Appendix 34-1:

- (a) *E. coli* criteria and resulting standards for individual water segments, are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.
- (b) All phosphorus standards are based upon the concentration of total phosphorus. For total phosphorus, stream standards are expressed as an annual median and for lakes standards as a summer (July 1 - September 30) average in the mixed layer. For chlorophyll a, stream standards are expressed as a maximum of attached algae and lakes standards as a summer (July 1 - September 30) average in the mixed layer. For additional assessment details, see tables at Regulation 31.17(b) and (d).
- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

(6) Site-specific Standards, Assessment Locations, and Assessment Criteria

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

- (a) San Juan Segment 6b: Temperature Assessment Locations
 - Mill Creek at 119 Road: 37.245588, -107.004398
 - San Juan River below Pagosa Springs: 37.25171, -107.01037
- (b) San Juan Segment 6c: Temperature Assessment Location
 - Above Taylor Canyon: 37.172002, -107.035838

- (c) San Juan Segment 6d: Temperature Assessment Location
 - Above Rio Blanco: 37.121112, -107.044364
- (d) San Juan Segment 6e: Temperature Assessment Location
 - Above Navajo River: 37.04672, -107.1404
- (e) San Juan Segment 6f: Temperature Assessment Location
 - Above Navajo Reservoir: 37.01456, -107.30516
- (f) San Juan Segment 11c: Temperature Assessment Location
 - McCabe Creek at 400 Road: 37.265722, -107.013905
- (g) Piedra Segment 4a: Temperature Assessment Locations
 - Piedra River at Highway 160: 37.224016, -107.342255
 - Devil Creek at State Wildlife Area: 37.172523, -107.295287
- (h) Piedra Segment 4b: Temperature Assessment Location
 - Piedra River at SUIT boundary: 37.141004, -107.355045
- (i) Piedra Segment 4c: Temperature Assessment Location
 - Piedra River below Stollsteimer Creek: 37.112804, -107.38508

34.7 – 34.14 RESERVED

34.54 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. DISCHARGER-SPECIFIC VARIANCES

The commission deleted subsections 34.6(4) (a) and (b), which described the regulatory basis and implementation of discharger-specific variances, because this information was revised and consolidated into 31.7(4).

II. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

34.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 34.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Duration of Nitrite Aquatic Life Standard

The commission corrected the duration of all nitrite standards with a value of 0.05 or 0.5 mg/L from acute to chronic on all segments. The nitrite standards in this basin pre-date the nitrite standards in Regulation No. 31 (chloride-based equations). There has been confusion in recent years regarding the correct duration for these standards. There is no record available that explains the basis for these standards or the intended duration (acute or chronic). Based upon a comparison with the nitrite standards in Regulation No. 31, nitrite values of 0.05 and 0.5 mg/L are more consistent with the chronic values calculated using the chloride-based equations. Also, the study that the commission relied upon when adopting the nitrite standards in Regulation No. 31 indicates that these values are protective as chronic standards (1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force Proposed Nitrogenous Water Quality Standards for

the State of Colorado). In order to resolve the inconsistencies in the duration of the nitrite standards currently adopted in Regulation Nos. 32-38, the commission determined that these nitrite values should be consistently listed as chronic standards. Over time, the commission expects that these nitrite standards may be replaced with the more recent and well-documented chloride equation-based standards in Regulation No. 31.

E. Uranium

To improve the clarity of the regulation, the commission included references to the basin-wide uranium standards at 34.5(3) in the Appendix 34-1 tables. For the acute and chronic uranium standards for all segments, the commission included a reference to 34.5(3) to clarify that the basic standard at 34.5(3) applies to all waters in Regulation No. 34. Because these standards already applied basin-wide, there is no practical effect of this change. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.

F. Mercury

To improve the clarity of the regulation, the commission added Total Recoverable notation (T) to the mercury Aquatic Life and Water Supply standards. The standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water. Multiple forms of mercury exist in the environment and these forms differ dramatically in both their potential to cause toxic effects and their availability for uptake by organisms. Certain aquatic conditions can lead to the conversion to the highly bioaccumulative, toxic, organic form (methylmercury). The mercury standards are designed to provide protection from the accumulation of those toxic forms and therefore, the standards address all forms of mercury. The addition of the Total Recoverable notation does not represent a change in current Colorado policy or procedures. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.

G. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.
- At 34.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
- At 34.6(1), text was added to clarify that the tables in Appendix 34-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
- The reference to the 'temporary modification and qualifiers' column at 34.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
- References to "Trec" were replaced with "total recoverable" or "T".
- Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
- Information was added at 34.6(5) specifying that the mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.
- Information was added at 34.6(5) specifying that the ammonia, nitrate, and nitrite standards are to be reported as nitrogen. This is consistent with the description of the

standards as they are included in Table II of Regulation No. 31. This change brings the regulation into alignment with Regulation Nos. 33, 37, and 38; the commission made this change in those regulations during triennial reviews in 2019 through 2020.

- The formatting of the tables in Appendix 34-1 was modified to include only parameters that have been adopted in a majority of segments. The tables include rows for physical and biological, inorganic, and metals for all parameters which the commission commonly adopts into segments. In segments where there is no numeric standard for a commonly adopted parameter, a blank row for that parameter is included to show the commission's site-specific decision not to adopt a numeric standard for that parameter. The commission removed beryllium and aluminum from all segments where no standard has been adopted because these parameters have only been adopted on a site-specific basis, rather than basin-wide. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.
- Other minor edits were made to improve clarity and consistency.

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

5 CCR 1002-34

**REGULATION NO. 34
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
SAN JUAN RIVER AND DOLORES RIVER BASINS**

**APPENDIX 34-1
Stream Classifications and Water Quality Standards Tables**

Effective 12/31/2021

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
EQ	=	existing quality
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

1a. Mainstem of the Navajo River including all wetlands and tributaries from the boundary of the South San Juan Wilderness Area to below the confluence with Sheep Creek.
Mainstem of the Little Navajo River, including all wetlands and tributaries, from the boundary of the South San Juan Wilderness Area to the San Juan-Chama Diversion.

COSJSJ01A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Mainstem of the Navajo River, including all wetlands and tributaries from below the confluence with Sheep Creek to the Colorado/New Mexico border, except for specific listings in Segment 3.

COSJSJ01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

2. Mainstem of the Navajo River from the Colorado/New Mexico border to the confluence with the San Juan River.									
COSJSJ02	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Warm 1		Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E		acute	chronic		Arsenic(T)	---	0.02	
	Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:			D.O. (spawning)		---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			pH		6.5 - 9.0	---	Chromium III	---	TVS
			chlorophyll a (mg/m²)		---	150	Chromium III(T)	50	---
			E. coli (per 100 mL)		---	126	Chromium VI	TVS	TVS
							Copper	TVS	TVS
			Inorganic (mg/L)				Iron	---	WS
			acute		chronic	Iron(T)	---	1000	
			Ammonia		TVS	TVS	Lead	TVS	TVS
			Boron		---	0.75	Lead(T)	50	---
			Chloride		---	250	Manganese	TVS	TVS/WS
			Chlorine		0.019	0.011	Mercury(T)	---	0.01
			Cyanide		0.005	---	Molybdenum(T)	---	150
			Nitrate		10	---	Nickel	TVS	TVS
			Nitrite		---	0.05	Nickel(T)	---	100
			Phosphorus		---	0.17	Selenium	TVS	TVS
			Sulfate		---	WS	Silver	TVS	TVS
			Sulfide		---	0.002	Uranium	varies*	varies*
							Zinc	TVS	TVS
3. Mainstem of the Little Navajo River from the San Juan-Chama diversion to the confluence with the Navajo River; all tributaries to the Navajo River and the Little Navajo River, including all wetlands, from the San Juan-Chama diversions to the confluence with the San Juan River.									
COSJSJ03	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Warm 2		Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation N 11/1 - 4/30		acute	chronic		Arsenic(T)	---	100	
	Recreation P 5/1 - 10/31		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100	
Qualifiers:			pH		6.5 - 9.0	---	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			chlorophyll a (mg/m²)		---	150	Chromium III	TVS	TVS
			E. coli (per 100 mL) 5/1 - 10/31		---	205	Chromium III(T)	---	100
			E. coli (per 100 mL) 11/1 - 4/30		---	630	Chromium VI	TVS	TVS
							Copper	TVS	TVS
			Inorganic (mg/L)				Iron(T)	---	1000
			acute		chronic	Lead	TVS	TVS	
			Ammonia		TVS	TVS	Manganese	TVS	TVS
			Boron		---	0.75	Mercury(T)	---	0.01
			Chloride		---	---	Molybdenum(T)	---	150
			Chlorine		0.019	0.011	Nickel	TVS	TVS
			Cyanide		0.005	---	Selenium	TVS	TVS
			Nitrate		100	---	Silver	TVS	TVS
			Nitrite		---	---	Uranium	varies*	varies*
			Phosphorus		---	0.17	Zinc	TVS	TVS
			Sulfate		---	---			
			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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

4. All tributaries to the San Juan River, Rio Blanco, and Navajo River including all wetlands which are within the Weminuche Wilderness area and South San Juan Wilderness Area.							
COSJSJ04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

5. The East and West Forks of the San Juan River, including all tributaries, from the boundary of the Weminuche Wilderness Area (West Fork) and the source (East Fork) to the confluence of the mainstem of the San Juan River. All tributaries to the San Juan River from a point below the confluence with the West Fork to a point below the confluence with Fourmile Creek.							
COSJSJ05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

6a. Mainstem of the San Juan River from a point immediately below the confluence with the West Fork to Highway 160 in Pagosa Springs.							
COSJSJ06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

6b. Mainstem of the San Juan River from Highway 160 in Pagosa Springs to the Southern Ute Indian Reservation Northern boundary. Mainstem of Mill Creek from the source to the confluence with the San Juan River.								
COSJSJ06B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	varies*	varies* C	Arsenic(T)	---	0.02
	Water Supply				Cadmium	TVS	TVS	
Qualifiers:		acute		chronic	Cadmium(T)	5.0	---	
Other:		D.O. (mg/L)	---	6.0	Chromium III	---	TVS	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = San Juan River MWAT=21.4 and DM=26.2 Mill Creek MWAT=21.1 and DM=27.8 See Section 34.6(6) for assessment locations.		D.O. (spawning)	---	7.0	Chromium III(T)	50	---	
		pH	6.5 - 9.0	---	Chromium VI	TVS	TVS	
		chlorophyll a (mg/m²)	---	150*	Copper	TVS	TVS	
		E. coli (per 100 mL)	---	126	Iron	---	WS	
					Iron(T)	---	1000	
		Inorganic (mg/L)			Lead	TVS	TVS	
		acute		chronic	Lead(T)	50	---	
		Ammonia	TVS	TVS	Manganese	TVS	TVS/WS	
		Boron	---	0.75	Mercury(T)	---	0.01	
		Chloride	---	250	Molybdenum(T)	---	150	
		Chlorine	0.019	0.011	Nickel	TVS	TVS	
		Cyanide	0.005	---	Nickel(T)	---	100	
		Nitrate	10	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS(tr)	
		Phosphorus	---	0.11*	Uranium	varies*	varies*	
Sulfate	---	WS	Zinc	TVS	TVS(sc)			
Sulfide	---	0.002						

6b. Mainstem of the San Juan River from Highway 160 in Pagosa Springs to the Southern Ute Indian Reservation Northern boundary. Mainstem of Mill Creek from the source to the confluence with the San Juan River.

COSJSJ06B	Classifications	Physical and Biological				Metals (ug/L)				
Designation	Agriculture			DM	MWAT	acute		chronic		
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---		
	Recreation E	Temperature °C	4/1 - 10/31	varies*	varies* ^C	Arsenic(T)	---	0.02		
	Water Supply					Cadmium	TVS	TVS		
Qualifiers:							acute	chronic		
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = San Juan River MWAT=21.4 and DM=26.2 Mill Creek MWAT=21.1 and DM=27.8 See Section 34.6(6) for assessment locations.										
		D.O. (mg/L)				---	6.0	Chromium III	---	TVS
		D.O. (spawning)				---	7.0	Chromium III(T)	50	---
		pH				6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m²)				---	150*	Copper	TVS	TVS
		E. coli (per 100 mL)				---	126	Iron	---	WS
								Iron(T)	---	1000
		Inorganic (mg/L)						Lead	TVS	TVS
								Lead(T)	50	---
		Ammonia				TVS	TVS	Manganese	TVS	TVS/WS
		Boron				---	0.75	Mercury(T)	---	0.01
		Chloride				---	250	Molybdenum(T)	---	150
		Chlorine				0.019	0.011	Nickel	TVS	TVS
		Cyanide				0.005	---	Nickel(T)	---	100
		Nitrate				10	---	Selenium	TVS	TVS
		Nitrite				---	0.05	Silver	TVS	TVS(tr)
		Phosphorus				---	0.11*	Uranium	varies*	varies*
		Sulfate				---	WS	Zinc	TVS	TVS(sc)
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

6c. Mainstem of the San Juan River from the Southern Ute Indian Reservation northern boundary to the confluence with Taylor Canyon.										
COSJSJ06C	Classifications	Physical and Biological				Metals (ug/L)				
Designation	Agriculture			DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---		
	Recreation E	Temperature °C	4/1 - 10/31	26.4*	22.1* °C	Arsenic(T)	---	0.02		
	Water Supply					Cadmium	TVS	TVS		
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---		
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		D.O. (mg/L)		---	6.0	Chromium III	---	TVS		
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---		
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS		
		chlorophyll a (mg/m²)		---	---	Copper	TVS	TVS		
		E. coli (per 100 mL)		---	126	Iron	---	WS		
								Iron(T)	---	1000
				Inorganic (mg/L)				Lead	TVS	TVS
						acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVS/WS		
		Boron		---	0.75	Mercury(T)	---	0.01		
		Chloride		---	250	Molybdenum(T)	---	150		
		Chlorine		0.019	0.011	Nickel	TVS	TVS		
		Cyanide		0.005	---	Nickel(T)	---	100		
		Nitrate		10	---	Selenium	TVS	TVS		
		Nitrite		---	0.05	Silver	TVS	TVS(tr)		
		Phosphorus		---	---	Uranium	varies*	varies*		
		Sulfate		---	WS	Zinc	TVS	TVS		
		Sulfide		---	0.002					

6d. Mainstem of the San Juan River from the confluence with Taylor Canyon to the confluence with the Rio Blanco.										
COSJSJ06D	Classifications	Physical and Biological				Metals (ug/L)				
Designation	Agriculture			DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---		
	Recreation E	Temperature °C	4/1 - 10/31	27.1*	22.5* °C	Arsenic(T)	---	0.02		
	Water Supply					Cadmium	TVS	TVS		
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---		
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		D.O. (mg/L)		---	6.0	Chromium III	---	TVS		
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---		
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS		
		chlorophyll a (mg/m²)		---	---	Copper	TVS	TVS		
		E. coli (per 100 mL)		---	126	Iron	---	WS		
								Iron(T)	---	1000
				Inorganic (mg/L)				Lead	TVS	TVS
						acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVS/WS		
		Boron		---	0.75	Mercury(T)	---	0.01		
		Chloride		---	250	Molybdenum(T)	---	150		
		Chlorine		0.019	0.011	Nickel	TVS	TVS		
		Cyanide		0.005	---	Nickel(T)	---	100		
		Nitrate		10	---	Selenium	TVS	TVS		
		Nitrite		---	0.05	Silver	TVS	TVS(tr)		
		Phosphorus		---	---	Uranium	varies*	varies*		
		Sulfate		---	WS	Zinc	TVS	TVS		
		Sulfide		---	0.002					

6d. Mainstem of the San Juan River from the confluence with Taylor Canyon to the confluence with the Rio Blanco.								
COSJSJ06D	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340 ---	
	Recreation E	Temperature °C	4/1 - 10/31	27.1*	22.5* C	Arsenic(T)	--- 0.02	
	Water Supply					Cadmium	TVS TVS	
Qualifiers:						Cadmium(T)	5.0 ---	
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.						Cadmium(T)	5.0 ---	
		D.O. (mg/L)		---		6.0	Chromium III	--- TVS
		D.O. (spawning)		---		7.0	Chromium III(T)	50 ---
		pH		6.5 - 9.0		---	Chromium VI	TVS TVS
		chlorophyll a (mg/m²)		---		---	Copper	TVS TVS
		E. coli (per 100 mL)		---		126	Iron	--- WS
							Iron(T)	--- 1000
		Inorganic (mg/L)					Lead	TVS TVS
							Lead(T)	50 ---
						acute chronic	Manganese	TVS TVS/WS
		Ammonia		TVS		TVS	Mercury(T)	--- 0.01
		Boron		---		0.75	Molybdenum(T)	--- 150
		Chloride		---		250	Nickel	TVS TVS
		Chlorine		0.019		0.011	Nickel(T)	--- 100
		Cyanide		0.005		---	Selenium	TVS TVS
		Nitrate		10		---	Silver	TVS TVS(tr)
		Nitrite		---		0.05	Uranium	varies* varies*
		Phosphorus		---		---	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

6e. Mainstem of the San Juan River from the confluence with the Rio Blanco to the confluence with the Navajo River.								
COSJSJ06E	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	28.7*	23.5* °C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		D.O. (mg/L)		---	6.0	Chromium III	---	TVS
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m²)		---	---	Copper	TVS	TVS
		E. coli (per 100 mL)		---	126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVS/WS
		Boron		---	0.75	Mercury(T)	---	0.01
		Chloride		---	250	Molybdenum(T)	---	150
		Chlorine		0.019	0.011	Nickel	TVS	TVS
		Cyanide		0.005	---	Nickel(T)	---	100
		Nitrate		10	---	Selenium	TVS	TVS
		Nitrite		---	0.05	Silver	TVS	TVS(tr)
		Phosphorus		---	---	Uranium	varies*	varies*
		Sulfate		---	WS	Zinc	TVS	TVS
		Sulfide		---	0.002			

6f. Mainstem of the San Juan River from the confluence with the Navajo River to Navajo Reservoir.								
COSJSJ06F	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	28.8*	24.2* °C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		D.O. (mg/L)		---	6.0	Chromium III	---	TVS
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m²)		---	---	Copper	TVS	TVS
		E. coli (per 100 mL)		---	126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVS/WS
		Boron		---	0.75	Mercury(T)	---	0.01
		Chloride		---	250	Molybdenum(T)	---	150
		Chlorine		0.019	0.011	Nickel	TVS	TVS
		Cyanide		0.005	---	Nickel(T)	---	100
		Nitrate		10	---	Selenium	TVS	TVS
		Nitrite		---	0.05	Silver	TVS	TVS(tr)
		Phosphorus		---	---	Uranium	varies*	varies*
		Sulfate		---	WS	Zinc	TVS	TVS
		Sulfide		---	0.002			

6f. Mainstem of the San Juan River from the confluence with the Navajo River to Navajo Reservoir.								
COSJSJ06F	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	28.8*	24.2* C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		D.O. (mg/L)	---		6.0	Chromium III	---	TVS
		D.O. (spawning)	---		7.0	Chromium III(T)	50	---
		pH	6.5 - 9.0		---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m²)	---		---	Copper	TVS	TVS
		E. coli (per 100 mL)	---		126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia	TVS		TVS	Manganese	TVS	TVS/WS
		Boron	---		0.75	Mercury(T)	---	0.01
		Chloride	---		250	Molybdenum(T)	---	150
		Chlorine	0.019		0.011	Nickel	TVS	TVS
		Cyanide	0.005		---	Nickel(T)	---	100
		Nitrate	10		---	Selenium	TVS	TVS
		Nitrite	---		0.05	Silver	TVS	TVS(tr)
		Phosphorus	---		---	Uranium	varies*	varies*
		Sulfate	---		WS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

7. Mainstem of the Rio Blanco, including all tributaries and wetlands, from the boundary of the South San Juan Wilderness Area to below the confluence with Leche Creek.							
COSJSJ07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)
8. Navajo Reservoir. Echo Canyon Reservoir.							
COSJSJ08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 34.5(5), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

9a. Mainstem of the Rio Blanco, including all tributaries and wetlands, from a point immediately below the confluence with Leche Creek to the Southern Ute Indian Reservation boundary, except for specific listings in Segment 10.

COSJSJ09A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0	---	Chromium III	--- TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50 ---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
Expiration Date of 12/31/2024					Copper	TVS TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS(sc)

9b. Mainstem of the Rio Blanco, including all tributaries and wetlands, from the boundary of the Southern Ute Indian Reservation to the confluence with the San Juan River.

COSJSJ09B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

10. Mainstem of the Rito Blanco River from Echo Ditch to the confluence with the Rio Blanco River.									
COSJSJ10		Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 2		Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute		chronic	Arsenic(T)	---	0.02-10 ^A	
Water Supply			D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:			D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			pH	6.5 - 9.0	---	Chromium III	---	TVS	
			chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
			E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS	
			Inorganic (mg/L)			Iron	---	WS	
			acute		chronic	Iron(T)	---	1000	
			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	0.11	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						Zinc	TVS	TVS	
			11a. All tributaries to the San Juan River, including wetlands, from a point immediately below the confluence with Fourmile Creek to the Southern Ute Indian Reservation boundary except for the specific listings in Segments 6a, 6b, 9a, 9b and 11c.						
COSJSJ11A		Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM		MWAT	acute		chronic	
Reviewable	Aq Life Warm 1		Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E 5/1 - 10/31		acute		chronic	Arsenic(T)	---	0.02	
Recreation N 11/1 - 4/30			D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Water Supply			pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Qualifiers:			chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium III(T)	50	---	
			E. coli (per 100 mL) 11/1 - 4/30	---	630	Chromium VI	TVS	TVS	
						Copper	TVS	TVS	
			Inorganic (mg/L)			Iron	---	WS	
			acute		chronic	Iron(T)	---	1000	
			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	0.11	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						Zinc	TVS	TVS	

11a. All tributaries to the San Juan River, including wetlands, from a point immediately below the confluence with Fourmile Creek to the Southern Ute Indian Reservation boundary except for the specific listings in Segments 6a, 6b, 9a, 9b and 11c.

COSJSJ11A	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM		MWAT	acute		chronic	
Reviewable	Aq Life Warm 1		Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E	5/1 - 10/31		acute	chronic	Arsenic(T)	---	0.02	
	Recreation N	11/1 - 4/30	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
	Water Supply		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Qualifiers:			chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS	
Other:			E. coli (per 100 mL)	5/1 - 10/31	---	126	Chromium III(T)	50	---
Temporary Modification(s):			E. coli (per 100 mL)	11/1 - 4/30	---	630	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid						Copper	TVS	TVS	
Expiration Date of 12/31/2024			Inorganic (mg/L)			Iron	---	WS	
*Uranium(acute) = See 34.5(3) for details.				acute	chronic	Iron(T)	---	1000	
*Uranium(chronic) = See 34.5(3) for details.			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	0.11	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

11b. All tributaries to the San Juan River, including wetlands, from the Southern Ute Indian Reservation boundary to the Colorado/New Mexico border except for the specific listings in Segments 6a, 6b, 9a and 9b. Sambrito Creek, Scaggs Canyon, Sandoval Canyon and other unnamed tributaries that flow directly into Navajo Reservoir.

COSJSJ11B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E	5/1 - 10/31	acute	chronic	Arsenic(T)	---	0.02	
	Recreation N	11/1 - 4/30	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	Water Supply	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Qualifiers:		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS	
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL)	5/1 - 10/31	---	126	Chromium III(T)	---	100
		E. coli (per 100 mL)	11/1 - 4/30	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)				Copper	TVS	TVS
			acute	chronic	Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.17	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

11c. McCabe Creek from the source to the confluence with the San Juan River.

COSJSJ11C	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	25.1*	21.6* °C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:						Cadmium(T)	5.0	---
Other:		D.O. (mg/L)	---	5.0		Chromium III	---	TVS
Temporary Modification(s):		pH	6.5 - 9.0	---		Chromium III(T)	50	---
Arsenic(chronic) = hybrid		chlorophyll a (mg/m ²)	---	150		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		E. coli (per 100 mL)	---	126		Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)				Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.						Iron(T)	---	1000
*Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		Ammonia	TVS	TVS		Lead	TVS	TVS
		Boron	---	0.75		Lead(T)	50	---
		Chloride	---	250		Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011		Mercury(T)	---	0.01
		Cyanide	0.005	---		Molybdenum(T)	---	150
		Nitrate	10	---		Nickel	TVS	TVS
		Nitrite	---	0.05		Nickel(T)	---	100
		Phosphorus	---	0.11		Selenium	TVS	TVS
		Sulfate	---	WS		Silver	TVS	TVS
		Sulfide	---	0.002		Uranium	varies*	varies*
						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 34.6 for further details on applied standards.

San Juan River Basin

12. All tributaries to the San Juan River in Archuleta County, including all wetlands, except for specific listings in Segments 1a, 1b, 2, 3, 4, 5, 6a, 6b, 7, 9a, 9b, 10, 11a, 11b and 12b. This segment includes Coyote Creek from its source to the Colorado/New Mexico border.

COSJSJ12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---	
	Recreation N	11/1 - 4/30	acute	chronic	Arsenic(T)	---	7.6	
	Recreation P	5/1 - 10/31	D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS	
		E. coli (per 100 mL)	5/1 - 10/31	---	205	Chromium III(T)	---	100
		E. coli (per 100 mL)	11/1 - 4/30	---	630	Chromium VI	TVS	TVS
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron(T)	---	1000	
					Lead	TVS	TVS	
					Manganese	TVS	TVS	
					Mercury(T)	---	0.01	
					Molybdenum(T)	---	150	
					Nickel	TVS	TVS	
					Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

13. All lakes and reservoirs that are tributary to the mainstem of the Navajo River and the Little Navajo River, from the boundary of the South San Juan Wilderness Area to the Colorado/New Mexico border, except for specific listings in Segment 14. This segment includes Gardner Lake, Fall View Lake, Hidden Lake, Dolomite Lake, Bull Elk Pond, Price Lakes, and Spence Reservoir.

COSJSJ13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture			DM	MWAT		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	acute	chronic
	Recreation E						
	Water Supply						
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	340	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
<p>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</p> <p>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</p> <p>*Uranium(acute) = See 34.5(3) for details.</p> <p>*Uranium(chronic) = See 34.5(3) for details.</p>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (ug/L)	---	8*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
					Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

14. All lakes and reservoirs that are tributary to the Navajo River and the Little Navajo River, from the San Juan-Chama diversions to the confluence with the San Juan River.						
COSJSJ14	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation N 11/1 - 4/30	acute	chronic	Arsenic(T)	---	100
	Recreation P 5/1 - 10/31			Beryllium(T)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (ug/L)	---	20*	Chromium III	TVS
		E. coli (per 100 mL) 5/1 - 10/31	---	205	Chromium III(T)	---
		E. coli (per 100 mL) 11/1 - 4/30	---	630	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	---	Uranium	varies*
		Phosphorus	---	0.083*	Zinc	TVS
		Sulfate	---	---		TVS
		Sulfide	---	0.002		

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Uranium(acute) = See 34.5(3) for details.
 *Uranium(chronic) = See 34.5(3) for details.

15a. All lakes and reservoirs which are tributary to the Rio Blanco, from the boundary of South San Juan Wilderness Area to the Southern Ute Indian Reservation boundary. This segment includes Harris Lake, Buckles Lake, and Crescent Lake.						
COSJSJ15A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	---
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Uranium(acute) = See 34.5(3) for details.
 *Uranium(chronic) = See 34.5(3) for details.

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

15b. All lakes and reservoirs which are tributary to the Rio Blanco, from the boundary of the Southern Ute Indian Reservation to the confluence with the San Juan River.							
COSJSJ15B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Southern Ute Indian Reservation *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
16. All lakes and reservoirs which are tributary to the San Juan River, Rio Blanco, and Navajo River and located within the Weminuche Wilderness Area and South San Juan Wilderness Area. This segment includes Archuleta Lake, Spruce Lakes, Turkey Creek Lake, Fourmile Lake, Upper Fourmile Lake, Crater Lake, Quartz Lake, Fish Lake, and Opal Lake.							
COSJSJ16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

17. All lakes and reservoirs that are tributary to the San Juan River and the East Fork and West Fork of the San Juan River, from the boundary of the Weminuche Wilderness Area (West Fork) and the source (East Fork) to the confluence with Fourmile Creek. This segment includes Born Lake, Hatcher Lakes, T Lazy T Reservoir, and Lost Lake.

COSJSJ17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

18a. All lakes and reservoirs tributary to the San Juan River from a point immediately below the confluence with Fourmile Creek to the Southern Ute Indian Reservation boundary, except for the specific listings in Segment 8.

COSJSJ18A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E 5/1 - 10/31		acute	chronic	Arsenic(T)	---	7.6
	Recreation N 11/1 - 4/30	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium VI	TVS	TVS
		E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.083*			
		Sulfate	---	---			
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Juan River Basin

18b. All lakes and reservoirs which are tributary to the San Juan River from the Southern Ute Indian Reservation boundary to the Colorado/New Mexico border, except for the specific listing in Segment 8.

COSJSJ18B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E 5/1 - 10/31		acute	chronic	Arsenic(T)	---	7.6
	Recreation N 11/1 - 4/30	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
*Southern Ute Indian Reservation		E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium VI	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)			Lead	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Manganese	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.083*			
		Sulfate	---	---			
		Sulfide	---	0.002			

19. All lakes and reservoirs in Archuleta County which are tributary to the San Juan River, except for specific listings in Segment 18b. All lakes and reservoirs which are tributary to Coyote Creek from its source to the Colorado/New Mexico border.

COSJSJ19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation N 11/1 - 4/30		acute	chronic	Arsenic(T)	---	7.6
	Recreation P 5/1 - 10/31	D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Fish Ingestion		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Other:		E. coli (per 100 mL) 5/1 - 10/31	---	205	Chromium III(T)	100	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 11/1 - 4/30	---	630	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	---	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

1. All tributaries to the Piedra River, including all wetlands, which are within the Weminuche Wilderness Area.

COSJPI01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. East Fork Piedra River and Middle Fork Piedra River, including all tributaries and wetlands, from the boundary of the Weminuche Wilderness Area to the confluence with the mainstem of the Piedra River, except for the specific listing in Segment 3.

COSJPI02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E 4/1 - 10/31		acute	chronic	Arsenic(T)	---	0.02
	Recreation N 11/1 - 3/31	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL) 4/1 - 10/31	---	126	Chromium VI	TVS	TVS
		E. coli (per 100 mL) 11/1 - 3/31	---	630	Copper	TVS	TVS
					Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

2b. Mainstem of the Piedra River from the confluence with the East and Middle Forks to the confluence with Indian Creek.							
COSJPI02B	Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1		Temperature °C	CS-II CS-II	Arsenic	340 ---	
	Recreation E	4/1 - 10/31	acute	chronic	Arsenic(T)	--- 0.02	
	Recreation N	11/1 - 3/31	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS	
	Water Supply		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---	
Qualifiers:			pH	6.5 - 9.0 ---	Chromium III	--- TVS	
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			chlorophyll a (mg/m²)	--- 150	Chromium III(T)	50 ---	
			E. coli (per 100 mL)	4/1 - 10/31 ---	126	Chromium VI	TVS TVS
			E. coli (per 100 mL)	11/1 - 3/31 ---	630	Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS	
			acute	chronic	Iron(T)	--- 1000	
		Ammonia	TVS	TVS	Lead	TVS TVS	
		Boron	---	0.75	Lead(T)	50 ---	
		Chloride	---	250	Manganese	TVS TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01	
		Cyanide	0.005	---	Molybdenum(T)	--- 150	
		Nitrate	10	---	Nickel	TVS TVS	
		Nitrite	---	0.05	Nickel(T)	--- 100	
		Phosphorus	---	0.11	Selenium	TVS TVS	
		Sulfate	---	WS	Silver	TVS TVS(tr)	
		Sulfide	---	0.002	Uranium	varies* varies*	
					Zinc	TVS TVS(sc)	
		3. Mainstem of the East Fork of the Piedra River from the Piedra Falls Ditch to the confluence with Pagosa Creek.					
COSJPI03	Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1		Temperature °C	CS-I CS-I	Arsenic	340 ---	
	Recreation E	4/1 - 10/31	acute	chronic	Arsenic(T)	--- 0.02	
	Recreation N	11/1 - 3/31	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS	
	Water Supply		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---	
Qualifiers:			pH	6.5 - 9.0 ---	Chromium III	--- TVS	
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			chlorophyll a (mg/m²)	--- 150	Chromium III(T)	50 ---	
			E. coli (per 100 mL)	4/1 - 10/31 ---	126	Chromium VI	TVS TVS
			E. coli (per 100 mL)	11/1 - 3/31 ---	630	Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS	
			acute	chronic	Iron(T)	--- 1000	
		Ammonia	TVS	TVS	Lead	TVS TVS	
		Boron	---	0.75	Lead(T)	50 ---	
		Chloride	---	250	Manganese	TVS TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01	
		Cyanide	0.005	---	Molybdenum(T)	--- 150	
		Nitrate	10	---	Nickel	TVS TVS	
		Nitrite	---	0.05	Nickel(T)	--- 100	
		Phosphorus	---	0.11	Selenium	TVS TVS	
		Sulfate	---	WS	Silver	TVS TVS(tr)	
		Sulfide	---	0.002	Uranium	varies* varies*	
					Zinc	TVS 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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

4a. Mainstem of the Piedra River from a point immediately below the confluence with Indian Creek to the Southern Ute Indian Reservation boundary. Devil Creek from Dunagan Canyon to the confluence with the Piedra River.

COSJPI04A	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture	DM		MWAT		acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	varies*	varies* ^C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = Piedra River MWAT=20.7 and DM=26.5 Devil Creek MWAT=19.9 and DM=26.5 See Section 34.6(6) for assessment locations.		D.O. (mg/L)		---	6.0	Chromium III	---	TVS
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m ²)		---	150	Copper	TVS	TVS
		E. coli (per 100 mL)		---	126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVS/WS
		Boron		---	0.75	Mercury(T)	---	0.01
		Chloride		---	250	Molybdenum(T)	---	150
		Chlorine		0.019	0.011	Nickel	TVS	TVS
		Cyanide		0.005	---	Nickel(T)	---	100
		Nitrate		10	---	Selenium	TVS	TVS
		Nitrite		---	0.05	Silver	TVS	TVS(tr)
		Phosphorus		---	0.11	Uranium	varies*	varies*
		Sulfate		---	WS	Zinc	TVS	TVS(sc)
		Sulfide		---	0.002			

4b. Mainstem of the Piedra River from the Southern Ute Indian Reservation boundary to a point above the confluence with Stollsteimer Creek.

COSJPI04B	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture	DM		MWAT		acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 10/31	28.8*	22.8* ^C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.		D.O. (mg/L)		---	6.0	Chromium III	---	TVS
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m ²)		---	---	Copper	TVS	TVS
		E. coli (per 100 mL)		---	126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVS/WS
		Boron		---	0.75	Mercury(T)	---	0.01
		Chloride		---	250	Molybdenum(T)	---	150
		Chlorine		0.019	0.011	Nickel	TVS	TVS
		Cyanide		0.005	---	Nickel(T)	---	100
		Nitrate		10	---	Selenium	TVS	TVS
		Nitrite		---	0.05	Silver	TVS	TVS(tr)
		Phosphorus		---	---	Uranium	varies*	varies*
		Sulfate		---	WS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

4c. Mainstem of the Piedra River from a point above the confluence with Stollsteimer Creek to Navajo Reservoir.										
COSJPI04C	Classifications		Physical and Biological				Metals (ug/L)			
Designation	Agriculture			DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1		Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---	
	Recreation E		Temperature °C	4/1 - 10/31	28.8*	22.8* °C	Arsenic(T)	---	0.02	
	Water Supply						Cadmium	TVS	TVS	
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.			D.O. (mg/L)	---	6.0	Chromium III	---	TVS		
			D.O. (spawning)	---	7.0	Chromium III(T)	50	---		
			pH	6.5 - 9.0	---	Chromium VI	TVS	TVS		
			chlorophyll a (mg/m²)	---	---	Copper	TVS	TVS		
			E. coli (per 100 mL)	---	126	Iron	---	WS		
						Iron(T)	---	1000		
						Lead	TVS	TVS		
						Lead(T)	50	---		
			Ammonia	TVS	TVS	Manganese	TVS	TVS/WS		
			Boron	---	0.75	Mercury(T)	---	0.01		
			Chloride	---	250	Molybdenum(T)	---	150		
			Chlorine	0.019	0.011	Nickel	TVS	TVS		
			Cyanide	0.005	---	Nickel(T)	---	100		
			Nitrate	10	---	Selenium	TVS	TVS		
			Nitrite	---	0.05	Silver	TVS	TVS(tr)		
			Phosphorus	---	---	Uranium	varies*	varies*		
			Sulfate	---	WS	Zinc	TVS	TVS		
			Sulfide	---	0.002					
			5a. All tributaries to the Piedra River, including all wetlands, from the boundary of the Weminuche Wilderness Area to a point immediately below the confluence with the First Fork of the Piedra River. Devil Creek, including all tributaries, from the source to a point below the confluence with Dunagan Canyon.							
			COSJPI05A	Classifications		Physical and Biological				Metals (ug/L)
Designation	Agriculture			DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1		Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation E	5/1 - 10/31		acute	chronic	Arsenic(T)	---	0.02		
	Recreation N	11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
	Water Supply		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Qualifiers:			pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---		
			E. coli (per 100 mL)	5/1 - 10/31	---	126	Chromium VI	TVS	TVS	
			E. coli (per 100 mL)	11/1 - 4/30	---	630	Copper	TVS	TVS	
						Iron	---	WS		
						Iron(T)	---	1000		
						Lead	TVS	TVS		
						Lead(T)	50	---		
						Manganese	TVS	TVS/WS		
						Mercury(T)	---	0.01		
						Molybdenum(T)	---	150		
						Nickel	TVS	TVS		
						Nickel(T)	---	100		
						Selenium	TVS	TVS		
						Silver	TVS	TVS(tr)		
						Uranium	varies*	varies*		
						Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

5b. All tributaries to the Piedra River, from a point immediately below the confluence with the First Fork of the Piedra River to a point immediately below the confluence with Devil Creek, except for the specific listings in Segment 5a.

COSJPI05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

6a. All tributaries to the Piedra River, including all wetlands, from a point immediately below the confluence with Devil Creek to Southern Ute Indian Reservation boundary, except the specific listing in Segment 6d.

COSJPI06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5).		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).					Chromium VI	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	TVS	TVS
		Nitrite	---	0.5	Nickel(T)	---	100
		Phosphorus	---	0.17*	Selenium	TVS	TVS
		Sulfate	---	250	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

6b. All tributaries including wetlands to the Piedra River from the Southern Ute Indian Reservation boundary to Navajo Reservoir, except for the specific listing in Segment 6c.						
COSJPI06B	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-III WS-III	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 ^A
Qualifiers:	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
		chlorophyll a (mg/m ²)	---	150	Chromium III	--- TVS
Other:		E. coli (per 100 mL)	---	205	Chromium III(T)	50 ---
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
*Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Iron	--- WS
		Boron	---	0.25	Iron(T)	--- 1000
		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.5	Molybdenum(T)	--- 150
		Phosphorus	---	0.17	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS
					Uranium	varies* varies*
					Zinc	TVS TVS

6c. Stollsteimer Creek, including all tributaries, from the Southern Ute Indian Reservation boundary to the confluence with the Piedra River.						
COSJPI06C	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
UP	Agriculture					
	Aq Life Warm 2	Temperature °C	WS-II WS-II	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 ^A
Qualifiers:	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
		chlorophyll a (mg/m ²)	---	150	Chromium III	--- TVS
Other:		E. coli (per 100 mL)	---	205	Chromium III(T)	50 ---
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
*Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Iron	--- WS
		Boron	---	0.25	Iron(T)	--- 1000
		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.5	Molybdenum(T)	--- 150
		Phosphorus	---	0.17	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS
					Uranium	varies* varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

6d. Steven's draw from the outlet of Lake Forest Reservoir to the confluence with Martinez Creek.

COSJPI06D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
		acute	chronic		Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	250	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.5	Uranium	varies*	varies*
		Phosphorus	---	0.17*	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			

7. Hatcher Reservoir, Stevens Reservoir, Sullenbuger Reservoir, Village Lake and Forest Lake.

COSJPI07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E 2/2 - 11/30	acute	chronic		Arsenic(T)	---	0.02
	Recreation N 12/1 - 3/1	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	Water Supply	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
	DUWS*	chlorophyll a (mg/m ²)	---	---	Chromium III	---	TVS
Qualifiers:		E. coli (per 100 mL)	3/2 - 11/30	---	Chromium III(T)	50	---
Other:		E. coli (per 100 mL)	12/1 - 3/1	---	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.25	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.5	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

8. Williams Creek Reservoir.

COSJPI08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E 5/1 - 10/31		acute	chronic	Arsenic(T)	---	0.02
	Recreation N 11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	Water Supply	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9. All lakes and reservoirs tributary to the Piedra River which are within the Weminuche Wilderness Area. This segment includes Window Lake, Monument Lake, Hossick Lake, and Williams Lakes.

COSJPI09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

10. All lakes and reservoirs which are tributary to the Piedra River, from the boundary of the Weminuche Wilderness Area to a point immediately below the confluence with Devil Creek, except the specific listing in Segment 8. This segment includes Palisade Lake, Martin Lake, and O'Connell Lake.

COSJPI10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E 5/1 - 10/31		acute	chronic	Arsenic(T)	---	0.02
	Recreation N 11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	Water Supply	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium VI	TVS	TVS
		E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11a. All lakes and reservoirs which are tributary to the Piedra River, from a point immediately below the confluence with Devil Creek to the Southern Ute Indian Reservation boundary. This segment includes Capote Lake.

COSJPI11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Piedra River Basin

11b. All lakes and reservoirs which are tributary to the Piedra River from the Southern Ute Indian Reservation boundary to Navajo Reservoir.					
COSJPI11B	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
UP	Agriculture				
	Aq Life Warm 2	Temperature °C	WL WL	Arsenic	340 ---
	Recreation P		acute chronic	Arsenic(T)	--- 0.02-10 ^A
	Water Supply	D.O. (mg/L)	--- 5.0	Cadmium	TVS TVS
Qualifiers:		pH	6.5 - 9.0 ---	Cadmium(T)	5.0 ---
Other: *Southern Ute Indian Reservation *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (ug/L)	--- 20*	Chromium III	--- TVS
		E. coli (per 100 mL)	--- 205	Chromium III(T)	50 ---
		Inorganic (mg/L)		Chromium VI	TVS TVS
			acute chronic	Copper	TVS TVS
		Ammonia	TVS TVS	Iron	--- WS
		Boron	--- 0.25	Iron(T)	--- 1000
		Chloride	--- 250	Lead	TVS TVS
		Chlorine	0.019 0.011	Lead(T)	50 ---
		Cyanide	0.005 ---	Manganese	TVS TVS/WS
		Nitrate	10 ---	Mercury(T)	--- 0.01
		Nitrite	--- 0.5	Molybdenum(T)	--- 150
		Phosphorus	--- 0.083*	Nickel	TVS TVS
		Sulfate	--- WS	Nickel(T)	--- 100
		Sulfide	--- 0.002	Selenium	TVS TVS
				Silver	TVS TVS
				Uranium	varies* varies*
				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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

1. All tributaries to the Los Pinos River, including all wetlands, which are within the Weminuche Wilderness Area.

COSJPN01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of the Los Pinos River from the boundary of the Weminuche Wilderness Area to the boundary of the Southern Ute Indian Reservation except for the specific listing in Segment 3.

COSJPN02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

2b. Mainstem of the Los Pinos River from the boundary of the Southern Ute Indian Reservation to the Pine Ditch Diversion (37.1906, -107.58778).							
COSJPN02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Southern Ute Indian Reservation			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
2c. Mainstem of the Los Pinos River from the Pine Ditch Diversion (37.1906, -107.58778) to above the confluence with Dry Creek. Mainstem of Beaver Creek from the boundaries of the Southern Ute Indian Reservation to their confluences with the Los Pinos River.							
COSJPN02C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Southern Ute Indian Reservation		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
*Uranium(acute) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

2d. Mainstem of the Los Pinos River from above the confluence with Dry Creek to New Mexico state line. Mainstems of Dry Creek, Ute Creek, Spring Creek and Rock Creek from the boundaries of the Southern Ute Indian Reservation to their confluences with the Los Pinos River.

COSJPN02D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3. Vallecito Reservoir.

COSJPN03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

4. All tributaries to the Los Pinos River and Vallecito Reservoir, including all wetlands, from the boundary of the Weminuche Wilderness Area to a point immediately below the confluence with Bear Creek , except for the specific listing in Segment 5; mainstems of Beaver Creek, Ute Creek, and Spring Creek from their sources to the boundary of the Southern Ute Indian Reservation.

COSJPN04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		acute		chronic	Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

5. Mainstem of Vallecito Creek from the boundary of the Weminuche Wilderness Area to Vallecito Reservoir.

COSJPN05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5).		acute		chronic	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia	TVS	TVS	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

6. All tributaries to the Los Pinos River, including all wetlands, from a point immediately below the confluence with Bear Creek to the boundary of the Southern Ute Indian Reservation except for specific listings in Segment 4.							
COSJPN06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Fish Ingestion		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
Arsenic(chronic) = hybrid					Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	---	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
7a. All tributaries to the Los Pinos River from the Southern Ute Indian Reservation boundary to the Colorado/New Mexico border, except for the specific listing in Segments 2b, 2c and 2d.							
COSJPN07A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
*Uranium(chronic) = See 34.5(3) for details.					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	---	Nickel	TVS	TVS
		Phosphorus	---	0.17	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

7b. Trail Canyon, including all tributaries, from their source to the New Mexico border.

COSJPN07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Southern Ute Indian Reservation		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.17			
		Sulfate	---	---			
		Sulfide	---	0.002			

8. All lakes and reservoirs tributary to the Los Pinos River which are within the Weminuche Wilderness Area, except for the specific listing in Segment 9. This includes Granite Lake, Divide Lakes, Elk Lake, Flint Lakes, Moon Lake, Rock Lake, Betty Lake, Lost Lake, Hidden Lake, Vallecito Lake, Eldorado Lake, Trinity Lake, Leviathan Lake, Sunlight Lake, Hazel Lake, and Columbine Lake.

COSJPN08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.					Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

9. Emerald Lake.								
COSJPN09	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic		
OW	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
10. All lakes and reservoirs tributary to the Los Pinos River and Vallecito Reservoir from the boundary of the Weminuche Wilderness Area to a point immediately below the confluence with Bear Creek (T35N, R7W), except for the specific listing in Segment 3. This segment includes Lake Simpatico.								
COSJPN10	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Los Pinos River Basin

11a. All lakes and reservoirs tributary to the Los Pinos River, from a point immediately below the confluence with Bear Creek (T35N, R7W) to the boundary of the Southern Ute Indian Reservation.

COSJPN11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.025*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

11b. All lakes and reservoirs tributary to the Los Pinos River, from the Southern Ute Indian Reservation boundary to the Colorado/New Mexico border. This segment includes Harper Pond.

COSJPN11B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
*Southern Ute Indian Reservation *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

1. All tributaries to the Animas River and Florida River, including all wetlands, which are within the Weminuche Wilderness Area.

COSJAF01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 34.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Mainstem of the Animas River, including all tributaries and wetlands, from the outlet of Denver Lake to a point immediately above the confluence with Minnie Gulch, except for specific listings in Segment 6.

COSJAF02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Recreation E				Arsenic(T)	---	100
Qualifiers:			acute	chronic	Beryllium(T)	---	100
Other:		D.O. (mg/L)	---	3.0	Cadmium(T)	---	10
*The concentration of dissolved aluminum, cadmium, copper, iron, lead, manganese, and zinc that is directed toward maintaining and achieving standards established for segments 3a, 4a and 4b.		pH	5.8-9.0	---	Chromium III(T)	---	100
*Uranium(acute) = See 34.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium VI(T)	---	100
*Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Copper(T)	---	200
		Inorganic (mg/L)			Iron	---	---
			acute	chronic	Lead(T)	---	100
		Ammonia	---	---	Manganese	---	---
		Boron	---	0.75	Mercury(T)	---	---
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	---	---	Nickel(T)	---	200
		Cyanide	0.2	---	Selenium(T)	---	20
		Nitrate	---	100	Silver	---	---
		Nitrite	10	---	Uranium	varies*	varies*
		Phosphorus	---	---	Zinc(T)	---	2000
		Sulfate	---	---			
		Sulfide	---	---			

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

3a. Mainstem of the Animas River, including wetlands, from a point immediately below the confluence with Minnie Gulch to immediately above the confluence with Cement Creek.								
COSJAF03A		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(T)	750	750
	Recreation E		acute	chronic	Arsenic	340	---	
Qualifiers:			D.O. (mg/L)	---	6.0	Arsenic(T)	---	100
Other:			D.O. (spawning)	---	7.0	Cadmium	TVS	varies*
*Classification: Aquatic life indicator goal: Brook Trout *Cadmium(chronic) = 3.5 ug/L from 4/1-4/30 2.2 ug/L from 5/1-5/31 TVS from 6/1-3/31 *Manganese(chronic) = Standards are listed on Table 1. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Zinc(acute) = Standards are listed on Table 1. *Zinc(chronic) = Standards are listed on Table 1.			pH	6.5 - 9.0	---	Chromium III	TVS	TVS
			chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
			E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
			Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000	
			Ammonia	TVS	TVS	Lead	TVS	TVS
			Boron	---	0.75	Manganese	---	varies*
			Chloride	---	---	Mercury(T)	---	0.01
			Chlorine	0.019	0.011	Molybdenum(T)	---	150
			Cyanide	0.005	---	Nickel	TVS	TVS
			Nitrate	100	---	Selenium	TVS	TVS
			Nitrite	---	---	Silver	TVS	TVS(tr)
			Phosphorus	---	0.11	Uranium	varies*	varies*
			Sulfate	---	---	Zinc	varies*	varies*
			Sulfide	---	0.002			

3b. Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Cement Creek to a point immediately above the confluence with Mineral Creek.									
COSJAF03B		Classifications	Physical and Biological			Metals (ug/L)			
Designation	Recreation E	5/15 - 9/10	DM	MWAT	acute	chronic			
UP	Recreation N	9/11 - 5/14			Arsenic	---	---		
Qualifiers:			acute	chronic	Cadmium	---	---		
Other:			D.O. (mg/L)	---	3.0	Chromium III	---	---	
Temporary Modification(s): Copper(ac/ch) = current condition* Expiration Date of 12/31/2022 *The concentration of dissolved aluminum, cadmium, copper, iron, lead, manganese, and zinc that is directed toward maintaining and achieving water quality standards established for segments 4a and 4b. *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *TempMod: Copper = Adopted 6/12/2006			pH	6.0-9.0	---	Chromium VI	---	---	
			chlorophyll a (mg/m²)	---	150*	Copper	---	---	
			E. coli (per 100 mL)	5/15 - 9/10	---	126	Iron	---	---
			E. coli (per 100 mL)	9/11 - 5/14	---	630	Lead	---	---
			Inorganic (mg/L)			Manganese	---	---	
			acute	chronic	Mercury(T)	---	---		
			Ammonia	---	---	Molybdenum(T)	---	---	
			Boron	---	---	Nickel	---	---	
			Chloride	---	---	Selenium	---	---	
			Chlorine	---	---	Silver	---	---	
			Cyanide	---	---	Uranium	varies*	varies*	
			Nitrate	---	---	Zinc	---	---	
			Nitrite	---	---				
			Phosphorus	---	---				
			Sulfate	---	---				
		Sulfide	---	---					

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

3c. Arrastra Gulch including all tributaries and wetlands from the source to the confluence with the Animas River.						
COSJAF03C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2 Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340 ---
			acute	chronic	Arsenic(T)	--- 100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS TVS
		pH	6.5 - 9.0	---	Chromium III(T)	--- 100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS TVS
		E. coli (per 100 mL)	---	126	Copper	TVS TVS
					Iron(T)	--- 1000
		Inorganic (mg/L)			Lead	TVS TVS
			acute	chronic	Manganese	TVS TVS
		Ammonia	TVS	TVS	Mercury(T)	--- 0.01
		Boron	---	0.75	Molybdenum(T)	--- 150
		Chloride	---	---	Nickel	TVS TVS
		Chlorine	0.019	0.011	Selenium	TVS TVS
		Cyanide	0.005	---	Silver	TVS TVS(tr)
		Nitrate	100	---	Uranium	varies* varies*
		Nitrite	---	0.05	Zinc	TVS TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

4a. Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Mineral Creek to a point immediately above the confluence with Deer Park Creek.

COSJAF04A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2* Recreation E	Temperature °C	CS-I	CS-I	Aluminum	varies* varies*
			acute	chronic	Arsenic	340 ---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	--- 100
Other: Temporary Modification(s): Copper(ac/ch) = current condition* Expiration Date of 12/31/2022 *Classification: Aquatic life indicator goal: Brook Trout *Aluminum(acute) = Standards are listed on Table 1. *Aluminum(chronic) = Standards are listed on Table 1. *Iron(chronic) = Standards are listed on Table 1. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Zinc(acute) = Standards are listed on Table 1. *Zinc(chronic) = Standards are listed on Table 1. *pH(acute) = Standards are listed on Table 1. *TempMod: Copper = Adopted 6/12/2017		D.O. (spawning)	---	7.0	Cadmium	TVS TVS
		pH	varies*	---	Chromium III	TVS TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	--- 100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- varies*
			acute	chronic	Lead	TVS TVS
		Ammonia	TVS	TVS	Manganese	TVS TVS
		Boron	---	0.75	Mercury(T)	--- 0.01
		Chloride	---	---	Molybdenum(T)	--- 150
		Chlorine	0.019	0.011	Nickel	TVS TVS
		Cyanide	0.005	---	Selenium	TVS TVS
		Nitrate	100	---	Silver	TVS TVS(tr)
		Nitrite	---	---	Uranium	varies* varies*
		Phosphorus	---	---	Zinc	varies* varies*
		Sulfate	---	---		
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

4b. Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Deer Park Creek to Bakers Bridge (37.458620, -107.799194).								
COSJAF04B	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(T)	TVS		
	Recreation E		acute	chronic	Arsenic	340		
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic(T)	0.02		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0		
		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
					Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
			acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	---	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		5a. Mainstem of the Animas River, including wetlands, from Bakers Bridge (37.458620, -107.799194) to the Southern Ute Indian Reservation boundary.						
		COSJAF05A	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	TVS		
	Recreation E		acute	chronic	Arsenic	340		
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic(T)	0.02		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0		
		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
					Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
			acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	---	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

5b. Mainstem of the Animas River, including wetlands, from the Southern Ute Indian Reservation boundary (37.214880 -107.855102) to Basin Creek.						
COSJAF05B	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	TVS
	Recreation E	acute	chronic	Arsenic	340	---
Water Supply		D.O. (mg/L)	---	6.0	Arsenic(T)	---
		D.O. (spawning)	---	7.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid					Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*Southern Ute Indian Reservation		Inorganic (mg/L)			Iron	---
*Uranium(acute) = See 34.5(3) for details.		acute	chronic		Iron(T)	---
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	---	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

5c. Mainstem of the Animas River, including wetlands, from Basin Creek to above the confluence with the Florida River.						
COSJAF05C	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	TVS
	Recreation E	acute	chronic	Arsenic	340	---
Water Supply		D.O. (mg/L)	---	6.0	Arsenic(T)	---
		D.O. (spawning)	---	7.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid					Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*Southern Ute Indian Reservation		Inorganic (mg/L)			Iron	---
*Uranium(acute) = See 34.5(3) for details.		acute	chronic		Iron(T)	---
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	---	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

5d. Mainstem of the Animas River, including wetlands from above the confluence with the Florida River to New Mexico state line.						
COSJAF05D	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	TVS
	Recreation E	acute	chronic	Arsenic	340	---
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic(T)	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Expiration Date of 12/31/2024					Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
*Southern Ute Indian Reservation		acute	chronic	Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	---	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

6. Mainstem of the Animas River from the source to the outlet of Denver Lake. Mainstem, including all tributaries and wetlands of Cinnamon Creek, Grouse Gulch, Picayne Gulch, and Minnie Gulch. All tributaries and wetlands to the Animas River from immediately above Maggie Gulch to a point immediately above Elk Creek except for those listed under segments 3c, 7, 8 and 9. South Mineral Creek and all other tributaries and wetlands to Mineral Creek, except for those specifically listed in segments 8 and 9.

COSJAF06	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
*Uranium(acute) = See 34.5(3) for details.		acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

7. Mainstem of Cement Creek, including all tributaries, and wetlands, from the source to the confluence with the Animas River.						
COSJAF07	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Recreation E					Arsenic(T) --- 100
Qualifiers:		acute	chronic	Beryllium(T)	---	100
Other: *The concentration of dissolved aluminum, cadmium, copper, iron, lead, manganese, and zinc that is directed toward maintaining and achieving water quality standards established for segments 4a and 4b. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.	D.O. (mg/L)	---	3.0	Cadmium(T)	---	10
	pH	3.7-9.0	---	Chromium III(T)	---	100
	chlorophyll a (mg/m²)	---	150	Chromium VI(T)	---	100
	E. coli (per 100 mL)	---	126	Copper(T)	---	200
	Inorganic (mg/L)			Iron	---	---
		acute	chronic	Lead(T)	---	100
	Ammonia	---	---	Manganese	---	---
	Boron	---	0.75	Mercury(T)	---	---
	Chloride	---	---	Molybdenum(T)	---	150
	Chlorine	---	---	Nickel(T)	---	200
	Cyanide	0.2	---	Selenium(T)	---	20
	Nitrate	100	---	Silver	---	---
	Nitrite	10	---	Uranium	varies*	varies*
	Phosphorus	---	---	Zinc(T)	---	2000
	Sulfate	---	---			
	Sulfide	---	---			
8. Mainstem of Mineral Creek, including wetlands, from the source to a point immediately above the confluence with South Mineral Creek. All tributaries on the east side of this segment of Mineral Creek including wetlands, except for Big Horn Creek. Mainstem of the Middle Fork of Mineral Creek including all tributaries and wetlands from the source to the confluence with Mineral Creek except for Crystal Lake and its exiting tributary to confluence with Middle Fork of Mineral Creek.						
COSJAF08	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Recreation E					Arsenic(T) --- 100
Qualifiers:		acute	chronic	Beryllium(T)	---	100
Other: *The concentration of dissolved aluminum, cadmium, copper, iron, lead, manganese, and zinc that is directed toward maintaining and achieving water quality standards established for segments 4a and 4b. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.	D.O. (mg/L)	---	3.0	Cadmium(T)	---	10
	pH	4.5-9.0	---	Chromium III(T)	---	100
	chlorophyll a (mg/m²)	---	150	Chromium VI(T)	---	100
	E. coli (per 100 mL)	---	126	Copper(T)	---	200
	Inorganic (mg/L)			Iron	---	---
		acute	chronic	Lead(T)	---	100
	Ammonia	---	---	Manganese	---	---
	Boron	---	0.75	Mercury(T)	---	---
	Chloride	---	---	Molybdenum(T)	---	150
	Chlorine	---	---	Nickel(T)	---	200
	Cyanide	0.2	---	Selenium(T)	---	20
	Nitrate	100	---	Silver	---	---
	Nitrite	10	---	Uranium	varies*	varies*
	Phosphorus	---	---	Zinc(T)	---	2000
	Sulfate	---	---			
	Sulfide	---	---			

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

9. Mainstem of Mineral Creek, including wetlands, from immediately above the confluence with South Mineral Creek to the confluence with the Animas River.						
COSJAF09	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Cold 2*	Temperature °C	CS-I	CS-I	Aluminum	--- varies*
	Recreation E	acute	chronic	Arsenic	340	---
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic(T)	--- 0.02-10 ^A
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS TVS
Other: *Classification: Aquatic Life indicator goal: Macroinvertebrates; Brook Trout corridor *Aluminum(chronic) = Standards are listed on Table 1. *Copper(chronic) = Standards are listed on Table 1. *Iron(chronic) = Standards are listed on Table 1. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Zinc(chronic) = Standards are listed on Table 1. *pH(acute) = Standards are listed on Table 1.		pH	varies*	---	Cadmium(T)	5.0 ---
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50 ---
		Inorganic (mg/L)			Chromium VI	TVS TVS
		acute	chronic	Copper	TVS	varies*
		Ammonia	TVS	TVS	Iron	--- varies*
		Boron	---	0.75	Iron	--- WS
		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.05	Molybdenum(T)	--- 150
		Phosphorus	---	0.11	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS(tr)
					Uranium	varies* varies*
					Zinc	TVS varies*
10a. Mainstem of the Florida River from the boundary of the Weminuche Wilderness Area to the inlet of Lemon Reservoir.						
COSJAF10A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	--- 1000
		Boron	---	0.75	Lead	TVS TVS
		Chloride	---	250	Lead(T)	50 ---
		Chlorine	0.019	0.011	Manganese	TVS TVS/WS
		Cyanide	0.005	---	Mercury(T)	--- 0.01
		Nitrate	10	---	Molybdenum(T)	--- 150
		Nitrite	---	0.05	Nickel	TVS TVS
		Phosphorus	---	0.11	Nickel(T)	--- 100
		Sulfate	---	WS	Selenium	TVS TVS
		Sulfide	---	0.002	Silver	TVS TVS(tr)
					Uranium	varies* varies*
					Zinc	TVS TVS/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 34.6 for further details on applied standards.

Animas and Florida River Basins

10b. Mainstem of the Florida River from the outlet of Lemon Reservoir to the Florida Farmers Canal Headgate (37.295157, -107.791794).							
COSJAF10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
11a. Mainstem of the Florida River from the Florida Farmers Canal Headgate (37.295157, -107.791794) to the Southern Ute Indian Reservation boundary (37.214724, -107.746734).							
COSJAF11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

11b. Mainstem of the Florida River from the Southern Ute Indian Reservation boundary (37.214724, -107.746734) to the confluence with the Animas River.							
COSJAF11B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Southern Ute Indian Reservation		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11c. All tributaries to the Florida River from the Southern Ute Indian Reservation boundary to the confluence with the Animas River.							
COSJAF11C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*Southern Ute Indian Reservation		acute	chronic	Iron(T)	---	1000	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 34.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11c. All tributaries to the Florida River from the Southern Ute Indian Reservation boundary to the confluence with the Animas River.							
COSJAF11C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*Southern Ute Indian Reservation		acute	chronic		Iron(T)	---	1000
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 34.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

12a. All tributaries to the Animas River from a point immediately above the confluence with Elk Creek to a point immediately below the confluence with Hermosa Creek except for specific listings in Segments 12b, 12c and 15. All tributaries to the Florida River from the source to below the confluence with Mud Spring Creek, except the specific listing in Segment 1.

COSJAF12A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5).			acute	chronic	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia	TVS	TVS	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

12b. Lemon Reservoir.

COSJAF12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

12c. Hermosa Creek, including all tributaries, from the source to immediately below the confluence with Long Hollow, except for the East Fork of Hermosa Creek.							
COSJAF12C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
12d. Mainstem of Junction Creek, including all tributaries, from the source to the U.S. Forest Boundary. Mainstem of Falls Creek, including all tributaries, from the source to the confluence with the Animas River.							
COSJAF12D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12d. Mainstem of Junction Creek, including all tributaries, from the source to the U.S. Forest Boundary. Mainstem of Falls Creek, including all tributaries, from the source to the confluence with the Animas River.

COSJAF12D	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia			TVS	TVS	TVS		
		Boron			---	0.75	---		
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.11	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

13a. Mainstem of Junction Creek including all tributaries, from the U.S. Forest Boundary to the confluence with Animas River.							
COSJAF13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024						---	WS
						---	1000
*Uranium(acute) = See 34.5(3) for details.						---	100
*Uranium(chronic) = See 34.5(3) for details.						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100
						---	100

13b. All tributaries to the Animas River from a point immediately below the confluence with Hermosa Creek to the Southern Ute Indian Reservation boundary except for the specific listings in Segments 12d, 13a, 13c, 14a and 14b; all tributaries to the Florida River, from a point immediately below the confluence with Mud Creek to the Southern Ute Indian Reservation boundary, except for specific listings in Segment 13d.

COSJAF13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

13c. Mainstem of the unnamed tributary to Coal Gulch which crosses Highway 160 at (37.267877, -107.961598) from the source to the confluence with Coal Gulch.							
COSJAF13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Fish Ingestion		D.O. (spawning)	---	7.0	Chromium III	---	TVS
Other:		pH	6.5 - 9.0	---	Chromium III(T)	50	---
Discharger Specific Variance(s): Ammonia(ac/ch) = TVS:15 mg/L Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Variance: Ammonia = see 34.6(4) for details.		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	250	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		Sulfide	---	0.002			
	13d. Brice Draw, including all tributaries, from its source to the Southern Ute Indian Reservation Boundary.						
COSJAF13D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Recreation E				Arsenic(T)	---	100
Qualifiers:			acute	chronic	Beryllium(T)	---	100
Other:		D.O. (mg/L)	---	3.0	Cadmium(T)	---	10
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI(T)	---	100
		E. coli (per 100 mL)	---	126	Copper(T)	---	200
		Inorganic (mg/L)			Iron	---	---
			acute	chronic	Lead(T)	---	100
		Ammonia	---	---	Manganese	---	---
		Boron	---	0.75	Mercury(T)	---	---
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	---	---	Nickel(T)	---	200
		Cyanide	0.2	---	Selenium(T)	---	20
		Nitrate	100	---	Silver	---	---
		Nitrite	10	---	Uranium	varies*	varies*
		Phosphorus	---	---	Zinc(T)	---	2000
		Sulfate	---	---			
		Sulfide	---	---			

13d. Brice Draw, including all tributaries, from its source to the Southern Ute Indian Reservation Boundary.

COSJAF13D	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Recreation E			Arsenic(T)	100
Qualifiers:		acute	chronic	Beryllium(T)	100
Other:		D.O. (mg/L)	3.0	Cadmium(T)	10
		pH	6.5 - 9.0	Chromium III(T)	100
	chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5).	chlorophyll a (mg/m ²)	150	Chromium VI(T)	100
	*Uranium(acute) = See 34.5(3) for details.	E. coli (per 100 mL)	126	Copper(T)	200
	*Uranium(chronic) = See 34.5(3) for details.	Inorganic (mg/L)		Iron	
		acute	chronic	Lead(T)	100
		Ammonia		Manganese	
		Boron	0.75	Mercury(T)	
		Chloride		Molybdenum(T)	150
		Chlorine		Nickel(T)	200
		Cyanide	0.2	Selenium(T)	20
		Nitrate	100	Silver	
		Nitrite	10	Uranium	varies* varies*
		Phosphorus		Zinc(T)	2000
		Sulfate			
		Sulfide			

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

13e. All tributaries to the Animas River from the Southern Ute Indian Reservation boundary to below the confluence with Basin Creek.							
COSJAF13E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*Southern Ute Indian Reservation		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

13f. All tributaries to the Animas River from below the confluence with Basin Creek to the Colorado/New Mexico border, except for Segments 11b and 11c.							
COSJAF13F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*Southern Ute Indian Reservation		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

14a. Mainstem of Lightner Creek, including all tributaries, from the source to below the confluence with Deep Creek.							
COSJAF14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
14b. Mainstem of Lightner Creek from below the confluence with Deep Creek to the confluence with the Animas River.							
COSJAF14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

14b. Mainstem of Lightner Creek from below the confluence with Deep Creek to the confluence with the Animas River.							
COSJAF14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

15. Mainstem of Purgatory Creek from the source to Cascade Creek; Goulding Creek from the source to Elbert Creek; and Nary Draw from the source to Haviland Lake.							
COSJAF15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
		16. All lakes and reservoirs tributary to the Animas River and Florida River which are within the Weminuche Wilderness Area. This segment includes Lillie Lake, Castilleja Lake, City Reservoir, Emerald Lake, Ruby Lake, Balsam Lake, Garfield Lake, Vestal Lake, Eldorado Lake, Highland Mary Lakes, Verde Lakes, Lost Lake, and Crater Lake.					
COSJAF16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

16. All lakes and reservoirs tributary to the Animas River and Florida River which are within the Weminuche Wilderness Area. This segment includes Lillie Lake, Castilleja Lake, City Reservoir, Emerald Lake, Ruby Lake, Balsam Lake, Garfield Lake, Vestal Lake, Eldorado Lake, Highland Mary Lakes, Verde Lakes, Lost Lake, and Crater Lake.

COSJAF16	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia			TVS	TVS	Lead	TVS	TVS
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.025*	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

17. All lakes tributary to Arrastra Gulch from the source to the confluence with the Animas River. This segment includes Silver Lake.

COSJAF17	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium
Other:		D.O. (spawning)	---	7.0	TVS
		pH	6.5 - 9.0	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III
		E. coli (per 100 mL)	---	126	Chromium III(T)
		Inorganic (mg/L)		---	100
		acute	chronic	Chromium VI	TVS
		Ammonia	TVS	TVS	TVS
		Boron	---	0.75	TVS
		Chloride	---	---	TVS
		Chlorine	0.019	0.011	TVS
		Cyanide	0.005	---	TVS
		Nitrate	100	---	TVS(tr)
		Nitrite	---	0.05	Silver
		Phosphorus	---	0.025*	varies*
		Sulfate	---	---	varies*
		Sulfide	---	0.002	TVS

18. All lakes and reservoirs tributary to Cinnamon Creek, Grouse Creek, Picayne Gulch, Minnie Gulch and Eureka Gulch. All lakes and reservoirs tributary to the Animas River from immediately above Maggie Gulch to Elk Park except for those listed under Segments 16, 17, 19, and 20. This segment includes Molas Lake, Bullion King Lake, Columbine Lake, Clear Lake, Island Lake, Ice Lake, Fuller Lake and Crystal Lake.

COSJAF18	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	6.0	0.02
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium
Other:		pH	6.5 - 9.0	---	TVS
		chlorophyll a (ug/L)	---	8*	Cadmium(T)
		E. coli (per 100 mL)	---	126	5.0
		Inorganic (mg/L)		---	---
		acute	chronic	Chromium III	TVS
		Ammonia	TVS	TVS	TVS
		Boron	---	0.75	Chromium III(T)
		Chloride	---	250	50
		Chlorine	0.019	0.011	---
		Cyanide	0.005	---	TVS
		Nitrate	10	---	TVS
		Nitrite	---	0.05	TVS
		Phosphorus	---	0.025*	TVS
		Sulfate	---	WS	TVS
		Sulfide	---	0.002	TVS(tr)
				Uranium	varies*
				Zinc	varies*

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

19. All lakes and reservoirs tributary to Cement Creek from the source to the confluence with the Animas River.						
COSJAF19	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2 Recreation E	CL	CL	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	100
Other:		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
					1000	
		Inorganic (mg/L)		Lead	TVS	TVS
					Manganese	TVS
					Mercury(T)	---
					0.01	
		Ammonia	TVS	TVS	Molybdenum(T)	---
		Boron	---	0.75	---	150
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	0.005	---	Silver	TVS
		Nitrate	100	---	Uranium	varies*
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.025*		
		Sulfate	---	---		
		Sulfide	---	0.002		

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Uranium(acute) = See 34.5(3) for details.
 *Uranium(chronic) = See 34.5(3) for details.

20. All lakes and reservoirs on the east side of Mineral Creek from the source to a point immediately above the confluence with South Mineral Creek. All lakes and reservoirs tributary to the Middle Fork of Mineral Creek from the source to the confluence with Mineral Creek except for the specific listings in Segment 18.

COSJAF20	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2 Recreation E	CL	CL	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	100
Other:		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
					1000	
		Inorganic (mg/L)		Lead	TVS	TVS
					Manganese	TVS
					Mercury(T)	---
					0.01	
		Ammonia	TVS	TVS	Molybdenum(T)	---
		Boron	---	0.75	---	150
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	0.005	---	Silver	TVS
		Nitrate	100	---	Uranium	varies*
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.025*		
		Sulfate	---	---		
		Sulfide	---	0.002		

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Uranium(acute) = See 34.5(3) for details.
 *Uranium(chronic) = See 34.5(3) for details.

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

21. All lakes and reservoirs tributary to the Animas River from a point immediately above the confluence with Elk Creek to a point immediately below the confluence with Hermosa Creek except for the specific listing in Segment 12b. All lakes and reservoirs tributary to the Florida River from the source to the outlet of Lemon Reservoir, except the specific listing in Segment 16. This segment includes Little Molas Lake, Andrews Lake, Potato Lake, Scout Lake, Boyce Lake, Columbine Lake, Haviland Lake, Henderson Lake, Ruby Lake, Pear Lake, Webb Lake, Shalona Lake, Stratton Lake, and Wallace Lake.

COSJAF21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

22. Electra Lake. Lake Nighthorse.

COSJAF22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Animas and Florida River Basins

23. All lakes and reservoirs tributary to the Animas River from a point immediately below the confluence with Hermosa Creek to the Southern Ute Indian Reservation boundary except for the specific listings in Segments 13a and 14; all lakes and reservoirs tributary to the Florida River, from the outlet of Lemon Reservoir to the Southern Ute Indian Reservation boundary. This segment includes Chapman Lake and City Res No 1.

COSJAF23	Classifications	Physical and Biological			Metals (ug/L)					
Designation	Agriculture	DM		MWAT	acute		chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---			
	Recreation E	acute		chronic	Arsenic(T)	---	0.02			
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS			
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---			
		pH	6.5 - 9.0	---	Chromium III	---	TVS			
Qualifiers:				chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
Water + Fish Standards				E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to City Reservoir #1 and Lake Durango only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.							Copper	TVS	TVS	
							Iron	---	WS	
								Iron(T)	---	1000
								Lead	TVS	TVS
								Lead(T)	50	---
								Manganese	TVS	TVS/WS
								Mercury(T)	---	0.01
								Molybdenum(T)	---	150
								Nickel	TVS	TVS
								Nickel(T)	---	100
								Selenium	TVS	TVS
								Silver	TVS	TVS(tr)
								Uranium	varies*	varies*
								Zinc	TVS	TVS

24. All lakes and reservoirs tributary to the Animas River, from the Southern Ute Indian Reservation boundary to the Colorado/New Mexico border. This segment includes Pastorius Reservoir.

COSJAF24	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Water + Fish Standards		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
Other: *Southern Ute Indian Reservation *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

1. Mainstem of the La Plata River, including all wetlands and tributaries from the source to the Hay Gulch diversion south of Hesperus.						
COSJLP01	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:	pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):	chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid	E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.		acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.	Ammonia	TVS	TVS	Lead	TVS	TVS
	Boron	---	0.75	Lead(T)	50	---
	Chloride	---	250	Manganese	TVS	TVS/WS
	Chlorine	0.019	0.011	Mercury(T)	---	0.01
	Cyanide	0.005	---	Molybdenum(T)	---	150
	Nitrate	10	---	Nickel	TVS	TVS
	Nitrite	---	0.05	Nickel(T)	---	100
	Phosphorus	---	0.11	Selenium	TVS	TVS
	Sulfate	---	WS	Silver	TVS	TVS(tr)
	Sulfide	---	0.002	Uranium	varies*	varies*
				Zinc	TVS	TVS(sc)
2a. Mainstem of the La Plata River from the Hay Gulch diversion south of Hesperus to the boundary of Southern Ute Indian Reservation.						
COSJLP02A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CS-II	CS-II	Arsenic	340	---
	Recreation E 5/1 - 10/31	acute	chronic	Arsenic(T)	---	0.02
	Recreation N 11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS
	Water Supply	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:	pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:	chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(acute) = See 34.5(3) for details.	E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.	E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
	Ammonia	TVS	TVS	Lead	TVS	TVS
	Boron	---	0.75	Lead(T)	50	---
	Chloride	---	250	Manganese	TVS	TVS/WS
	Chlorine	0.019	0.011	Mercury(T)	---	0.01
	Cyanide	0.005	---	Molybdenum(T)	---	150
	Nitrate	10	---	Nickel	TVS	TVS
	Nitrite	---	0.05	Nickel(T)	---	100
	Phosphorus	---	0.11	Selenium	TVS	TVS
	Sulfate	---	WS	Silver	TVS	TVS(tr)
	Sulfide	---	0.002	Uranium	varies*	varies*
				Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

2b. Mainstem of the La Plata River from the boundary of the Southern Ute Indian Reservation to above the confluence with Cherry Creek.						
COSJLP02B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340 ---
	Recreation E 5/1 - 10/31		acute	chronic	Arsenic(T)	--- 0.02
	Recreation P 11/1 - 4/30	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
	Water Supply	pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
Qualifiers:		chlorophyll a (mg/m ²)	---	150	Chromium III	--- TVS
Other:		E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium III(T)	50 ---
Temporary Modification(s):		E. coli (per 100 mL) 11/1 - 4/30	---	205	Chromium VI	TVS TVS
Arsenic(chronic) = hybrid					Copper	TVS TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	--- WS
			acute	chronic	Iron(T)	--- 1000
*Southern Ute Indian Reservation		Ammonia	TVS	TVS	Lead	TVS TVS
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50 ---
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.17	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS

2c. Mainstem of the La Plata River from the confluence with Cherry Creek to above the confluence with Long Hollow.						
COSJLP02C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	--- TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50 ---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS TVS
*Southern Ute Indian Reservation		Ammonia	TVS	TVS	Iron	--- WS
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Iron(T)	--- 1000
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.05	Molybdenum(T)	--- 150
		Phosphorus	---	0.17	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS
					Uranium	varies* varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

2d. Mainstem of the La Plata River from Long Hollow to the Colorado/New Mexico border.							
COSJLP02D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Southern Ute Indian Reservation		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

3a. All tributaries to the La Plata River, including all wetlands, from the Hay Gulch diversions south of Hesperus to the Southern Ute Indian Reservation boundary, except for specific listing in Segment 3c, 3d and 3e.							
COSJLP03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
*Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

3a. All tributaries to the La Plata River, including all wetlands, from the Hay Gulch diversions south of Hesperus to the Southern Ute Indian Reservation boundary, except for specific listing in Segment 3c, 3d and 3e.

COSJLP03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

3b. All tributaries to the La Plata River, including all wetlands, from the boundary of the Southern Ute Indian Reservation to the Colorado/New Mexico border.								
COSJLP03B		Classifications	Physical and Biological			Metals (ug/L)		
Designation		Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation N	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0		---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m²)	---		150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---		630	Chromium III(T)	50	---
*Southern Ute Indian Reservation *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		Inorganic (mg/L)				Chromium VI	TVS	TVS
		acute		chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.05	Molybdenum(T)	---	150	
		Phosphorus	---	0.17	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
3c. Cherry Creek, including all tributaries and wetlands, from the source to the boundary of the Southern Ute Indian Reservation boundary.								
COSJLP03C		Classifications	Physical and Biological			Metals (ug/L)		
Designation		Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---		7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0		---	Chromium III	---	TVS
*Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---		150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---		126	Chromium VI	TVS	TVS
		Inorganic (mg/L)				Copper	TVS	TVS
		acute		chronic		Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.11	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
			Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

3d. East Cherry Creek from the source to the confluence with Cherry Creek.

COSJLP03D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

3e. East Alkali Gulch from the source to the Southern Ute Indian Boundary. Hay Gulch, including all tributaries, from the source to the Southern Ute Indian Boundary.

COSJLP03E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	630	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

4a. Mainstem of the Mancos River, including all wetlands and tributaries, from the source of the East, West and Middle Forks to the San Juan National Forest Boundary.									
COSJLP04A	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1		Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	5/1 - 10/31	acute	chronic	Arsenic(T)	---	0.02		
	Recreation N	11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	Water Supply		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:			pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other:			chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
Temporary Modification(s):			E. coli (per 100 mL)	5/1 - 10/31	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid			E. coli (per 100 mL)	11/1 - 4/30	---	630	Copper	TVS	TVS
Expiration Date of 12/31/2024			Inorganic (mg/L)			Iron	---	WS	
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000		
*Uranium(chronic) = See 34.5(3) for details.			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	0.11	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						Zinc	TVS	TVS	

4b. Mancos Reservoir (Jackson Gulch Reservoir).								
COSJLP04B	Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1		Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:			pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:			chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.			E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Classification: DUWS applies to Jackson Gulch Reservoir only.						Copper	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.			Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000	
*Uranium(chronic) = See 34.5(3) for details.			Ammonia	TVS	TVS	Lead	TVS	TVS
			Boron	---	0.75	Lead(T)	50	---
			Chloride	---	250	Manganese	TVS	TVS/WS
			Chlorine	0.019	0.011	Mercury(T)	---	0.01
			Cyanide	0.005	---	Molybdenum(T)	---	150
			Nitrate	10	---	Nickel	TVS	TVS
			Nitrite	---	0.05	Nickel(T)	---	100
			Phosphorus	---	0.025*	Selenium	TVS	TVS
			Sulfate	---	WS	Silver	TVS	TVS(tr)
			Sulfide	---	0.002	Uranium	varies*	varies*
						Zinc	TVS	TVS

4b. Mancos Reservoir (Jackson Gulch Reservoir).

COSJLP04B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Jackson Gulch Reservoir only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)				Copper	TVS	TVS
		acute		chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.025*	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

4c. Mainstem of the Mancos River, including all wetlands, tributaries, from below the San Juan National Forest Boundary to Hwy 160. Chicken Creek, including all tributaries, from its source to the confluence with the Mancos River.

COSJLP04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C		CS-II	340		---
	Recreation E 5/1 - 10/31	acute		chronic	Arsenic(T)		0.02
	Recreation N 11/1 - 4/30	D.O. (mg/L)		6.0	Cadmium		TVS
	Water Supply	D.O. (spawning)		7.0	Cadmium(T)		5.0
Qualifiers:		pH		6.5 - 9.0	Chromium III		TVS
Other:		chlorophyll a (mg/m ²)		150	Chromium III(T)		50
*Uranium(acute) = See 34.5(3) for details.		E. coli (per 100 mL) 5/1 - 10/31		126	Chromium VI		TVS
*Uranium(chronic) = See 34.5(3) for details.		E. coli (per 100 mL) 11/1 - 4/30		630	Copper		TVS
		Inorganic (mg/L)			Iron		WS
		acute		chronic	Iron(T)		1000
		Ammonia		TVS	Lead		TVS
		Boron		0.75	Lead(T)		50
		Chloride		250	Manganese		TVS/WS
		Chlorine		0.019	Mercury(T)		0.01
		Cyanide		0.005	Molybdenum(T)		150
		Nitrate		10	Nickel		TVS
		Nitrite		0.05	Nickel(T)		100
		Phosphorus		0.11	Selenium		TVS
		Sulfate		WS	Silver		TVS(tr)
		Sulfide		0.002	Uranium		varies*
					Zinc		TVS

5. Mainstem of the Mancos River from Hwy 160 to the boundary of the Ute Mountain Indian Reservation and mainstem of Weber Canyon from source to boundary of the Ute Mountain Ute Indian Reservation.

COSJLP05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C		WS-II	340		---
	Recreation E 5/1 - 10/31	acute		chronic	Arsenic(T)		0.02
	Recreation N 11/1 - 4/30	D.O. (mg/L)		5.0	Cadmium		TVS
	Water Supply	pH		6.5 - 9.0	Cadmium(T)		5.0
Qualifiers:		chlorophyll a (mg/m ²)		150*	Chromium III		TVS
Other:		E. coli (per 100 mL) 5/1 - 10/31		126	Chromium III(T)		50
Temporary Modification(s):		E. coli (per 100 mL) 11/1 - 4/30		630	Chromium VI		TVS
Arsenic(chronic) = hybrid					Copper		TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron		WS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5).		acute		chronic	Iron(T)		1000
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia		TVS	Lead		TVS
*Uranium(acute) = See 34.5(3) for details.		Boron		0.75	Lead(T)		50
*Uranium(chronic) = See 34.5(3) for details.		Chloride		250	Manganese		TVS/WS
		Chlorine		0.019	Mercury(T)		0.01
		Cyanide		0.005	Molybdenum(T)		150
		Nitrate		10	Nickel		TVS
		Nitrite		0.05	Nickel(T)		100
		Phosphorus		0.17*	Selenium		TVS
		Sulfate		WS	Silver		TVS
		Sulfide		0.002	Uranium		varies*
					Zinc		TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

6a. All tributaries to the Mancos River, including all wetlands, from Hwy 160 to the boundary of the Ute Mountain Indian Reservation, except for specific listings in segment 4c, 5, 6b and 6c. Navajo Wash, including all tributaries, from the source to the Ute Mountain Indian Reservation Boundary.

COSJLP06A	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture			DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2		Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation N	11/1 - 4/30		acute	chronic	Arsenic(T)	---	100	
	Recreation P	5/1 - 10/31	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:			pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
Other:			chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100	
*Uranium(acute) = See 34.5(3) for details.			E. coli (per 100 mL)	5/1 - 10/31	---	205	Chromium VI	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.			E. coli (per 100 mL)	11/1 - 4/30	---	630	Copper	TVS	TVS
						Iron(T)	---	1000	
			Inorganic (mg/L)			Lead	TVS	TVS	
				acute	chronic	Manganese	TVS	TVS	
			Ammonia	TVS	TVS	Mercury(T)	---	0.01	
			Boron	---	0.75	Molybdenum(T)	---	150	
			Chloride	---	---	Nickel	TVS	TVS	
			Chlorine	0.019	0.011	Selenium	TVS	TVS	
			Cyanide	0.005	---	Silver	TVS	TVS	
			Nitrate	100	---	Uranium	varies*	varies*	
			Nitrite	---	0.05	Zinc	TVS	TVS	
			Phosphorus	---	0.17				
			Sulfate	---	---				
			Sulfide	---	0.002				

6b. East Fork of Mud Creek, including all tributaries, from the source to the confluence with the West Fork of Mud Creek. East Canyon from the source to the confluence with Joes Canyon.

COSJLP06B	Classifications		Physical and Biological			Metals (ug/L)					
Designation	Agriculture			DM	MWAT	acute		chronic			
Reviewable	Aq Life Warm 2		Temperature °C	WS-II	WS-II	Arsenic	340	---			
	Recreation N	11/1 - 4/30		acute	chronic	Arsenic(T)	---	0.02-10 ^A			
	Recreation P	5/1 - 10/31	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS			
	Water Supply		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---			
Qualifiers:			chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS			
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			E. coli (per 100 mL)	5/1 - 10/31	---	205	Chromium III(T)	---	100		
			E. coli (per 100 mL)	11/1 - 4/30	---	630	Chromium VI	TVS	TVS		
									Copper	TVS	TVS
						Inorganic (mg/L)			Iron	---	WS
							acute	chronic	Iron(T)	---	1000
			Ammonia			TVS	TVS	Lead	TVS	TVS	
			Boron			---	0.75	Lead(T)	50	---	
			Chloride			---	250	Manganese	TVS	TVS/WS	
			Chlorine			0.019	0.011	Mercury(T)	---	0.01	
			Cyanide			0.005	---	Molybdenum(T)	---	150	
			Nitrate			10	---	Nickel	TVS	TVS	
			Nitrite			---	0.05	Nickel(T)	---	100	
			Phosphorus			---	0.17	Selenium	TVS	TVS	
			Sulfate			---	WS	Silver	TVS	TVS	
			Sulfide			---	0.002	Uranium	varies*	varies*	
								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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

6c. All tributaries to the Mancos River located in Mesa Verde National Park.

COSJLP06C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Warm 1 Recreation E	Temperature °C	WS-III	WS-III	Arsenic	340	---
Qualifiers: Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	---
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

7a. Mainstem of McElmo Creek from the source to the confluence with Alkali Canyon. Mainstem of Yellow Jacket Creek, including all tributaries and wetlands, from the source to the confluence with McElmo Creek.

COSJLP07A	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	Arsenic	340	---
Qualifiers: Other: Discharger Specific Variance(s): Ammonia(ac/ch) = See Section 34.6(d) for details on variance for Vista Verde Village Mobile Home Park. Expiration Date of 6/30/2031 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	2200
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

7b. Mainstem of McElmo Creek from the confluence with Alkali Canyon to the Colorado/Utah border, except portion within the Ute Mountain Indian Reservation.

COSJLP07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	2200
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

8. All tributaries to McElmo Creek, including all wetlands, from the source to the Colorado/Utah border, except for the portions within the Ute Mountain Indian Reservation and except for specific listings in Segments 7a, 7b and 11.

COSJLP08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	Qualifiers:	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:	chlorophyll a (mg/m ²)	---	150*	Chromium III	TVS	TVS	
	E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
	Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
	Ammonia	TVS	TVS	Iron	---	WS	
	Boron	---	0.75	Iron(T)	---	1000	
	Chloride	---	250	Lead	TVS	TVS	
	Chlorine	0.019	0.011	Lead(T)	50	---	
	Cyanide	0.005	---	Manganese	TVS	TVS/WS	
	Nitrate	10	---	Mercury(T)	---	0.01	
	Nitrite	---	0.05	Molybdenum(T)	---	150	
	Phosphorus	---	0.17*	Nickel	TVS	TVS	
	Sulfate	---	WS	Nickel(T)	---	100	
	Sulfide	---	0.002	Selenium	TVS	TVS	
				Silver	TVS	TVS	
				Uranium	varies*	varies*	
				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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

9. Unnamed tributary to Ritter Draw (confluence at 37.4059, -108.5325).

COSJLP09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
UP	Aq Life Warm 2	WS-III		WS-III	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	250	Zinc	TVS	TVS
		Sulfide	---	0.002			

10. All tributaries to the San Juan River in Montezuma Dolores and San Miguel Counties, including all wetlands, except for the specific listings in Segments 2 through 8c and Segments 10b and 11.

COSJLP10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
UP	Aq Life Warm 2	WS-III		WS-III	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Discharger Specific Variance(s): Ammonia(ac/ch) = See Section 34.6(e) for details on variance for the Town of Dove Creek. Expiration Date of 6/30/2025 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 34.5(5). *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5). *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	TVS	TVS
		Nitrite	---	---	Selenium	TVS	TVS
		Phosphorus	---	0.17*	Silver	TVS	TVS
		Sulfate	---	---	Uranium	varies*	varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

11. Narraguinnep, Puett and Totten Reservoirs.

COSJLP11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

12. All lakes and reservoirs tributary to the La Plata River from the source to the Hay Gulch diversion south of Hesperus.

COSJLP12	Classifications	Physical and Biological		Metals (ug/L)				
Designation	Agriculture	DM	MWAT	acute		chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

13. All lakes and reservoirs tributary to the La Plata River from the Hay Gulch diversions south of Hesperus to the Southern Ute Indian Reservation boundary.							
COSJLP13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
14. All lakes and reservoirs tributary to the La Plata River from the boundary of the Southern Ute Indian Reservation to the Colorado/New Mexico border. The segment includes Mormon Reservoir (a.k.a. Red Mesa Ward Reservoir) and Long Hollow Reservoir (a.k.a. Bobby K. Taylor Reservoir).							
COSJLP14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *Southern Ute Indian Reservation *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

15. All lakes and reservoirs tributary to the Mancos River from the source of the East, West and Middle Forks to Hwy 160, except for the specific listing in Segment 4b. This segment includes Weber Reservoir, Bauer Lake, Little Bauer Reservoir, Hackley Reservoir, Joe Moore Reservoir, and Coppinger Reservoir.

COSJLP15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E 5/1 - 10/31	acute	chronic		Arsenic(T)	---	0.02
	Recreation N 11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	Water Supply	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 5/1 - 10/31	---	126	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

16. All lakes and reservoirs tributary to the Mancos River, from Hwy 160 to the boundary of the Ute Mountain Indian Reservation.

COSJLP16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation N 11/1 - 4/30	acute	chronic		Arsenic(T)	---	100
	Recreation P 5/1 - 10/31	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 5/1 - 10/31	---	205	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL) 11/1 - 4/30	---	630	Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		acute	chronic		Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.083*	Zinc	TVS	TVS
		Sulfate	---	---			
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

17. All lakes and reservoirs tributary to the San Juan River in Montezuma Dolores and San Miguel Counties except for the specific listings in Segments 4b, 11 through 16, 18 and 19.

COSJLP17	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 2 Recreation E	Temperature °C	WL WL	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	--- 7.6
Other:		D.O. (mg/L)	--- 5.0	Beryllium(T)	--- 100
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0 ---	Cadmium	TVS TVS
		chlorophyll a (ug/L)	--- 20*	Chromium III	TVS TVS
		E. coli (per 100 mL)	--- 126	Chromium III(T)	--- 100
		Inorganic (mg/L)		Chromium VI	TVS TVS
		acute	chronic	Copper	TVS TVS
		Ammonia	TVS TVS	Iron(T)	--- 1000
		Boron	--- 0.75	Lead	TVS TVS
		Chloride	--- ---	Manganese	TVS TVS
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01
		Cyanide	0.005 ---	Molybdenum(T)	--- 150
		Nitrate	100 ---	Nickel	TVS TVS
		Nitrite	--- ---	Selenium	TVS TVS
		Phosphorus	--- 0.083*	Silver	TVS TVS
		Sulfate	--- ---	Uranium	varies* varies*
		Sulfide	--- 0.002	Zinc	TVS TVS

18. All lakes and reservoirs tributary to Yellow Jacket Creek, from the source to the confluence with McElmo Creek.

COSJLP18	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 1 Recreation E	Temperature °C	WL WL	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	--- 7.6
Other:		D.O. (mg/L)	--- 5.0	Cadmium	TVS TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0 ---	Chromium III	TVS TVS
		chlorophyll a (ug/L)	--- 20*	Chromium III(T)	--- 100
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
		Inorganic (mg/L)		Copper	TVS TVS
		acute	chronic	Iron(T)	--- 2200
		Ammonia	TVS TVS	Lead	TVS TVS
		Boron	--- 0.75	Manganese	TVS TVS
		Chloride	--- ---	Mercury(T)	--- 0.01
		Chlorine	0.019 0.011	Molybdenum(T)	--- 150
		Cyanide	0.005 ---	Nickel	TVS TVS
		Nitrate	100 ---	Selenium	TVS TVS
		Nitrite	--- 0.05	Silver	TVS TVS
		Phosphorus	--- 0.083*	Uranium	varies* varies*
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

La Plata River, Mancos River, McElmo Creek and San Juan River in Montezuma County and Dolores County

19. All lakes and reservoirs tributary to McElmo Creek from the source to the Colorado/Utah border, except for those within the Ute Mountain Indian Reservation. This segment includes Denny Lake.

COSJLP19	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Fish Ingestion		pH	6.5 - 9.0	---	Chromium III	TVS
Other:		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.083*	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.

*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.

*Uranium(acute) = See 34.5(3) for details.

*Uranium(chronic) = See 34.5(3) for details.

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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

1. All tributaries to the Dolores River and West Dolores River, including all wetlands, tributaries, which are within the Lizard Head Wilderness area.

COSJDO01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

2. Mainstem of the Dolores River from the source to a point immediately above the confluence with Horse Creek.

COSJDO02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

3. Mainstem of the Dolores River from a point immediately above the confluence with Horse Creek to a point immediately above the confluence with Bear Creek.							
COSJDO03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/255
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

4a. Mainstem of the Dolores River from a point immediately above the confluence with Bear Creek to the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line).							
COSJDO04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).			acute	chronic	Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

4a. Mainstem of the Dolores River from a point immediately above the confluence with Bear Creek to the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line).							
COSJDO04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

4b. McPhee Reservoir and Summit Reservoir.								
COSJDO04B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	1/1 - 4/30	CLL	CLL	Arsenic	340	---
	Recreation E	Temperature °C	4/1 - 12/31	CLL*	varies* B	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
	DUWS*					Cadmium(T)	5.0	---
Qualifiers:		D.O. (mg/L)	---	6.0	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 34.5(5), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to McPhee Reservoir only. *Phosphorus(chronic) = applies only above the facilities listed at 34.5(5), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Temperature(4/1 - 12/31) = Summit Reservoir MWAT = 21.0 McPhee Reservoir MWAT = 21.1		D.O. (spawning)	---	7.0	Chromium III(T)	50	---	
		pH	6.5 - 9.0	---	Chromium VI	TVS	TVS	
		chlorophyll a (ug/L)	---	8*	Copper	TVS	TVS	
		E. coli (per 100 mL)	---	126	Iron	---	WS	
					Iron(T)	---	1000	
		Inorganic (mg/L)			Lead	TVS	TVS	
			acute	chronic	Lead(T)	50	---	
		Ammonia	TVS	TVS	Manganese	TVS	TVS/WS	
		Boron	---	0.75	Mercury(T)	---	0.01	
		Chloride	---	250	Molybdenum(T)	---	150	
		Chlorine	0.019	0.011	Nickel	TVS	TVS	
		Cyanide	0.005	---	Nickel(T)	---	100	
		Nitrate	10	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS(tr)	
		Phosphorus	---	0.025*	Uranium	varies*	varies*	
		Sulfate	---	WS	Zinc	TVS	TVS	
Sulfide	---	0.002						
5a. All tributaries to the Dolores River and West Dolores River, including all wetlands, from the source to a point immediately below the confluence with the West Dolores River except for specific listings in Segments 1 and 5b through 10.								
COSJDO05A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Zinc(chronic) = Chronic zinc sculpin standard applies to Silver Creek and Fish Creek.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
			Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

5b. Mainstem of Rio Lado from the source to the confluence with the Dolores River. Mainstem of Spring Creek from the source to the confluence with Stoner Creek. Mainstem of Little Taylor Creek from the source to the confluence with Taylor Creek.

COSJDO05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.		acute		chronic	Iron(T)	---	1000
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

6. Mainstem of the Slate Creek and Coke Oven Creek, from the Lizard Head Wilderness Area boundary to their confluences with the Dolores River.

COSJDO06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

7. Mainstem of Coal Creek from the boundary of the Lizard Head Wilderness Area to the confluence with the Dolores River.							
COSJDO07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)
8. Mainstem of Horse Creek from the source to the confluence with the Dolores River.							
COSJDO08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

9. Mainstem of Silver Creek from a point immediately below the Town of Rico's water supply diversion to the confluence with the Dolores River.									
COSJDO09	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1		Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	5/1 - 10/31	acute	chronic	Arsenic(T)	---	7.6		
	Recreation N	11/1 - 4/30	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:			D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
Fish Ingestion			pH	6.5 - 9.0	---	Chromium III(T)	---	100	
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS	
			E. coli (per 100 mL)	5/1 - 10/31	---	126	Copper	TVS	TVS
			E. coli (per 100 mL)	11/1 - 4/30	---	630	Iron	---	---
			Inorganic (mg/L)			Lead	TVS	TVS	
			acute	chronic	Manganese	TVS	TVS		
			Ammonia	TVS	TVS	Mercury(T)	---	0.01	
			Boron	---	0.75	Molybdenum(T)	---	150	
			Chloride	---	---	Nickel	TVS	TVS	
			Chlorine	0.019	0.011	Selenium	TVS	TVS	
			Cyanide	0.005	---	Silver	TVS	TVS(tr)	
			Nitrate	100	---	Uranium	varies*	varies*	
			Nitrite	---	0.05	Zinc	TVS	TVS	
			Phosphorus	---	0.11				
			Sulfate	---	---				
			Sulfide	---	0.002				

10a. Mainstem of the West Dolores River from the Lizard Head Wilderness Area boundary to above the confluence with Fish Creek.								
COSJDO10A	Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1		Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:			D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Manganese(chronic) = WS, TVS and 50 ug/L *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			pH	6.5 - 9.0	---	Chromium III	---	TVS
			chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
			E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
			Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS	
					Iron(T)	---	1000	
			Ammonia	TVS	TVS	Lead	TVS	TVS
			Boron	---	0.75	Lead(T)	50	---
			Chloride	---	250	Manganese	TVS	varies*
			Chlorine	0.019	0.011	Mercury(T)	---	0.01
			Cyanide	0.005	---	Molybdenum(T)	---	150
			Nitrate	10	---	Nickel	TVS	TVS
			Nitrite	---	0.05	Nickel(T)	---	100
			Phosphorus	---	0.11	Selenium	TVS	TVS
			Sulfate	---	WS	Silver	TVS	TVS(tr)
Sulfide	---	0.002	Uranium	varies*	varies*			
			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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

10b. Mainstem of the West Dolores River from above the confluence with Fish Creek to the confluence with the Dolores River.

COSJDO10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Manganese(chronic) = WS, TVS and 50 ug/L		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(acute) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	varies*
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11a. Lost Canyon, including all tributaries, from the source to the Forest Service Boundary.

COSJDO11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(acute) = See 34.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 34.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

11b. All tributaries to the Dolores River, including all wetlands, from a point immediately below the confluence of the West Dolores River to the inlet of McPhee Reservoir, except for the specific listing in Segments 4a and 11a.

COSJDO11B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

11c. All tributaries to McPhee Reservoir, except for the specific listings in Segments 4a and 11b. All tributaries to the Dolores River from the outlet of McPhee Reservoir to the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line). Beaver Creek and Plateau Creek, including all tributaries, from the source to the confluence with the Dolores River.

COSJDO11C	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
		Uranium	varies*	varies*			
		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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

12. All lakes, and reservoirs tributary to the Dolores River and West Dolores River, which are within the Lizard Head Wilderness area. This segment includes Navajo Lake.							
COSJDO12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
							Zinc
13. Groundhog Reservoir.							
COSJDO13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
							Zinc

13. Groundhog Reservoir.							
COSJDO13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 34.6 for further details on applied standards.

REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Dolores River Basin

14. All lakes and reservoirs tributary to the Dolores River and West Dolores River, from the source to a point immediately below the confluence with the West Dolores River except for specific listings in Segments 12 and 13.

COSJDO14	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
			acute	chronic	Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.025*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

15. All lakes and reservoirs which are tributary to the Dolores River from a point immediately below the confluence of the West Dolores River, to the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line), except for the specific listing in Segment 4b. This segment includes Campbell Reservoir, Summers Reservoir, Red Lake, and Long Draw Reservoir.

COSJDO15	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340
	Recreation E		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
			acute	chronic	Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.025*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 34.6 for further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) Assessment of adequate refuge shall rely on the Cold Large Lake table value temperature criterion and applicable dissolved oxygen standard rather than the site-specific temperature standard.
- (C) For certain site-specific temperature standards, the temperature excursions listed in Table I - Footnote 5(c) of 31.16 do not apply. Assessment of ambient-based temperature standards should be conducted in a way that represents similar conditions to those under which the criteria were developed (i.e., air, low flow, and warming event excursions should not apply). Similarly, where site-specific adjustments to the winter shoulder season have been adopted, the winter shoulder season excursion does not apply.

TABLE 1
ANIMAS RIVER BASIN
AQUATIC LIFE INDICATOR GOAL: BROOK TROUT

Segment 3a
Acute Standards

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Zn	720	780	1060	1200	760	410	280	340	380	440	510	590

Chronic Standards

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Mn	TVS	TVS	2571	2179	TVS	TVS	TVS	TVS	TVS	TVS	TVS	TVS
Zn	720	780	1060	1200	760	410	280	340	380	440	510	590

Segment 4a

Acute Standards

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Al(Trec)	3100	3550	2800	2020	1010	740	700	1360	1490	1610	2280	2570
Zn	460	520	620	570	430	250	170	240	290	340	380	420

Chronic Standards

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
pH	5.9-9.0	5.7-9.0	6.2-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	5.9-9.0
Al(Trec)	3100	3550	2800	2020	1010	740	700	1360	1490	1610	2280	2570
Fe	3473	2961	3776	3404	2015	1220	1286	1830	1623	2258	2631	3511
Zn	460	520	620	570	430	250	170	240	290	340	380	420

Segment 9

Acute Standards

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Al(Trec)	4680	4950	4560	3800	1390	1350	1290	2040	2570	2680	3450	4050

Chronic Standards

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
pH	4.9-9.0	4.8-9.0	4.9-9.0	5.9-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0	6.2-9.0	5.4-9.0
Al(Trec)	4680	4950	4560	3800	1390	1350	1290	2040	2570	2680	3450	4050
Cu	TVS	TVS	TVS	18	20	TVS	TVS	TVS	TVS	TVS	TVS	TVS
Fe	3420	3800	4370	3370	3150	2210	2275	2280	3020	3580	3620	3490
Zn	TVS	TVS	TVS	TVS	230	TVS	TVS	TVS	TVS	TVS	TVS	TVS

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00094

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-34

**REGULATION NO. 34 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR SAN JUAN AND
DOLORES RIVER BASINS**

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:03:42

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-35

Rule title

5 CCR 1002-35 REGULATION NO. 35 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR GUNNISON AND LOWER DOLORES RIVER BASINS 1 - eff
12/31/2021

Effective date

12/31/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 35 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR GUNNISON AND LOWER DOLORES RIVER BASINS

5 CCR 1002-35

35.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq. C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

35.2 PURPOSE

These regulations establish classifications and numeric standards for the Gunnison River/Lower Dolores River Basins, including all tributaries and standing bodies of water. This includes all or parts of Gunnison, Delta, Montrose, Ouray, Mesa, Saguache and Hinsdale Counties. This also includes the lower Dolores River and its tributaries in Dolores, Montrose, Mesa and San Miguel Counties. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

35.3 INTRODUCTION

These regulations and tables present the classifications and numeric standards assigned to stream segments listed in the attached tables (See Appendix 35-1). As additional stream segments are classified and numeric standards for designated parameters are assigned for this drainage system, they will be added to or replace the numeric standards in the tables in Appendix 35-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the "basic regulations".

35.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

35.5 BASIC STANDARDS

(1) Temperature

All waters of the Gunnison/Lower Dolores River Basins are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard). Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water + Fish" are presumptively applied to all aquatic life class 1 streams which also have a water supply classification, and are applied to aquatic life class 2 streams which also have a water supply classification, on a case-by-case basis as shown in Appendix 35-1. The column in the tables at 31.11 and 31.16 Table III headed "Fish Ingestion" is presumptively applied to all aquatic life class 1 streams which do not have a water supply classification, and are applied to aquatic life class 2 streams which do not have a water supply classification, on a case-by-case basis as shown in Appendix 35-1.

(3) Uranium

- (a) All waters of the Gunnison/Lower Dolores River Basin, are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium level in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Nutrients

Prior to May 31, 2022, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. Additionally, prior to May 31, 2017, only total phosphorus and chlorophyll a will be considered for adoption. After May 31, 2017, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(e).

Prior to May 31, 2022, nutrient criteria will be adopted for headwaters on a segment by segment basis for the Gunnison/Lower Dolores River Basin. Moreover, pursuant to 31.17(e) nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The following is a list of all permitted domestic wastewater

treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the Gunnison/Lower Dolores River Basin:

Segment	Permittee Name	Facility Name	Permit No.
COGUUG04	Almont Sewage Hereafter In Transit Plant	Almont WWTF	COG588012
COGUSM04a	Wick Hospitality Group LLC	Blue Jay Restaurant and Lodge	COG588113
COGUUG14	Camp Gunnison Inc	Camp Gunnison Church Camp	COG588112
COGULG09	Cedaredge Town of	Cedaredge WWTF	CO0031984
COGUNF06b	Crawford Town of	Crawford WWTF	CO0037729
COGUUG05b	Crested Butte South Metro District	Crested Butte South Metro Dist WWTF	COG588045
COGUUG08	Crested Butte Town of	Crested Butte Town of WWTF	CO0020443
COGULG06b	Delta Correctional Center	Delta Correctional Center	COG588032
COGULG02	Delta City of	Delta WWTF	CO0039641
COGUUG05a	East River Regional Sanitation District	East River Regional SD WWTF	COG588079
COGUUN10b	Elk Meadows Estates	Elk Meadows WWTF	COG589091
COGUSM04a	Fall Creek HOA	Fall Creek	COG588119
COGUUG14	Gunnison City of	Gunnison City of	CO0041530
COGULG07b	Volunteers of America Care Fac	Horizon Health Care & Retirement Community	CO0042617
COGUNF03	Hotchkiss Town of	Hotchkiss Town of	CO0044903
COGUSM08	Stemz LLC	Ilium Power Station Church Camp	COG588033
COGUNF04a,c	Scarp Ridge Lodge	Irwin Mountain Lodge	CO0045217
COGUUG29a	L and N Inc	L & N Inc	COG588052
COGUUG29a	Lake City Town of	Lake City WWTF	CO0040673
COGUSM03b	Last Dollar PUD Improvements Assn	Last Dollar WWTF	COG588005
COGUSM03b	Ilium Park Owners Association	Lawson Hull PUD Ilium Valley WWTF	COG588021
COGUUN04b	Montrose City of	Montrose WWTP	CO0039624
COGUUG13	Mt Crested Butte WSD	Mt Crested Butte WSD	CO0027171
COGUSM05	Naturita Town of	Naturita WWTF	CO0024007
COGUSM12c	Nucla Town of	Nucla WWTF	COG589067
COGUUN04b	Olathe Town of	Olathe Town of	CO0020907
COGUUN03a	Ouray City of	Ouray City of	CO0043397
COGUNF03	Paonia Town of	Paonia WWTF	CO0047431
COGUSM03b	Telluride Town of	Regional WWTF	CO0041840
COGUUN03a	Ridgway Town of	Ridgway, Town of	COG588047
COGUUG29a	Ute Trail Ranch Foundation	Sky Ranch at Ute Trail	COG588109
COGULD02	SW Mesa County Rural Public Improvement District	SW Mesa Co Rural Pub Imp Dist WWTF	COG588086
COGUUN04b	West Montrose Sanitation District	West Montrose Sanitation Dist WWTF	CO0030449

Prior to May 31, 2022:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, *nutrient standards only apply above these facilities*. A note was added to the total phosphorus and

chlorophyll a standards in these segments. The note references the table of qualified facilities at 35.5(4).

- For segments located entirely below these facilities, nutrient standards do not apply.

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

35.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 35-1 were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 35-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and the tables in Appendix 35-1:

ac	=	acute (1-day)
°C	=	degrees Celsius
ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
DM	=	daily maximum temperature
D.O.	=	dissolved oxygen
DUWS	=	direct use water supply
<i>E. coli</i>	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
sp	=	spawning
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WL	=	warm lake temperature tier
WS	=	water supply
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three

- (b) In addition, the following abbreviations are used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual water supply use, the less restrictive of the following two options shall apply as numerical standards, as specified in the Basic Standards and Methodologies at 31.16 Table II and III:

- (i) existing quality as of January 1, 2000; or
- (ii)
- | | | |
|-----------|---|----------------------|
| Iron | = | 300 µg/L (dissolved) |
| Manganese | = | 50 µg/L (dissolved) |
| Sulfate | = | 250 mg/L (dissolved) |

For all surface waters with a “water supply” classification that are not in actual use as a water supply, no water supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

- (c) Temporary Modification for Water + Fish Chronic Arsenic Standard

- (i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water + Fish qualifier is listed in the Other column in Appendix 35-1 tables as As(ch)=hybrid.
- (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
- (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
- (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.
- (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
- (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 35-1, the designation "TVS" is used to indicate that for a particular parameter a "table value standard" has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾
Aluminum(T)	Acute = $e^{(1.3695 \cdot \ln(\text{hardness}) + 1.8308)}$ pH equal to or greater than 7.0 Chronic = $e^{(1.3695 \cdot \ln(\text{hardness}) - 0.1158)}$ pH less than 7.0 Chronic = $e^{(1.3695 \cdot \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is less
Ammonia ⁽⁴⁾	Cold Water = (mg/L as N) Total $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ Warm Water = (mg/L as N) Total $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr1 - Aug31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep1 - Mar31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028(25 - MAX(T, 7))}$
Cadmium	Acute(warm) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \cdot \ln(\text{hardness}) - 3.443)}$ Acute(cold) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \cdot \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \cdot \ln(\text{hardness}) - 3.909)}$
Chromium III ⁽⁶⁾	Acute = $e^{(0.819 \cdot \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \cdot \ln(\text{hardness}) + 0.5340)}$
Chromium VI ⁽⁶⁾	Acute = 16 Chronic = 11
Copper	Acute = $e^{(0.9422 \cdot \ln(\text{hardness}) - 1.7408)}$ Chronic = $e^{(0.8545 \cdot \ln(\text{hardness}) - 1.7428)}$
Lead	Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \cdot \ln(\text{hardness}) - 1.46)}$ Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \cdot \ln(\text{hardness}) - 4.705)}$
Manganese	Acute = $e^{(0.3331 \cdot \ln(\text{hardness}) + 6.4676)}$ Chronic = $e^{(0.3331 \cdot \ln(\text{hardness}) + 5.8743)}$
Nickel	Acute = $e^{(0.846 \cdot \ln(\text{hardness}) + 2.253)}$ Chronic = $e^{(0.846 \cdot \ln(\text{hardness}) + 0.0554)}$
Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6
Silver	Acute = $0.5 * e^{(1.72 \cdot \ln(\text{hardness}) - 6.52)}$ Chronic = $e^{(1.72 \cdot \ln(\text{hardness}) - 9.06)}$ Chronic(Trout) = $e^{(1.72 \cdot \ln(\text{hardness}) - 10.51)}$

Temperature	TEMPERATURE TIER	TIER CODE	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)	
					MWAT	DM
	Cold Stream Tier I	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. – May	9.0	13.0
	Cold Stream Tier II	CS-II	all other cold-water species	April – Oct.	18.3	24.3
				Nov. – March	9.0	13.0
	Cold Lakes ⁽⁸⁾	CL	brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	April – Dec.	17.0	21.2
				Jan. – March	9.0	13.0
	Cold Large Lakes (>100 acres surface area) ⁽⁸⁾	CLL	rainbow trout, brown trout, lake trout	April – Dec.	18.3	24.2
				Jan. – March	9.0	13.0
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
Warm Lakes	WL	black crappie, bluegill, common carp, gizzard shad, golden shiner, largemouth bass, northern pike, pumpkinseed, sauger, smallmouth bass, spottail shiner, stonecat, striped bass, tiger muskellunge, walleye, wiper, white bass, white crappie, yellow perch	April – Dec.	26.2	29.3	
			Jan. – March	13.1	24.1	
Uranium	Acute = e ^{(1.1021*ln(hardness)+2.7088)} Chronic = e ^{(1.1021*ln(hardness)+2.2382)}					
Zinc	Acute = 0.978*e ^{(0.9094*ln(hardness)+0.9095)} Chronic = 0.986*e ^{(0.9094*ln(hardness)+0.6235)} Where hardness is less than 102 mg/L CaCO ³ and mottled sculpin are expected to be present: Chronic (sculpin) = e ^{(2.140*ln(hardness)-5.084)}					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L, except for aluminum for which hardness shall be no greater than 220 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 per cent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.

- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
 - (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be modified by the commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.
 - (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
 - (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
 - (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
 - (8) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.
- (4) Discharger-Specific Variances
- (a) San Miguel Segment 12c (COGUSM12c):

Discharger-Specific Variance, Town of Nucla (COG589067): Adopted 10/11/2016.

Ammonia (acute) = TVS: no limit; Ammonia (chronic) = TVS: 13.8 mg/L (11/1-4/30);
Ammonia (chronic) = TVS: 8.3 mg/L (5/1-10/31). Expiration date: 12/31/2026.
- (5) Stream Classifications and Water Quality Standards Tables
- The stream classifications and water quality standards tables in Appendix 35-1 are incorporated herein by reference.
- The following is information regarding duration and measured form of standards in Appendix 35-1:
- (a) *E. coli* criteria and resulting standards for individual water segments, are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.
 - (b) All phosphorus standards are based upon the concentration of total phosphorus. For total phosphorus, stream standards are expressed as an annual median and for lakes standards as a summer (July 1 - September 30) average in the mixed layer. For chlorophyll a, stream standards are expressed as a maximum of attached algae and

lakes standards as a summer (July 1 - September 30) average in the mixed layer. For additional assessment details, see tables at Regulation 31.17(b) and (d).

- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

(6) Site-specific Standards, Assessment Locations, and Assessment Criteria

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

- (a) Upper Gunnison Segment 18b: Temperature Assessment Locations
 - Tomichi Creek at Doyleville: 38.456592, -106.626869
 - Tomichi Creek at Gunnison: 38.521111, -106.940958
- (b) North Fork Gunnison Segment 3: Temperature Assessment Location
 - North Fork Gunnison River above mouth near Lazear: 38.785167, -107.833417

35.7 - 35.10 RESERVED

35.50 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. DISCHARGER-SPECIFIC VARIANCES

The commission deleted subsections 35.6(4) (a) and (b), which described the regulatory basis and implementation of discharger-specific variances, because this information was revised and consolidated into 31.7(4).

II. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

35.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 35.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Duration of Nitrite Aquatic Life Standard

The commission corrected the duration of all nitrite standards with a value of 0.05 or 0.5 mg/L from acute to chronic on all segments. The nitrite standards in this basin pre-date the nitrite standards in Regulation No. 31 (chloride-based equations). There has been confusion in recent years regarding the correct duration for these standards. There is no record available that explains the basis for these standards or the intended duration (acute or chronic). Based upon a comparison with the nitrite standards in Regulation No. 31, nitrite values of 0.05 and 0.5 mg/L are more consistent with the chronic values calculated using the chloride-based equations. Also, the study that the commission relied upon when adopting the nitrite standards in Regulation No. 31 indicates that these values are protective as chronic standards (1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force Proposed Nitrogenous Water Quality Standards for

the State of Colorado). In order to resolve the inconsistencies in the duration of the nitrite standards currently adopted in Regulation Nos. 32-38, the commission determined that these nitrite values should be consistently listed as chronic standards. Over time, the commission expects that these nitrite standards may be replaced with the more recent and well-documented chloride equation-based standards in Regulation No. 31.

E. Uranium

To improve the clarity of the regulation, the commission included references to the basin-wide uranium standards at 35.5(3) in the Appendix 35-1 tables. For the acute and chronic uranium standards for all segments, the commission included a reference to 35.5(3) to clarify that the basic standard at 35.5(3) applies to all waters in Regulation No. 35. Because these standards already applied basin-wide, there is no practical effect of this change. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.

F. Mercury

To improve the clarity of the regulation, the commission added Total Recoverable notation (T) to the mercury Aquatic Life and Water Supply standards. The standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water. Multiple forms of mercury exist in the environment and these forms differ dramatically in both their potential to cause toxic effects and their availability for uptake by organisms. Certain aquatic conditions can lead to the conversion to the highly bioaccumulative, toxic, organic form (methylmercury). The mercury standards are designed to provide protection from the accumulation of those toxic forms and therefore, the standards address all forms of mercury. The addition of the Total Recoverable notation does not represent a change in current Colorado policy or procedures. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.

G. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.
- At 35.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
- At 35.6(1), text was added to clarify that the tables in Appendix 35-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
- The reference to the 'temporary modification and qualifiers' column at 35.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
- References to "Trec" were replaced with "total recoverable" or "T".
- Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
- Information was added at 35.6(5) specifying that the mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.
- Information was added at 35.6(5) specifying that the ammonia, nitrate, and nitrate standards are to be reported as nitrogen. This is consistent with the description of the

standards as they are included in Table II of Regulation No. 31. This change brings the regulation into alignment with Regulation Nos. 33, 37, and 38; the commission made this change in those regulations during triennial reviews in 2019 through 2020.

- The formatting of the tables in Appendix 35-1 was modified to include only parameters that have been adopted in a majority of segments. The tables include rows for physical and biological, inorganic, and metals for all parameters which the commission commonly adopts into segments. In segments where there is no numeric standard for a commonly adopted parameter, a blank row for that parameter is included to show the commission's site-specific decision not to adopt a numeric standard for that parameter. The commission removed beryllium and aluminum from all segments where no standard has been adopted because these parameters have only been adopted on a site-specific basis, rather than basin-wide. This change brings the regulation into alignment with Regulation Nos. 32, 33, 36, 37, and 38; the commission made this change in those regulations during triennial reviews in 2018 through 2020.
- Other minor edits were made to improve clarity and consistency.

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

5 CCR 1002-35

**REGULATION NO. 35
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
GUNNISON AND LOWER DOLORES RIVER BASINS**

**APPENDIX 35-1
Stream Classifications and Water Quality Standards Tables**

Effective 12/31/2021

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
EQ	=	existing quality
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

1. All tributaries to the Gunnison River, including and wetlands, within the La Garita, Powderhorn, West Elk, Collegiate Peaks, Maroon Bells, Raggeds, Fossil Ridge, or Uncompahgre Wilderness Areas.

COGUUG01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.02	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2. All tributaries and wetlands from Beaver Creek to Meyers Gulch, from the West Elk Wilderness boundary to their confluences with Blue Mesa Reservoir, Morrow Point Reservoir, or the Gunnison River, excluding Steuben Creek, Willow Creek, and Soap Creek and their tributaries.

COGUUG02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.02	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

3. Deleted.						
COGUUG03	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT	acute	chronic	
Qualifiers:		acute	chronic			
Other:						
		Inorganic (mg/L)				
		acute	chronic			
4. Mainstem of the Taylor River, including all tributaries and wetlands, from the source to the confluence with the Gunnison River, except for specific listings in Segment 1.						
COGUUG04	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0 ---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	--- 150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	--- 126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS TVS	Lead	TVS	TVS
		Boron	--- 0.75	Lead(T)	50	---
		Chloride	--- 250	Manganese	TVS	TVS/WS
		Chlorine	0.019 0.011	Mercury(T)	---	0.01
		Cyanide	0.005 ---	Molybdenum(T)	---	150
		Nitrate	10 ---	Nickel	TVS	TVS
		Nitrite	--- 0.05	Nickel(T)	---	100
		Phosphorus	--- 0.11	Selenium	TVS	TVS
		Sulfate	--- WS	Silver	TVS	TVS(tr)
		Sulfide	--- 0.002	Uranium	varies*	varies*
				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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

5a. Mainstem of the East River, including all tributaries and wetlands, from its source to a point immediately above the confluence with the Slate River, except for specific listings in Segment 1.

COGUUG05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

5b. Mainstem of the East River from a point immediately above the Slate River to the confluence with the Gunnison River.

COGUUG05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

6a. All tributaries to the East River from a point immediately above its confluence with the Slate River to its confluence with the Gunnison River, except for specific listings in Segments 6b and 6c.

Segments 06 and 06:

COGUUG06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
			Inorganic (mg/L)		Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.5	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

*Uranium(acute) = See 35.5(3) for details.

*Uranium(chronic) = See 35.5(3) for details.

6b. Cement Creek and all its tributaries and wetlands from the source to a point immediately above the confluence with Horse Basin Creek.

COGUUG06B	Classifications	Physical and Biological			Metals (ug/L)					
Designation	Agriculture			DM	MWAT	acute		chronic		
Reviewable	Aq Life Cold 1	Temperature °C		CS-I	CS-I	Arsenic	340	---		
	Recreation E			acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)		---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)		---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH		6.5 - 9.0	---	Chromium III	---	TVS		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)		---	150	Chromium III(T)	50	---		
		E. coli (per 100 mL)		---	126	Chromium VI	TVS	TVS		
						Copper	TVS	TVS		
				Inorganic (mg/L)		Iron	---	WS		
						acute	chronic	Iron(T)	---	1000
		Ammonia		TVS		TVS	Lead	TVS	TVS	
		Boron		---		0.75	Lead(T)	50	---	
		Chloride		---		250	Manganese	TVS	TVS/WS	
		Chlorine		0.019		0.011	Mercury(T)	---	0.01	
		Cyanide		0.005		---	Molybdenum(T)	---	150	
		Nitrate		10		---	Nickel	TVS	TVS	
		Nitrite		---		0.05	Nickel(T)	---	100	
		Phosphorus		---		0.11	Selenium	TVS	TVS	
		Sulfate		---		WS	Silver	TVS	TVS(tr)	
		Sulfide		---		0.002	Uranium	varies*	varies*	
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

6c. Cement Creek, including all tributaries and wetlands, from a point immediately above the confluence with Horse Basin Creek to the confluence with the East River.						
COGUUG06C	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Qualifiers:	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50 ---
*Uranium(acute) = See 35.5(3) for details.	*Uranium(chronic) = See 35.5(3) for details.	E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS

7. Mainstem of the Slate River from its source to a point immediately above the confluence with Coal Creek.						
COGUUG07	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Qualifiers:	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50 ---
*Uranium(acute) = See 35.5(3) for details.	*Uranium(chronic) = See 35.5(3) for details.	E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

8. Mainstem of the Slate River from a point immediately above the confluence with Coal Creek to the confluence with the East River.										
COGUUG08	Classifications	Physical and Biological			Metals (ug/L)					
Designation	Agriculture		DM	MWAT	acute	chronic				
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	CS-I* °C	Arsenic	340	---			
	Recreation E		acute	chronic	Arsenic(T)	---	0.02			
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS			
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---			
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS			
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details. *Temperature = summer criteria apply from 6/1-10/15		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---			
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS			
					Copper	TVS	TVS			
					Inorganic (mg/L)	Iron	---	WS		
					acute	chronic	Iron(T)	---	1000	
					Ammonia	TVS	TVS	Lead	TVS	TVS
					Boron	---	0.75	Lead(T)	50	---
					Chloride	---	250	Manganese	TVS	TVS/WS
					Chlorine	0.019	0.011	Mercury(T)	---	0.01
					Cyanide	0.005	---	Molybdenum(T)	---	150
					Nitrate	10	---	Nickel	TVS	TVS
					Nitrite	---	0.05	Nickel(T)	---	100
					Phosphorus	---	---	Selenium	TVS	TVS
					Sulfate	---	WS	Silver	TVS	TVS(tr)
			Sulfide	---	0.002	Uranium	varies*	varies*		
						Zinc	TVS	TVS		
9. All tributaries and wetlands to the Slate River except for specific listings in Segments 1, 10a, 10b, 11, 12 and 13.										
COGUUG09	Classifications	Physical and Biological			Metals (ug/L)					
Designation	Agriculture		DM	MWAT	acute	chronic				
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---			
	Recreation E		acute	chronic	Arsenic(T)	---	0.02			
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS			
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---			
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS			
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---			
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS			
					Copper	TVS	TVS			
					Inorganic (mg/L)	Iron	---	WS		
					acute	chronic	Iron(T)	---	1000	
					Ammonia	TVS	TVS	Lead	TVS	TVS
					Boron	---	0.75	Lead(T)	50	---
					Chloride	---	250	Manganese	TVS	TVS/WS
					Chlorine	0.019	0.011	Mercury(T)	---	0.01
					Cyanide	0.005	---	Molybdenum(T)	---	210
					Nitrate	10	---	Nickel	TVS	TVS
					Nitrite	---	0.05	Nickel(T)	---	100
					Phosphorus	---	0.11	Selenium	TVS	TVS
					Sulfate	---	WS	Silver	TVS	TVS(tr)
			Sulfide	---	0.002	Uranium	varies*	varies*		
						Zinc	TVS	TVS		

9. All tributaries and wetlands to the Slate River except for specific listings in Segments 1, 10a, 10b, 11, 12 and 13.							
COGUUG09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

10a. Mainstem of Oh-Be-Joyful Creek from the boundary of the Raggeds Wilderness Area to the confluence with the Slate River.						
COGUUG10A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	8.6
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.11	Zinc	TVS
		Sulfate	---	---		
		Sulfide	---	0.002		

10b. All tributaries, including wetlands, to Redwell Creek.

COGUUG10B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	407
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.11	Zinc	TVS
		Sulfate	---	---		
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

11. Mainstem of Coal Creek from a point immediately above the confluence with Elk Creek to a point immediately above the Keystone Mine discharge (38.867117, -107.023627). Elk Creek and its tributaries and wetlands from its source to its confluence with Coal Creek.

COGUUG11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12. Mainstem of Coal Creek, including all tributaries and wetlands from a point immediately above the Keystone Mine discharge (38.867117, -107.023627) to the confluence with the Slate River, with the exception of Wildcat Creek.

COGUUG12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
Cadmium(ac/ch) = 3.5/2.79* 4/1 - 6/30		Inorganic (mg/L)			Iron	---	WS
Copper(acute) = current condition* 4/1 - 6/30			acute	chronic	Iron(T)	---	1000
Zinc(chronic) = 576* 4/1 - 6/30		Ammonia	TVS	TVS	Lead	TVS	TVS
Expiration Date of 12/31/2022		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 35.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/191
*Uranium(chronic) = See 35.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*TempMod: Cadmium(4/1 - 6/30) = Coal Creek.		Cyanide	0.005	---	Molybdenum(T)	---	150
Adopted 6/12/2017(ac) and 6/12/2006(ch).		Nitrate	10	---	Nickel	TVS	TVS
*TempMod: Copper(4/1 - 6/30) = Coal Creek.		Nitrite	---	0.05	Nickel(T)	---	100
Adopted 6/12/2017.		Phosphorus	---	0.11	Selenium	TVS	TVS
*TempMod: Zinc(4/1 - 6/30) = Coal Creek.		Sulfate	---	WS	Silver	TVS	TVS(tr)
Adopted 7/9/2001.		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

13. Mainstem of Woods Creek from the source to the confluence with Washington Gulch.							
COGUUG13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

14. Mainstem of the Gunnison River from its inception at the confluence of the East and Taylor rivers to the inlet of Blue Mesa Reservoir.							
COGUUG14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

14. Mainstem of the Gunnison River from its inception at the confluence of the East and Taylor rivers to the inlet of Blue Mesa Reservoir.							
COGUUG14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 35.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

15a. All tributaries and wetlands to the Gunnison River from its inception at the confluence of the East and Taylor Rivers to the County Road 32 road crossing near the inlet of Blue Mesa Reservoir except for the specific listings in Segments 1, 15b, 16a, 16b, 17 through 24, and 26.

COGUUG15A Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation U	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1950
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS

15b. South Beaver Creek, including all tributaries and wetlands, from the source to the Saguache/Gunnison County line.

COGUUG15B Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation U	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

16a. Mainstem of Ohio Creek, from the source to a point immediately below 7 Road. All tributaries to Ohio Creek, except for specific listings in Segment 1.							
COGUUG16A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
16b. Mainstem of Ohio Creek from a point immediately below 7 Road to the confluence with the Gunnison River.							
COGUUG16B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	CS-I*	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details. *Temperature = summer criteria apply from 4/16 - 11/15		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

17a. West Antelope Creek, including all tributaries and wetlands, from the source to the confluence with Antelope Creek.							
COGUUG17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

17b. Mainstem of Antelope Creek, including all tributaries and wetlands, from the source to the confluence with the Gunnison River, excluding the listings in Segment 17a.							
COGUUG17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

Upper Gunnison River Basin

18a. Mainstem of Tomichi Creek and its wetlands from the source to the confluence with Porphyry Creek.								
COGUUG18A	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation U		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
*Uranium(acute) = See 35.5(3) for details.			acute	chronic	Iron(T)	---	1000	
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

18b. Mainstem of Tomichi Creek and its wetlands from the confluence with Porphyry Creek to the confluence with the Gunnison River.								
COGUUG18B	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/31	CS-II	CS-II	Arsenic	340	---
	Recreation U	Temperature °C	4/1 - 10/31	CS-II	18.9* C	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:			acute	chronic	Cadmium(T)	5.0	---	
Other:		D.O. (mg/L)	---	6.0	Chromium III	---	TVS	
Temporary Modification(s):		D.O. (spawning)	---	7.0	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		pH	6.5 - 9.0	---	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024		chlorophyll a (mg/m²)	---	150	Copper	TVS	TVS	
		E. coli (per 100 mL)	---	126	Iron	---	WS	
*Uranium(acute) = See 35.5(3) for details.					Iron(T)	---	1000	
*Uranium(chronic) = See 35.5(3) for details.		Inorganic (mg/L)			Lead	TVS	TVS	
*Temperature(4/1 - 10/31) = See temperature assessment locations at 35.6(6).			acute	chronic	Lead(T)	50	---	
		Ammonia	TVS	TVS	Manganese	TVS	TVS/WS	
		Boron	---	0.75	Mercury(T)	---	0.01	
		Chloride	---	250	Molybdenum(T)	---	150	
		Chlorine	0.019	0.011	Nickel	TVS	TVS	
		Cyanide	0.005	---	Nickel(T)	---	100	
		Nitrate	10	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS(tr)	
		Phosphorus	---	0.11	Uranium	varies*	varies*	
		Sulfate	---	WS	Zinc	TVS	TVS	
		Sulfide	---	0.002				

T = total recoverable

```
tr = trout
```

DM = daily maximum

See 35.6 for further details on applied standards

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

19. All tributaries to Tomichi Creek, including wetlands, which are within the boundaries of the Gunnison National Forest, except for specific listings in Segments 20 through 24. Mainstems of Barret, Razor, and Quartz Creeks from their sources to their confluences with Tomichi Creek. Hot Springs Creek from its source to the inlet of Hot Springs Reservoir.							
COGUUG19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
20. Mainstem of Indian Creek, including all tributaries, from the source to the confluence with Marshall Creek.							
COGUUG20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
*Uranium(acute) = lowest practical level		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Uranium(chronic) = lowest practical level		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	LPL*	LPL*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

21. Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with Tomichi Creek, except for specific listings in Segment 20.							
COGUUG21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
Uranium(chronic) = current condition*			Inorganic (mg/L)		Iron	---	WS
Expiration Date of 12/31/2022			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*TempMod: Uranium = Mainstem of Marshall Creek		Chloride	---	250	Manganese	TVS	TVS/WS
from the confluence with Indian Creek to the		Chlorine	0.019	0.011	Mercury(T)	---	0.01
confluence with Tomichi Creek. Adopted		Cyanide	0.005	---	Molybdenum(T)	---	150
6/12/2017.		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Uranium(T)	---	16.8-30 ^A
					Zinc	TVS	TVS
22. Mainstem of Gold Creek from Browns Gulch to the confluence with Quartz Creek.							
COGUUG22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.			Inorganic (mg/L)		Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

22. Mainstem of Gold Creek from Browns Gulch to the confluence with Quartz Creek.							
COGUUG22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

23. Mainstem of Cochetopa Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with West Pass Creek with the exception of Segment 1.							
COGUUG23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
		24. Mainstem of Cochetopa Creek from a point immediately below the confluence with West Pass Creek to the confluence with Tomichi Creek.					
COGUUG24	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

25. The segments of the Gunnison River which interconnect Blue Mesa Reservoir, Morrow Point Reservoir, and Crystal Reservoir.							
COGUUG25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
26. All tributaries, including wetlands, which are tributary to the Gunnison River from County Road 32 to the inlet of Blue Mesa Reservoir, Blue Mesa Reservoir, Morrow Point Reservoir, Crystal Reservoir, or the segments of the Gunnison River that interconnect those reservoirs, except for specific listings in Segments 1, 2, 29a, 29b, 30, 31, and 32.							
COGUUG26	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

27. Deleted.				
COGUUG27	Classifications	Physical and Biological		Metals (ug/L)
Designation		DM	MWAT	acute chronic
Qualifiers:		acute	chronic	
Other:				
		Inorganic (mg/L)		
		acute	chronic	

28. Deleted.				
COGUUG28	Classifications	Physical and Biological		Metals (ug/L)
Designation		DM	MWAT	acute chronic
Qualifiers:		acute	chronic	
Other:				
		Inorganic (mg/L)		
		acute	chronic	

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

29a. Mainstem of the Lake Fork of the Gunnison including all tributaries and wetlands, from the source to a point immediately above the confluence with Eaton Creek. Cebolla Creek, including all tributaries and wetlands, from the source to the Hinsdale/Gunnison County line. Powderhorn Creek, including all tributaries and wetlands, from the source to the confluence with Cebolla Creek. This segment excludes the specific listings in Segments 1, 29b, 30, 31, and 32.

COGUUG29A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

29b. Mainstem of the Lake Fork of the Gunnison, including all tributaries and wetlands, from a point immediately above the confluence with Eaton Creek, to Blue Mesa Reservoir. Cebolla Creek, including all tributaries and wetlands, from the Hinsdale/Gunnison County line, to Blue Mesa Reservoir, excluding the listings in Segment 29a.

COGUUG29B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

30. Mainstem of Henson Creek, including all tributaries and wetlands, from the source to the confluence with the Lake Fork of the Gunnison, except for the specific listings in Segments 31 and 32.							
COGUUG30	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

31. Mainstem of Palmetto Gulch Creek including all tributaries.							
COGUUG31	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

31. Mainstem of Palmetto Gulch Creek including all tributaries.							
COGUUG31	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

32. North Fork of Henson Creek including all tributaries and wetlands, from its source to the confluence with Henson Creek, except for specific listings in Segment 1.							
COGUUG32	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
		33. All lakes and reservoirs that are tributary to the Gunnison River and within the La Garita, Powderhorn, West Elk, Collegiate Peaks, Maroon Bells, Raggeds, Fossil Ridge, or Uncompahgre Wilderness Areas.					
COGUUG33	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.02	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

34. All lakes and reservoirs tributary to the Taylor River and the East River, from their sources to their confluence at the inception of the Gunnison River, excluding the listings in Segments 33, 35 and 37. This segment includes Meridian Lake, Nicholson Lake, Peanut Lake, Glazer Reservoir (38.874441, -106.999868), Lake Grant, Lily Pond, Pothole Reservoirs 1 and 2, Texas Lake, Mirror Lake, and Spring Creek Reservoir.

COGUUG34	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture			DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E			acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Qualifiers:								
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Glazer Reservoir only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

35. All lakes and reservoirs tributary to Redwell Creek.

COGUUG35	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Uranium(acute) = See 35.5(3) for details.</div> <div>*Uranium(chronic) = See 35.5(3) for details.</div>		D.O. (spawning)	---	7.0	Chromium III	---	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	8
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.025*			
		Sulfate	---	---			
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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

36. All lakes and reservoirs tributary to the Gunnison River from its inception at the confluence of the Taylor and East Rivers, to the inlet of Blue Mesa Reservoir, excluding the listings in Segment 33. This segment includes Kenny Moore Reservoir, Hot Springs Reservoir, Needle Creek Reservoir, Vouga Reservoir, Moss Lake, Dome Lakes, and McDonough Reservoirs 1 and 2.

COGUUG36	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

37. All lakes and reservoirs tributary to Blue Mesa Reservoir, Morrow Point Reservoir, Crystal Reservoir or the segments of the Gunnison River that interconnect them, excluding the listings in Segments 33 and 38. This segment includes Fish Creek Reservoirs 1 and 2, Hampton Lake, High Park Lake, Watson Lake, Butte Lake, Swanson Lake, Fitzpatrick Lake, Evergreen Lake (38.325447, -107.365786), Dry Lake, Devils Lake, Powderhorn Lakes, Soderquist Reservoir, Rainbow Lake, Cataract Lake, Castle Lakes, Crystal Lake, and Waterdog Lake.

COGUUG37	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Evergreen Lake only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper Gunnison River Basin

38. Lake San Cristobal, Taylor Park Reservoir, Blue Mesa Reservoir, Morrow Point Reservoir, Crystal Reservoir, and Silver Jack Reservoir.						
COGUUG38	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	1/1 - 3/31	CLL	Arsenic	340
	Recreation E	Temperature °C	4/1 - 12/31	varies*	Arsenic(T)	0.02
	Water Supply				Cadmium	TVS
Qualifiers:			acute	chronic	Cadmium(T)	5.0
Other:		D.O. (mg/L)	---	6.0	Chromium III	TVS
Temporary Modification(s):		D.O. (spawning)	---	7.0	Chromium III(T)	50
Arsenic(chronic) = hybrid		pH	6.5 - 9.0	---	Chromium VI	TVS
Expiration Date of 12/31/2024		chlorophyll a (ug/L)	---	8*	Copper	TVS
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 35.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Iron	WS
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.					Iron(T)	1000
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Lead	TVS
*Uranium(chronic) = See 35.5(3) for details.			acute	chronic	Lead(T)	50
*Temperature(4/1 - 12/31) = Lake San Cristobal, Taylor Park Reservoir, and Blue Mesa Reservoir MWAT=16.6		Ammonia	TVS	TVS	Manganese	TVS/WS
All others MWAT=CLL		Boron	---	0.75	Mercury(T)	0.01
Lake San Cristobal, Taylor Park Reservoir, and Blue Mesa Reservoir DM=24.2		Chloride	---	250	Molybdenum(T)	150
All others DM=CLL		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Nickel(T)	100
		Nitrate	10	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.025*	Uranium	varies*
		Sulfate	---	WS	Zinc	TVS
		Sulfide	---	0.002		

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

sc = sculpin

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

1. All tributaries to North Fork of the Gunnison River, including all wetlands, within the West Elk or Raggeds Wilderness Areas.

COGUNF01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

2. Mainstem of North Fork of the Gunnison River from its inception at the confluence of Muddy Creek and Anthracite Creek to the Black Bridge (41.75 Drive) above Paonia.

COGUNF02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

3. Mainstem of North Fork of the Gunnison River from the Black Bridge (41.75 Drive) above Paonia to the confluence with the Gunnison River.										
COGUNF03	Classifications			Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT			acute	chronic	
Reviewable	Aq Life Cold 1			Temperature °C	11/16 - 3/15	CS-II	CS-II	Arsenic	340	---
	Recreation E	4/1 - 9/30		Temperature °C	3/16 - 11/15	26.5*	21.9* C	Arsenic(T)	---	0.02
	Recreation P	10/1 - 3/31						Cadmium	TVS	TVS
	Water Supply							Cadmium(T)	5.0	---
Qualifiers:				D.O. (mg/L)	---	6.0		Chromium III	---	TVS
Other:				D.O. (spawning)	---	7.0		Chromium III(T)	50	---
Temporary Modification(s):				pH	6.5 - 9.0	---		Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid				chlorophyll a (mg/m²)	---	---		Copper	TVS	TVS
Expiration Date of 12/31/2024				E. coli (per 100 mL)	4/1 - 9/30	---	126	Iron	---	WS
*Uranium(acute) = See 35.5(3) for details.				E. coli (per 100 mL)	10/1 - 3/31	---	205	Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.				Inorganic (mg/L)				Lead	TVS	TVS
*Temperature(3/16 - 11/15) = See temperature assessment location at 35.6(6)				acute	chronic			Lead(T)	50	---
				Ammonia	TVS	TVS		Manganese	TVS	TVS/WS
				Boron	---	0.75		Mercury(T)	---	0.01
				Chloride	---	250		Molybdenum(T)	---	150
				Chlorine	0.019	0.011		Nickel	TVS	TVS
				Cyanide	0.005	---		Nickel(T)	---	100
				Nitrate	10	---		Selenium	TVS	TVS
				Nitrite	---	0.05		Silver	TVS	TVS(tr)
				Phosphorus	---	---		Uranium	varies*	varies*
				Sulfate	---	WS		Zinc	TVS	TVS
				Sulfide	---	0.002				
4a. Tributaries and wetlands to Muddy Creek within national forest boundaries. Anthracite Creek, including all tributaries and wetlands, from the source to the confluence with Muddy Creek. All tributaries to the North Fork of the Gunnison from its inception at the confluence of Muddy Creek and Anthracite Creek to the confluence with the Gunnison River within national forest boundaries. This segment excludes the specific listings in Segments 1 and 4c.										
COGUNF04A	Classifications			Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT			acute	chronic	
Reviewable	Aq Life Cold 1			Temperature °C		CS-I	CS-I	Arsenic	340	---
	Recreation E			acute	chronic			Arsenic(T)	---	0.02
	Water Supply			D.O. (mg/L)	---	6.0		Cadmium	TVS	TVS
Qualifiers:				D.O. (spawning)	---	7.0		Cadmium(T)	5.0	---
Other:				pH	6.5 - 9.0	---		Chromium III	---	TVS
Temporary Modification(s):				chlorophyll a (mg/m²)	---	150*		Chromium III(T)	50	---
Arsenic(chronic) = hybrid				E. coli (per 100 mL)	---	126		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024				Inorganic (mg/L)				Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4).				acute	chronic			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).				Ammonia	TVS	TVS		Iron(T)	---	1000
*Uranium(acute) = See 35.5(3) for details.				Boron	---	0.75		Lead	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.				Chloride	---	250		Lead(T)	50	---
				Chlorine	0.019	0.011		Manganese	TVS	TVS/WS
				Cyanide	0.005	---		Mercury(T)	---	0.01
				Nitrate	10	---		Molybdenum(T)	---	150
				Nitrite	---	0.05		Nickel	TVS	TVS
				Phosphorus	---	0.11*		Nickel(T)	---	100
				Sulfate	---	WS		Selenium	TVS	TVS
				Sulfide	---	0.002		Silver	TVS	TVS(tr)
								Uranium	varies*	varies*
								Zinc	TVS	TVS/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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

4b. Muddy Creek, including all tributaries and wetlands, from the national forest boundary to the confluence with Anthracite Creek, except for the specific listings in Segment 1.

COGUNF04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(acute) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

4c. All tributaries to Lake Irwin from their sources to the inlet of Lake Irwin.

COGUNF04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	---	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	50	---
chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 35.5(4).		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.					Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic		Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	250	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS/TVS(sc)
		Phosphorus	---	0.11*			
		Sulfate	---	---			
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

5a. Mainstems of Hubbard Creek, Terror Creek, and Minnesota Creek, from the national forest boundary to their confluences with the North Fork of the Gunnison River; mainstem of Jay Creek from its source to its confluence with the North Fork of the Gunnison River.

COGUNF05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

5b. Mainstem of Roatcap Creek, including all tributaries and wetlands, from the source to the confluence with the North Fork of the Gunnison. Leroux Creek from the national forest boundary to its confluence with the North Fork of the Gunnison River.

COGUNF05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

6a. All tributaries, including wetlands, to the North Fork of the Gunnison River from its inception at the confluence of Muddy Creek and Anthracite Creek to the confluence with the Gunnison River, and not within national forest boundaries, except for the specific listings in Segments 5a, 5b, 6b, and 6c.

COGUNF06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

6b. Mainstem and all tributaries to Bear Creek and Stevens Gulch. All tributaries, including wetlands, to the North Fork of the Gunnison River that are north of the North Fork of the Gunnison River, from a point immediately above the confluence with Roatcap Creek to the confluence with the Gunnison River, and are not within national forest boundaries; all tributaries, including wetlands, to the North Fork of the Gunnison River that are south of the North Fork of the Gunnison River, from a point immediately above the confluence with Minnesota Creek to the confluence with the Gunnison River, and are not within national forest boundaries, excluding the specific listings in Segments 5a and 5b.

COGUNF06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

6c. Thompson Creek from the Gunnison National Forest boundary to its confluence with the North Fork of the Gunnison River.							
COGUNF06C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	7.6	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

7. Paonia Reservoir and Overland Reservoir.							
COGUNF07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

8. All lakes and reservoirs that are tributary to the North Fork of the Gunnison River and within the West Elk or Raggeds Wilderness areas.

COGUNF08	Classifications	Physical and Biological		Metals (ug/L)				
Designation	Agriculture	DM	MWAT	acute	chronic			
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

9. All lakes and reservoirs tributary to Muddy Creek, Paonia Reservoir, or Anthracite Creek. All lakes and reservoirs tributary to the North Fork of the Gunnison River from its inception at the confluence with Muddy Creek and Anthracite Creek to the confluence with the Gunnison River, and within national forest boundaries, excluding the specific listing in Segments 7 and 8. This segment includes Island Lake, Aspen Leaf Reservoir, Floating Lake, Tomahawk Reservoir, Dollar Lake, Lost Lake, Lost Lake Slough, Lake Irwin, Terror Creek Reservoir, Minnesota Reservoir, Beaver Reservoir, Lone Cabin Reservoir, Todd Reservoir, Holy Terror Reservoir (aka Eagle River Reservoir), Goodenough Reservoir, Dogfish Reservoir, Hilltop Reservoir, Willow Reservoir, Doughty Reservoir, Reynolds Reservoir, Hanson Reservoir, Bailey Reservoir, Owens Reservoir, Gray Reservoir, and Patterson Reservoirs.

COGUNF09	Classifications	Physical and Biological		Metals (ug/L)				
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 35.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
					Lead	TVS	TVS	
					Lead(T)	50	---	
					Manganese	TVS	TVS/WS	
					Mercury(T)	---	0.01	
					Molybdenum(T)	---	150	
					Nickel	TVS	TVS	
					Nickel(T)	---	100	
					Selenium	TVS	TVS	
					Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

North Fork of the Gunnison River Basin

10. All lakes and reservoirs tributary to Roatcap Creek and Jay Creek from their sources to their confluences with the North Fork of the Gunnison River. All lakes and reservoirs tributary to Hubbard Creek, Terror Creek, Minnesota Creek, or Leroux Creek, and are not within national forest boundaries.

COGUNF10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11. All lakes and reservoirs tributary to the North Fork of the Gunnison River from its inception at the confluence of Muddy Creek and Anthracite Creek to the confluence with the Gunnison River, and not within national forest boundaries, except for the specific listings in Segments 7, 9, and 10. This segment includes Roeber Reservoir.

COGUNF11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation P	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

1. All tributaries to the Uncompahgre River, including all wetlands, which are within the Mt. Sneffels or Uncompahgre Wilderness Areas.

COGUUN01	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
OW	Agriculture				
	Aq Life Cold 1	Temperature °C	CS-I CS-I	Arsenic	340 ---
	Recreation E	acute chronic		Arsenic(T)	--- 0.02
Qualifiers:	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	--- 150	Chromium III(T)	50 ---
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
				Copper	TVS TVS
		Inorganic (mg/L)		Iron	--- WS
		acute chronic		Iron(T)	--- 1000
		Ammonia	TVS TVS	Lead	TVS TVS
		Boron	--- 0.75	Lead(T)	50 ---
		Chloride	--- 250	Manganese	TVS TVS/WS
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01
		Cyanide	0.005 ---	Molybdenum(T)	--- 150
		Nitrate	10 ---	Nickel	TVS TVS
		Nitrite	--- 0.05	Nickel(T)	--- 100
		Phosphorus	--- 0.11	Selenium	TVS TVS
		Sulfate	--- WS	Silver	TVS TVS(tr)
		Sulfide	--- 0.002	Uranium	varies* varies*
				Zinc	TVS TVS

2. Mainstem of the Uncompahgre River from the source (Poughkeepsie Gulch) to a point immediately above the confluence with Red Mountain Creek.

COGUUN02	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
Reviewable	Agriculture				
	Aq Life Cold 1	Temperature °C	CS-I CS-I	Arsenic	340 ---
	Recreation P	acute chronic		Arsenic(T)	--- 0.02
Qualifiers:	Water Supply	D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	--- 150	Chromium III(T)	50 ---
		E. coli (per 100 mL)	--- 205	Chromium VI	TVS TVS
				Copper	TVS TVS
		Inorganic (mg/L)		Iron	--- WS
		acute chronic		Iron(T)	--- 1000
		Ammonia	TVS TVS	Lead	TVS TVS
		Boron	--- 0.75	Lead(T)	50 ---
		Chloride	--- 250	Manganese	TVS TVS/WS
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01
		Cyanide	0.005 ---	Molybdenum(T)	--- 150
		Nitrate	10 ---	Nickel	TVS TVS
		Nitrite	--- 0.05	Nickel(T)	--- 100
		Phosphorus	--- 0.11	Selenium	TVS TVS
		Sulfate	--- WS	Silver	TVS TVS(tr)
		Sulfide	--- 0.002	Uranium	varies* varies*
				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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

3a. Mainstem of the Uncompahgre River from a point immediately above the confluence with Red Mountain Creek to a point immediately above the confluence with Cascade Creek.						
COGUUN03A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Arsenic(chronic) = hybrid					Copper	TVS
Expiration Date of 12/31/2024					Iron	---
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron(T)	---
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic		Lead	TVS
		Ammonia	TVS	TVS	Lead(T)	50
		Boron	---	0.75	Manganese	TVS
		Chloride	---	250	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	10	---	Nickel(T)	---
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	---	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	TVS

3b. Mainstem of the Uncompahgre River from a point immediately above the confluence with Cascade Creek to a point immediately above the confluence with Dexter Creek.						
COGUUN03B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	CS-I*	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Arsenic(chronic) = hybrid					Copper	TVS
Expiration Date of 12/31/2024					Iron	---
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 35.5(4).		Inorganic (mg/L)			Iron(T)	---
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).		acute	chronic		Lead	TVS
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead(T)	50
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Manganese	TVS
*Temperature = Temperature = summer criteria apply from 6/1-10/15		Chloride	---	250	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	10	---	Nickel(T)	---
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.11*	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

3c. Mainstem of the Uncompahgre River from a point immediately above the confluence with Dexter Creek to a point immediately below the confluence with Dallas Creek.							
COGUUN03C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1793
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3d. Mainstem of the Uncompahgre River from a point immediately below the confluence with Dallas Creek to the inlet of Ridgway Reservoir.							
COGUUN03D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
*Uranium(acute) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	2053
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

3e. Mainstem of the Uncompahgre River from the outlet of Ridgway Reservoir to a point immediately above the outlet of the South Canal near Uncompahgre.								
COGUUN03E	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II*	CS-II* °C	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details. *Temperature = summer criteria apply from 4/1-11/15		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		3f. Mainstem of the Uncompahgre River from a point immediately above the outlet of the South Canal to a point immediately above the Highway 90 bridge in Montrose.						
		COGUUN03F	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

3f. Mainstem of the Uncompahgre River from a point immediately above the outlet of the South Canal to a point immediately above the Highway 90 bridge in Montrose.							
COGUUN03F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 35.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

4a. Mainstem of the Uncompahgre River from the Highway 90 bridge at Montrose to Gunnison Road.						
COGUUN04A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

4b. Mainstem of the Uncompahgre River from Gunnison Road to the upstream boundary of Confluence Park.						
COGUUN04B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	205	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

4c. Mainstem of the Uncompahgre River from the upstream boundary of Confluence Park to the confluence with the Gunnison River.							
COGUUN04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1108	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

5. All tributaries to the Uncompahgre River, including all wetlands, from the source to a point immediately below the confluence with Dexter Creek, except for specific listings in Segments 1, 6a, 6b, and 7 through 9.							
COGUUN05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

6a. Mainstem of Red Mountain Creek from the source to immediately above the confluence with the East Fork of Red Mountain Creek.						
COGUUN06A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation N	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	630	Copper	TVS
					Iron(T)	1000
		Inorganic (mg/L)			Lead	TVS
		acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---
		Boron	---	0.75	Molybdenum(T)	---
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	0.005	---	Silver	TVS
		Nitrate	100	---	Uranium	varies*
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

6b. Mainstem of Red Mountain Creek from immediately above the confluence with the East Fork of Red Mountain Creek to the confluence with the Uncompahgre River. All tributaries to Red Mountain Creek within Corkscrew and Champion basins.						
COGUUN06B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Recreation N			Arsenic	---	---
Qualifiers:		acute	chronic	Cadmium	---	---
Other:		D.O. (mg/L)	---	3.0	Chromium III	---
		pH	ambient	---	Chromium VI	---
		chlorophyll a (mg/m ²)	---	---	Copper	---
		E. coli (per 100 mL)	---	630	Iron	---
		Inorganic (mg/L)			Lead	---
		acute	chronic	Manganese	---	---
		Ammonia	---	---	Mercury(T)	---
		Boron	---	---	Molybdenum(T)	---
		Chloride	---	---	Nickel	---
		Chlorine	---	---	Selenium	---
		Cyanide	---	---	Silver	---
		Nitrate	---	---	Uranium	varies*
		Nitrite	---	---	Zinc	---
		Phosphorus	---	---		
		Sulfate	---	---		
		Sulfide	---	---		

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

7. Mainstem of Gray Copper Gulch from the source to the confluence with Red Mountain Creek.								
COGUUN07	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	^A	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute	chronic	Iron(T)	---	2338		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/655	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
		Zinc	TVS	TVS				
		8. Mainstem of Mineral Creek from the source to the confluence with the Uncompahgre River.						
		COGUUN08	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	^A	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
					Copper	---	5	
		Inorganic (mg/L)			Iron	---	WS	
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	---	4	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

9. Mainstem of Imogene Creek from its source to its confluence with Sneffels Creek. Mainstem and all tributaries of Sneffels Creek from a point 1.5 miles above its confluence with Imogene Creek at 37.974979, -107.753960 (WGS84) to its confluence with Imogene Creek. Mainstem of Canyon Creek from its inception at the confluence of Imogene Creek and Sneffels Creek to the confluence with the Uncompahgre River.									
COGUUN09	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation P		acute	chronic	Arsenic(T)	---	7.6		
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Fish Ingestion		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS		
Other:		pH	6.5 - 9.0	---	Chromium III(T)	---	100		
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS		
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS		
					Iron(T)	---	1000		
		Inorganic (mg/L)			Lead	TVS	TVS		
					Manganese	TVS	TVS		
		Ammonia	TVS	TVS	Mercury(T)	---	0.01		
		Boron	---	0.75	Molybdenum(T)	---	150		
		Chloride	---	---	Nickel	TVS	TVS		
		Chlorine	0.019	0.011	Selenium	TVS	TVS		
		Cyanide	0.005	---	Silver	TVS	TVS(tr)		
		Nitrate	100	---	Uranium	varies*	varies*		
		Nitrite	---	0.05	Zinc	TVS	TVS		
		Phosphorus	---	0.11					
		Sulfate	---	---					
Sulfide	---	0.002							
10a. All tributaries to the Uncompahgre River, including all wetlands, from a point immediately below the confluence with Dexter Creek to the South Canal near Uncompahgre, except for specific listings in Segments 1, 10b, and 11.									
COGUUN10A	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---		
	Recreation P		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---		
Temporary Modification(s):		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS		
Arsenic(chronic) = hybrid					Copper	TVS	TVS		
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS		
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.					acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	0.11*	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS/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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

10b. Mainstem of Kettle Gulch from the road crossing at 38.101201, -107.75949 to the County Road 23 crossing.

COGUUN10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1 Recreation P	Temperature °C	CS-II CS-II		Arsenic	340	---
Qualifiers:		acute	chronic		Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:	*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.	D.O. (spawning)	---	7.0	Chromium III	---	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	50	---
		chlorophyll a (mg/m ²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
		acute	chronic		Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	250	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11*	Zinc	TVS	TVS/TVS(sc)
		Sulfate	---	---			
		Sulfide	---	0.002			

11. Mainstem of Coal Creek from the source to the Park Ditch, mainstem of Dallas Creek from the source of the East and West Forks to the confluence with the Uncompahgre River; mainstem of Cow Creek from the Uncompahgre Wilderness Area boundary to a point immediately below the confluence with Nate Creek, tributaries to Cow Creek from the Uncompahgre Wilderness Area boundary to the confluence with the Uncompahgre River; mainstems of Billy Creek, Onion Creek and Beaton Creek from their sources to their confluences with Uncompahgre River; mainstem of Beaver Creek from the source to the confluence with the East Fork of Dallas Creek; and mainstem of Pleasant Valley Creek from the source to the confluence with Dallas Creek.

COGUUN11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1 Recreation P Water Supply	Temperature °C	CS-I CS-I		Arsenic	340	---
Qualifiers:		acute	chronic		Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:	Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

12. All tributaries to the Uncompahgre River, including all wetlands, from the South Canal near Uncompahgre to the confluence with the Gunnison River, except for specific listings in Segments 13, 14, 15a and 15b.

COGUUN12	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT		acute	chronic	
UP	Agriculture						
	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1400
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

13a. Mainstem of East Fork Dry Creek and Pryor Creek from their sources to the national forest boundary; West Fork Dry Creek from its source to its confluence with East Fork Dry Creek; mainstem of West Fork Spring Creek and Middle Spring Creek from their sources to their confluence, and mainstem of Mexican Gulch from the source to the Section line dividing Section 19 and 30, T49N, R9W.

COGUUN13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT		acute	chronic	
Reviewable	Agriculture						
	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic		Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

13b. Mainstem of East Fork Dry Creek from the national forest boundary to its confluence with West Fork Dry Creek. Pryor Creek from the national forest boundary to its confluence with East Fork Dry Creek. Mainstem of Spring Creek from the source to a point immediately below the confluence with Devinny Canyon.							
COGUUN13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
13c. Mainstem of Spring Creek from a point immediately below the confluence with Devinny Canyon to Popular Road at the mouth of Spring Canyon.							
COGUUN13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

14. East and West Forks of Horsefly Creek, including all tributaries and wetlands, from their sources to a point immediately above their confluence. Happy Canyon Creek, including all tributaries and wetlands, from the source to the most downstream national forest boundary.

COGUUN14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2 Recreation P	Temperature °C	CS-II	CS-II	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	100
Other:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
						</	

15a. Mainstem of Happy Canyon from a point immediately below the West Canal to the confluence with the Uncompahgre River; mainstem of Horsefly Creek from a point immediately below the confluence with Wildcat Canyon to the confluence with the Uncompahgre River.

COGUUN15A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Warm 1 Recreation P	Temperature °C	WS-II	WS-II	Arsenic	340	---	
		acute	chronic		Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Manganese	TVS	TVS	
		Chloride	---	---	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.5	Silver	TVS	TVS	
		Phosphorus	---	0.17	Uranium	varies*	varies*	
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

15b. Mainstem of Dry Creek from the confluence of the East and West Forks to immediately above the confluence with Coalbank Canyon Creek.

COGUUN15B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic		Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.5	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

16. All lakes and reservoirs tributary to the Uncompahgre River and within the Mt. Sneffels or Uncompahgre Wilderness Areas.

COGUUN16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/50
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

17. All lakes and reservoirs tributary to the Uncompahgre River from the source to a point immediately below the confluence with Dexter Creek, except for specific listings in Segment 16. This segment includes Lake Como, Ptarmigan Lake, Crystal Lake, and Lake Lenore.

COGUUN17	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

18. All lakes and reservoirs tributary to the Uncompahgre River from a point immediately below the confluence with Dexter Creek to a point immediately below the South Canal near Uncompahgre, excluding the listings in Segment 16 and 19. All lakes and reservoirs tributary to the East Fork of Dry Creek or the West Fork of Dry Creek from their sources to their confluence. This segment includes Black Lake, Blue Lakes, Ulah Brown Spring, Lake Otonawanda, West Lake, Dry Lake, Elephant Reservoir, Buckhorn Lakes, Silesca Pond and Olathe Reservoirs 1 and 2.

COGUUN18	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Lake Otonawanda only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	205	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

19. Ridgway Reservoir.						
COGUUN19	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Recreation E	Temperature °C	CLL	CLL	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (ug/L)	---	---	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	---	Zinc	TVS
		Sulfate	---	---		
		Sulfide	---	0.002		

*Uranium(acute) = See 35.5(3) for details.
*Uranium(chronic) = See 35.5(3) for details.

20. Sweitzer Lake (a.k.a. Garnet Mesa Reservoir).						
COGUUN20	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1 Recreation E	Temperature °C	WL	WL	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	0.083*	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Uranium(acute) = See 35.5(3) for details.
*Uranium(chronic) = See 35.5(3) for details.

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Uncompahgre River Basin

21. All lakes and reservoirs tributary to the Uncompahgre River from a point immediately below the South Canal near Uncompahgre to the confluence with the Gunnison River, excluding the listings in Segments 18, 20, and 22.							
COGUUN21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
		22. Fairview Reservoir.					
COGUUN22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	20*	Chromium III	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Fairview Reservoir only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVSWS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

1. Mainstem of the Gunnison River from the outlet of Crystal Reservoir to Highway 65 (38.772574, -108.002634).							
COGULG01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
2. Mainstem of the Gunnison River from Highway 65 (38.772574, -108.002634) to the confluence with the Colorado River.							
COGULG02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 35.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	480	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

3. All tributaries to the Gunnison River, including all wetlands, which are within national forest boundaries, from the outlet of Crystal Reservoir to the confluence with the Colorado River, except for specific listings in the North Fork Gunnison River sub-basin, Uncompahgre River sub-basins, and Segments 10, 11a, 11b, and 12.

COGULG03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

4a. All tributaries to the Gunnison River, including all wetlands which are not within national forest boundaries, from the outlet of Crystal Reservoir to the confluence with the Colorado River, except for specific listings in the North Fork of the Gunnison River sub-basin, the Uncompahgre River sub-basin, and in Segments 3, 4b, 4c, 5a, 5b, 6a, 6b, 6c, 7, 8a, 8b, 10 and 12.

COGULG04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<div>Other:</div> <div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).</div> <div>*Uranium(acute) = See 35.5(3) for details.</div> <div>*Uranium(chronic) = See 35.5(3) for details.</div>		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

4b. All tributaries to Reeder, Hollenbeck, and Juniata Reservoirs, and the mainstem of Kannah Creek below the point of diversion for public water supply (38.961321, -108.229830).							
COGULG04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
4c. Mainstem of Red Rock Creek from the boundary of Black Canyon of the Gunnison National Park to the confluence of the Gunnison River.							
COGULG04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4c. Mainstem of Red Rock Creek from the boundary of Black Canyon of the Gunnison National Park to the confluence of the Gunnison River.							
COGULG04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

5a. Mainstem of North Fork Escalante Creek from the national forest boundary to the confluence with Escalante Creek.						
COGULG05A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(chronic) = See 35.5(3) for details.		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	TVS
					Uranium(T)	---
					Zinc	TVS
						varies*
						16.8-30 ^A

5b. Mainstem of Roubideau Creek from the national forest boundary to the confluence with Potter Creek; mainstem of Monitor Creek from the national forest boundary to the confluence with Potter Creek, Potter Creek from Monitor Creek to the confluence with Roubideau Creek.						
COGULG05B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (mg/m ²)	---	150	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	TVS
					Uranium(T)	---
					Zinc	TVS
						varies*
						16.8-30 ^A

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

6a. Mainstem of Escalante Creek from the national forest boundary to the Delta/Montrose County line (38.668215, -108.328144); mainstem of Little Dominguez from the national forest boundary to Big Dominguez Creek; mainstem of Big Dominguez from the national forest boundary to the Gunnison River.							
COGULG06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)		Lead	TVS	TVS	
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	TVS	varies*
		Nitrite	---	0.05	Uranium(T)	---	16.8-30 ^A
		Phosphorus	---	0.11*	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			
06b. Mainstem of Roubideau Creek from Potter Creek to the Gunnison River. Mainstem of East Creek from the source to the Gunnison River.							
COGULG06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	TVS	varies*
		Sulfate	---	---	Uranium(T)	---	16.8-30 ^A
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

06c. Mainstem of Escalante Creek from the Delta/Montrose County line (38.668215, -108.328144) to the Gunnison River.								
COGULG06C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS		
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.05	Molybdenum(T)	---	150	
		Phosphorus	---	0.17	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	TVS	varies*	
					Uranium(T)	---	16.8-30 ^A	
					Zinc	TVS	TVS	
		7a. Mainstem of Ward Creek, from the national forest boundary to the confluence with Dirty George Creek.						
		COGULG07A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 ^A		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
		acute	chronic	Iron	---	WS		
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.11	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

7b. Mainstem of Surface Creek from the point of diversion of water supply (38.965216, -107.876031) to the confluence with Tongue Creek; mainstem of Tongue Creek from its inception at the confluence of Ward Creek and Dirty George Creek to the confluence with the Gunnison River; mainstem of Youngs Creek from the national forest boundary to the confluence with Kiser Creek; mainstem of Kiser Creek from the national forest boundary to the confluence with Ward Creek.

COGULG07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 35.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).		acute		chronic	Iron(T)	---	1000
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

8a. Mainstem of Surface Creek, including all tributaries, from the national forest boundary to the point of diversion for public water supply (38.965216, -107.876031).

COGULG08A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Manganese(chronic) = WS, TVS and 1000 ug/L		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 35.5(3) for details.		acute		chronic	Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	varies*
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 35.6 for further details on applied standards.

Lower Gunnison Basin

8b. Mainstem of Kannah Creek, including all tributaries, from the national forest boundary to the point of diversion for public water supply (38.961321, -108.229830).

COGULG08B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Manganese(chronic) = WS, TVS and 1000 ug/L *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	varies*
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
Sulfide	---	0.002	Uranium	varies*	varies*		
			Zinc	TVS	TVS/TVS(sc)		

9. Fruitgrowers Reservoir.

COGULG09	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture			DM	MWAT		acute	chronic	
UP	Aq Life Warm 2		Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E	4/1 - 10/31		acute	chronic	Arsenic(T)	---	7.6	
	Recreation P	11/1 - 3/31	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:			pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
Fish Ingestion			chlorophyll a (ug/L)	---	---	Chromium III(T)	---	100	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.			E. coli (per 100 mL)	4/1 - 10/31	---	126	Chromium VI	TVS	TVS
			E. coli (per 100 mL)	11/1 - 3/31	---	205	Copper	TVS	TVS
						Iron(T)	---	1000	
			Inorganic (mg/L)			Lead	TVS	TVS	
						Manganese	TVS	TVS	
			Ammonia		TVS	TVS	Mercury(T)	---	0.01
			Boron		---	0.75	Molybdenum(T)	---	150
			Chloride		---	---	Nickel	TVS	TVS
			Chlorine		0.019	0.011	Selenium	TVS	TVS
			Cyanide		0.005	---	Silver	TVS	TVS
			Nitrate		100	---	Uranium	varies*	varies*
			Nitrite		---	0.05	Zinc	TVS	TVS
			Phosphorus		---	---			
			Sulfate		---	---			
			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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

10. Mainstem of the Smith Fork from the confluence of the North Smith Fork and South Smith Fork to the confluence with the Gunnison River.							
COGULG10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
				Copper	TVS	TVS	
		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
11a. All tributaries to the Smith Fork, including all wetlands, which are within national forest boundaries except for specific listings in Segment 11b; Doug Creek from the source to the confluence with Muddy Creek.							
COGULG11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
				Copper	TVS	TVS	
		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

11b. All tributaries to the Smith Fork, including all wetlands, which are within the West Elk Wilderness Area.								
COGULG11B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS
		Inorganic (mg/L)				Iron	---	WS
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
12. All tributaries to the Smith Fork, including all wetlands, which are not within national forest boundaries, except for the specific listing in Segment 11a.								
COGULG12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---	
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---	
		Inorganic (mg/L)				Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.05	Molybdenum(T)	---	150	
		Phosphorus	---	0.17	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

12. All tributaries to the Smith Fork, including all wetlands, which are not within national forest boundaries, except for the specific listing in Segment 11a.							
COGULG12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

13. Crawford Reservoir.						
COGULG13	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.083*	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Uranium(acute) = See 35.5(3) for details.
 *Uranium(chronic) = See 35.5(3) for details.

14. All lakes and reservoirs tributary to the Gunnison River, from the outlet of Crystal Reservoir to the confluence with the Colorado River, and within national forest boundaries, excluding listings in the North Fork of the Gunnison River sub-basin, the Uncompahgre River sub-basin, and Segments 15, 17 and 18. This segment includes Trickle Reservoir, Hale Reservoir, Marcott Park Reservoir, Cherry Lane Reservoir, Cole Reservoirs, Cedar Mesa Reservoir, Kehmeier Reservoir, Weir and Johnson Reservoir, Bonita Reservoir, Blanche Park Reservoir, Vela Reservoir, Knox Reservoir, Military Park Reservoir, Eureka Park Reservoir, Carbonate Park Reservoirs, Prebble Reservoir, Youngs Creek Reservoirs, Kiser Reservoir, Donnelly Reservoir, Kiser Slough Reservoir, Baron Lake, Upper Eggleston Lake, Upper Hotel Lake, Hotel Lake, Arch Slough, Alexander Lake, Deep Ward Lake, Kennicott Slough Reservoir, Womack Reservoirs, Deep Slough Reservoir, Scotland Peak Reservoir, Boulder Lake Reservoir, Basin Reservoir 1, Clear Lake, Granby Reservoirs, Dugger Reservoir, Carson Lake, Crane Lake, Flowing Park, Blue Lake, Chambers Reservoir, Scales Lakes, Grand Mesa Reservoirs, Anderson Reservoirs, Bolen Reservoir, Bolen-Anderson-Jacobs Reservoir 2, Hollenbeck Reservoir 2, Cliff Lake Reservoir, Lee Reservoirs, Lone Pine Reservoirs, Bullfrog Reservoir, Twin Lake, Harry White Reservoirs, Beaver Dam Reservoir, and Fruita Reservoirs 1 and 2.

COGULG14	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5-9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
 *Uranium(acute) = See 35.5(3) for details.
 *Uranium(chronic) = See 35.5(3) for details.

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

15. Island Lake, Eggleston Lake, and Trickle Park Reservoir (aka Park Reservoir).						
COGULG15	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5-9.0	---	Chromium III	--- TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
			acute	chronic	Iron(T)	--- 1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.025*	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
						Zinc
16. All lakes and reservoirs that are tributary to the Gunnison River, from the outlet of Crystal Reservoir to the confluence with the Colorado River, and not within national forest boundaries, excluding the listings in the North Fork of the Gunnison sub-basin, the Uncompahgre River sub-basin, and Segments 9, 13, and 19. This segment includes Poison Springs Reservoir, Dry Fork Reservoir, Delta Reservoir, Winkler Reservoir, Desert Reservoir, Alkali Reservoir, Cheney Reservoir, Juniata Reservoir, Hallenbeck Reservoir, Reeder Reservoir, Enochs Lake, Gobbo Reservoir, Schrader Reservoir, and King Reservoir.						
COGULG16	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
Qualifiers:		chlorophyll a (ug/L)	---	20*	Chromium III	--- TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Hallenbeck and Juniata Reservoirs only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50 ---
		Inorganic (mg/L)			Chromium VI	TVS TVS
			acute	chronic	Copper	TVS TVS
		Ammonia	TVS	TVS	Iron	--- WS
		Boron	---	0.75	Iron(T)	--- 1000
		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.5	Molybdenum(T)	--- 150
		Phosphorus	---	0.083*	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS
					Uranium	varies* varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

17. All lakes and reservoirs tributary to the Smith Fork, and within national forest boundaries excluding the listings in Segment 18. All lakes and reservoirs tributary to Doug Creek.							
COGULG17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVSWS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
18. All lakes and reservoirs tributary to the Smith Fork, and are within the West Elk Wilderness Area.							
COGULG18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVSWS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Gunnison Basin

19. All lakes and reservoirs tributary to the Smith Fork, which are not within national forest boundaries, excluding the listings in Segment 17. This segment includes Gould Reservoir.							
COGULG19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Uranium(acute) = See 35.5(3) for details.</div> <div>*Uranium(chronic) = See 35.5(3) for details.</div>		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

1. All tributaries, including wetlands, to the San Miguel River that are within the boundaries of the Lizard Head or Mount Sneffels Wilderness Areas.								
COGUSM01	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT		acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic		Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS/TVS(sc)	
		2. All tributaries and wetlands, to the San Miguel River from its source to a point immediately below the confluence of Leopard Creek, except for specific listings in Segments 1, 6a, 6b, 7 and 8.						
		COGUSM02	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic		Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS/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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

3a. Mainstem of the San Miguel River from its inception at the confluence of Bridal Veil and Ingram Creeks to a point immediately above the confluence of Marshall Creek.						
COGUSM03A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
		Inorganic (mg/L)			Lead	TVS
		acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---
		Boron	---	0.75	Molybdenum(T)	---
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	0.005	---	Silver	TVS
		Nitrate	100	---	Uranium	varies*
		Nitrite	---	0.05	Zinc	---
		Phosphorus	---	0.11		190
		Sulfate	---	---		
		Sulfide	---	0.002		

3b. Mainstem of the San Miguel River from a point immediately above the confluence of Marshall Creek to a point immediately above the confluence of the South Fork San Miguel River.						
COGUSM03B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	---
		Inorganic (mg/L)			Copper	---
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.5	Nickel	TVS
		Phosphorus	---	0.11*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	---

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

4a. Mainstem of the San Miguel River from a point immediately above the confluence of the South Fork of the San Miguel River to a point immediately below the CC ditch.									
COGUSM04A	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	---	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS		
		4b. Mainstem of the San Miguel River from a point immediately below the CC ditch to a point immediately below the confluence of Naturita Creek.							
		COGUSM04B	Classifications	Physical and Biological			Metals (ug/L)		
		Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	11/1 - 2/29	13	9	Arsenic	340	---	
	Recreation E	Temperature °C	3/1 - 10/31	30.9	23.3	Arsenic(T)	---	0.02	
	Water Supply				Cadmium	TVS	TVS		
Qualifiers:					acute	chronic	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (mg/L)	---	5.0	Chromium III	---	TVS		
		pH	6.5 - 9.0	---	Chromium III(T)	50	---		
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS		
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.5	Nickel(T)	---	100		
		Phosphorus	---	---	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS		

4b. Mainstem of the San Miguel River from a point immediately below the CC ditch to a point immediately below the confluence of Naturita Creek.								
COGUSM04B	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture			DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	11/1 - 2/29	13	9	Arsenic	340	---
	Recreation E	Temperature °C	3/1 - 10/31	30.9	23.3	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other:		D.O. (mg/L)	---	5.0	Chromium III	---	TVS	
Temporary Modification(s):		pH	6.5 - 9.0	---	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS	
*Uranium(chronic) = See 35.5(3) for details.				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.5	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	varies*	varies*	
						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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS San Miguel River Basin

5a. Mainstem of the San Miguel River from a point immediately below the confluence of Naturita Creek to a point immediately below the confluence of Coal Canyon.								
COGUSM05A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	TVS	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	TVS	varies*	
					Uranium(T)	---	16.8-30 ^A	
					Zinc	TVS	TVS	
		5b. Mainstem of the San Miguel River from a point immediately below the confluence of Coal Canyon to its confluence with the Dolores River.						
		COGUSM05B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	7.6	
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
Other: *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Manganese	TVS	TVS	
		Chloride	---	---	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.5	Silver	TVS	TVS	
		Phosphorus	---	---	Uranium	TVS	varies*	
		Sulfate	---	---	Uranium(T)	---	16.8-30 ^A	
		Sulfide	---	0.002	Zinc	TVS	TVS	

T = total recoverable

```
tr = trout
```

sc = sculpin

DM = daily maximum

See 35.6 for further details on applied standards

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

6a. Mainstem of Ingram Creek including, all tributaries and wetlands, from the source to the confluence with the San Miguel River.							
COGUSM06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	---	190
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

6b. Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with the San Miguel River.							
COGUSM06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	---	190
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

6b. Mainstem of Marshall Creek, including all tributaries and wetlands, from the source to the confluence with the San Miguel River.							
COGUSM06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Manganese	TVS	TVS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	---	190

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

7. Mainstem of Howard Fork and including tributaries and wetlands, from a point immediately below the confluence of Swamp Gulch to its confluence with the South Fork of the San Miguel River.							
COGUSM07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

8. Mainstem of the South Fork of the San Miguel River from its inception at the confluence of the Howard and Lake Forks to its confluence with the San Miguel River.							
COGUSM08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/80
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

9. All tributaries to the San Miguel River, including all wetlands, from a point immediately below the confluence of Leopard Creek to the Dolores River that are within the boundaries of the Uncompahgre National Forest, except for the listings in Segment 10a.

COGUSM09	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

10a. Mainstem of Tabeguache Creek from its source to the Uncompahgre National Forest boundary.

COGUSM10A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/75	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

10b. Mainstem of Naturita Creek and Tabeguache Creek from the point it exits the Uncompahgre National Forest at the most downstream boundary to the confluence with the San Miguel River.

COGUSM10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 35.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 35.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/75
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

11a. All tributaries to Miramonte Reservoir and West Naturita Creek from their sources to the Uncompahgre National Forest Boundary below Miramonte Reservoir. The mainstems of Beaver and Horsefly Creeks from the Uncompahgre National Forest boundary to their confluences with the San Miguel River.

COGUSM11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Uranium(acute) = See 35.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
		acute	chronic		Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11	Zinc	TVS	TVS
		Sulfate	---	---			
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

11b. Mainstem of Saltado Creek from the Uncompahgre National Forest boundary to the confluence with the San Miguel River.						
COGUSM11B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
Other:		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
		Inorganic (mg/L)			Lead	TVS
		acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---
		Boron	---	0.75	Molybdenum(T)	---
		Chloride	---	---	Nickel	TVS
		Chlorine	0.019	0.011	Selenium	TVS
		Cyanide	0.005	---	Silver	TVS
		Nitrate	100	---	Uranium	varies*
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

*Uranium(acute) = See 35.5(3) for details.
 *Uranium(chronic) = See 35.5(3) for details.

12a. All tributaries and wetlands to Naturita Creek. All tributaries and wetlands to the San Miguel River from a point immediately below the confluence with Leopard Creek to a point immediately above Horsefly Creek. This segment excludes the listings in Segments 9, 11a, 11b, 12b, and 12c.

COGUSM12A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2 Recreation E Water Supply	Temperature °C	CS-II	CS-II	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	---	0.02
Water + Fish Standards		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	TVS
					Uranium(T)	---
					Zinc	TVS

Temporary Modification(s):
 Arsenic(chronic) = hybrid
 Expiration Date of 12/31/2024
 *Uranium(chronic) = See 35.5(3) for details.

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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

12b. All tributaries and wetlands to the San Miguel River from a point immediately above Horsefly Creek to the confluence with the Dolores River, excluding the listings in Segments 9, 11a, 12a, and 12c. Maverick Draw, including all tributaries and wetlands, from its source to the confluence with Naturita Creek.

COGUSM12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Other:		Inorganic (mg/L)			Chromium VI	TVS	TVS
Temporary Modification(s):		acute		chronic	Copper	TVS	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---	WS
Expiration Date of 12/31/2024		Boron	---	0.75	Iron(T)	---	1000
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4).		Chloride	---	250	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).		Chlorine	0.019	0.011	Lead(T)	50	---
*Uranium(chronic) = See 35.5(3) for details.		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	TVS	varies*
					Uranium(T)	---	16.8-30 ^A
					Zinc	TVS	TVS

12c. Mainstem of Calamity Draw from Lincoln Street in Nucla (38.264075, -108.555087) to the confluence with the San Miguel River.

COGUSM12C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Discharger Specific Variance(s): Ammonia(acute) = TVS:no limit Ammonia(chronic) = TVS:13.8 mg/L 11/1 - 4/30 Ammonia(chronic) = TVS:8.3 mg/L 5/1 - 10/31 Expiration Date of 12/31/2026 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 35.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 35.5(4). *Uranium(chronic) = See 35.5(3) for details. *Variance: Ammonia = see 35.6(4) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	TVS	varies*
		Sulfate	---	---	Uranium(T)	---	16.8-30 ^A
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

13. All lakes and reservoirs tributary to the San Miguel River that are within the boundaries of the Lizard Head or Mount Sneffels Wilderness Areas.

COGUSM13	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

14. All lakes and reservoirs tributary to the San Miguel River from its source to a point immediately below the confluence of Leopard Creek, except for the specific listings in Segments 13, 15, 16, 17 and 20. This segment includes Lake Hope, Cushman Lake, Alta Lakes, Blue Lake, Mud Lake, and Woods Lake.

COGUSM14	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

15. All lakes and reservoirs tributary to Ingram Creek from the source to the confluence with the San Miguel River. This segment includes Ingram Lake.					
COGUSM15	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2 Recreation E	Temperature °C	CL	CL	Arsenic 340 ---
Qualifiers:		acute	chronic	Arsenic(T)	--- 100
		D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
Other:	*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.	D.O. (spawning)	--- 7.0	Chromium III	TVS TVS
		pH	6.5 - 9.0 ---	Chromium III(T)	--- 100
		chlorophyll a (ug/L)	--- 8*	Chromium VI	TVS TVS
		E. coli (per 100 mL)	--- 126	Copper	TVS TVS
		Inorganic (mg/L)		Iron(T)	--- 1000
				Lead	TVS TVS
		acute	chronic	Manganese	TVS TVS
		Ammonia	TVS TVS	Mercury(T)	--- 0.01
		Boron	--- 0.75	Molybdenum(T)	--- 150
		Chloride	--- ---	Nickel	TVS TVS
		Chlorine	0.019 0.011	Selenium	TVS TVS
		Cyanide	0.005 ---	Silver	TVS TVS
		Nitrate	100 ---	Uranium	varies* varies*
		Nitrite	--- 0.05	Zinc	TVS TVS
		Phosphorus	--- 0.025*		
		Sulfate	--- ---		
		Sulfide	--- 0.002		

16. All lakes and reservoirs tributary to Marshall Creek from the source to the confluence with the San Miguel River. This segment includes Thorne Lake.					
COGUSM16	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2 Recreation E	Temperature °C	CL	CL	Arsenic 340 ---
Qualifiers:		acute	chronic	Arsenic(T)	--- 100
		D.O. (mg/L)	--- 6.0	Cadmium	TVS TVS
Other:	*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.	D.O. (spawning)	--- 7.0	Chromium III	TVS TVS
		pH	6.5 - 9.0 ---	Chromium III(T)	--- 100
		chlorophyll a (ug/L)	--- 8*	Chromium VI	TVS TVS
		E. coli (per 100 mL)	--- 126	Copper	TVS TVS
		Inorganic (mg/L)		Iron(T)	--- 1000
				Lead	TVS TVS
		acute	chronic	Manganese	TVS TVS
		Ammonia	TVS TVS	Mercury(T)	--- 0.01
		Boron	--- 0.75	Molybdenum(T)	--- 150
		Chloride	--- ---	Nickel	TVS TVS
		Chlorine	0.019 0.011	Selenium	TVS TVS
		Cyanide	0.005 ---	Silver	TVS TVS
		Nitrate	100 ---	Uranium	varies* varies*
		Nitrite	--- 0.05	Zinc	--- 190
		Phosphorus	--- 0.025*		
		Sulfate	--- ---		
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

17. All lakes and reservoirs tributary to the Howard Fork from a point immediately below the confluence of Swamp Gulch to the confluence with the South Fork of the San Miguel River.							
COGUSM17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.025*			
Sulfate	---	---					
Sulfide	---	0.002					
18. All lakes and reservoirs tributary to the San Miguel River from a point immediately below the confluence of Leopard Creek to the confluence with the Dolores River, and that are within Uncompahgre National Forest boundaries. This segment includes Hoffman Reservoir, Paxton Reservoir, and Hotchkiss Reservoir.							
COGUSM18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
Sulfide	---	0.002	Uranium	varies*	varies*		
			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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

San Miguel River Basin

19. All lakes and reservoirs tributary to the San Miguel River from a point immediately below the confluence of Leopard Creek to the Dolores River, and not within Uncompahgre National Forest boundaries, excluding the listings in Segment 20. This segment includes Point Reservoir, Palmers Lake, Williams Reservoir, Town Reservoir, and Lilylands Reservoir.

COGUSM19	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Town Reservoir only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
		Zinc	TVS	TVS			

20. Trout Lake, Gurley Reservoir, Cone Reservoir, and Miramonte Reservoir.

COGUSM20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Gurley Reservoir only. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Dolores River Basin

1a. Mainstem of the Dolores River from the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line) to a point immediately above the confluence with Big Canyon Creek near Dove Creek.

COGULD01A	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture	DM		MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/22	CS-II	CS-II	Arsenic	340	---
	Recreation E	Temperature °C	3/23 - 10/31	26.6	23.8	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other:		D.O. (mg/L)		---	6.0	Chromium III	---	TVS
Temporary Modification(s):		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		pH	6.5 - 9.0	---		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		chlorophyll a (mg/m ²)		---	---	Copper	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)		---	126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVSWS
		Boron		---	0.75	Mercury(T)	---	0.01
		Chloride		---	250	Molybdenum(T)	---	150
		Chlorine	0.019	0.011		Nickel	TVS	TVS
		Cyanide	0.005	---		Nickel(T)	---	100
		Nitrate	10	---		Selenium	TVS	TVS
		Nitrite		---	0.05	Silver	TVS	TVS(tr)
		Phosphorus		---	---	Uranium	TVS	varies*
		Sulfate		---	WS	Uranium(T)	---	16.8-30 ^A
		Sulfide		---	0.002	Zinc	TVS	TVS

1b. Mainstem of the Dolores River from a point immediately above the confluence with Big Canyon Creek near Dove Creek to a point immediately above the Highway 141 road crossing near Slick Rock.

COGULD01B	Classifications	Physical and Biological				Metals (ug/L)		
Designation	Agriculture	DM		MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	11/1 - 3/22	CS-II	9.1	Arsenic	340	---
	Recreation E	Temperature °C	3/23 - 10/31	27.6	24.7	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
Qualifiers:				acute	chronic	Cadmium(T)	5.0	---
Other:		D.O. (mg/L)		---	6.0	Chromium III	---	TVS
Temporary Modification(s):		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		pH	6.5 - 9.0	---		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		chlorophyll a (mg/m ²)		---	---	Copper	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)		---	126	Iron	---	WS
						Iron(T)	---	1000
		Inorganic (mg/L)				Lead	TVS	TVS
				acute	chronic	Lead(T)	50	---
		Ammonia		TVS	TVS	Manganese	TVS	TVSWS
		Boron		---	0.75	Mercury(T)	---	0.01
		Chloride		---	250	Molybdenum(T)	---	150
		Chlorine	0.019	0.011		Nickel	TVS	TVS
		Cyanide	0.005	---		Nickel(T)	---	100
		Nitrate	10	---		Selenium	TVS	TVS
		Nitrite		---	0.05	Silver	TVS	TVS(tr)
		Phosphorus		---	---	Uranium	TVS	varies*
		Sulfate		---	WS	Uranium(T)	---	16.8-30 ^A
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Dolores River Basin

2. Mainstem of the Dolores River from the Highway 141 road crossing near Slick Rock to the Colorado/Utah border.							
COGULD02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	TVS	varies*
					Uranium(T)	---	16.8-30 ^A
			Zinc	TVS	TVS		
3a. All tributaries to the Dolores River, including all wetlands, from the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line) to the Colorado/Utah border, except for specific listings in Segments 3b, 3c, 4, 5, and 6.							
COGULD03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
*Uranium(acute) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Uranium(chronic) = See 35.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Dolores River Basin

3b. All tributaries to the Dolores River, including wetlands, that are within national forest boundaries, from the bridge at Bradfield Ranch (Forest Route 505, near the Montezuma/Dolores County Line) to the Colorado/Utah border, excluding the small area of Uncompahgre National Forest within the Disappointment Valley and the listings in Segments 3c and 5. Disappointment Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Morrison Creek.

COGULD03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Manganese	TVS	TVS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	TVS	TVS
					Zinc	TVS	TVS/TVS(sc)

3c. Mainstem and all tributaries to Salt Creek, including all wetlands from the source within the Sinbad Valley to the confluence with the Dolores River.

COGULD03C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Recreation E		DM	MWAT		acute	chronic
Reviewable	Agriculture	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Aq Life Warm 2		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	6.6
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	TVS	varies*
		Sulfate	---	---	Uranium(T)	---	16.8-30 ^A
		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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Dolores River Basin

4. Mainstem of West Paradox Creek from the Manti-La Sal National Forest boundary to the confluence with the Dolores River. Mainstem and all tributaries to Blue Creek from the Uncompahgre National Forest boundary to the confluence with the Dolores River.							
COGULD04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	TVS	varies*
					Uranium(T)	---	16.8-30 ^A
					Zinc	TVS	TVS
5. Mainstem of West Creek from the source to the confluence with the Dolores River. Roc Creek including all tributaries and wetlands from the Manti-La Sal National Forest boundary to the confluence with the Dolores River. La Sal Creek, including all tributaries and wetlands, from the Utah/Colorado border to the confluence with the Dolores River. Mesa Creek, including all tributaries and wetlands, from the Uncompahgre National Forest boundary to the confluence with the Dolores River.							
COGULD05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	TVS	varies*
					Uranium(T)	---	16.8-30 ^A
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Dolores River Basin

6. North Fork of West Creek, including all tributaries and wetlands, from the source to the confluence with West Creek. Granite Creek, including all tributaries and wetlands, from the source the Colorado/Utah border.								
COGULD06	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium(T)	---	100	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
					Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
		acute			chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.11	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
7. All lakes and reservoirs tributary to the Dolores River, from the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line) to the Colorado/Utah border, and within national forest boundaries. This segment includes Long Park Reservoir, Cabin Reservoir, Beef Trail Reservoir, Dry Lake, Glade Lake, Glade Point Reservoir, Arrowhead Lake, Buckeye Reservoir, Black Pine Reservoir, Casto Reservoir, and Big Creek Reservoir.								
COGULD07	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 35.6 for further details on applied standards.

REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Dolores River Basin

8. All lakes and reservoirs tributary to the Dolores River, from the bridge at Bradfield Ranch (Forest Route 505, near Montezuma/Dolores County Line) to the Colorado/Utah border, and not within national forest boundaries.

COGULD08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture UP Aq Life Warm 2 Recreation E		DM	MWAT	acute	chronic	
		Temperature °C	WL	WL	Arsenic	340	---
			acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 35.6 for further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) Reserved.
- (C) For certain site-specific temperature standards, the temperature excursions listed in Table I - Footnote 5(c) of 31.16 do not apply. Assessment of ambient-based temperature standards should be conducted in a way that represents similar conditions to those under which the criteria were developed (i.e., air, low flow, and warming event excursions should not apply). Similarly, where site-specific adjustments to the winter shoulder season have been adopted, the winter shoulder season excursion does not apply.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00095

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-35

**REGULATION NO. 35 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR GUNNISON AND
LOWER DOLORES RIVER BASINS**

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:04:29

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-36

Rule title

5 CCR 1002-36 REGULATION NO. 36 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR RIO GRANDE BASIN 1 - eff 12/31/2021

Effective date

12/31/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

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

5 CCR 1002-36

36.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq. C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

36.2 PURPOSE

These regulations establish classifications and numeric standards for the Rio Grande Basin, including all tributaries and standing bodies of water as indicated in section 36.6. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

36.3 INTRODUCTION

These regulations and tables present the classifications and numeric standards assigned to stream segments listed in the attached tables (See Appendix 36-1). As additional stream segments are classified and numeric standards for designated parameters are assigned for this drainage system, they will be added to or replace the numeric standards in the tables in Appendix 36-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the "basic regulations".

36.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

36.5 BASIC STANDARDS

(1) Temperature

All waters of the Rio Grande Basin are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard.) Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water + Fish" are presumptively applied to all aquatic life class 1 streams which also have a water supply classification, and are applied to aquatic life class 2 streams which also have a water supply classification, on a case-by-case basis as shown in Appendix 36-1. The column in the tables at 31.11 and 31.16 Table III headed "Fish Ingestion" is presumptively applied to all aquatic life class 1 streams which do not have a water supply classification, and are applied to aquatic life class 2 streams which do not have a water supply classification, on a case-by-case basis as shown in Appendix 36-1.

(3) Uranium

- (a) All waters of the Rio Grande Basin are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium level in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Nutrients

Prior to December 31, 2022 for chlorophyll a and prior to December 31, 2027 for total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e) and (f). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. Additionally, prior to December 31, 2027, only total phosphorus and chlorophyll a will be considered for adoption. After December 31, 2027, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(g).

Prior to December 31, 2027, nutrient criteria will be adopted for headwaters on a segment by segment basis for the Rio Grande Basin. Moreover, pursuant to 31.17(e) nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior

to May 31, 2012. The following is a list of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the Rio Grande Basin:

Segment	Permittee	Facility name	Permit No.
CORGRG02	Mountain Views at Rivers Edge RV	Mtn Views At Rvrs Edge Rv Rst	COG588069
CORGRG04b	South Fork Water and Sanitation District	South Fork Water and San Dist WWTF	COG588039
CORGRG04c	Monte Vista City of	Veterans Center WWTF	CO0036927
CORGRG04c ;CORGRG15	Monte Vista City of	Henderson Lagoon Facility	CO0023132
CORGRG04b ;CORGRG18	Del Norte Town of	Del Norte WWTF	CO0020281
CORGRG07	Creede City of	Creede WWTF	CO0040533
CORGRG09b	Fun Valley Resort	Fun Valley Resort	COG588018
CORGRG09a	Wolf Creek Ski Corp	Wolf Creek Ski Corp WWTF	CO0041785
CORGRG12	Alamosa City of	Alamosa Regional WWTF	CO0044458
CORGRG15	San Luis Water and Sanitation District	San Luis Water and San Dist WWTF	COG589082
CORGRG31	Costilla County Water and Sanitation System	Costilla County Water & San Dist WWTF	CO0036528
CORGAL12	La Jara Town of	La Jara WWTF	CO0020150
CORGAL15	Manassa Town of	Manassa WWTF	CO0042935
CORGAL18	Antonito Town of	Antonito WWTF	CO0040975
CORGCBO6	Baca Grande Water and Sanitation District	Aspen Institute	CO0046914

Prior to May 31, 2022:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, *nutrient standards only apply above these facilities*. A note was added to the total phosphorus and chlorophyll a standards in these segments. The note references the table of qualified facilities at 36.5(4).
- For segments located entirely below these facilities, nutrient standards do not apply.

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

36.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 36-1 were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 36-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and the tables in Appendix 36-1:

ac	=	acute (1-day)
°C	=	degrees Celsius
ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
DM	=	daily maximum temperature
D.O.	=	dissolved oxygen
DUWS	=	direct use water supply
<i>E. coli</i>	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sp	=	spawning
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WL	=	warm lake temperature tier
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three

(b) In addition, the following abbreviations are used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual water supply use, the less restrictive of the following two options shall apply as numerical standards, as specified in the Basic Standards and Methodologies at 31.11(6);

(i) existing quality as of January 1, 2000; or

(ii) Iron	=	300 µg/L (dissolved)
Manganese	=	50 µg/L (dissolved)
Sulfate	=	250 mg/L (dissolved)

For all surface waters with a "water supply" classification that are not in actual use as a water supply, no water supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

- (c) Temporary Modification for Water + Fish Chronic Arsenic Standard
 - (i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water + Fish qualifier is listed in the Other column in Appendix 36-1 tables as As(ch)=hybrid.
 - (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
 - (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
 - (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.
 - (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
 - (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 36-1, the designation “TVS” is used to indicate that for a particular parameter a “table value standard” has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾					
Aluminum(T)	Acute = $e^{(1.3695 \ln(\text{hardness}) + 1.8308)}$ pH equal to or greater than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ pH less than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is more stringent					
Ammonia ⁽⁴⁾	Cold Water = (mg/L as N) Total $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ Warm Water = (mg/L as N) Total $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr 1 - Aug 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep 1 - Mar 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028(25 - MAX(T, 7))}$					
Cadmium	Acute(warm) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$					
Chromium III ⁽⁶⁾	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$					
Chromium VI ⁽⁶⁾	Acute = 16 Chronic = 11					
Copper	Acute = $e^{(0.9422 \ln(\text{hardness}) - 1.7408)}$ Chronic = $e^{(0.8545 \ln(\text{hardness}) - 1.7428)}$					
Lead	Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 1.46)}$ Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 4.705)}$					
Manganese	Acute = $e^{(0.3331 \ln(\text{hardness}) + 6.4676)}$ Chronic = $e^{(0.3331 \ln(\text{hardness}) + 5.8743)}$					
Nickel	Acute = $e^{(0.846 \ln(\text{hardness}) + 2.253)}$ Chronic = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$					
Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6					
Silver	Acute = $0.5 * e^{(1.72 \ln(\text{hardness}) - 6.52)}$ Chronic = $e^{(1.72 \ln(\text{hardness}) - 9.06)}$ Chronic(Trout) = $e^{(1.72 \ln(\text{hardness}) - 10.51)}$					
Temperature	TEMPERATURE TIER	TIER CODE	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)	
	Cold Stream Tier I	CS-I	brook trout, cutthroat trout	June – Sept.	MWAT	DM
				Oct. – May	17.0	21.7
	Cold Stream Tier II	CS-II	Other cold-water species	April – Oct.	9.0	13.0
				Nov. – March	18.3	24.3
	Cold Lake	CL		April – Dec.	9.0	13.0
					17.0	21.2

			brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	Jan. – March	9.0	13.0
	Cold Large Lakes (>100 acres surface area)	CLL	rainbow trout, brown trout, lake trout	April – Dec.	18.3	24.2
				Jan. – March	9.0	13.0
	Warm Stream Tier I	WS-I	common shiner, Johnny darter, orangethroat darter, stonecat	March – Nov.	24.2	29.0
				Dec. – Feb.	12.1	24.6
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
Warm Lakes	WL	black crappie, bluegill, common carp, gizzard shad, golden shiner, largemouth bass, northern pike, pumpkinseed, sauger, smallmouth bass, spottail shiner, stonecat, striped bass, tiger muskellunge, walleye, wiper, white bass, white crappie, yellow perch	April – Dec.	26.2	29.3	
			Jan. – March	13.1	24.1	
Uranium	Acute = $e^{(1.1021 \cdot \ln(\text{hardness}) + 2.7088)}$ Chronic = $e^{(1.1021 \cdot \ln(\text{hardness}) + 2.2382)}$					
Zinc	Acute = $0.978 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.9095)}$ Chronic = $0.986 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.6235)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L, except for aluminum for which hardness shall be no greater than 220 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 per cent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.
- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be modified by the commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.

- (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
- (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.

(4) Site-Specific Standards, Assessment Locations, and Assessment Criteria

- (a) Seasonal Aluminum Standards for Alamosa River/La Jara Creek/Conejos River Segment 8, Terrace Reservoir:

5/1-6/30 Near Surface:

Aluminum(chronic)=873(T) µg/L
Aluminum(acute)=TVS(T) µg/L
Aluminum(chronic)=59 µg/L
Aluminum(acute)=159 µg/L

5/1-6/30 Near Bottom:

Aluminum(chronic)=1,542(T) µg/L
Aluminum(acute)=5,583(T) µg/L
Aluminum(chronic)=41 µg/L
Aluminum(acute)=65 µg/L

7/1-4/30 Near Surface:

Aluminum(chronic)=102(T) µg/L
Aluminum(acute)=TVS(T) µg/L
Aluminum(chronic)=9 µg/L
Aluminum(acute)=15 µg/L

7/1-4/30 Near Bottom:

Aluminum(chronic)=227(T) µg/L
Aluminum(acute)= TVS(T) µg/L
Aluminum(chronic)=9 µg/L
Aluminum(acute)=12 µg/L

- (b) Site-specific standards and assessment locations for Rio Grande Segment 4a:

Standards effective through 12/31/2023

Low flow (August 1-March 31):

Cadmium(chronic)=0.50 µg/L
Manganese(chronic)=WS
Zinc(acute/chronic)=257 / 164 µg/L

High flow (April 1-July 31):

Cadmium(chronic)=0.42 µg/L
Manganese(chronic)=WS
Zinc(acute/chronic)=115 / 88 µg/L

Tier 1 standards effective 1/1/2024 through 12/31/2025

Low flow (August 1-March 31):

Cadmium(chronic)=0.49 µg/L
Manganese(chronic)=81 µg/L
Zinc(acute/chronic)=253 / 162 µg/L

High flow (April 1-July 31):

Cadmium(chronic)=0.42 µg/L
Manganese(chronic)=WS
Zinc(acute/chronic)=115 / 88 µg/L

Tier 2 standards effective from 1/1/2026

Low flow (August 1-March 31):

Cadmium(chronic)=TVS
Manganese(chronic)=WS
Zinc(acute/chronic)=142 / 64 µg/L

High flow (April 1-July 31):

Cadmium(chronic)=TVS
Manganese(chronic)=WS
Zinc(acute/chronic)=51 µg/L / TVS

Assessment Locations: For assessing the standards on Segment 4a, data from the following three locations will be combined:

- Station RG-4: Rio Grande downstream of Highway 149 bridge near Wason Ranch (37.821943, -106.889589)
- Station RG-8: Rio Grande upstream of Highway 149 bridge near La Garita Ranch Drive (37.777672, -106.836631)
- Station RG-9: Rio Grande downstream of 4 UR/Goose Creek Road bridge (37.765798, -106.830305)

(c) Site-specific standards and assessment locations for Rio Grande Segment 7:

Standards effective through 12/31/2023

West Willow

Low flow (August 1-March 31):

Cadmium(acute/chronic)=32.6 / 27.4 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=108 / 102 µg/L
Manganese(acute/chronic)=3,320 / 2,425 µg/L
Zinc(acute/chronic)=11,960 / 9,360 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=22.5 / 15.5 µg/L
Copper(acute/chronic)=34.3 / 28.0 µg/L
Lead(acute/chronic)=TVS / 23.5 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=4,001 / 3,765 µg/L

Windy Gulch

Low flow (August 1-March 31):

Cadmium(acute/chronic)=13.3 / 13.3 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / TVS
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=3,584 / 3,492 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=7.1 / 5.9 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 1.68 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=1,940 / 1,558 µg/L

Willow Creek

Low flow (August 1-March 31):

Cadmium(acute/chronic)=20.9 / 16.9 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 24.4 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=5,861 / 5,427 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=10.9 / 8.5 µg/L
Copper(acute/chronic)=11.2 / 8.2 µg/L
Lead(acute/chronic)=TVS / 14.2 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=2,667 / 1,873 µg/L

Tier 1 standards effective 1/1/2024 through 12/31/2025

West Willow

Low flow (August 1-March 31):

Cadmium(acute/chronic)=32.6 / 27.4 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=108 / 102 µg/L
Manganese(acute/chronic)=3,320 / 2,425 µg/L
Zinc(acute/chronic)=11,960 / 9,360 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=22.5 / 15.5 µg/L
Copper(acute/chronic)=34.3 / 28.0 µg/L
Lead(acute/chronic)=TVS / 23.5 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=4,001 / 3,765 µg/L

Windy Gulch

Low flow (August 1-March 31):

Cadmium(acute/chronic)=13.3 / 13.3 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / TVS
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=3,584 / 3,492 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=7.1 / 5.9 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 1.68 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=1,940 / 1,558 µg/L

Willow Creek

Low flow (August 1-March 31):

Cadmium(acute/chronic)=14.4 / 11.6 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 17.0 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=4,041 / 3,743 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=9.5 / 7.4 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 12.5 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=2,324 / 1,635 µg/L

Tier 2 standards effective from 1/1/2026

West Willow

Low flow (August 1-March 31):

Cadmium(acute/chronic)=19.1 / 13.0 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=68.2 / 61.2 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=6,055 / 3,011 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=14.9 / 7.7 µg/L
Copper(acute/chronic)=27.0 / 20.5 µg/L
Lead(acute/chronic)=TVS / 9.5 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=2,498 / 2,254 µg/L

Windy Gulch

Low flow (August 1-March 31):

Cadmium(acute/chronic)=13.3 / 13.3 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / TVS
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=3,584 / 3,492 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=7.1 / 5.9 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 1.68 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=1,940 / 1,558 µg/L

Willow Creek

Low flow (August 1-March 31):

Cadmium(acute/chronic)=14.9 / 11.1 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 7.7 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=3,521 / 3,106 µg/L

High flow (April 1-July 31):

Cadmium(acute/chronic)=6.3 / 4.0 µg/L
Copper(acute/chronic)=TVS / TVS
Lead(acute/chronic)=TVS / 6.0 µg/L
Manganese(acute/chronic)=TVS / TVS
Zinc(acute/chronic)=1,758 / 974 µg/L

Assessment Locations:

West Willow

- Station WW-A (WW-1): West Willow just above East Willow Confluence (37.864431, -106.925529)

Windy Gulch

- Station WNG-A: Windy Gulch at mouth (37.856498, -106.928140)

Willow Creek

- Station W-C (a/k/a W-Flume and 8105D, designations differ among agencies): Willow Creek at Flume above Creede (37.855873, -106.927282)

- (d) Site-specific temperature assessment location for Closed Basin-San Luis Valley River Basin Segment 12b:

- Saguache Creek above Ford Creek (38.163367, -106.290418)

(5) Stream Classifications and Water Quality Standards Tables

The stream classifications and water quality standards tables in Appendix 36-1 are incorporated herein by reference.

The following is information regarding duration and measured form of standards in Appendix 36-1:

- (a) *E. coli* criteria and resulting standards for individual water segments are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.
- (b) All phosphorus standards are based upon the concentration of total phosphorus. For total phosphorus, stream standards are expressed as an annual median and for lakes standards as a summer (July 1 - September 30) average in the mixed layer. For chlorophyll a, stream standards are expressed as a maximum of attached algae and lakes standards as a summer (July 1 - September 30) average in the mixed layer. For additional assessment details, see tables at Regulation 31.17(b) and (d).
- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

36.7 - 36.9 RESERVED

36.47 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

36.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 36.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Duration of Nitrite Aquatic Life Standard

The commission corrected the duration of all nitrite standards with a value of 0.05 or 0.5 mg/L from acute to chronic on all segments. The nitrite standards in this basin pre-date the nitrite standards in Regulation No. 31 (chloride-based equations). There has been confusion in recent years regarding the correct duration for these standards. There is no record available that explains the basis for these standards or the intended duration (acute or chronic). Based upon a comparison with the nitrite standards in Regulation No. 31, nitrite values of 0.05 and 0.5 mg/L are more consistent with the chronic values calculated using the chloride-based equations. Also, the study that the commission relied upon when adopting the nitrite standards in Regulation No. 31 indicates that these values are protective as chronic standards (1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force Proposed Nitrogenous Water Quality Standards for the State of Colorado). In order to resolve the inconsistencies in the duration of the nitrite standards currently adopted in Regulation Nos. 32-38, the commission determined that these nitrite values should be consistently listed as chronic standards. Over time, the commission expects that these nitrite standards may be replaced with the more recent and well-documented chloride equation-based standards in Regulation No. 31.

E. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.
- At 36.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
- At 36.6(1), text was added to clarify that the tables in Appendix 36-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
- The reference to the 'temporary modification and qualifiers' column at 36.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
- References to "Trec" were replaced with "total recoverable" or "T".
- Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
- Information was added at 36.6(5) specifying that the ammonia, nitrate, and nitrate standards are to be reported as nitrogen. This is consistent with the description of the standards as they are included in Table II of Regulation No. 31. This change brings the regulation into alignment with Regulation Nos. 33, 37, and 38; the commission made this change in those regulations during triennial reviews in 2019 through 2020.
- Other minor edits were made to improve clarity and consistency.

**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 12/31/2021

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
EQ	=	existing quality
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

1. All tributaries to the Rio Grande, including all wetlands, within the Weminuche Wilderness Area.							
CORGRG01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4). *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

3. Mainstem of North Clear Creek from the outlet of Continental Reservoir to a point immediately above the confluence with Rito Hondo Creek.								
CORGRG03	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	7.6		
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
Other:		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
		Inorganic (mg/L)			Lead	TVS	TVS	
		acute			chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01	
		Boron	---	0.75	Molybdenum(T)	---	150	
		Chloride	---	---	Nickel	TVS	TVS	
		Chlorine	0.019	0.011	Selenium	TVS	TVS	
		Cyanide	0.005	---	Silver	TVS	TVS(tr)	
		Nitrate	100	---	Uranium	varies*	varies*	
		Nitrite	---	0.05	Zinc	TVS	TVS	
		Phosphorus	---	0.11				
		Sulfate	---	---				
		Sulfide	---	0.002				
		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	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	varies*	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	varies*	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	varies*	varies*	

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 further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

4b. Mainstem of the Rio Grande from a point immediately above the confluence with South Fork Rio Grande to the Hwy 285 crossing.							
CORGRG04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
4c. Mainstem of the Rio Grande from the Hwy 285 crossing to the Rio Grande/Alamosa County line.							
CORGRG04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

5a. All tributaries to the Rio Grande, including all wetlands, from immediately above the confluence with Willow Creek to the Hwy 112 bridge near Del Norte, excluding the listings in segments 5b through 10.

CORGRG05A Classifications		Physical and Biological		Metals (ug/L)				
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
				Copper	TVS	TVS		
		Inorganic (mg/L)		Iron	---	WS		
				Iron(T)	---	1000		
				Lead	TVS	TVS		
		Ammonia		TVS	TVS			
		Boron		---	0.75	Lead(T)	50	---
		Chloride		---	250	Manganese	TVS	TVS/WS
		Chlorine		0.019	0.011	Mercury(T)	---	0.01
		Cyanide		0.005	---	Molybdenum(T)	---	150
		Nitrate		10	---	Nickel	TVS	TVS
		Nitrite		---	0.05	Nickel(T)	---	100
		Phosphorus		---	0.11	Selenium	TVS	TVS
		Sulfate		---	WS	Silver	TVS	TVS(tr)
		Sulfide		---	0.002	Uranium	varies*	varies*
						Zinc	TVS	TVS

5b. Mainstem of Alder Creek. Mainstem of East Alder Creek, including all tributaries and wetlands, from the source to the confluence with Alder Creek. Mainstem of Agua Ramon Creek, including all tributaries and wetlands, from the source to the confluence with the Rio Grande. Mainstem of Embargo Creek, including all tributaries and wetlands, from immediately above the confluence with Dyers Creek to the confluence with the Rio Grande.

CORGRG05B Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<div>Other:</div> <div>*Uranium(acute) = See 36.5(3) for details.</div> <div>*Uranium(chronic) = See 36.5(3) for details.</div>		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

6. Mainstem of West Willow Creek from immediately above Deerhorn Creek to the Park Regent Mine dump (37.890445, -106.936868). East Willow Creek from the confluence with Whited Creek to the confluence with West Willow Creek.							
CORGRG06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 1		DM	MWAT	acute	chronic	
Reviewable	Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	7.6
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Copper	TVS	TVS
		E. coli (per 100 mL)	---	126	Iron(T)	---	1000
					Lead	TVS	TVS
					Manganese	TVS	TVS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	---
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS
		7. Mainstem of West Willow Creek from the Park Regent Mine dump (37.890445, -106.936868) to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries, from the confluence of East and West Willow Creeks to the confluence with the Rio Grande.					
CORGRG07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	varies*	varies*
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4). *Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations. *Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Copper(acute) = See 36.6(4) for site-specific standards and assessment locations. *Copper(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Lead(acute) = See 36.6(4) for site-specific standards and assessment locations. *Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Manganese(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. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations. *Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	varies*	varies*
					Iron(T)	---	1000
					Lead	varies*	varies*
					Manganese	varies*	varies*
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	varies*	varies*

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 further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

8. Mainstem of Goose Creek, including all tributaries and wetlands, from the source to the confluence with the Rio Grande, excluding the specific listings in segment 1.							
CORGRG08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9a. Mainstem of the South Fork Rio Grande, including all tributaries and wetlands, from the source to a point just below the confluence with Decker Creek, excluding the specific listings in segment 1. Mainstem of Beaver Creek, including all tributaries and wetlands, from the source to the inlet of Beaver Creek Reservoir.							
CORGRG09A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 36.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 36.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

9b. Mainstem of the South Fork Rio Grande, including all tributaries and wetlands, from a point just below the confluence with Decker Creek to the confluence with the Rio Grande, excluding the specific listings in segment 9a.								
CORGRG09B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024					Copper	TVS	TVS	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4). *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		Inorganic (mg/L)			Iron	---	WS	
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		10. Mainstem of Pinos Creek, including all tributaries and wetlands, from the source to the confluence with the Rio Grande.						
		CORGRG10	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
			Zinc	TVS	TVS			

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

11. Mainstem of San Francisco Creek (Rio Grande County), including all tributaries and wetlands, from the source to the confluence with the Rio Grande.							
CORGRG11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 36.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12. Mainstem of the Rio Grande from the Rio Grande/Alamosa County line to Conejos County Road G (37.07831, -105.75665).							
CORGRG12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply	acute	chronic	Arsenic(T)	---	0.02	
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 36.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 36.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

13. Mainstem of the Rio Grande from Conejos County Road G (37.07831, -105.75665) to the Colorado/New Mexico border.							
CORGRG13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
		Inorganic (mg/L)		Iron(T)	---	1000	
		acute	chronic	Lead	TVS	TVS	
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	---	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			
14. Mainstems of Dry Pole Creek, Limekiln Creek, Nicomodes Gulch, Raton Creek, and Dry Creek, including all tributaries and wetlands, within the boundaries of the Rio Grande National Forest.							
CORGRG14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
			Uranium	varies*	varies*		
			Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

15. All tributaries to the Rio Grande from the Hwy 112 bridge near Del Norte to the Colorado/New Mexico border, excluding the listings in segments 11, 14, and 16 through 31.					
CORGRG15	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Recreation N			Arsenic(T)	0.02-10 ^A
	Water Supply	acute	chronic	Beryllium(T)	4.0
Qualifiers:		D.O. (mg/L)	3.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	Chromium III(T)	50
		chlorophyll a (mg/m ²)	---	Chromium VI	---
*Uranium(acute) = See 36.5(3) for details.		E. coli (per 100 mL)	630	Chromium VI(T)	50
*Uranium(chronic) = See 36.5(3) for details.		Inorganic (mg/L)		Copper(T)	200
		acute	chronic	Iron	WS
		Ammonia	---	Lead(T)	50
		Boron	0.75	Manganese	WS
		Chloride	250	Mercury(T)	2.0
		Chlorine	---	Molybdenum(T)	150
		Cyanide	0.2	Nickel(T)	100
		Nitrate	10	Selenium(T)	20
		Nitrite	1.0	Silver(T)	100
		Phosphorus	---	Uranium	varies*
		Sulfate	WS	Zinc(T)	2000
		Sulfide	0.05		
16. All tributaries to the Rio Grande, including wetlands, within the Alamosa National Wildlife Refuge, excluding the specific listing in segment 12.					
CORGRG16	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	100
Qualifiers:		D.O. (mg/L)	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	Chromium III	TVS
		chlorophyll a (mg/m ²)	150	Chromium III(T)	100
*Uranium(acute) = See 36.5(3) for details.		E. coli (per 100 mL)	126	Chromium VI	TVS
*Uranium(chronic) = See 36.5(3) for details.		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron(T)	1000
		Ammonia	TVS	Lead	TVS
		Boron	0.75	Manganese	TVS
		Chloride	---	Mercury(T)	0.01
		Chlorine	0.019	Molybdenum(T)	150
		Cyanide	0.005	Nickel	TVS
		Nitrate	100	Selenium	TVS
		Nitrite	0.05	Silver	TVS
		Phosphorus	0.17	Uranium	varies*
		Sulfate	---	Zinc	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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

17. All tributaries to the Rio Grande, including wetlands, within the Monte Vista National Wildlife Refuge.

CORGRG17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

18. All wetlands tributary to the Rio Grande from the Hwy 112 bridge near Del Norte to the Colorado/New Mexico border, excluding the specific listings in segments 16, 17, 19, 20a, 21a, 21b, 23a, 25, 28, 30 and 31.

CORGRG18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

19. Mainstem of Rock Creek, including all tributaries and wetlands, from the source to the Monte Vista Canal (37.52773, -106.16826).							
CORGRG19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 36.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 36.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
20a. Mainstem of Cat Creek, including all tributaries and wetlands, from the source to the Rio Grande National Forest boundary.							
CORGRG20A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
*Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Temperature =					Chromium VI	TVS	TVS
DM and MWAT=CS-I from 10/1-4/30		Inorganic (mg/L)			Copper	TVS	TVS
DM and MWAT=CS-I from 5/1-9/30			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

20a. Mainstem of Cat Creek, including all tributaries and wetlands, from the source to the Rio Grande National Forest boundary.								
CORGRG20A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Water Supply		acute	chronic	Arsenic(T)	---	0.02	
	Recreation E	D.O. (mg/L)	---	6.0	Beryllium(T)	---	100	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = DM and MWAT=CS-I from 10/1-4/30 DM and MWAT=CS-I from 5/1-9/30		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
					Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
					Iron	---	WS	
					Iron(T)	---	1000	
					Lead	TVS	TVS	
					Lead(T)	50	---	
					Manganese	TVS	TVS/WS	
					Mercury(T)	---	0.01	
					Molybdenum(T)	---	150	
					Nickel	TVS	TVS	
					Nickel(T)	---	100	
					Selenium	TVS	TVS	
					Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

20b. Mainstem of Cat Creek from the Rio Grande National Forest boundary to the Terrace Main Canal.

CORGRG20B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium(T)	---	100	
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
					Iron(T)	---	1000	
			Inorganic (mg/L)		Lead	TVS	TVS	
				acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01	
		Boron	---	0.75	Molybdenum(T)	---	150	
		Chloride	---	---	Nickel	TVS	TVS	
		Chlorine	0.019	0.011	Selenium	TVS	TVS	
		Cyanide	0.005	---	Silver	TVS	TVS(tr)	
		Nitrate	100	---	Uranium	varies*	varies*	
		Nitrite	---	0.05	Zinc	TVS	TVS	
		Phosphorus	---	0.11				
		Sulfate	---	---				
Sulfide	---	0.002						

21a. Mainstem of Ute Creek, including all tributaries and wetlands, from the source to the crossing at 37.5000, -105.39643.

CORGRG21A		Classifications		Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
					Lead	TVS	TVS		
		Ammonia			TVS	TVS			
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.11	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

21b. Mainstem of Ute Creek, including all tributaries and wetlands, from the crossing at 37.5000, -105.39643 to Hwy 160.							
CORGRG21B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	CS-I*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = DM=CS-I from 10/1-5/31 DM=22.3 from 6/1-9/30		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

22. Mainstem of Ute Creek from Hwy 160 to the confluence with Sangre de Cristo Creek.							
CORGRG22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

22. Mainstem of Ute Creek from Hwy 160 to the confluence with Sangre de Cristo Creek.							
CORGRG22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<div>Other:</div> <div>*Uranium(acute) = See 36.5(3) for details.</div> <div>*Uranium(chronic) = See 36.5(3) for details.</div>		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

23a. Mainstem of Sangre de Cristo Creek, including all tributaries and wetlands, from the source to Hwy 159, excluding the specific listings in segment 23b.						
CORGRG23A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	100
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.11	Zinc	TVS
		Sulfate	---	---		
		Sulfide	---	0.002		

23b. Mainstem of Sangre de Cristo Creek from a point immediately below the confluence with Placer Creek to Hwy 159.

CORGRG23B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Water Supply Recreation E	Temperature °C	varies*	varies*	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	TVS
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.11	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

24. Mainstem of Sangre de Cristo Creek from Hwy 159 to the inlet of Smith Reservoir.							
CORGRG24	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
25. Mainstem of Trinchera Creek, including all tributaries and wetlands, from the source to the inlet of Mountain Home Reservoir.							
CORGRG25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

26. Mainstem of Trinchera Creek from the outlet of Mountain Home Reservoir to the Rio Grande.						
CORGRG26	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340
	Water Supply	acute	chronic		Arsenic(T)	---
	Recreation E	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

27. Deleted.

CORGRG27	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
Qualifiers:		acute	chronic			
Other:						
		Inorganic (mg/L)				
		acute	chronic			

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 further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

28. Mainstem of Rito Seco, including all tributaries and wetlands, from the source to the road crossing at 37.218809, -105.411762.							
CORGRG28	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 36.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

29. Mainstem of Rito Seco from the road crossing at 37.218809, -105.411762 to the confluence with Culebra Creek.							
CORGRG29	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

30. Mainstem of Culebra Creek, including all tributaries and wetlands, from the source to the Culebra Sanchez Canal diversion, excluding the specific listings in segment 31. East Fork and West Fork of Costilla Creek, including all tributaries and wetlands, within Colorado.							
CORGRG30	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 36.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

31. Mainstem of Culebra Creek from the Sanchez Canal diversion to Hwy 159. Mainstem of Ventero Creek from the Colorado/New Mexico border to the confluence with Culebra Creek. Mainstem of Costilla Creek, including all tributaries and wetlands within Colorado, excluding the listings for the East and West Forks in segment 30.							
CORGRG31	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 36.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 36.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

32. All lakes and reservoirs tributary to the Rio Grande, and within the Weminuche Wilderness Area.							
CORGRG32	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
						Zinc	TVS
33. All lakes and reservoirs tributary to the Rio Grande from the source to the Hwy 112 bridge near Del Norte, excluding the specific listings in segments 32 and 38. All lakes and reservoirs tributary to San Francisco Creek from the source to a point immediately below the confluence with Spring Branch.							
CORGRG33	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
						Zinc	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

34. All lakes and reservoirs tributary to Dry Pole Creek, Limekiln Creek, Nicomodes Gulch, Raton Creek, or Dry Creek, and within the boundaries of the Rio Grande National Forest. All lakes and reservoirs tributary to Rock Creek from the source to the Monte Vista Canal (37.52773, -106.16826).								
CORGRG34	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		35. All lakes and reservoirs tributary to the Rio Grande from the Hwy 112 bridge near Del Norte to the Colorado/New Mexico border, excluding the specific listings in segments 34, 36, 37, 38 and 39.						
		CORGRG35	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	7.6		
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Fish Ingestion Standards Apply		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Manganese	TVS	TVS	
		Chloride	---	---	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS	
		Phosphorus	---	0.083*	Uranium	varies*	varies*	
		Sulfate	---	---	Zinc	TVS	TVS	
		Sulfide	---	0.002				

35. All lakes and reservoirs tributary to the Rio Grande from the Hwy 112 bridge near Del Norte to the Colorado/New Mexico border, excluding the specific listings in segments 34, 36, 37, 38 and 39.

CORGRG35	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion Standards Apply		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

36. All lakes and reservoirs tributary to Ute Creek, from the source to Hwy 160. All lakes and reservoirs tributary to Sangre de Cristo Creek, from the source to Hwy 159. All lakes and reservoirs tributary to Trinchera Creek, from the source to the inlet of Mountain Home Reservoir. All lakes and reservoirs tributary to Rito Seco, from the source to Salzar Reservoir. All lakes and reservoirs tributary to Culebra Creek, from the source to Hwy 159, excluding the specific listing in segment 37. All lakes and reservoirs tributary to Costilla Creek, and within Colorado.

CORGRG36	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
					Lead	TVS	TVS		
		Ammonia			TVS	TVS			
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.025*	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							Zinc	TVS	TVS

37. Sanchez Reservoir.

CORGRG37	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Qualifiers:		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS	
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Uranium(acute) = See 36.5(3) for details.</div> <div>*Uranium(chronic) = See 36.5(3) for details.</div>		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS		
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.05	Molybdenum(T)	---	150	
		Phosphorus	---	0.083*	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Rio Grande Basin

38. Continental Reservoir, Upper Brown Lake, Santa Maria Reservoir, Road Canyon Reservoir, Rio Grande Reservoir, Big Meadows Reservoir, Beaver Creek Reservoir, Smith Reservoir, Mountain Home Reservoir.							
CORGRG38	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

1. All tributaries to the Alamosa River or Conejos River, including all wetlands, within the South San Juan Wilderness area.

CORGAL01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Mainstem of the Alamosa River, including all tributaries and wetlands, from the source to immediately above the confluence with Alum Creek, except for specific listings in segments 1, 4a, and 4b. Tributaries to the Alamosa River from a point immediately below the confluence of Bitter Creek to the inlet of Terrace Reservoir, except for specific listings in segments 4a, 5, 6, and 7.

CORGAL02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

3a. Mainstem of the Alamosa River from immediately above the confluence with Alum Creek to immediately above the confluence of Wightman Fork.						
CORGAL03A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Aluminum	--- varies*
	Recreation E		acute	chronic	Aluminum	varies* ---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic	340 ---
Other:		D.O. (spawning)	---	7.0	Arsenic(T)	--- 100
		pH	varies*	---	Cadmium	TVS TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	--- 100
					Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS ---
			acute	chronic	Iron(T)	--- 12000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	--- 0.01
		Chlorine	0.019	0.011	Molybdenum(T)	--- 150
		Cyanide	0.005	---	Nickel	TVS TVS
		Nitrate	100	---	Selenium	TVS TVS
		Nitrite	---	0.05	Silver	TVS TVS(tr)
		Phosphorus	---	0.11	Uranium	varies* varies*
		Sulfate	---	---	Zinc	TVS TVS
		Sulfide	---	0.002		

*Aluminum(acute) = 280 ug/L and 3,886(T) from 5/1-6/30
 5,666 ug/L and 21,036(T) from 7/1-4/30
 *Aluminum(chronic) = 95 ug/L and 1,157(T) from 5/1-6/30
 4,073 ug/L and 3,026(T) from 7/1-4/30
 *Uranium(acute) = See 36.5(3) for details.
 *Uranium(chronic) = See 36.5(3) for details.
 *pH(acute) = 4.0-9.0 from 3/1-5/31
 4.73-9.0 from 6/1 - 8/31
 3.94-9.0 from 9/1-11/31
 3.52 - 9.0 from 12/1-2/29

3b. Mainstem of the Alamosa River from immediately above the confluence with Wightman Fork to immediately above the confluence with Fern Creek.						
CORGAL03B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	--- varies*
	Recreation E		acute	chronic	Aluminum	varies* ---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic	340 ---
Other:		D.O. (spawning)	---	7.0	Arsenic(T)	--- 7.6
		pH	6.5 - 9.0	---	Cadmium	TVS TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	--- 100
					Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS 30
			acute	chronic	Iron(T)	--- 12000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	--- 0.01
		Chlorine	0.019	0.011	Molybdenum(T)	--- 150
		Cyanide	0.005	---	Nickel	TVS TVS
		Nitrate	100	---	Selenium	TVS TVS
		Nitrite	---	0.05	Silver	TVS TVS(tr)
		Phosphorus	---	0.11	Uranium	varies* varies*
		Sulfate	---	---	Zinc	TVS TVS
		Sulfide	---	0.002		

*Aluminum(acute) = 59 ug/L and 4,556(T) from 5/1-6/30
 741 ug/L and TVS(T) from 7/1-4/30
 *Aluminum(chronic) = 41 ug/L and 1,246(T) from 5/1-6/30
 382 ug/L and 2,661(T) from 7/1-4/30
 *Uranium(acute) = See 36.5(3) for details.
 *Uranium(chronic) = See 36.5(3) for details.

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

3c. Mainstem of the Alamosa River from immediately above the confluence with Fern Creek to immediately below the confluence with Ranger Creek.						
CORGAL03C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Aluminum	--- varies*
	Recreation E		acute	chronic	Aluminum	varies* ---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic	340 ---
Other: *Aluminum(acute) = 365 ug/L and 6,729(T) from 5/1-6/30 558 ug/L and TVS(T) from 7/1-4/30 *Aluminum(chronic) = 63 ug/L and 1,973(T) from 5/1-6/30 296 ug/L and 2,232(T) from 7/1-4/30 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Arsenic(T)	--- 7.6
		pH	6.5 - 9.0	---	Cadmium	TVS TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	--- 100
					Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
			acute	chronic	Iron(T)	--- 12000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	--- 0.01
		Chlorine	0.019	0.011	Molybdenum(T)	--- 150
		Cyanide	0.005	---	Nickel	TVS TVS
		Nitrate	100	---	Selenium	TVS TVS
		Nitrite	---	0.05	Silver	TVS TVS(tr)
		Phosphorus	---	0.11	Uranium	varies* varies*
		Sulfate	---	---	Zinc	TVS TVS
		Sulfide	---	0.002		

3d. Mainstem of the Alamosa River from immediately below the confluence with Ranger Creek to the inlet of Terrace Reservoir.						
CORGAL03D	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	--- varies*
	Recreation E		acute	chronic	Aluminum	varies* ---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic	340 ---
Other: *Aluminum(acute) = 77 ug/L and 6,907(T) from 5/1-6/30 84 ug/L and TVS(T) from 7/1-4/30 *Aluminum(chronic) = 74 ug/L and 1,721(T) from 5/1-6/30 60 ug/L and 1,554(T) from 7/1-4/30 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Arsenic(T)	--- 7.6
		pH	6.5 - 9.0	---	Cadmium	TVS TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	--- 100
					Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
			acute	chronic	Iron(T)	--- 12000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	--- 0.01
		Chlorine	0.019	0.011	Molybdenum(T)	--- 150
		Cyanide	0.005	---	Nickel	TVS TVS
		Nitrate	100	---	Selenium	TVS TVS
		Nitrite	---	0.05	Silver	TVS TVS(tr)
		Phosphorus	---	0.11	Uranium	varies* varies*
		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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

4a. Mainstems of Iron Creek, Alum Creek, Bitter Creek, and Burnt Creek, including all tributaries and wetlands, from their sources to their confluences with the Alamosa River, excluding the listings in segment 4b.

CORGAL04A	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Recreation E			Arsenic	---
Qualifiers:		acute	chronic	Cadmium	---
Other:		D.O. (mg/L)	---	Chromium III	---
		pH	2.5-9.0	Chromium VI	---
		chlorophyll a (mg/m ²)	---	Copper	---
		E. coli (per 100 mL)	---	Iron	---
		Inorganic (mg/L)		Lead	---
		acute	chronic	Manganese	---
		Ammonia	---	Mercury(T)	---
		Boron	---	Molybdenum(T)	---
		Chloride	---	Nickel	---
		Chlorine	---	Selenium	---
		Cyanide	---	Silver	---
		Nitrate	---	Uranium	varies*
		Nitrite	---	Zinc	---
		Phosphorus	---		
		Sulfate	---		
		Sulfide	---		

4b. Mainstem of Iron Creek, including all tributaries and wetlands, from the source to immediately above the confluence with South Mountain Creek.

CORGAL04B	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	Arsenic	340
	Recreation E			Arsenic(T)	---
Qualifiers:		acute	chronic	Cadmium	TVS
Other:		D.O. (mg/L)	---	Chromium III	TVS
		D.O. (spawning)	---	Chromium III(T)	---
		pH	6.5 - 9.0	Chromium VI	TVS
		chlorophyll a (mg/m ²)	---	Copper	TVS
		E. coli (per 100 mL)	---	Iron(T)	---
		Inorganic (mg/L)		Lead	TVS
		acute	chronic	Manganese	TVS
		Ammonia	TVS	Mercury(T)	---
		Boron	---	Molybdenum(T)	---
		Chloride	---	Nickel	TVS
		Chlorine	0.019	Selenium	TVS
		Cyanide	0.005	Silver	TVS
		Nitrate	100	Uranium	varies*
		Nitrite	---	Zinc	TVS
		Phosphorus	---		
		Sulfate	---		
		Sulfide	---		

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 further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

5. Mainstem of Wightman Fork, including all tributaries and wetlands, from the source to the west line of S30, T37N, R4E (37.43127, -106.60325).							
CORGAL05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
6. Mainstem of Wightman Fork from the west line of S30, T37N, R4E (37.43127, -106.60325) to the confluence with the Alamosa River.							
CORGAL06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Recreation E				Arsenic	---	---
Qualifiers:		acute	chronic	Cadmium	---	---	
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (mg/L)	---	---	Chromium III	---	---
		pH	---	---	Chromium VI	---	---
		chlorophyll a (mg/m²)	---	150	Copper	---	---
		E. coli (per 100 mL)	---	126	Iron	---	---
		Inorganic (mg/L)			Lead	---	---
		acute	chronic	Manganese	---	---	
		Ammonia	---	---	Mercury(T)	---	---
		Boron	---	---	Molybdenum(T)	---	---
		Chloride	---	---	Nickel	---	---
		Chlorine	---	---	Selenium	---	---
		Cyanide	---	---	Silver	---	---
		Nitrate	---	---	Uranium	varies*	varies*
		Nitrite	---	---	Zinc	---	---
		Phosphorus	---	---			
		Sulfate	---	---			
		Sulfide	---	---			

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 further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

7. Jasper Creek, including all tributaries and wetlands, from the source to the confluence with the Alamosa River.							
CORGAL07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	---	1
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III(T)	---	100
		pH	5.5-9.0	---	Chromium VI(T)	---	25
		chlorophyll a (mg/m²)	---	150	Copper(T)	---	90
		E. coli (per 100 mL)	---	126	Iron(T)	---	3400
					Lead(T)	---	4
		Inorganic (mg/L)			Manganese(T)	---	1000
			acute	chronic	Mercury(T)	---	0.05
		Ammonia	TVS	TVS	Molybdenum(T)	---	150
		Boron	---	0.75	Nickel(T)	---	5
		Chloride	---	---	Selenium(T)	---	20
		Chlorine	0.019	0.011	Silver(T)	---	0.1
		Cyanide	0.005	---	Uranium	varies*	varies*
		Nitrate	100	---	Zinc(T)	---	170
		Nitrite	---	0.05			
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
		8. Terrace Reservoir.					
CORGAL08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CLL	CLL	Aluminum	varies*	varies*
	Recreation E		acute	chronic	Arsenic	340	---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---	7.6
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Aluminum(acute) = See 36.6(4) for site-specific standards and assessment locations. *Aluminum(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese(T)	---	200
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.025*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

8. Terrace Reservoir.							
CORGAL08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CLL	CLL	Aluminum	varies*	varies*
	Recreation E		acute	chronic	Arsenic	340	---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---	7.6
Fish Ingestion Standards Apply		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Aluminum(acute) = See 36.6(4) for site-specific standards and assessment locations. *Aluminum(chronic) = See 36.6(4) for site-specific standards and assessment locations. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Manganese	TVS	TVS
		Ammonia	TVS	TVS	Manganese(T)	---	200
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.025*	Zinc	TVS	TVS
		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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

9. Mainstem of Alamosa River from the outlet of Terrace Reservoir to Hwy 15 (Gunbarrel Road).							
CORGAL09	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(T)	TVS	TVS
	Water Supply		acute	chronic	Arsenic	340	---
	Recreation E	D.O. (mg/L)	---	6.0	Arsenic(T)	---	0.02
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
					Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Manganese(T)	---	200
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

10. Mainstem of the Alamosa River from Hwy 15 (Gunbarrel Road) to its point of final diversion.							
CORGAL10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Aluminum(T)	TVS	TVS
	Water Supply		acute	chronic	Arsenic	340	---
	Recreation E	D.O. (mg/L)	---	6.0	Arsenic(T)	---	0.02-10 ^A
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
					Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Manganese(T)	---	200
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

11a. All tributaries and wetlands to La Jara Reservoir. All tributaries and wetlands to La Jara Creek from the outlet of La Jara Reservoir to a point immediately below the confluence with Jarosa Creek, excluding the listings in segment 11b.

CORGAL11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1 Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:	*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.	D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Manganese(T)	---	200
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	100	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			

11b. Mainstem of La Jara Creek from the outlet of La Jara Reservoir to a point immediately above the confluence with Hot Creek. All tributaries and wetlands to La Jara Creek from a point immediately below the confluence with Jarosa Creek to a point immediately above the confluence with Hot Creek.

CORGAL11B	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-II	CS-II	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:	*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	300
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

12. Mainstem of La Jara Creek from immediately above the confluence with Hot Creek to the confluence with the Rio Grande.								
CORGAL12	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Water Supply		acute	chronic	Arsenic(T)	---	0.02	
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS	
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4). *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)				Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Manganese(T)	---	200	
		Nitrite	---	0.05	Mercury(T)	---	0.01	
		Phosphorus	---	0.17*	Molybdenum(T)	---	150	
		Sulfate	---	WS	Nickel	TVS	TVS	
		Sulfide	---	0.002	Nickel(T)	---	100	
					Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		13. Mainstem of Hot Creek from the source to the confluence with La Jara Creek.						
		CORGAL13	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4). *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)				Copper	TVS	TVS
			acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.11*	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

14a. Mainstem of the Conejos River, including all tributaries and wetlands, from the source to immediately below the confluence with Elk Creek, excluding the specific listings in segment 1.

CORGAL14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

14b. Mainstem of the Conejos River, including all tributaries and wetlands, from a point immediately below the confluence with Elk Creek to a point immediately above the confluence with Fox Creek.

CORGAL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

15. Mainstem of the Conejos River from a point immediately above the confluence with Fox Creek to the confluence with the Rio San Antonio.						
CORGAL15	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4).
 *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).
 *Uranium(acute) = See 36.5(3) for details.
 *Uranium(chronic) = See 36.5(3) for details.

16. Mainstem of the Conejos River from the confluence with the Rio San Antonio to the confluence with the Rio Grande.						
CORGAL16	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*Uranium(acute) = See 36.5(3) for details.
 *Uranium(chronic) = See 36.5(3) for details.

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

17a. Mainstem of Rio de Los Pinos, including all tributaries and wetlands within Colorado, excluding the specific listings in segment 1.							
CORGAL17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:	Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.	chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS	
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

17b. Mainstem of the Rio San Antonio from the Colorado/New Mexico border to Hwy 285.							
CORGAL17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:	Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.	chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS	
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

17b. Mainstem of the Rio San Antonio from the Colorado/New Mexico border to Hwy 285.							
CORGAL17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
*Uranium(acute) = See 36.5(3) for details.					Iron(T)	---	1000
*Uranium(chronic) = See 36.5(3) for details.					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

18. Mainstem of the Rio San Antonio from Hwy 285 to the confluence with the Conejos River.							
CORGAL18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid			acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---	WS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4).		Boron	---	0.75	Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Chloride	---	250	Lead	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
*Uranium(chronic) = See 36.5(3) for details.		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
19. Mainstem of the Rio Chama, including all tributaries and wetlands within Colorado, excluding the specific listings in segment 1.							
CORGAL19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

19. Mainstem of the Rio Chama, including all tributaries and wetlands within Colorado, excluding the specific listings in segment 1.							
CORGAL19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS
Alamosa River/La Jara Creek/Conejos River Basins

20. All tributaries and wetlands to the Alamosa River, La Jara Creek, or the Conejos River within the boundaries of the Rio Grande National Forest, excluding the specific listings in segments 1 through 7, 11a, 11b, 13, 14a, 14b, 17a, 17b, and 18.

CORGAL20	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture			DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---		
	Recreation E			acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other:	chlorophyll a (mg/m ²)		---	150	Chromium III(T)	50	---		
	E. coli (per 100 mL)		---	126	Chromium VI	TVS	TVS		
						Copper	TVS	TVS	
			Inorganic (mg/L)			Iron	---	WS	
					acute	chronic	Iron(T)	---	1000
	Ammonia		TVS	TVS	Lead	TVS	TVS		
	Boron		---	0.75	Lead(T)	50	---		
	Chloride		---	250	Manganese	TVS	TVS/WS		
	Chlorine		0.019	0.011	Mercury(T)	---	0.01		
	Cyanide		0.005	---	Molybdenum(T)	---	150		
	Nitrate		10	---	Nickel	TVS	TVS		
	Nitrite		---	0.05	Nickel(T)	---	100		
	Phosphorus		---	0.11	Selenium	TVS	TVS		
	Sulfate		---	WS	Silver	TVS	TVS(tr)		
	Sulfide		---	0.002	Uranium	varies*	varies*		
						Zinc	TVS	TVS	

21. All tributaries to the Conejos River from a point immediately above the confluence with Fox Creek to the Rio Grande, excluding the listings in Segment 20.

CORGAL21	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Recreation N			Arsenic(T)	0.02-10 ^A		
	Water Supply	acute	chronic	Beryllium(T)	4.0		
Qualifiers:		D.O. (mg/L)	---	3.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	50	---
		chlorophyll a (mg/m²)	---	---	Chromium VI(T)	50	---
		E. coli (per 100 mL)	---	630	Copper(T)	---	200
		Inorganic (mg/L)		Iron	---	WS	
			acute	chronic	Lead(T)	50	---
		Ammonia	---	---	Manganese	---	WS
		Boron	---	0.75	Manganese(T)	---	200
		Chloride	---	250	Mercury(T)	2.0	---
		Chlorine	---	---	Molybdenum(T)	---	150
		Cyanide	0.2	---	Nickel(T)	---	100
		Nitrate	10	---	Selenium(T)	---	20
		Nitrite	1.0	---	Silver(T)	100	---
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	WS	Zinc(T)	---	2000
		Sulfide	---	0.05			

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 further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

22. All tributaries, including wetlands, to the Alamosa River or La Jara Creek, excluding the specific listings in segments 1 through 21.							
CORGAL22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
		23. All lakes and reservoirs tributary to the Alamosa River or the Conejos River, and within the South San Juan Wilderness area.					
CORGAL23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		

23. All lakes and reservoirs tributary to the Alamosa River or the Conejos River, and within the South San Juan Wilderness area.									
CORGAL23	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
					Lead	TVS	TVS		
		Ammonia			TVS	TVS			
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	0.025*	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

24. All lakes and reservoirs tributary to the Alamosa River from the source to a point immediately above the confluence with Alum Creek, excluding the specific listings in segment 23.						
CORGAL24	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Uranium(acute) = See 36.5(3) for details.
*Uranium(chronic) = See 36.5(3) for details.

25. All lakes and reservoirs tributary to La Jara Creek from the source to a point immediately above the confluence with Hot Creek.						
CORGAL25	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Iron	---	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Manganese(T)	---
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	100	---	Nickel	TVS
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.025*	Silver	TVS
		Sulfate	---	---	Uranium	varies*
		Sulfide	---	0.002	Zinc	TVS
						TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Uranium(acute) = See 36.5(3) for details.
*Uranium(chronic) = See 36.5(3) for details.

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

26. All lakes and reservoirs tributary to the Conejos River from the source to a point immediately above the confluence with Fox Creek, excluding the specific listings in segments 23 and 30.

CORGAL26	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

27. All lakes and reservoirs tributary to the Rio de Los Pinos and within Colorado, excluding the specific listings in segment 23. All lakes and reservoirs tributary to the Rio Chama and within Colorado, excluding the specific listings in segment 23.

CORGAL27	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

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

CORGAL28	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

CORGAL29	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Alamosa River/La Jara Creek/Conejos River Basins

30. Platoro Reservoir.

CORGAL30	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

1. All tributaries to the Closed Basin, including all wetlands, within the La Garita Wilderness Area.

CORGCB01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of La Garita Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Geronimo Creek. The North, Middle, and South Forks of Camero Creek, including all tributaries and wetlands, from their sources to their confluences at the inception of the mainstem of Camero Creek.

CORGCB02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

2b. Mainstem of La Garita Creek, including all tributaries and wetlands, from a point immediately below the confluence with Geronimo Creek to 38 Road. All tributaries to the mainstem of Carnero Creek from its inception at the confluence of the North, Middle, and South Forks to 42 Road, excluding the specific listings in segment 2a.

CORGCB02B Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS

2c. Mainstem of Carnero Creek from its inception at the confluence of the North, Middle, and South Forks to 42 Road.

CORGCB02C Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = DM and MWAT=CS-II from 11/1-3/31 DM=26.5 and MWAT=20 from 4/1-10/31				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

3. All tributaries to the Closed Basin excluding the listings in segments 1, 2a, 2b, 2c, and 4 through 13.							
CORGCB03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
4. Mainstem of San Luis Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Piney Creek, excluding the specific listings in segments 8, 9a, and 9b. Garner Creek, including all tributaries and wetlands, from the Rio Grande Forest Boundary to the mouth.							
CORGCB04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

5. Mainstem of San Luis Creek from a point immediately below the confluence with Piney Creek to the inlet to San Luis Lake.							
CORGCB05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)		Lead	TVS	TVS	
		acute	chronic	Manganese	TVS	TVS	
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
6. Mainstem of South Crestone Creek from a point just below the Spanish Creek Trail road crossing (37.981612, -105.713237) to its confluence with Crestone Creek. Mainstem of Crestone Creek from its source at the confluence of North Crestone Creek and South Crestone Creek to the mouth.							
CORGCB06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 36.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 36.5(4). *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

7. Deleted.							
CORGCB07	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT		acute	chronic	
Qualifiers:		acute	chronic				
Other:							
		Inorganic (mg/L)					
		acute	chronic				
8. Mainstem of Kerber Creek, including all tributaries and wetlands, from the source to a point immediately above the Cocomongo Mill site. Mainstem of Squirrel Creek from the source to immediately above Bear Creek, Brewery Creek from the source to Kerber Creek, and Elkhorn Gulch from the source to Kerber Creek.							
CORGCB08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute	chronic		Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

9a. Mainstem of Kerber Creek, including all tributaries and wetlands, from a point immediately above the Cocomongo Mill site to immediately above the confluence of Brewery Creek, excluding the specific listings in segment 8.					
CORGCB09A	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Recreation E			Arsenic	340
	Water Supply	acute	chronic	Arsenic(T)	---
Qualifiers:		D.O. (mg/L)	---	Cadmium(T)	5.0
Goal Qualifier for Agriculture and Water Supply		pH	6.5 - 9.0	Chromium III(T)	50
Other: *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	Chromium VI(T)	50
		E. coli (per 100 mL)	---	Copper(T)	---
		Inorganic (mg/L)		Iron	---
		acute	chronic	Lead(T)	50
		Ammonia	---	Manganese	---
		Boron	---	Mercury(T)	2.0
		Chloride	---	Molybdenum(T)	---
		Chlorine	---	Nickel(T)	---
		Cyanide	---	Selenium(T)	---
		Nitrate	10	Silver(T)	---
		Nitrite	1.0	Uranium	varies*
		Phosphorus	---	Zinc(T)	---
		Sulfate	---		5000
		Sulfide	---		
		9b. Mainstem of Kerber Creek from a point immediately above the confluence with Brewery Creek to the confluence with San Luis Creek.			
CORGCB09B	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	Cadmium	---
Qualifiers:		D.O. (spawning)	---	Cadmium	SSE*
Goal Qualifier for Agriculture and Water Supply		pH	6.5 - 9.0	Cadmium(T)	5.0
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Cadmium(acute) = e^(0.7852ln[hard]-1.545) *Cadmium(chronic) = e^(0.7852ln[hard]-2.906) *Copper(acute) = e^(0.8889ln[hard]+0.53) *Copper(chronic) = e^(0.8889ln[hard]-1.519) *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Zinc(acute) = e^(0.8179ln[hard]+3.757) *Zinc(chronic) = e^(0.8179ln[hard]+2.907)		chlorophyll a (mg/m²)	---	Chromium III	---
		E. coli (per 100 mL)	---	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS
		acute	chronic	Copper	---
		Ammonia	TVS	Copper	SSE*
		Boron	---	Copper	TVS
		Chloride	---	Iron	---
		Chlorine	0.019	Iron(T)	---
		Cyanide	0.005	Lead	TVS
		Nitrate	10	Lead(T)	50
		Nitrite	---	Manganese	TVS
		Phosphorus	---	Mercury(T)	---
		Sulfate	---	Molybdenum(T)	---
		Sulfide	---	Nickel	TVS
			0.002	Nickel(T)	---
				Selenium	TVS
				Silver	TVS
				Uranium	varies*
				Zinc	---
				Zinc	SSE*
				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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

10. Mainstem of Sand Creek, including all tributaries and wetlands, from the source to the mouth. Mainstem of Medano Creek, including all tributaries and wetlands, from the source to the mouth.

CORGCB10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11. All tributaries to the Closed Basin within the Rio Grande National Forest boundaries excluding the listings in segments 1, 2a, 2b, 2c, 4, 9a, 9b, 10, 12a, 12b, and 12c.

CORGCB11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

12a. Mainstem of Saguache Creek, including all tributaries and wetlands, from the boundary of the La Garita Wilderness Area to a point just below the confluence with Ford Creek, excluding the specific listings in segments 1 and 12b.

CORGCB12A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12b. Mainstem of Saguache Creek from a point just below the confluence of Fourmile Creek to a point just below the confluence with Ford Creek.

CORGB12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II*	varies* °C	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = MWAT=CS-II from 11/1-3/31 MWAT=18.6 from 4/1-10/31 See temperature assessment locations at 36.6(4).		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

12c. Mainstem of Saguache Creek, including all tributaries and wetlands, from a point just below the confluence with Ford Creek to Hwy 285.

CORGCB12C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 36.5(3) for details.		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

13. Mainstem of Saguache Creek from Hwy 285 to the confluence with San Luis Creek. Mainstem of Russell Creek from its source at Russell Springs to the confluence with La Garita Creek. Mainstem of Cottonwood Creek downstream of the Rio Grande National Forest Boundary.

CORGCB13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Uranium(acute) = See 36.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Uranium(chronic) = See 36.5(3) for details.		acute	chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

14. All wetlands tributary to the Closed Basin, excluding the specific listings in segments 1 through 13.						
CORGCB14	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	100
*Uranium(acute) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(chronic) = See 36.5(3) for details.		Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	150
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

15. All lakes and reservoirs tributary to the Closed Basin, and within the La Garita Wilderness Area.						
CORGCB15	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8	Chromium III(T)	50
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 36.5(3) for details.		Inorganic (mg/L)			Copper	TVS
*Uranium(chronic) = See 36.5(3) for details.		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	150
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.025*	Nickel(T)	100
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

16. All lakes and reservoirs tributary to La Garita Creek from the source to 38 Road. All lakes and reservoirs tributary to Carnero Creek from the source to 42 Road. All lakes and reservoirs tributary to Kerber Creek from the source to a point immediately above the Cocomongo Mill site. All lakes and reservoirs tributary to San Luis Creek, from the source to a point immediately below the confluence with Piney Creek. All lakes and reservoirs tributary to Saguache Creek from the boundary of the La Garita Wilderness Area to Hwy 285.

CORGCB16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Uranium(acute) = See 36.5(3) for details.</div> <div>*Uranium(chronic) = See 36.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			Iron	---	WS		
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

17. All lakes and reservoirs within the Closed Basin and within the Rio Grande National Forest boundaries, excluding the specific listings in segments 15 and 16.

CORGCB17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

18. All lakes and reservoirs within the Closed Basin, excluding the specific listings in segments 16, 17, 19 and 20.

CORGC18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Water + Fish Standards Apply		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Other:		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

19. San Luis Lake.

CORGC19	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CLL*	varies*	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = MWAT=CLL from 1/31-3/31 MWAT=21.2 from 4/1-12/31		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
			Inorganic (mg/L)		Lead	TVS	TVS	
				acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01	
		Boron	---	0.75	Molybdenum(T)	---	150	
		Chloride	---	---	Nickel	TVS	TVS	
		Chlorine	0.019	0.011	Selenium	TVS	TVS	
		Cyanide	0.005	---	Silver	TVS	TVS	
		Nitrate	100	---	Uranium	varies*	varies*	
		Nitrite	---	0.05	Zinc	TVS	TVS	
		Phosphorus	---	0.025*				
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 36.6 for further details on applied standards.

REGULATION #36 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Closed Basin-San Luis Valley River Basin

20. Head Lake.							
CORGCB20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.025*			
		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 36.6 for further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) Reserved.
- (C) For certain site-specific temperature standards, the temperature excursions listed in Table I - Footnote 5(c) of 31.16 do not apply. Assessment of ambient-based temperature standards should be conducted in a way that represents similar conditions to those under which the criteria were developed (i.e., air, low flow, and warming event excursions should not apply). Similarly, where site-specific adjustments to the winter shoulder season have been adopted, the winter shoulder season excursion does not apply.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00096

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-36

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

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:05:25

A handwritten signature in blue ink, appearing to read 'P. J. Weiser'.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-37

Rule title

5 CCR 1002-37 REGULATION NO. 37 - CLASSIFICATIONS AND NUMERIC
STANDARDS FOR LOWER COLORADO RIVER BASIN 1 - eff 12/31/2021

Effective date

12/31/2021

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

37.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq. C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

37.2 PURPOSE

These regulations establish classifications and numeric standards for the Colorado River Basin, including all tributaries and standing bodies of water. This includes all or parts of Garfield, Mesa, Rio Blanco, Moffat and Routt Counties. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

37.3 INTRODUCTION

These regulations and tables present the classifications and numeric standards assigned to stream segments listed in the attached tables (see Appendix 37-1). As additional stream segments are classified and numeric standards for designated parameters are assigned for this drainage system, they will be added to or replace the numeric standards in the tables in Appendix 37-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the "basic regulations".

37.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

37.5 BASIC STANDARDS

(1) Temperature

All waters of the Colorado River Basin are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard). Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water + Fish" are presumptively applied to all aquatic life class 1 streams which also have a water supply classification, and are applied to aquatic life class 2 streams which also have a water supply classification, on a case-by-case basis as shown in Appendix 37-1. The column in the tables at 31.11 headed "Fish Ingestion" is presumptively applied to all aquatic life class 1 streams which do not have a water supply classification, and are applied to aquatic life class 2 streams which do not have a water supply classification, on a case-by-case basis as shown in Appendix 37-1.

(3) Uranium

- (a) All waters of the Lower Colorado River Basin, are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium level in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a water supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Nutrients

Prior to December 31, 2022 for chlorophyll a and prior to December 31, 2027 for total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e) and (f). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. Additionally, prior to December 31, 2027, only total phosphorus and chlorophyll a will be considered for adoption. After December 31, 2027, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(g).

Prior to December 31, 2027, nutrient criteria will be adopted for headwaters on a segment by segment basis for the Lower Colorado Basin. Moreover, pursuant to 31.17(e) nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior

to May 31, 2012. The following is a list of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the Lower Colorado Basin:

Segment	Permittee	Facility name	Permit No.
COLCLY02	Craig City of	Craig WWTF	CO0040037
COLCWH07	Whiteriver RV LLC	Whiteriver RV Sanitation WWTF	COG588048
COLCWH07	Meeker Sanitation District	Meeker Sanitation District	CO0047139
COLCWH13b	Shell Frontier Oil & Gas Inc	Corral Gulch WWTF	CO0048859
COLCWH21	Rangely Town of	Rangely WWTF	CO0000010
COLCLC01	Rifle City of	Rifle Regional WW Reclamation Facility	CO0048151
COLCLC01	Wastewater Treatment Service LLC	Waste Water Treatment Services WWTF	COG589110
COLCLC01	Silt Town of	Silt Town of	COG588046
COLCLC01	West Glenwood Springs SD	West Glenwood Springs SD	COG588008
COLCLC01	Glenwood Springs City of	Glenwood Springs Regional WWTF	CO0048852
COLCLC01	Talbott Enterprises Inc	Talbott Enterprises Inc	COG588061
COLCLC01	New Castle Town of	New Castle WWTF	COG588062
COLCLC01	Riverbend Water and Sewer Company	Riverbend Subdivision	COG588006
COLCLC02a	Colorado Retail Ventures Services LLC	Cameo Eagle Travel Center	CO0048847
COLCLC02a	DeBeque Town of	DeBeque Town of	CO0048135
COLCLC02a	Battlement Mesa Metro Dist	Battlement Mesa Metro Dist WWTF	COG589086
COLCLC02b	Clifton Sanitation District	Clifton Sanitation District	CO0033791
COLCLC02b	Palisade Town of	Palisade WWTF	CO0000012
COLCLC03	Fruita City of	Fruita Wastewater Reclamation Facility	CO0048854
COLCLC04e	Tri-State Generation & Transmission Assoc Inc	Rifle Station	CO0042447
COLCLC07a	Weiss & Associates	Canyon Creek Estates WWTF	COG589139
COLCLC13b	Mesa Co/Grand Junction City of	Persigo WWTF	CO0040053
COLCLC15a	Grand Mesa Metro Dist 2	Grand Mesa Metro Dist 2	CO0023485
COLCLC15a	Mesa WSD	Mesa WSD	CO0048143
COLCLC16	Collbran Town of	Valleywide Sewerage System	CO0040487

Prior to December 31, 2027:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, *nutrient standards only apply above these facilities*. A note was added to the total phosphorus and chlorophyll a standards in these segments. The note references the table of qualified facilities at 37.5(4).
- For segments located entirely below these facilities, nutrient standards do not apply.

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

37.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 37-1 were assigned by the Commission after a careful analysis of the data presented on actual

stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 37-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and in the tables in Appendix 37-1:

ac	=	acute (1-day)
°C	=	degrees Celsius
ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
<i>E. coli</i>	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
sp	=	spawning
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WL	=	warm lake temperature tier
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three

(b) In addition, the following abbreviations were used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual water supply use, the less restrictive of the following two options shall apply as numerical chronic standards, as specified in the Basic Standards and Methodologies at 31.16 Table II and III:

- (i) existing quality as of January 1, 2000; or
- (ii)

Iron	=	300 µg/L (dissolved)
Manganese	=	50 µg/L (dissolved)
Sulfate	=	250 mg/L (dissolved)

For all surface waters with a “water supply” classification that are not in actual use as a water supply, no water supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

(c) Temporary Modification for Water + Fish Chronic Arsenic Standard

- (i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water + Fish qualifier is listed in the Other column in Appendix 37-1 tables as As(ch)=hybrid.
- (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
- (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
 - (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.
 - (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
 - (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 37-1, the designation “TVS” is used to indicate that for a particular parameter a “table value standard” has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾					
Aluminum(T)	Acute = $e^{(1.3695 \ln(\text{hardness}) + 1.8308)}$ pH equal to or greater than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ pH less than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is more stringent					
Ammonia ⁽⁴⁾	Cold Water = (mg/L as N)Total $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$					
	Warm Water = (mg/L as N)Total $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$					
	$chronic (Apr 1 - Aug 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep 1 - Mar 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028(25 - MAX(T, 7))}$					
Cadmium	Acute(warm) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$					
Chromium III ⁽⁶⁾	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$					
Chromium VI ⁽⁶⁾	Acute = 16 Chronic = 11					
Copper	Acute = $e^{(0.9422 \ln(\text{hardness}) - 1.7408)}$ Chronic = $e^{(0.8545 \ln(\text{hardness}) - 1.7428)}$					
Lead	Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 1.46)}$ Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 4.705)}$					
Manganese	Acute = $e^{(0.3331 \ln(\text{hardness}) + 6.4676)}$ Chronic = $e^{(0.3331 \ln(\text{hardness}) + 5.8743)}$					
Nickel	Acute = $e^{(0.846 \ln(\text{hardness}) + 2.253)}$ Chronic = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$					
Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6					
Silver	Acute = $0.5 * e^{(1.72 \ln(\text{hardness}) - 6.52)}$ Chronic = $e^{(1.72 \ln(\text{hardness}) - 9.06)}$ Chronic(Trout) = $e^{(1.72 \ln(\text{hardness}) - 10.51)}$					
Temperature	TEMPERATURE TIER	TIER CODE	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)	
					(MWAT)	(DM)
	Cold Stream Tier I ⁽⁸⁾	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. – May	9.0	13.0
	Cold Stream Tier II ⁽⁸⁾	CS-II	all other cold-water species	April – Oct.	18.3	24.3
				Nov. – March	9.0	13.0
	Cold Lake	CL		April – Dec.	17.0	21.2

			brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	Jan. – March	9.0	13.0
	Cold Large Lake (>100 acres surface area)	CLL	brown trout, lake trout, rainbow trout	April – Dec.	18.3	4.2
				Jan. – March	9.0	13.0
	Warm Stream Tier I	WS-I	common shiner, Johnny darter, orangethroat darter, stonecat	March – Nov.	24.2	29.0
				Dec. – Feb.	12.1	24.6
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, Northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water Species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
	Warm Lakes	WL	yellow perch, walleye, pumpkinseed, smallmouth bass, striped bass, white bass, largemouth bass, bluegill, spottail shiner, stonecat, northern pike, tiger muskellunge, black crappie, common carp, gizzard shad, sauger, white crappie, wiper	April – Dec.	26.2	29.3
				Jan. – March	13.1	24.1
Uranium	$\text{Acute} = e^{(1.1021 \cdot \ln(\text{hardness}) + 2.7088)}$ $\text{Chronic} = e^{(1.1021 \cdot \ln(\text{hardness}) + 2.2382)}$					
Zinc	$\text{Acute} = 0.978 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.9095)}$ $\text{Chronic} = 0.986 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.6235)}$ <p>Where hardness is less than 102 mg/L CaCO₃ and mottled sculpin are expected to be present:</p> $\text{Chronic (sculpin)} = e^{(2.140 \cdot \ln(\text{hardness}) - 5.084)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 per cent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.
- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be

modified by the Commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.

- (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
- (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (8) Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur.

(4) Site-specific Standards, Assessment Locations, and Assessment Criteria

(a) White River Segment 13b Selenium Assessment Thresholds and Locations

Corral Gulch, Se(ch)=5.7 µg/L

Assessment location: Corral Gulch at the mouth.

Duck Creek, Se(ch)=7.9 µg/L

Assessment location: Duck Creek at the mouth.

Yellow Creek, Se(ch)=6.9 µg/L

Assessment location: Yellow Creek upstream from the confluence with Barcus Creek.

Greasewood Creek, Se(ch)=6.0 µg/L

Assessment location: Greasewood Creek at the mouth.

(b) White River Segment 13c Iron Assessment Threshold and Location

Yellow Creek, Fe(ch)=1625 µg/L

Assessment location: Yellow Creek at the mouth.

(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)

(d) Lower Colorado River Segment 1: Temperature Standards

Lower Colorado River from the confluence with the Roaring Fork River to Elk Creek

DM = 21.2 and MWAT = 16.9 from 4/1 – 5/31

DM and MWAT = CS-II from 6/1 – 9/30

DM = 21.2 and MWAT = 16.9 from 10/1 – 10/31

DM and MWAT = CS-II from 11/1 – 3/31

All other locations DM and MWAT = CS-II

(e) Lower Yampa River Segment 3g: Iron Standards and Assessment Locations

Iron Standards:

- Collom Gulch from the source to the diversion structure at 40.333977, -107.860833:

March-May, Iron(chronic) = 1500 µg/L, median of all data

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

Iron Assessment Location:

- Collom Gulch at County Road 32: located at 40.323530, -107.877200

(5) Stream Classifications and Water Quality Standards Tables

The stream classifications and water quality standards tables in Appendix 37-1 are incorporated herein by reference.

The following is information regarding duration and measured form of standards in Appendix 37-1:

- (a) *E. coli* criteria and resulting standards for individual water segments, are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.
- (b) All phosphorus standards are based upon the concentration of total phosphorus.
- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

37.7 – 37.9 RESERVED

37.44 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

37.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 37.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water

Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Duration of Nitrite Aquatic Life Standard

The commission corrected the duration of all nitrite standards with a value of 0.05 or 0.5 mg/L from acute to chronic on all segments. The nitrite standards in this basin pre-date the nitrite standards in Regulation No. 31 (chloride-based equations). There has been confusion in recent years regarding the correct duration for these standards. There is no record available that explains the basis for these standards or the intended duration (acute or chronic). Based upon a comparison with the nitrite standards in Regulation No. 31, nitrite values of 0.05 and 0.5 mg/L are more consistent with the chronic values calculated using the chloride-based equations. Also, the study that the commission relied upon when adopting the nitrite standards in Regulation No. 31 indicates that these values are protective as chronic standards (1986 Nitrogen Cycle Committee of the Basic Standards Review Task Force Proposed Nitrogenous Water Quality Standards for the State of Colorado). In order to resolve the inconsistencies in the duration of the nitrite standards currently adopted in Regulation Nos. 32-38, the commission determined that these nitrite values should be consistently listed as chronic standards. Over time, the commission expects that these nitrite standards may be replaced with the more recent and well-documented chloride equation-based standards in Regulation No. 31.

E. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.
- At 37.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
- At 37.6(1), text was added to clarify that the tables in Appendix 37-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
- The reference to the 'temporary modification and qualifiers' column at 37.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
- References to "Trec" were replaced with "total recoverable" or "T".
- Information was added to clarify the application of the sculpin equation in the Table Value Standards table.
- Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
- Other minor edits were made to improve clarity and consistency.

**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 12/31/20321

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sc	=	sculpin
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

1. Deleted.							
COLCLY01	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT	acute	chronic		
Qualifiers:		acute	chronic				
Other:							
		Inorganic (mg/L)					
		acute	chronic				
2. Mainstem of the Yampa River from a point immediately below the confluence with Elkhead Creek to the confluence with the Green River.							
COLCLY02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

3a. All tributaries to the Yampa River, including all wetlands, from a point immediately below the confluence with Elkhead Creek to a point immediately below the confluence with the Little Snake River, except for listings in Segments 3b through 15, 17a, 17b and 18.

COLCLY03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation P	D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Water + Fish Standards Apply		chlorophyll a (mg/m ²)	---	150	Cadmium(T)	5.0	---
Other:		E. coli (per 100 mL)	---	205	Chromium III	---	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	0.05	Manganese(T)	---	200
		Phosphorus	---	0.17	Mercury(T)	---	0.01
		Sulfate	---	WS	Molybdenum(T)	---	150
		Sulfide	---	0.002	Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

3b. Mainstems of Upper Johnson Gulch from its source to confluence with Pyeatt Gulch at CO 107. Mainstems of Pyeatt Gulch, Ute Gulch, Castor Gulch, No Name Gulch, Flume Gulch, Buzzard Gulch, Coyote Gulch, Deal Gulch, Horse Gulch (BOTH), Elk Gulch, Jeffway Gulch, and Deacon Gulch, including all tributaries from their sources to their mouths.

COLCLY03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	100	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

3c. Mainstem of Milk Creek, including all tributaries and wetlands, from Thornburgh (County Rd 15) to the confluence with the Yampa River, except for listings in Segment 3b and 3e.							
COLCLY03C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
3d. Mainstems of Temple Gulch and Morgan Gulch from their sources to their confluences with the Yampa River.							
COLCLY03D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	100
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

3d. Mainstems of Temple Gulch and Morgan Gulch from their sources to their confluences with the Yampa River.							
COLCLY03D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

3e. Mainstem of Good Spring Creek and its tributaries above Wilson Reservoir.

COLCLY03E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

3f. Big Gulch.

COLCLY03F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	100	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

3g. Mainstems of Ben Morgan Creek, Boxelder Gulch, Collom Gulch, Hale Gulch and Jubb Creek, including all tributaries from their sources to their mouths, except for listings in Segment 3j.							
COLCLY03G	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other: *Iron(T)(chronic) = See section 37.6(4) for standards and assessment locations for Collom Gulch from the source to the diversion structure at 40.333977, -107.860833. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Iron(T)	---	varies*
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Manganese	TVS	TVS
		Cyanide	0.005	---	Manganese(T)	---	200
		Nitrate	100	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
3h. Lay Creek from the source to the confluence with the Yampa River.							
COLCLY03H	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	^
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

3h. Lay Creek from the source to the confluence with the Yampa River.							
COLCLY03H	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

3i. Lower Johnson Gulch from the confluence with Pyeatt Gulch at CO 107 to the confluence with the Yampa River.							
COLCLY03I	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	
	Recreation P	acute	chronic		Arsenic(T)	---	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

3j. Mainstem of Little Collom Gulch from the source to the confluence with Collom Gulch.							
COLCLY03J	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic(T)	---	
	Recreation P	acute	chronic		Beryllium(T)	---	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium(T)	---	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	
		chlorophyll a (mg/m²)	---	150	Chromium VI(T)	---	100
		E. coli (per 100 mL)	---	205	Copper(T)	---	200
		Inorganic (mg/L)			Iron	---	---
		acute	chronic		Lead(T)	---	100
		Ammonia	---	---	Manganese(T)	---	200
		Boron	---	0.75	Mercury(T)	---	---
		Chloride	---	---	Molybdenum(T)	---	150
		Chlorine	---	---	Nickel(T)	---	200
		Cyanide	0.2	---	Selenium(T)	---	20
		Nitrate	100	---	Silver	---	---
		Nitrite	10	---	Uranium	varies*	varies*
		Phosphorus	---	0.17	Zinc(T)	---	2000
		Sulfate	---	---			
		Sulfide	---	---			

3j. Mainstem of Little Collom Gulch from the source to the confluence with Collom Gulch.								
COLCLY03J	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic(T)	---	100	
	Recreation P		acute	chronic	Beryllium(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium(T)	---	10	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (mg/m²)	---	150	Chromium VI(T)	---	100	
		E. coli (per 100 mL)	---	205	Copper(T)	---	200	
		Inorganic (mg/L)				Iron	---	---
			acute	chronic		Lead(T)	---	100
		Ammonia	---	---		Manganese(T)	---	200
		Boron	---	0.75		Mercury(T)	---	---
		Chloride	---	---		Molybdenum(T)	---	150
		Chlorine	---	---		Nickel(T)	---	200
		Cyanide	0.2	---		Selenium(T)	---	20
		Nitrate	100	---		Silver	---	---
		Nitrite	10	---		Uranium	varies*	varies*
		Phosphorus	---	0.17		Zinc(T)	---	2000
		Sulfate	---	---				
		Sulfide	---	---				

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

4. North and South Fork of Fortification Creek, including all wetlands and tributaries, from their sources to their confluence. Little Cottonwood Creek, including all tributaries and wetlands from the source to the confluence with Fortification Creek.							
COLCLY04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
5. Mainstem of Fortification Creek from the confluence of the North Fork and South Fork to the confluence with the Yampa River.							
COLCLY05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

6. All tributaries to Fortification Creek, including all wetlands, from the confluence of the North and South Forks to the confluence with the Yampa River, except for listings in Segments 4 and 7.

COLCLY06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.05	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

7. Mainstem of Little Bear Creek, including all tributaries and wetlands, from the source to the confluence with Dry Fork.

COLCLY07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
		acute		chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS/TVS(sc)
		Phosphorus	---	0.11			
		Sulfate	---	---			
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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

8. Mainstem of the East Fork of the Williams Fork River, including all tributaries and wetlands which are within the boundaries of the Flat Tops Wilderness Area.							
COLCLY08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
9. Mainstems of the East and South Forks of the Williams Fork River, including all wetlands and tributaries, which are within the boundary of Routt National Forest, except for listings in Segment 8 and 12c.							
COLCLY09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

10. Mainstem of the East Fork of the Williams Fork River including all tributaries and wetlands, from the boundary of Routt National Forest to the confluence with the South Fork of the Williams Fork River.							
COLCLY10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024					Iron	---	WS
*Uranium(acute) = See 37.5(3) for details.		Inorganic (mg/L)			Iron(T)	---	1000
*Uranium(chronic) = See 37.5(3) for details.		acute	chronic	Lead	TVS	TVS	
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS/TVS(sc)
11. Deleted.							
COLCLY11	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT	acute	chronic		
Qualifiers:		acute	chronic				
Other:		Inorganic (mg/L)					
		acute	chronic				

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

12a. Mainstem of the South Fork of the Williams Fork River and Beaver Creek, including all tributaries and wetlands, from the boundary of Routt National Forest to their mouths. Milk Creek, including all tributaries and wetlands, from the source to a point just below the confluence with Clear Creek. Morapos Creek, including all wetlands and tributaries, from the source to the confluence with the Williams Fork River.

COLCLY12A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.					Inorganic (mg/L)		
*Uranium(chronic) = See 37.5(3) for details.						---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12b. Milk Creek, including all tributaries and wetlands, from a point just below the confluence with Clear Creek to Thornburgh (County Rd 15).

COLCLY12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
					Inorganic (mg/L)		
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Mercury(T)	---	0.01
		Chloride	---	250	Molybdenum(T)	---	150
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	10	---	Silver	TVS	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*	varies*
		Phosphorus	---	0.11	Zinc	TVS	TVS
		Sulfate	---	---			
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

12c. Mainstem of Beaver Creek, including all wetlands and tributaries, which are within the Routt National Forest.								
COLCLY12C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation P	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

13a. Mainstem of the Williams Fork River from the confluence of the East Fork and South Fork to below the confluence with Morapos Creek.								
COLCLY13A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
		acute			chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

13a. Mainstem of the Williams Fork River from the confluence of the East Fork and South Fork to below the confluence with Morapos Creek.							
COLCLY13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

13b. Mainstem of the Williams Fork River from below the confluence of Morapos Creek to the confluence with the Yampa River.						
COLCLY13B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

14. Deleted.

COLCLY14	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
		acute	chronic			
Qualifiers:		Inorganic (mg/L)				
Other:		acute	chronic			

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

15. Those portions of the Little Snake River which are in Colorado, from its first crossing of the Colorado/Wyoming border to a point immediately above the confluence with Powder Wash (Moffatt County).							
COLCLY15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)
16. Mainstem of the Little Snake River from a point immediately above the confluence with Powder Wash to the confluence with the Yampa River.							
COLCLY16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		acute	chronic	Copper	TVS	TVS	
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	4400
*Uranium(chronic) = See 37.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

17a. All tributaries to the Little Snake River from its first crossing of the Colorado/Wyoming border to a point immediately below the confluence with Fourmile Creek, except for the listings in Segment 18.

COLCLY17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1 Recreation P	Temperature °C	CS-II	CS-II	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:	*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.	D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

17b. All tributaries to the Little Snake River from a point immediately below the confluence with Fourmile Creek to the confluence with the Yampa River, except for the listing in Segment 17c.

COLCLY17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2 Recreation P	Temperature °C	WS-III	WS-III	Arsenic	340	---
Qualifiers:			acute	chronic	Arsenic(T)	---	100
		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other:	*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.	pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	100	---	Molybdenum(T)	---	---
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

17c. Scandinavian Gulch from the source to the confluence with the Little Snake River.							
COLCLY17C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	A
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.05			
18. Mainstem of Slater Creek, including all tributaries and wetlands, from the source to a point just below the confluence with Second Creek. The mainstems of Fourmile and Willow Creeks, including all tributaries and wetlands, from their sources to the boundary of the Routt National Forest.							
COLCLY18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS	
*Uranium(acute) = See 37.5(3) for details.		acute	chronic	Iron	---	WS	
*Uranium(chronic) = See 37.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVSWS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

18. Mainstem of Slater Creek, including all tributaries and wetlands, from the source to a point just below the confluence with Second Creek. The mainstems of Fourmile and Willow Creeks, including all tributaries and wetlands, from their sources to the boundary of the Routt National Forest.

COLCLY18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

19a. Mainstem of the Green River within Colorado (Moffat County) from its entry at the Utah/Colorado border to a point just above the confluence with the Yampa River.						
COLCLY19A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

19b. Mainstem of the Green River within Colorado (Moffat County) from a point just above the confluence with the Yampa River to its exit at the Utah/Colorado border.						
COLCLY19B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)			Chromium VI	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

20. All tributaries to the Green River in Colorado, including all wetlands, except for the specific listings in Segments 21 and 22a - 22d. All tributaries to the Yampa River from a point immediately below the confluence with the Little Snake River to the confluence with the Green River, except for listings in segments 15 through 18.

COLCLY20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS
		Boron	---	0.75	Manganese(T)	---	200
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

21. Mainstem of Beaver Creek, including all tributaries and wetlands, from the source to the confluence with the Green River within Colorado.

COLCLY21	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation P		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		acute			chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---	
		Boron	---	0.75	Manganese	TVS	TVS/WS	
		Chloride	---	250	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	10	---	Nickel(T)	---	100	
		Nitrite	---	0.05	Selenium	TVS	TVS	
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
		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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

22a. Mainstem of Vermillion Creek, including all tributaries and wetlands, from the Colorado/Wyoming border to a point just below the confluence with Talamantes Creek.						
COLCLY22A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1 Recreation P	Temperature °C	CS-I	CS-I	Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	--- 7.6
Other:		D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS TVS
		pH	6.5 - 9.0	---	Chromium III(T)	--- 100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS TVS
		E. coli (per 100 mL)	---	205	Copper	TVS TVS
					Iron(T)	--- 1000
		Inorganic (mg/L)			Lead	TVS TVS
		acute	chronic		Manganese	TVS TVS
		Ammonia	TVS	TVS	Mercury(T)	--- 0.01
		Boron	---	0.75	Molybdenum(T)	--- 150
		Chloride	---	---	Nickel	TVS TVS
		Chlorine	0.019	0.011	Selenium	TVS TVS
		Cyanide	0.005	---	Silver	TVS TVS(tr)
		Nitrate	100	---	Uranium	varies* varies*
		Nitrite	---	0.05	Zinc	TVS TVS
		Phosphorus	---	0.11		
		Sulfate	---	---		
		Sulfide	---	0.002		

*Uranium(acute) = See 37.5(3) for details.
*Uranium(chronic) = See 37.5(3) for details.

22b. Vermillion Creek, including all tributaries and wetlands, from a point just below the confluence with Talamantes Creek to the confluence with the Green River, except for the listing in segment 22c.						
COLCLY22B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 1 Recreation P	Temperature °C	WS-III	WS-III	Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	--- 7.6
Other:		D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
		pH	6.5 - 9.0	---	Chromium III	TVS TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	--- 100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic		Iron(T)	--- 1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	--- 0.01
		Chlorine	0.019	0.011	Molybdenum(T)	--- 150
		Cyanide	0.005	---	Nickel	TVS TVS
		Nitrate	100	---	Selenium	TVS TVS
		Nitrite	---	0.05	Silver	TVS TVS
		Phosphorus	---	0.17	Uranium	varies* varies*
		Sulfate	---	---	Zinc	TVS TVS
		Sulfide	---	0.002		

*Uranium(acute) = See 37.5(3) for details.
*Uranium(chronic) = See 37.5(3) for details.

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

22c. Mainstem of Vermillion Creek from HWY 318 to the confluence with the Green River.							
COLCLY22C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

22d. Conway Draw							
COLCLY22D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 A
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium(T)	---	4.0
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Manganese(T)	---	200
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
			Silver	TVS	TVS(tr)		
			Uranium	varies*	varies*		
			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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

23. All lakes and reservoirs tributary to the Yampa River, from a point just below the confluence with Elkhead Creek to a point just below the confluence with the Little Snake River except for listings in segments 24-32. This segment includes Martin Cull Reservoir, and OVO Reservoir.

COLCLY23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

24. Freeman Reservoir and Aldrich Lakes.

COLCLY24	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.025*			
		Sulfate	---	---			
	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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

25. All lakes and reservoirs tributary to Fortification Creek from the source to the confluence of the North and South Forks. All lakes and reservoirs tributary to Little Cottonwood Creek from the source to the confluence with Fortification Creek, except for listings in segment 24. All lakes and reservoirs tributary to Little Bear Creek from the source to the confluence with the Dry Fork.

COLCLY25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation U	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

26. All lakes and reservoirs tributary to Fortification Creek, including Ralph White Lake, except for listings in segments 24 and 25.

COLCLY26	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

27. All lakes and reservoirs tributary to Milk Creek from Thornburgh (County Rd 15) to the confluence with the Yampa River, including Wilson Reservoir.								
COLCLY27	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation U		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.05	Molybdenum(T)	---	150	
		Phosphorus	---	0.083*	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		28. All lakes and reservoirs tributary to the East Fork of the Williams Fork River, within the boundaries of the Flat Tops Wilderness Area.						
		COLCLY28	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
			acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	250	Lead(T)	50	---	
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	10	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.025*	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
					Uranium	varies*	varies*	
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

29. All lakes and reservoirs tributary to the East and South Forks of the Williams Fork River, and lakes and reservoirs tributary to the mainstem of the Williams Fork River, from the source to the Highway 13/789 bridge at Hamilton, except for listings in segment 28.							
COLCLY29	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
30. All lakes and reservoirs tributary to Milk Creek from the source to Thornburgh (County Rd 15). All lakes and reservoirs tributary to Morapos Creek from the source to the confluence with the Williams Fork River.							
COLCLY30	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	7.6
	Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
					Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.025*			
		Sulfate	---	---			
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

31. All lakes and reservoirs tributary to Slater Creek, from the source to a point just below the confluence with Second Creek, including Slater Creek Lake. All lakes and reservoirs tributary to Fourmile and Willow Creeks from their sources to the boundary of the Routt National Forest.						
COLCLY31	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	CL	CL	Arsenic	340	---
	Recreation U	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	Chromium III	---	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
		Ammonia	TVS	Iron(T)	---	1000
		Boron	---	Lead	TVS	TVS
		Chloride	---	Lead(T)	50	---
		Chlorine	0.019	Manganese	TVS	TVS/WS
		Cyanide	0.005	Mercury(T)	---	0.01
		Nitrate	10	Molybdenum(T)	---	150
		Nitrite	---	Nickel	TVS	TVS
		Phosphorus	---	Nickel(T)	---	100
		Sulfate	---	Selenium	TVS	TVS
		Sulfide	---	Silver	TVS	TVS(tr)
				Uranium	varies*	varies*
				Zinc	TVS	TVS
32. All lakes and reservoirs tributary to the Yampa River from a point just below the confluence with the Little Snake River to the confluence with the Green River. All lakes and reservoirs tributary to the Green River in Colorado, including Hog Lake, except for listings in segment 33.						
COLCLY32	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	Chromium III	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	Lead	TVS	TVS
		Boron	---	Manganese	TVS	TVS
		Chloride	---	Mercury(T)	---	0.01
		Chlorine	0.019	Molybdenum(T)	---	150
		Cyanide	0.005	Nickel	TVS	TVS
		Nitrate	100	Selenium	TVS	TVS
		Nitrite	---	Silver	TVS	TVS
		Phosphorus	---	Uranium	varies*	varies*
		Sulfate	---	Zinc	TVS	TVS
		Sulfide	---			

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Yampa/Green River

33. All lakes and reservoirs tributary to Beaver Creek from the source to the confluence with the Green River. All lakes and reservoirs tributary to Vermillion Creek from the Colorado/Wyoming border to a point just below the confluence with Talamantes Creek.

COLCLY33	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.025*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

1. All tributaries to the White River, including all wetlands, which are within the boundaries of the Flat Tops Wilderness Area.

COLCWH01	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
OW	Agriculture					
	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

2. Deleted.

COLCWH02	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
Qualifiers:		acute	chronic			
Other:						
		Inorganic (mg/L)				
		acute	chronic			

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

3. Mainstem of the North Fork of the White River and mainstem of the White River from the Flat Tops Wilderness Area boundary to a point immediately above the confluence with Miller Creek.

COLCWH03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

4a. All tributaries to the North Fork White River, including all wetlands, from the Flat Tops Wilderness Area boundary to the confluence with the South Fork White River, except for listings in Segment 1 and 4b.

COLCWH04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

4b. Lost Creek, including tributaries and wetlands, from the source to the confluence with the North Fork White River. Snell Creek, including all wetlands and tributaries, from the source to the confluence with the North Fork White River.

COLCWH04B Classifications		Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
OW	Agriculture				
	Aq Life Cold 1	Temperature °C	CS-I	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply			Cadmium	TVS
Qualifiers:					
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.					
		D.O. (mg/L)	---	Cadmium(T)	5.0
		D.O. (spawning)	---	Chromium III	---
		pH	6.5 - 9.0	Chromium III(T)	50
		chlorophyll a (mg/m ²)	---	Chromium VI	TVS
		E. coli (per 100 mL)	---	Copper	TVS
				Iron	---
				Iron(T)	1000
				Lead	TVS
				Lead(T)	50
				Manganese	TVS
				Mercury(T)	---
				Molybdenum(T)	---
				Nickel	TVS
				Nickel(T)	---
				Selenium	TVS
				Silver	TVS
				Uranium	varies*
				Zinc	TVS

5. Deleted.					
COLCWH05 Classifications		Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
Qualifiers:					
Other:					

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

6. Mainstem of the South Fork White River, including all tributaries and wetlands, that is not within the boundary of the Flat Tops Wilderness to the confluence with the North Fork White River.									
COLCWH06	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1		Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:			D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.			pH	6.5 - 9.0	---	Chromium III	---	TVS	
			chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
			E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS	
			Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000		
			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	0.11	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						Zinc	TVS	TVS/TVS(sc)	
7. Mainstem of the White River from a point immediately above the confluence with Miller Creek to a point immediately above the confluence with Piceance Creek.									
COLCWH07	Classifications		Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic			
Reviewable	Aq Life Cold 1		Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Recreation P		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	Water Supply		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:			pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 37.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 37.5(4). *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.			chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
			E. coli (per 100 mL)	3/2 - 11/30	---	126	Chromium VI	TVS	TVS
			E. coli (per 100 mL)	12/1 - 3/1	---	205	Copper	TVS	TVS
			Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000		
			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	0.11*	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

8. All tributaries to the White River, including all wetlands, from the confluence of the North and South Forks to a point immediately above the confluence with Piceance Creek, which are within the boundaries of White River National Forest.

COLCWH08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9a. All tributaries to the White River, including all wetlands, from the confluence of the North and South Forks to a point immediately above the confluence with Flag Creek, which are not within the boundary of National Forest lands, except for listings in Segments 9c, 9d and 10b.

COLCWH09A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

9b. All tributaries to the White River, including wetlands, from a point immediately above the confluence with Flag Creek, to a point immediately above the confluence with Piceance Creek, which are not within the boundary of National Forest lands, except for listings in segments 9c and 9d.

COLCWH09B Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	205	Chromium VI	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS

9c. Mainstems of Flag Creek, including all tributaries and wetlands, from the source to a point just below the confluence with the East Fork of Flag Creek.

COLCWH09C Classifications		Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

9d. Sulphur Creek, including all tributaries and wetlands, from the source to the confluence with the White River. Flag Creek, including all tributaries and wetlands, from a point just below the confluence with the East Fork of Flag Creek to the confluence with the White River.

COLCWH09D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards Apply		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024					Iron	---	WS
*Uranium(acute) = See 37.5(3) for details.							
*Uranium(chronic) = See 37.5(3) for details.							
			Inorganic (mg/L)		Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

10a. All lakes and reservoirs tributary to the White River, from the confluence of the North and South Forks of the White River to a point immediately above the confluence of the White River and Piceance Creek, except listings in Segments 11, 25 and 27.

COLCWH10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	8	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.					Copper	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.					Iron	---	WS
			Inorganic (mg/L)		Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.025*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

10b. Mainstem of Big Beaver Creek, Miller Creek, and North Elk Creek, including their tributaries and wetlands, from their boundary with National Forest lands to their confluences with the White River. Mainstem of Coal Creek, including all tributaries and wetlands, from the source to the confluence with the White River.							
COLCWH10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11. Rio Blanco Lake and Taylor Draw Reservoir (a.k.a. Kenney Reservoir).							
COLCWH11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Classification: Kenney Reservoir = DUWS		acute	chronic	Copper	TVS	TVS	
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 37.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

12. Mainstem of the White River from a point immediately above the confluence with Piceance Creek to a point immediately above the confluence with Douglas Creek.							
COLCWH12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
13a. All tributaries to the White River, including all wetlands, from a point immediately below the confluence with Piceance Creek to a point immediately above the confluence with Douglas Creek, except for listings in Segments 13b through 20.							
COLCWH13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
*Uranium(chronic) = See 37.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	100	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

13a. All tributaries to the White River, including all wetlands, from a point immediately below the confluence with Piceance Creek to a point immediately above the confluence with Douglas Creek, except for listings in Segments 13b through 20.

COLCWH13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	100	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

13b. Mainstem of Yellow Creek including all wetlands from the source to immediately below the confluence with Barcus Creek. All tributaries to Yellow Creek from the source to the White River, including wetlands.						
COLCWH13B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340
	Recreation P					
	Water Supply					
Qualifiers:						
Other:						
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 37.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 37.5(4). *Selenium(chronic) = 5.7 ug/L for Corral Gulch. 6.0 ug/L for Greasewood Creek. 6.9 ug/L for Yellow Creek. 7.9 ug/L for Duck Creek. TVS for all other tributaries. See assessment locations at 37.6(4) *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.						
		pH	6.5 - 9.0	---	Arsenic(T)	---
		chlorophyll a (mg/m ²)	---	150*	0.02-10	A
		E. coli (per 100 mL)	---	205	Cadmium	TVS
					Cadmium(T)	5.0
					Chromium III	---
					Chromium III(T)	TVS
					Chromium VI	50
					Chromium VI	---
					Copper	TVS
					Iron	TVS
					Iron(T)	---
					Lead	WS
					Lead(T)	1000
					Manganese	TVS
					Mercury(T)	TVS
					Molybdenum(T)	---
					Nickel	150
					Nickel(T)	TVS
					Nickel(T)	---
					Selenium	100
					Silver	varies*
					Uranium	TVS
					Uranium	varies*
					Zinc	varies*
					Zinc	TVS
13c. Mainstem of Yellow Creek, including all wetlands from immediately below the confluence with Barcus Creek to the confluence with the White River.						
COLCWH13C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation P					
Qualifiers:						
Fish Ingestion Standards Apply						
Other:						
*Iron(T)(chronic) = See assessment location at 37.6(4) *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.						
		D.O. (mg/L)	---	5.0	Arsenic(T)	7.6
		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---
					Chromium VI	100
					Chromium VI	TVS
					Copper	TVS
					Iron(T)	TVS
					Lead	---
					Manganese	1625*
					Mercury(T)	TVS
					Molybdenum(T)	TVS
					Nickel	---
					Nickel	150
					Selenium	TVS
					Silver	TVS
					Uranium	TVS
					Uranium	varies*
					Zinc	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

13d. Violet Springs Ponds (39.999928, -108.350489).							
COLCWH13D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	5.0	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.025*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

14a. Mainstem of Piceance Creek from the source to a point just below the confluence with Hunter Creek.							
COLCWH14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
Sulfide	---	0.002	Uranium	varies*	varies*		
			Zinc	TVS	TVS		

14a. Mainstem of Piceance Creek from the source to a point just below the confluence with Hunter Creek.							
COLCWH14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 37.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

14b. Mainstem of Piceance Creek from a point just below the confluence with Hunter Creek to a point just below the confluence with Ryan Gulch.							
COLCWH14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			
15. Mainstem of Piceance Creek from a point just below the confluence with Ryan Gulch to the confluence with the White River. The Dry Fork of Piceance Creek, including all tributaries and wetlands, from a point just below the confluence with Little Reigan Gulch to the confluence with Piceance Creek, except for listings in Segment 18.							
COLCWH15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion Standards Apply		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

16a. All tributaries to Piceance Creek, including all wetlands, from the source to a point immediately below the confluence with Dry Thirteenmile Creek.							
COLCWH16A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT				
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
16b. All tributaries to Piceance Creek, including all wetlands, from a point immediately below the confluence with Dry Thirteenmile Creek to the confluence with the White River, except for listings in Segments 15, 17, 18a, 18b, 19 and 20.							
COLCWH16B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT				
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

16b. All tributaries to Piceance Creek, including all wetlands, from a point immediately below the confluence with Dry Thirteenmile Creek to the confluence with the White River, except for listings in Segments 15, 17, 18a, 18b, 19 and 20.

COLCWH16B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

17. Stewart Gulch from the sources of the East, Middle, and West Forks to the confluence with Piceance Creek.						
COLCWH17	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2 Recreation P	Temperature °C	CS-I	CS-I	Arsenic	340
Qualifiers:	Fish Ingestion Standards Apply	acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (mg/m ²)	---	---	Chromium VI	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.11	Zinc	TVS
		Sulfate	---	---		
		Sulfide	---	0.002		

18a. Willow and Hunter Creeks, including all tributaries and wetlands, from their sources to their confluences with Piceance Creek.						
COLCWH18A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2 Recreation P	Temperature °C	CS-II	CS-II	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---	100
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS(tr)
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.11	Zinc	TVS
		Sulfate	---	---		
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

18b. Mainstem of the Dry Fork of Piceance Creek, including all tributaries and wetlands, from the source to a point just below the confluence with Little Reigan Gulch. Box D Gulch from its source to the confluence with the Dry Fork of Piceance Creek.

COLCWH18B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

19. Mainstem of Fawn Creek from the source to the confluence with Black Sulphur Creek.

COLCWH19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	---	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	0.11			
		Sulfate	---	---			
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

20. Mainstem of Black Sulphur Creek, including all tributaries and wetlands, from the source to the confluence with Piceance Creek, except for the listing in Segment 19.							
COLCWH20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 37.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Uranium(chronic) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
21. Mainstem of the White River from a point immediately above the confluence with Douglas Creek to the Colorado/Utah border.							
COLCWH21	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	100
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

22. All tributaries to the White River, including all wetlands, from a point immediately above the confluence with Douglas Creek to the Colorado/Utah border, except for specific listings in Segment 23.

COLCWH22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2 Recreation P	Temperature °C	WS-III	WS-III	Arsenic	340	---
			acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Other:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Manganese(T)	---	200
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	100	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.17	Selenium	TVS	TVS
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

23. Mainstems of East Douglas Creek and West Douglas Creek, including all tributaries and wetlands, from their sources to their confluence.

COLCWH23	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	Arsenic	340	---
			acute	chronic	Arsenic(T)	---	0.02
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

24. All lakes and reservoirs tributary to the White River, which are within the boundaries of the Flat Tops Wilderness Area, including Trappers Lake.							
COLCWH24	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
25. Lake Avery (a.k.a Big Beaver Reservoir).							
COLCWH25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies* ^B	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *Temperature = DM=CLL and MWAT=CLL from 1/1-3/31 DM=CLL and MWAT=20.7 from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

25. Lake Avery (a.k.a Big Beaver Reservoir).							
COLCWH25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies* ^B	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *Temperature = DM=CLL and MWAT=CLL from 1/1-3/31 DM=CLL and MWAT=20.7 from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.025*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

White River

26. All lakes and reservoirs tributary to the North and South Forks of the White River, from the Flat Tops Wilderness Area boundary to the confluence with the North and South Forks of the White River.								
COLCWH26	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation U		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		27. All lakes and reservoirs tributary to the White River, from a point immediately above the confluence with Piceance Creek to the Colorado/Utah border, except for listings in segments 11 and 13d.						
		COLCWH27	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation U		acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Manganese	TVS	TVS	
		Chloride	---	---	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS	
		Phosphorus	---	0.083*	Uranium	varies*	varies*	
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

1. Mainstem of the Colorado River from the confluence with the Roaring Fork River to immediately below the confluence with Rifle Creek.							
COLCLC01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *Temperature = See 37.6(4) for temperature standards.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
2a. Mainstem of the Colorado River from immediately below the confluence with Rifle Creek to immediately above the confluence of Rapid Creek.							
COLCLC02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of the Colorado River from immediately below the confluence with Rifle Creek to immediately above the confluence of Rapid Creek.							
COLCLC02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

2b. Mainstem of the Colorado River from a point immediately above the confluence with Rapid Creek to immediately above the confluence of the Gunnison River.								
COLCLC02B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.05	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		3. Mainstem of the Colorado River from immediately above the confluence of the Gunnison River to the Colorado-Utah state line.						
		COLCLC03	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture		DM	MWAT		acute
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	7.6	
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
		Inorganic (mg/L)			Copper	TVS	TVS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Manganese	TVS	TVS	
		Chloride	---	---	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	100	---	Selenium	TVS	TVS	
		Nitrite	---	0.05	Silver	TVS	TVS	
		Phosphorus	---	---	Uranium	varies*	varies*	
		Sulfate	---	---	Zinc	TVS	TVS	
		Sulfide	---	0.002				

3. Mainstem of the Colorado River from immediately above the confluence of the Gunnison River to the Colorado-Utah state line.							
COLCLC03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4a. All tributaries, including wetlands, to the Colorado River from the confluence with the Roaring Fork River to below the confluence with Parachute Creek except for listings in Segments 4b, 4c, 4d, 4e, 5, 6, 7a, 7b, 8, 9a, 9c, 10, 11a – c.

COLCLC04A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation N	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50
		E. coli (per 100 mL)	---	630	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

4b. South Canyon Hot Springs (39.552964, -107.414232).

COLCLC04B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Aq Life Warm 2	DM	MWAT	acute	chronic	
Reviewable	Recreation E			Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	100
Other:		D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)			Iron(T)	---
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	---	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	---	---	Silver	TVS
		Nitrite	---	---	Uranium	varies*
		Phosphorus	---	0.17	Zinc	TVS
		Sulfate	---	---		
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4c. The mainstem of South Canyon Creek from the South Canyon Hot Springs to the confluence with the Colorado River.							
COLCLC04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 37.5(4). *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4d. The mainstem of Dry Hollow Creek, including all tributaries and wetlands, from the source to the confluence with the Colorado River.							
COLCLC04D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4d. The mainstem of Dry Hollow Creek, including all tributaries and wetlands, from the source to the confluence with the Colorado River.							
COLCLC04D	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)		Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.11	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

4e. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to immediately above the Last Chance Ditch.							
COLCLC04E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: Temporary Modification(s): Copper(ac/ch) = current conditions* Expiration Date of 6/30/2023 *Phosphorus(chronic) = applies only above the facilities listed at 37.5(4). *Iron(T)(chronic) = 3500(T) ug/L on unnamed tributary and 5900(T) ug/L on Dry Creek, see section 37.6(4)(c) for iron assessment locations. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *TempMod: Copper = Adopted 6/9/2008		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	varies*
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
Sulfide	---	0.002					

4f. Mainstem of Dry Creek including all tributaries and wetlands from a point immediately above the Last Chance Ditch to the confluence with the Colorado River.							
COLCLC04F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: Temporary Modification(s): Copper(ac/ch) = current conditions* Expiration Date of 6/30/2023 *Phosphorus(chronic) = applies only above the facilities listed at 37.5(4). *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *TempMod: Copper = Adopted 12/14/2020		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
Sulfide	---	0.002					

4f. Mainstem of Dry Creek including all tributaries and wetlands from a point immediately above the Last Chance Ditch to the confluence with the Colorado River.							
COLCLC04F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
Copper(ac/ch) = current conditions*		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
Expiration Date of 6/30/2023		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Manganese	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Chloride	---	---	Mercury(T)	---	0.01
*TempMod: Copper = Adopted 12/14/2020		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11*	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

5. All tributaries to the Colorado River, including wetlands, which are within the boundaries of White River National Forest, except for listings in Segments 9a, 9c, and 12c.						
COLCLC05	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation P		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	205	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*Uranium(acute) = See 37.5(3) for details.					Iron	---
*Uranium(chronic) = See 37.5(3) for details.					Iron(T)	---
					Lead	TVS
					Lead(T)	50
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS
6. Mainstem of Oasis Creek including all tributaries and wetlands from the boundary of White River National Forest to the confluence with the Colorado River.						
COLCLC06	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation P		acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
*Uranium(acute) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
*Uranium(chronic) = See 37.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium VI	TVS
					Copper	TVS
					Iron	---
					Iron(T)	---
					Lead	TVS
					Lead(T)	50
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

7a. Mainstem of Mitchell, Canyon, Elk, Garfield, Beaver, and Cache Creeks, including all tributaries and wetlands, from the boundary of the White River National Forest to their confluences with the Colorado River.

COLCLC07A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 37.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

7b. Mainstem of Divide Creek, including all tributaries and wetlands, from the boundary of the White River National Forest to the confluence with the Colorado River.

COLCLC07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

8. Mainstem of Northwater and Trapper Creeks, including all tributaries and wetlands, from their sources to the confluence with the East Middle Fork of Parachute Creek. East Middle Fork of Parachute Creek, including all tributaries and wetlands, from the source to the confluence with the Middle Fork of Parachute Creek.

COLCLC08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9a. Middle Rifle Creek, including all tributaries and wetlands, from its source to the confluence with West Rifle Creek. East Rifle Creek, including all tributaries and wetlands, from the source to the boundary of the White River National Forest.

COLCLC09A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

9b. All lakes and reservoirs tributary to the Colorado River from the confluence of the Colorado and the Roaring Fork River to a point immediately below the confluence of the Colorado River and Parachute Creek, and all lakes and reservoirs within the White River National Forest or the Grand Mesa National Forest, except for the listings in segment 20.

COLCLC09B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

9c. Battlement Creek, including all tributaries and wetlands, from the source to the most downstream boundary of BLM lands.

COLCLC09C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		acute			chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---	
		Boron	---	0.75	Manganese	TVS	TVS/WS	
		Chloride	---	250	Mercury(T)	---	0.01	
		Chlorine	0.019	0.011	Molybdenum(T)	---	150	
		Cyanide	0.005	---	Nickel	TVS	TVS	
		Nitrate	10	---	Nickel(T)	---	100	
		Nitrite	---	0.05	Selenium	TVS	TVS	
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
		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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

9d. Battlement Creek, including all tributaries and wetlands, from the most downstream boundary of BLM lands to the confluence with the Colorado River.								
COLCLC09D	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		10. West Rifle Creek, including all tributaries and wetlands, from the source to Rifle Gap Reservoir. East Rifle Creek, including all tributaries and wetlands, from the White River National Forest boundary to Rifle Gap Reservoir. Rifle Creek, including all tributaries and wetlands, from Rifle Gap Reservoir to the confluence with the Colorado River.						
		COLCLC10	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

10. West Rifle Creek, including all tributaries and wetlands, from the source to Rifle Gap Reservoir. East Rifle Creek, including all tributaries and wetlands, from the White River National Forest boundary to Rifle Gap Reservoir. Rifle Creek, including all tributaries and wetlands, from Rifle Gap Reservoir to the confluence with the Colorado River.							
COLCLC10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

11a. Middle Fork Parachute Creek, including tributaries and wetlands, from the source to the confluence with East Fork Parachute Creek. West Fork Parachute Creek and East Fork Parachute Creek, including tributaries and wetlands, from the sources to their confluence into Parachute Creek (39.54898, -108.121829).

COLCLC11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11b. All tributaries to Parachute Creek on the east side of Parachute Creek from the confluence of the East and West Forks of Parachute Creek to the confluence with the Colorado River.

COLCLC11B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute		chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation N	acute	chronic	Arsenic(T)	---	100		
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100	
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
		chlorophyll a (mg/m ²)	---	---	Chromium III	TVS	TVS	
		E. coli (per 100 mL)	---	630	Chromium III(T)	---	100	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute			chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	---	Manganese	TVS	TVS	
		Chlorine	0.019	0.011	Manganese(T)	---	200	
		Cyanide	0.005	---	Mercury(T)	---	0.01	
		Nitrate	100	---	Molybdenum(T)	---	150	
		Nitrite	---	0.05	Nickel	TVS	TVS	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	---	Silver	TVS	TVS	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

11c. Mainstem of Parachute Creek from the confluence of the West and East Forks to the confluence with the Colorado River. All tributaries and wetlands to Parachute Creek on the west side of Parachute Creek from the confluence of the East and West Forks to the confluence with the Colorado River.

COLCLC11C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12a. All tributaries to the Colorado River on the north side of the Colorado River from below Cottonwood Creek to the confluence with Parachute Creek except for listings in segments 9c and 9d.

COLCLC12A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation N	acute	chronic		Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.11	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

12b. All tributaries and wetlands to the Colorado River from a point immediately below the confluence of Parachute Creek to a point immediately below the confluence with Roan Creek, except for listings in segments 5, 12c, 14a, 14b and 14c.

COLCLC12B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	205	Chromium VI	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS

12c. Wallace Creek, including all tributaries and wetlands, from the source to the confluence with the Colorado River.

COLCLC12C	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
		E. coli (per 100 mL)	---	205	Chromium VI	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

13a. All tributaries to the Colorado River including wetlands, from a point immediately below the confluence of Roan Creek to the Colorado/Utah border, except for listings in Segments 13b through 19.

COLCLC13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Water Supply	acute		chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation P	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

13b. All tributaries to the Colorado River, including wetlands, from the Government Highline Canal Diversion to a point immediately below Salt Creek, and downgradient from the Government Highline Canal, the Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and the northeast Colorado National Monument boundary.

COLCLC13B		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion Standards Apply		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 37.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 37.5(4). *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

13c. Walker Wildlife Area Ponds.						
COLCLC13C	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.05	Silver	TVS
		Phosphorus	---	0.083*	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		
13d. Deleted						
COLCLC13D	Classifications	Physical and Biological			Metals (ug/L)	
Designation		DM	MWAT		acute	chronic
Qualifiers:		acute	chronic			
Other:						
		Inorganic (mg/L)				
		acute	chronic			

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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

13e. All tributaries to the Colorado River, from Lewis Wash to the West Salt Creek drainage, from an elevation of 5,200 feet to the Government Highline Canal, excluding the mainstems of Big Salt Wash, East Salt Creek and West Salt Creek.

COLCLC13E	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic(T) --- 100
	Recreation P	acute	chronic	Beryllium(T) --- 100	
Qualifiers:		D.O. (mg/L) ---	5.0	Cadmium(T) ---	10
Other:	*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.	pH 6.5 - 9.0	---	Chromium III(T) ---	100
		chlorophyll a (mg/m²) ---	150	Chromium VI(T) ---	100
		E. coli (per 100 mL) ---	205	Copper(T) ---	200
		Inorganic (mg/L)		Iron ---	---
		acute	chronic	Lead(T) ---	100
		Ammonia ---	---	Manganese(T) ---	200
		Boron ---	0.75	Mercury(T) ---	---
		Chloride ---	---	Molybdenum(T) ---	150
		Chlorine ---	---	Nickel(T) ---	200
		Cyanide 0.2	---	Selenium(T) ---	20
		Nitrate 100	---	Silver ---	---
		Nitrite 10	---	Uranium varies*	varies*
		Phosphorus ---	0.17	Zinc(T) ---	2000
		Sulfate ---	---		
		Sulfide ---	---		

13f. Asbury Creek and Sand Wash from their sources to their confluences with the Colorado River.

COLCLC13F	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic 340 ---
	Recreation P	acute	chronic	Arsenic(T) ---	0.02-10 ^A
Qualifiers:	Water Supply	D.O. (mg/L) ---	5.0	Cadmium TVS	TVS
		pH 6.5 - 9.0	---	Cadmium(T) 5.0	---
Other:	*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.	chlorophyll a (mg/m²) ---	150	Chromium III ---	TVS
		E. coli (per 100 mL) ---	205	Chromium III(T) 50	---
		Inorganic (mg/L)		Chromium VI TVS	TVS
		acute	chronic	Copper TVS	TVS
		Ammonia TVS	TVS	Iron ---	WS
		Boron ---	0.75	Iron(T) ---	1000
		Chloride ---	250	Lead TVS	TVS
		Chlorine 0.019	0.011	Lead(T) 50	---
		Cyanide 0.005	---	Manganese TVS	TVSWS
		Nitrate 10	---	Mercury(T) ---	0.01
		Nitrite ---	0.05	Molybdenum(T) ---	150
		Phosphorus ---	0.17	Nickel TVS	TVS
		Sulfate ---	WS	Nickel(T) ---	100
		Sulfide ---	0.05	Selenium TVS	TVS
				Silver TVS	TVS
				Uranium varies*	varies*
				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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

14a. Mainstem of Roan Creek, including all wetlands and tributaries, from its source to a point immediately above the confluence with Clear Creek, except for the listing in segment 14b. Clear Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with Tom Creek.							
COLCLC14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
14b. Clear Creek, including all tributaries and wetlands, from a point immediately below the confluence with Tom Creek to the confluence with Roan Creek. Roan Creek, including all tributaries and wetlands, from a point immediately above the confluence with Clear Creek to a point immediately below the confluence with Kimball Creek.							
COLCLC14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

14c. Mainstem of Roan Creek, including all tributaries and wetlands, from a point immediately below the confluence with Kimball Creek to the confluence with the Colorado River.							
COLCLC14C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

15a. Mainstem of Plateau Creek from its source to the inlet of Vega Reservoir. All tributaries and wetlands to Plateau Creek from its source to a point immediately above the confluence with Buzzard Creek. Kimball Creek, Grove Creek, Big Creek, Cottonwood Creek, Bull Creek, Spring Creek, Coon Creek, and Mesa Creek, including all wetlands and tributaries, from their sources to their confluences with Plateau Creek. The mainstem of Buzzard Creek, including all tributaries and wetlands, within the Grand Mesa National Forest.							
COLCLC15A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 37.5(4).			acute	chronic	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Ammonia	TVS	TVS	Iron(T)	---	1000
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Lead	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

15a. Mainstem of Plateau Creek from its source to the inlet of Vega Reservoir. All tributaries and wetlands to Plateau Creek from its source to a point immediately above the confluence with Buzzard Creek. Kimball Creek, Grove Creek, Big Creek, Cottonwood Creek, Bull Creek, Spring Creek, Coon Creek, and Mesa Creek, including all wetlands and tributaries, from their sources to their confluences with Plateau Creek. The mainstem of Buzzard Creek, including all tributaries and wetlands, within the Grand Mesa National Forest.

COLCLC15A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 37.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

15b. All tributaries and wetlands to Buzzard Creek from the Grand Mesa National Forest boundary to the confluence with Plateau Creek.							
COLCLC15B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details.			Inorganic (mg/L)		Iron	---	WS
*Uranium(chronic) = See 37.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

15c. Mainstem of Plateau Creek from the outlet of Vega Reservoir to a point immediately below the confluence with Buzzard Creek.							
COLCLC15C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 37.5(4).			Inorganic (mg/L)		Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Temperature =		Chloride	---	250	Manganese	TVS	TVS/WS
DM=15.7 and MWAT=11.2 from 10/1-10/31		Chlorine	0.019	0.011	Mercury(T)	---	0.01
DM=14.1 and MWAT=CS-II from 11/1-3/31		Cyanide	0.005	---	Molybdenum(T)	---	150
DM=27.3 and MWAT=21.6 from 4/1-9/30		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

15d. Mainstem of Buzzard Creek from the Grand Mesa National Forest boundary to its confluence with Plateau Creek.							
COLCLC15D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS
16. Plateau Creek including all tributaries and wetlands, from a point immediately below the confluence with Buzzard Creek, to the confluence with the Colorado River, excluding listings in segments 5, 15a and 21.							
COLCLC16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Warm 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

16. Plateau Creek including all tributaries and wetlands, from a point immediately below the confluence with Buzzard Creek, to the confluence with the Colorado River, excluding listings in segments 5, 15a and 21.

COLCLC16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 37.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		acute		chronic	Iron(T)	---	1000
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Temperature =		Chloride	---	250	Manganese	TVS	TVS/WS
DM=WS-II and MWAT=WS-II from 12/1-2/29		Chlorine	0.019	0.011	Mercury(T)	---	0.01
DM=31 and MWAT=WS-II from 3/1-11/30		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

17a. Rapid Creek, including all tributaries and wetlands, from its source to below the confluence with Cottonwood Creek (39.130512, -108.301028), including Kruzen Springs.							
COLCLC17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
17b. Rapid Creek, including all tributaries and wetlands, from below the confluence with Cottonwood Creek (39.130512, -108.301028) to the confluence with the Colorado River.							
COLCLC17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

18. Mainstem of Little Dolores River, including all tributaries and wetlands, from its source to immediately below the confluence with Hay Press Creek.							
COLCLC18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *Temperature = DM=13.9 and MWAT=CS-I from 10/1-4/30 DM=24.4 and MWAT=CS-I from 5/1-9/30		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
						Zinc	TVS
19. All lakes and reservoirs tributary to the Colorado River from a point immediately below the confluence of the Colorado River and Parachute Creek to the Colorado-Utah border, except for listings in segments 9b, 13c, 20, and 21. This segment includes Highline Reservoir.							
COLCLC19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

19. All lakes and reservoirs tributary to the Colorado River from a point immediately below the confluence of the Colorado River and Parachute Creek to the Colorado-Utah border, except for listings in segments 9b, 13c, 20, and 21. This segment includes Highline Reservoir.

COLCLC19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		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 37.6 for further details on applied standards.

REGULATION #37 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower Colorado River

20. Rifle Gap Reservoir, Harvey Gap Reservoir, and Vega Reservoir.								
COLCLC20	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies* ^B	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *Temperature = DM and MWAT=CLL from 1/1-3/31 Vega Reservoir DM=CLL and MWAT=21.5 from 4/1-12/31 Rifle Gap Reservoir DM=CLL and MWAT=23 from 4/1-12/31 All others DM and MWAT=CLL from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		21. All lakes and reservoirs tributary to Roan Creek from the source to a point just below the confluence with Clear Creek. All lakes and reservoirs tributary to Rapid Creek from the source to the confluence with the Colorado River. All lakes and reservoirs tributary to the Little Dolores River from the source to a point immediately below the confluence with Hay Press Creek. All lakes and reservoirs tributary to Plateau Creek and within the Grand Mesa National Forest.						
		COLCLC21	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture		DM	MWAT	acute	chronic
		Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
Recreation U			acute	chronic	Arsenic(T)	---	0.02	
Water Supply	D.O. (mg/L)		---	6.0	Cadmium	TVS	TVS	
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: Jerry Creek Reservoir Number 1 and Number 2 = DUWS, Palisade Cabin Reservoir = DUWS *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					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 further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) Assessment of adequate refuge shall rely on the Cold Large Lake table value temperature criterion and applicable dissolved oxygen standard rather than the site-specific temperature standard.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00097

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-37

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

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:06:11

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-38

Rule title

5 CCR 1002-38 REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC
STANDARDS SOUTH PLATTE RIVER BASIN LARAMIE RIVER BASIN REPUBLICAN
RIVER BASIN SMOKY HILL RIVER BASIN 1 - eff 12/31/2021

Effective date

12/31/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

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

5 CCR 1002-38

38.1 AUTHORITY

These regulations are promulgated pursuant to section 25-8-101 et seq C.R.S., as amended, and in particular, 25-8-203 and 25-8-204.

38.2 PURPOSE

These regulations establish classification and numeric standards for the South Platte River, the Laramie River, the Republican River and the Smoky Hill River, including all tributaries and standing bodies of water as indicated in section 38.6. The classifications identify the actual beneficial uses of the water. The numeric standards are assigned to determine the allowable concentrations of various parameters. Discharge permits will be issued by the Water Quality Control Division to comply with basic, narrative, and numeric standards and control regulations so that all discharges to waters of the state protect the classified uses. It is intended that these and all other stream classifications and numeric standards be used in conjunction with and be an integral part of Regulation No. 31 Basic Standards and Methodologies for Surface Water.

38.3 INTRODUCTION

These regulations and Tables present the classifications and numeric standards assigned to stream segments listed in the attached Tables (See Appendix 38-1). As additional stream segments are classified and numeric standards for this drainage system are adopted, they will be added to or replace the numeric standards in the Tables in Appendix 38-1. Any additions or revisions of classifications or numeric standards can be accomplished only after public hearing by the Commission and proper consideration of evidence and testimony as specified by the statute and the "basic regulations".

38.4 DEFINITIONS

See the Colorado Water Quality Control Act and the codified water quality regulations for definitions.

38.5 BASIC STANDARDS

(1) Temperature

All waters of the South Platte, Laramie, Republican and Smoky Hill River Basins are subject to the following standard for temperature. (Discharges regulated by permits, which are within the permit limitations, shall not be subject to enforcement proceedings under this standard.) Temperature shall maintain a normal pattern of diurnal and seasonal fluctuations with no abrupt changes and shall have no increase in temperature of a magnitude, rate, and duration deemed deleterious to the resident aquatic life. This standard shall not be interpreted or applied in a manner inconsistent with section 25-8-104, C.R.S.

(2) Qualifiers

See Basic Standards and Methodologies for Surface Water for a listing of organic standards at 31.11 Table B and metal standards found at 31.16 Table III. The column in the tables headed "Water + Fish" are presumptively applied to all Aquatic Life Class 1 streams which also have a Water Supply classification, and are applied to Aquatic Life Class 2 streams which also have a Water Supply classification, on a case-by-case basis as shown in Appendix 38-1. The column in the tables at 31.11 headed "Fish Ingestion" is presumptively applied to all Aquatic Life Class 1 streams which do not have a Water Supply classification, and are applied to Aquatic Life Class 2 streams which do not have a Water Supply classification, on a case-by-case basis, as shown in Appendix 38-1.

(3) Uranium

- (a) All waters of the South Platte River Basin are subject to the following basic standard for uranium, unless otherwise specified by a water quality standard applicable to a particular segment. However, discharges of uranium regulated by permits which are within these permit limitations shall not be a basis for enforcement proceedings under this basic standard.
- (b) Uranium level in surface waters shall be maintained at the lowest practicable level.
- (c) In no case shall uranium levels in waters assigned a Water Supply classification be increased by any cause attributable to municipal, industrial, or agricultural discharges so as to exceed 16.8-30 µg/L or naturally-occurring concentrations (as determined by the State of Colorado), whichever is greater.
 - (i) The first number in the 16.8-30 µg/L range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.

(4) Nutrients

Prior to December 31, 2022 for chlorophyll a and prior to December 31, 2027 for total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(e), (f), and (g). These circumstances include headwaters, Direct Use Water Supply (DUWS) Lakes and Reservoirs, and other special circumstances determined by the Commission. After December 31, 2022, total nitrogen will be considered for adoption per the circumstances outlined in 31.17(g) and (h).

Prior to December 31, 2027, nutrient criteria will be adopted for headwaters on a segment by segment basis for the South Platte River Basin. Moreover, pursuant to 31.17(e), nutrient standards will only be adopted for waters upstream of all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The following is a list of all permitted domestic wastewater

treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012, and any non-domestic facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012 in the South Platte River Basin:

Segment	Permittee	Facility name	Permit No.
COSPUS01a	Alma Town of	Alma, Town of	CO0035769
COSPUS01a	Fairplay Sanitation District	Fairplay Sanitation District WWTF	CO0040088
COSPUS01a	Boy Scouts of America Pikes Peak Council	Camp Alexander	COG588036
COSPUS02a	Florissant Water and San Dist	Florissant Water and San Dist	CO0041416
COSPUS02a	Teller County	Teller County WW Utility Board	CO0044211
COSPUS03	Woodland Park City of	Woodland Park, City of	CO0043214
COSPUS03	YMCA Camp Shady Brook	Camp Shady Brook	CO0045993
COSPUS03	Lost Valley Ranch Corporation	Lost Valley Ranch	COG588122
COSPUS04	Will-O-Wisp Metro District	Will-O-Wisp Metro District	CO0041521
COSPUS04	Bailey WSD	Bailey WSD WWTF	COG588056
COSPUS04	Platte Canyon School Dist 1	Platte Canyon School Dist 1	COG588114
COSPUS05c	Mountain Water and Sanitation District	Mountain Water&Sanitation District	CO0022730
COSPUS06a	Roxborough Water and Sanitation District	Roxborough Park Water&San WWTF	CO0041645
COSPUS10a	Plum Creek Water Reclamation Authority	Plum Creek WW Authority WWTF	CO0038547
COSPUS10a	Perry Park Water and Sanitation District	Sageport WWTF	CO0043044
COSPUS11b	Perry Park Water and Sanitation District	Waucondah WWTP	CO0022551
COSPUS14	Littleton/Englewood Cities of	Littleton/Englewood, Cities of	CO0032999
COSPUS15	Metro Waste Water Reclamation District	Metro Wastewater Reclamation District	CO0026638
COSPUS15	Brighton City of	Brighton WWTF	CO0021547
COSPUS15	South Adams County WSD	Williams Monoco WWTF	CO0026662
COSPUS15	Metro Waste Water Reclamation District	Northern Treatment Plant	CO0048959
COSPUS16c	Ascentia Real Estate Holding Company LLC	Foxridge Farms MH Community	CO0028908
COSPUS16c	SouthWest Water Company	Hi-Land Acres W&SD WWTF	COG589072
COSPUS16c	Mile High Racing and Enter dba Arapahoe Park	Arapahoe Park Racetrack	COG589073
COSPUS16c	Rangeview Metro District	Coal Creek WW Reclamation Fac	COG589108
COSPUS16g	Centennial Water and San Dist	Marcy Gulch WWTF	CO0037966
COSPUS16i	Aurora City of - Aurora Water	Sand Creek Water Reuse Facility	CO0026611
COSPCH01	Stonegate Village Metropolitan District	Stonegate Village WWTF	CO0040291
COSPCH01	Pinery Water and Wastewater District	Pinery WWTF	CO0041092
COSPCH01	Parker Water and Sanitation District	Parker North WRF	CO0046507
COSPCH04	Arapahoe County W and WW Authority	Lone Tree Creek WWTP	CO0040681
COSPBE01a	Amen Real Estate LLC	Singin' River Ranch WWTF	CO0035971
COSPBE01b	Morrison Town of	Morrison Town of	CO0041432
COSPBE01e	Kittredge Sanitation and Water District	Kittredge San & Water District	CO0023841
COSPBE01e	Bruce & Jayne Hungate DBA Bear Creek Cabins	Bear Creek Cabins	CO0030856
COSPBE01e	Evergreen Metropolitan District	Evergreen Metropolitan Dist WWTF	CO0031429
COSPBE04a	Genesee WSD	Genesee Water & San District	CO0022951
COSPBE04a	Forest Hills Metro District	Forest Hills Metropolitan Dist	CO0037044
COSPBE05	West Jefferson County MD	W. Jefferson County Metro Dist	CO0020915
COSPBE05	Historic Brook Forest Inn LLC	Brook Forest Inn	CO0030261

Segment	Permittee	Facility name	Permit No.
COSPBE06a	Tiny Town Foundation Inc	Tiny Town	CO0036129
COSPBE06a	Aspen Park Metropolitan District	Aspen Park Metropolitan District	CO0000001
COSPBE06b	Jefferson County Public Schools R-1	Conifer High School WW Rec Plt	CO0047988
COSPCL01	Colorado Dept of Transportation	Eisenhower/Johnson Memorial Tunnels	CO0026069
COSPCL01	Clear Creek Skiing Corp	Loveland Ski Area WWTF	CO0040835
COSPCL02a	Georgetown Town of	Georgetown WWTF	CO0027961
COSPCL02c	Central Clear Creek SD	Central Clear Creek SD WWTF	COG588055
COSPCL05	Empire Town of	Empire Town of	COG588065
COSPCL09a	St Marys Glacier WSD	St Mary's Glacier WSD	CO0023094
COSPCL10	Shwayder Camp Wastewater	Shwayder Camp WWTF	CO0047473
COSPCL11	Idaho Springs City of	Idaho Springs WWTF	CO0041068
COSPCL12b	Clear Creek WWTP	Clear Creek WWTP	CO0046574
COSPCL13b	Black Hawk/Central City Sanitation District	Black Hawk/Central City SD WWTF	CO0046761
COSPCL14a	MillerCoors LLC	MillerCoors Golden Facility	CO0001163
COSPBD01	Westminster City of	Big Dry Creek WWTF	CO0024171
COSPBD01	Broomfield City and County	Broomfield WWTF	CO0026409
COSPBD01	Northglenn City of	Northglenn WWTF	CO0036757
COSPBO02b	San Lazaro Park Properties LLP c/o	San Lazaro MHP WWTF	CO0020184
COSPBO02b	BaseCamp Ventures LLC	Boulder Mountain Lodge WWTF	CO0040819
COSPBO02b	Mueller Red Lion Inn	Red Lion Inn WWTF	COG588118
COSPBO03	Nederland Town of	Nederland Town of WWTF	CO0020222
COSPBO04b	Eldorado Springs Wastewater	Eldorado Springs WWTF	CO0047651
COSPBO04b	San Souci MHP	San Souci MHP	COG588101
COSPBO07b	Louisville City of	Louisville WWTF	CO0023078
COSPBO07b	Lafayette City of	Lafayette WWTF	CO0023124
COSPBO07b	Erie Town of	Erie WWTF	CO0045926
COSPBO08	Superior Metropolitan District No 1	Superior Metropolitan Dist No1	CO0043010
COSPBO09	Boulder City of	75TH ST WWTP	CO0024147
COSPBO10	Erie Town of	Erie North Water Reclamation Facility	CO0048445
COSPBO10	B & B Mobile Home and RV Park	B & B Mobile Home & RV Park	COG588107
COSPBO14	Lake Eldora WSD	Lake Eldora WSD WWTF	CO0020010
COSPSV02a	Peaceful Valley Ranch LLC	Peaceful Valley Ranch WWTF	CO0048828
COSPSV02a	Seventh-Day Adventist Assoc of Colorado	Glacier View Ranch	CO0030112
COSPSV02a	Aspen Lodge at Estes Park Corp	Aspen Lodge at Estes Park Corp	CO0042820
COSPSV02b	Lyons Town of	Lyons Town of	CO0020877
COSPSV03	Longmont City of	Longmont WWTF	CO0026671
COSPSV03	St Vrain Sanitation District	St Vrain Sanitation District	CO0041700
COSPSV06a	Fairways Metro Dist	Fairways WWTF	CO0048411
COSPSV06b	Niwot Sanitation District	Niwot Sanitation District	CO0021695
COSPSV06b	Mead Town of	Lake Thomas Subdivision WWTF	CO0046868
COSPSV06b	Mead Town of	Mead, Town of	CO0046876
COSPMS01a	Fort Lupton City of	Fort Lupton WWTF	CO0021440
COSPMS01a	Platteville Town of	Platteville WWTF	CO0040355
COSPMS01b	Evans City of	Evans City of WWTF	CO0020508
COSPMS01b	Kersey Town of	Kersey WWTF	CO0021954
COSPMS01b	Evans City of	Hill-N-Park Sanitation Dist.	CO0047287

Segment	Permittee	Facility name	Permit No.
COSPMS01b	La Salle Town of	La Salle Town of	COG588058
COSPMS01b	Gilcrest Town of	Gilcrest WWTF	COG588121
COSPMS03a	Elizabeth Town of	Gold Creek	COG589037
COSPMS03a	Galeton Water and Sanitation District	Galeton Water & San District	CO0043320
COSPMS03a	Orica USA Inc	Orica USA, Inc.	CO0046221
COSPMS03a	Spring Valley Ranch	Spring Valley Ranch WWTF	CO0046965
COSPMS03a	Front Range Airport WWTF	Front Range Airport WWTF	CO0047741
COSPMS04	Lochbuie Town of	Lochbuie Town of	CO0047198
COSPMS05a	Swift Beef Company	Swift Beef – Lone Tree	CO0027707
COSPMS05c	Hudson WWTF	Hudson Mechanical WWTF	COG589104
COSPMS06	Keenesburg Town of	Keenesburg Town of	CO0041254
COSPMS06	Bennett Town of	Bennett Town of	COG589069
COSPBT02	Estes Park Sanitation District	Estes Park Sanitation District	CO0020290
COSPBT02	Upper Thompson Sanitation District	UTSD WWTF	CO0031844
COSPBT04	Loveland City of	Loveland WWTP	CO0026701
COSPBT05	Milliken Town of	Milliken Sanitation District	CO0042528
COSPBT05	Johnstown Town of	Low Point WWTP	CO0047058
COSPBT07	Hidden View Estates HOA	Hidden View Estates HOA WWTF	CO0048861
COSPBT09	Johnstown Town of	Johnstown Central WWTF	CO0021156
COSPBT09	Riverglen Homeowners Assoc	Riverglen HOA WWTF	CO0029742
COSPBT09	Berthoud Town of	Berthoud Town of	CO0046663
COSPBT10	Berthoud Town of	Serenity Ridge WWTF	CO0047007
COSPBT10	Western Mini-Ranch/Vaquero Estates Sewer Assoc.	Western Mini-Ranch/Vaquero Est	COG589095
COSPBT10	Berthoud Estates Community Assoc	Berthoud Estates WWTF	COG589097
COSPCP08	Fox Acres Community Services Corp	Fox Acres WWTF	COG589112
COSPCP08	Girl Scouts of Colorado	Magic Sky Ranch G.S. Camp	CO0047317
COSPCP11	Fort Collins City of	Mulberry WWTP	CO0026425
COSPCP11	Fort Collins City of	Drake WWTP	CO0047627
COSPCP12a	Windsor, Town of	Windsor Town of WWTF	CO0020320
COSPCP12b	Greeley City of	Greeley City of	CO0040258
COSPCP12b	Leprino Foods Company	Leprino Greeley Facility WWTF	CO0048860
COSPCP13a	Anheuser Busch Inc	Nutri-Turf, Inc.	CO0039977
COSPCP13a	Eaton Town of	Eaton, Town of	CO0047414
COSPCP13a	Saddler Ridge Metro Dist Water Reclamation Facility	Saddler Ridge Metro Dist Water Reclamation Facility	COG589107
COSPCP13c	Boxelder Sanitation District	Boxelder Sanitation District WWTF	CO0020478
COSPCP13c	Wellington Town of	Wellington WWTF	CO0046451
COSPCP22	South Fort Collins Sanitation District	South Fort Collins San Dist	CO0020737
COSPLS01a	Western Sugar Cooperative	Fort Morgan Facility	CO0041351
COSPLS01a	Cargill Meat Solutions	Fort Morgan Beef Plant	CO0044270
COSPLS01a	Brush City of	Brush City of	CO0021245
COSPLS01a	Fort Morgan City of	Fort Morgan City of	CO0044849
COSPLS01a	Snyder Sanitation District	Snyder Sanitation District	COG588016
COSPLS01a	Morgan Heights WSD	Morgan Heights Water & Sewer Inc.	COG588040
COSPLS01b	Julesburg Town of	Julesburg Town of	CO0021113
COSPLS01b	Sterling City of	Sterling City of	CO0026247
COSPLS01b	Ovid Town of	Ovid Town of	COG588106
COSPLS02	Leprino Foods Company	Fort Morgan Cheese Facility	CO0043958

Segment	Permittee	Facility name	Permit No.
COSPLS02	Deer Trail Town of	Deer Trail WWTF	COG589002
COSPLS02	Hillrose Town of	Hillrose WWTF	COG589030
COSPLS02	Byers Water and Sanitation District	Byers Water and Sanitation District	COG589033
COSPLS02	Eastern Adams County Metro District	Eastern Adams CO Metro Dist WWTF	COG589035
COSPLS02	Kiowa Town of	Kiowa WWTF	CO0033405
COSPLS02	Elbert Water Sanitation District	Elbert Water Sanitation District WWTF	COG589065
COSPRES03	Wray City of	Wray City of	CO0023833
COSPRES06	Flagler Town of	Flagler WWTF	COG589036
COSPRES06	Arriba Town of	Arriba WWTF	COG589055
COSPRES06	Holyoke City of	Holyoke, City of	COG589059
COSPRES06	Akron Town of	Akron WWTF	COG589061
COSPRES06	Haxtun Town of	Haxtun. Town of	COG589062
COSPRES06	Stratton Town of	Stratton WWTF	COG589100
COSPRES06	Burlington City of	Burlington City of WWTF	COG589114
COSPRES06	Seibert Town of	Seibert WWTF	COG589120
COSPRES07	Cheyenne Wells Sanitation District No 1	Cheyenne Wells Sanitation District	COG589039
Unclassified	Silco Oil Co	Tomahawk Truck Stop	COG589003

Prior to December 31, 2027:

- For segments located entirely above these facilities, nutrient standards apply to the entire segment.
- For segments with portions downstream of these facilities, nutrient standards only apply above these facilities. A note was added to the total phosphorus and chlorophyll a standards in these segments. The note references the table of qualified facilities at 38.5(4).
- For segments located entirely below these facilities, nutrient standards do not apply.

A note was added to the total phosphorus and chlorophyll a standards in lakes segments as nutrients standards apply only to lakes and reservoirs larger than 25 acres surface area.

38.6 TABLES

(1) Introduction

The numeric standards for various parameters in this regulation and in the tables in Appendix 38-1 were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses. For each parameter listed in the tables in Appendix 38-1, only the most stringent standard is shown. Additional, less stringent standards may apply to protect additional uses and can be found in the tables in Regulation No. 31.

Numeric standards are not assigned for all parameters listed in the tables in Regulation No. 31. If additional numeric standards are found to be needed during future periodic reviews, they can be assigned by following the proper hearing procedures.

(2) Abbreviations

(a) The following abbreviations are used in this regulation and in the tables in Appendix 38-1:

ac	=	acute (1-day)
°C	=	degrees Celsius
ch	=	chronic (30-day)
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
DM	=	daily maximum temperature
D.O.	=	dissolved oxygen
DUWS	=	direct use water supply
<i>E. coli</i>	=	<i>Escherichia coli</i>
mg/L	=	milligrams per liter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
sp	=	spawning
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WL	=	warm lake temperature tier
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three

(b) In addition, the following abbreviations are used:

Iron (chronic)	=	WS
Manganese (chronic)	=	WS
Sulfate (chronic)	=	WS

These abbreviations mean: For all surface waters with an actual water supply use, the less restrictive of the following two options shall apply as numerical chronic standards, as specified in the Basic Standards and Methodologies at 31.11(6);

(i) existing quality as of January 1, 2000; or

(ii)	Iron	=	300 µg/L (dissolved)
	Manganese	=	50 µg/L (dissolved)
	Sulfate	=	250 mg/L (dissolved)

For all surface waters with a Water Supply classification that are not in actual use as a water supply, no Water Supply standards are applied for iron, manganese or sulfate, unless the Commission determines as the result of a site-specific rulemaking hearing that such standards are appropriate.

(c) Temporary Modification for Water + Fish Chronic Arsenic Standard

(i) The temporary modification for chronic arsenic standards applied to segments with an arsenic standard of 0.02 µg/L that has been set to protect the Water +

Fish qualifier is listed in the Other column in Appendix 38-1 tables as As(ch)=hybrid.

- (ii) For discharges existing on or before 6/1/2013, the temporary modification is: As(ch)=current condition, expiring on 12/31/2024. Where a permit for an existing discharge is reissued or modified while the temporary modification is in effect, the division will include additional permit Terms and Conditions, which may include requirements for additional monitoring, source identification, and characterization of source control and treatment options for reducing arsenic concentrations in effluent.
- (iii) For new or increased discharges commencing on or after 6/1/2013, the temporary modification is: As(ch)=0.02-3.0 µg/L (total recoverable), expiring on 12/31/2024.
 - (a) The first number in the range is the health-based water quality standard previously adopted by the Commission for the segment.
 - (b) The second number in the range is a technology-based value established by the Commission for the purpose of this temporary modification.
 - (c) Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an “end-of-pipe” discharge level more restrictive than the second number in the range.

(3) Table Value Standards

In certain instances in the tables in Appendix 38-1, the designation “TVS” is used to indicate that for a particular parameter a “table value standard” has been adopted. This designation refers to numerical criteria set forth in the Basic Standards and Methodologies for Surface Water. The criteria for which the TVS are applicable are on the following table.

TABLE VALUE STANDARDS
(Concentrations in µg/L unless noted)

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾					
Aluminum(T)	Acute = $e^{(1.3695 \ln(\text{hardness}) + 1.8308)}$ pH equal to or greater than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ pH less than 7.0 Chronic = $e^{(1.3695 \ln(\text{hardness}) - 0.1158)}$ or 87, whichever is more stringent					
Ammonia ⁽⁴⁾	Cold Water = (mg/L as N)Total $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ Warm Water = (mg/L as N)Total $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr 1 - Aug 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic (Sep 1 - Mar 31) = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028(25 - MAX(T, 7))}$					
Cadmium	Acute(warm) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) ⁽⁵⁾ = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$					
Chromium III ⁽⁶⁾	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$					
Chromium VI ⁽⁶⁾	Acute = 16 Chronic = 11					
Copper	Acute = $e^{(0.9422 \ln(\text{hardness}) - 1.7408)}$ Chronic = $e^{(0.8545 \ln(\text{hardness}) - 1.7428)}$					
Lead	Acute = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 1.46)}$ Chronic = $(1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 \ln(\text{hardness}) - 4.705)}$					
Manganese	Acute = $e^{(0.3331 \ln(\text{hardness}) + 6.4676)}$ Chronic = $e^{(0.3331 \ln(\text{hardness}) + 5.8743)}$					
Nickel	Acute = $e^{(0.846 \ln(\text{hardness}) + 2.253)}$ Chronic = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$					
Selenium ⁽⁷⁾	Acute = 18.4 Chronic = 4.6					
Silver	Acute = $0.5 * e^{(1.72 \ln(\text{hardness}) - 6.52)}$ Chronic = $e^{(1.72 \ln(\text{hardness}) - 9.06)}$ Chronic(Trout) = $e^{(1.72 \ln(\text{hardness}) - 10.51)}$					
Temperature		TIER	SPECIES EXPECTED TO BE PRESENT	APPLICABLE MONTHS	TEMPERATURE STANDARD (°C)	
	TEMPERATURE TIER	CODE			(MWAT)	(DM)
	Cold Stream Tier I ⁽⁸⁾	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. - May	9.0	13.0
	Cold Stream Tier II ⁽⁸⁾	CS-II	all other cold-water species	April – Oct.	18.3	24.3
				Nov. - March	9.0	13.0
	Cold Lake ⁽⁹⁾	CL		April – Dec.	17.0	21.2

PARAMETER ⁽¹⁾	TABLE VALUE STANDARDS ⁽²⁾⁽³⁾					
			brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	Jan. - March	9.0	13.0
	Cold Large Lake (>100 acres surface area) ⁽⁹⁾	CLL	brown trout, lake trout, rainbow trout	April – Dec.	18.3	24.2
				Jan. - March	9.0	13.0
	Warm Stream Tier I	WS-I	common shiner, Johnny darter, orangethroat darter, stonecat	March – Nov.	24.2	29.0
				Dec. – Feb.	12.1	24.6
	Warm Stream Tier II	WS-II	brook stickleback, central stoneroller, creek chub, longnose dace, northern redbelly dace, finescale dace, razorback sucker, white sucker, mountain sucker	March – Nov.	27.5	28.6
				Dec. – Feb.	13.8	25.2
	Warm Stream Tier III	WS-III	all other warm-water species	March – Nov.	28.7	31.8
				Dec. – Feb.	14.3	24.9
	Warm Lakes	WL	yellow perch, walleye, pumpkinseed, smallmouth bass, striped bass, white bass, largemouth bass, bluegill, spottail shiner, stonecat, northern pike, tiger muskellunge, black crappie, common carp, gizzard shad, sauger, white crappie, wiper	April – Dec.	26.2	29.3
				Jan. - March	13.1	24.1
Uranium	Acute = e ^{(1.1021*ln(hardness)+2.7088)} Chronic = e ^{(1.1021*ln(hardness)+2.2382)}					
Zinc	Acute = 0.978*e ^{(0.9094*ln(hardness)+0.9095)} Chronic = 0.986*e ^{(0.9094*ln(hardness)+0.6235)}					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified.
- (2) Hardness values to be used in equations are in mg/L as calcium carbonate and shall be no greater than 400 mg/L except for aluminum for which hardness shall be no greater than 220 mg/L. The hardness values used in calculating the appropriate metal standard should be based on the lower 95 per cent confidence limit of the mean hardness value at the periodic low flow criteria as determined from a regression analysis of site-specific data. Where insufficient site-specific data exists to define the mean hardness value at the periodic low flow criteria, representative regional data shall be used to perform the regression analysis. Where a regression analysis is not appropriate, a site-specific method should be used. In calculating a hardness value, regression analyses should not be extrapolated past the point that data exist.
- (3) Both acute and chronic numbers adopted as stream standards are levels not to be exceeded more than once every three years on the average.
- (4) For acute conditions the default assumption is that salmonids could be present in cold water segments and should be protected, and that salmonids do not need to be protected in warm water segments. For chronic conditions, the default assumptions are that early life stages could be present all year in cold water segments and should be protected. In warm water segments the default assumption is that early life stages are present and should be protected only from April 1 through August 31. These assumptions can be

modified by the Commission on a site-specific basis where appropriate evidence is submitted. The "T" in the chronic equations stands for temperature.

- (5) The acute(warm) cadmium equation applies to segments classified as Aquatic Life Warm Class 1 or 2. The acute(cold) cadmium equation applies to segments classified as Aquatic Life Cold Class 1 or 2.
- (6) Unless the stable forms of chromium in a waterbody have been characterized and shown not to be predominantly chromium VI, data reported as the measurement of all valence states of chromium combined should be treated as chromium VI. In addition, in no case can the sum of the concentrations of chromium III and chromium VI or data reported as the measurement of all valence states of chromium combined exceed the water supply standards of 50 µg/L chromium in those waters classified for domestic water use.
- (7) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (8) Mountain whitefish-based summer temperature criteria [16.9 (ch), 21.2 (ac)] apply when and where spawning and sensitive early life stages of this species are known to occur.
- (9) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.

(4) Site-specific Standards, Assessment Locations, and Assessment Criteria

- (a) Upper South Platte Segment 6b, Chatfield Reservoir: Chlorophyll a Assessment Thresholds

chlorophyll a= 11.2 µg/L, summer average, 1 in 5 year allowable exceedance frequency
phosphorus(Tot) = 0.035 mg/L, summer average, 1 in 5 year allowable exceedance frequency.

- (b) Upper South Platte Segment 16h: Selenium Standards and Assessment Locations

Selenium Standards (µg/L):

West Toll Gate Creek: Selenium(chronic)=50.6, Selenium(acute)=119.2

East Toll Gate Creek: Selenium(chronic)=14.3, Selenium(acute)=15.9

Toll Gate Creek: Selenium(chronic)=26.5, Selenium(acute)=29.5

Selenium Assessment Locations:

- Toll Gate Creek (TG6): Downstream of the confluence of East and West Toll Gate Creeks, at 6th Avenue near the gage station.
- East Toll Gate Creek (ET1): Upstream of the confluence with West Toll Gate Creek, at Chambers Road and 1st Avenue.
- West Toll Gate Creek (WT1): Upstream of the confluence with East Toll Gate Creek, at 2nd Avenue.

- (c) Upper South Platte Segment 15 and Middle South Platte Segment 1a: Dissolved Oxygen and Ammonia Standards

Dissolved Oxygen Standards:

Early Life Stage Protection Period (April 1 through July 31)

1-Day ^{1,2,3}	3.0 mg/L (acute)
7-Day Average ^{1,4,5}	5.0 mg/L

Older Life Stage Protection Period (August 1 through March 31)

1-Day ^{1,2}	2.0 mg/L (acute)
7-Day Mean of Minimums ^{1,6}	2.5 mg/L
30-Day Average ^{1,4}	4.5 mg/L

Dissolved Oxygen Footnotes

1. For the purposes of determining attainment of the standards, dissolved oxygen measurements shall only be taken in the flowing portion of the stream and at mid-depth, at least six inches above the bottom of the channel. Dissolved oxygen measurements in man-made pools are not to be used for determination of attainment of the standards. All sampling protocols and test procedures shall be in accordance with procedures and protocols approved by the division.
2. During a 24-hour day dissolved oxygen levels are likely to be lower during the nighttime when there is no photosynthesis. The dissolved oxygen levels should not drop below the acute standard (ELS acute standard of 3.0 mg/L or the Older Life Stage (OLS) standards of 2.0 mg/L). However, if during the Early Life Stage (ELS) period multiple measurements are below 3.0 mg/L during the same nighttime period, the multiple measurements shall be considered a single exceedance of the acute standard. For measurements below 2.0 mg/L during either the ELS or the OLS periods, each hourly measurement below 2.0 mg/L shall be considered an exceedance of the acute standards.
3. In July, the dissolved oxygen level may be lower than the 3.0 mg/L acute standard for up to 14 exceedances in any one year and up to a total of 21 exceedances in three years before there is a determination that the acute dissolved oxygen standards is not being met. Exceedances shall be counted as described in Footnote 2.
4. A minimum of four independent daily means must be used to calculate the average for the 7-day average standard. A minimum of eight independent daily means must be used to calculate the average for the 30-day average standard. The four days and the eight days must be representative of the 7-day and the 30-day periods respectively. The daily means shall be the mean of the daily high and low values. In calculating the mean values, the dissolved oxygen saturation value shall be used in place of any dissolved oxygen measurements which exceed saturation.

⁵ For Upper South Platte Segment 15, north of the Lupton Bottoms Ditch diversion, the ELS 7-day average standards for the period July 1 – June 31 shall be 4.6 mg/L.

⁶. The 7-day mean minimum is the average of the daily minimums measured at the location on each day during any 7-day period.

Ammonia Standards:

Early Life Stage Protection Period (April 1 through July 31)

Ammonia Warm Water = mg/L as N (Total)

Acute = TVS

Chronic =

$$chronic \text{ (Apr 1 - July 31)} = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN \left(2.85, 1.45 * 10^{0.028(25 - T)} \right)$$

$$chronic \text{ (Aug 1 - Mar 31)} = \left(\frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028 * (25 - MAX(T, 7))}$$

(d) Big Dry Creek Segment 1: Selenium Assessment Locations

- bdc 1.5: Upstream of Broomfield Wastewater Treatment Plant
- bdc 2.0: Upstream of Westminster Big Dry Creek Wastewater Treatment Facility
- bdc 4.5: Upstream of Northglenn Wastewater Treatment Plant

(e) Big Dry Creek Segment 2 (Standley Lake): Chlorophyll *a* Assessment Thresholds

Chlorophyll *a* = 4.4 µg/L, Mar-Nov average, 1 in 5 yr allowable exceedance frequency

(f) Upper South Platte Segment 16i, Sand Creek from Toll Gate Creek to the confluence with the South Platte River: assessment locations for selenium and total mercury

Selenium Standards (µg/L):

Upper: Selenium(chronic)=38.2, Selenium(acute)=45.1

Lower: Selenium(chronic)=9.0, Selenium(acute)=TVS

Selenium Assessment Locations:

- Upper – (SWA): Downstream of the confluence of Sand Creek and Toll Gate Creek approximately 250 meters upstream of the Sand Creek Water Reuse Facility (SCWRF) discharge near the Peoria Street Bridge.
- Lower – (SW1): Above Suncor, approximately 60 meters upstream of the Union Pacific Railroad crossing and upstream of Brighton Boulevard.

Mercury Assessment Locations and Method:

- Sand Creek (SWP) – Downstream of the sheet piling drop structure located near the Brighton Blvd. Bridge.

- Sand Creek (SWP2-1) – Approximately 600 feet downstream of Suncor Outfall 003 and immediately upstream of the Burlington Ditch Siphon.
- Attainment of the standard below Brighton Blvd. shall be assessed using the weighted 85th percentile total mercury concentration from both assessment locations.

(g) Upper South Platte Segment 16g (Marcy Gulch): Selenium assessment

Determination of attainment of the chronic and acute selenium standards will be based on the 85th and 95th percentile, respectively, of paired samples taken the same day from from the two following locations:

- L29: Marcy Gulch upstream of Santa Fe Drive, immediately upstream of the Centennial Water & Sanitation District WWTF
- L36: Marcy Gulch upstream of the confluence with the South Platte River.

(h) Upper South Platte Segment 16j: Selenium standards (µg/L) and assessment

Lee Gulch: Selenium(chronic)=10, Selenium(acute)=TVS

Little's Creek: Selenium(chronic)=6, Selenium(acute)= TVS

Big Dry Creek: Selenium(chronic)=23, Selenium(acute)=26

Little Dry Creek: Selenium(chronic)=11, Selenium(acute)=TVS

Determination of attainment of the chronic and acute selenium standards will be based on the 85th and 95th percentile, respectively. The selenium assessment locations are:

- Lee Gulch: Upstream of the confluence with the South Platte River
- Little's Creek: Upstream of the confluence with the South Platte River
- Big Dry Creek: Upstream of the confluence with the South Platte River
- Little Dry Creek: Upstream of the confluence with the South Platte River

(i) Cherry Creek Segment 4b: Selenium standards (µg/L) and assessment

Upper Cottonwood Creek:

October–February Selenium(acute/chronic)=TVS/14.0

March–September Selenium(acute/chronic)=TVS/7.1

Lower Cottonwood Creek:

October–February Selenium(acute/chronic)=TVS/5.1

March–September Selenium(acute/chronic)=TVS

Break between Upper and Lower Cottonwood Creek is at the confluence with Lone Tree Creek.

Upper Lone Tree Creek:

October–February Selenium(acute/chronic)=41.0/37.2

March–September Selenium(acute/chronic)=19.3/19.0

Lower Lone Tree Creek: Selenium(acute/chronic)=TVS

Break between Upper and Lower Lone Tree Creek is at the ACCWA Lone Tree Facility Outfall.

Upper Windmill Creek: Selenium(acute/chronic)=TVS

Middle Windmill Creek:

October–February Selenium(acute/chronic)=TVS/15.1

March–September Selenium(acute/chronic)=TVS/8.4

Lower Windmill Creek: Selenium(acute/chronic)=TVS

Break between Upper, Middle and Lower Windmill Creek is at the assessment locations.

Determination of attainment of the chronic and acute selenium standards will be based on the 85th and 95th percentile, respectively.

- Upper Cottonwood Creek: From headwaters to confluence with Lone Tree Creek, to be assessed at CT-P2 — 39.605694, -104.84825. At Peoria St.
- Lower Cottonwood Creek: From confluence with Lone Tree Creek to terminus at Cherry Creek Reservoir, to be assessed at CT2-39.627861, -104.85025. West of Perimeter Road and south of bike path.
- Upper Lone Tree Creek: From headwaters to just above site LTC-3, to be assessed using data from LTC-1 and LTC-2
LTC-1 — 39.58435, -104.838017. Approximately 0.15 miles N of S. Revere Pkwy.
LTC-2 — 39.59685, -104.838217. Approximately 10 yards N of E. Peakview Ave.
- Lower Lone Tree Creek: From site LTC-3 to confluence with Cottonwood Creek, to be assessed using data from LTC-3 and LTC-4
LTC-3 — 39.604817, -104.837083. Below ACWWA Lone Tree facility outfall.
LTC-4 — 39.614483, -104.840217. Downstream of confluence with Windmill Creek
- Upper Windmill Creek: From Headwaters to WC-1 — Site WC-1-39.574967, -104.830017. West of Potomac St and South of Broncos Pkwy.
- Middle Windmill Creek: All sites between (but not including) WC-1 and WC-2.
WC-1—39.574967, -104.830017. West of Potomac St and South of Broncos Pkwy.
WC-2—39.59655, -104.821767. North of Cherry Creek Trail.
- Lower Windmill Creek: From site WC-2 to confluence with Lone Tree Creek, to be assessed at WC-2-39.59655, -104.821767. North of Cherry Creek Trail.

(j) Clear Creek Segment 5: Manganese assessment

- Below Woods Creek: West Fork of Clear Creek approximately 0.3 miles downstream of Berthoud Falls (39.771829°, -105.803418°).
- Mouth of West Fork: West Fork of Clear Creek near County Road 257.

- (k) Big Dry Creek Segments 2, 3, 4a, 4b, 5a, and 5b: Ambient-based Site-specific Radionuclide Standards

The radionuclides listed in the table below shall be maintained at the lowest practical level and in no case shall they be increased by any cause attributable to municipal, industrial, or agricultural practices to exceed the site-specific numeric standards.

Parameter	Segment 2 (Standley Lake) ¹	Segment 3 (Great Western Reservoir) ¹	Segments 4a, 4b, 5a, and 5b ¹
Ambient-based site-specific standards			
Gross Alpha	6	5	NA
Gross Beta	9	12	NA
Plutonium	0.03	0.03	0.15 ^{2,3}
Americium	0.03	0.03	0.15 ^{2,3}
Tritium	500	500	500
Uranium	3	4	16.8 µg/L
Other site-specific standards			
Curium	60	60	60
Neptunium	30	30	30

Radionuclides Footnotes:

1. Statewide standards also apply for radionuclides not listed above.
2. 0.15 pCi/L Statewide Basic Standards.
3. For plutonium and americium measurements in Segment 4a in Woman Creek and Segment 5 in Walnut Creek, attainment will be assessed based on the results of a 12-month flow-weighted rolling average concentration (computed monthly).

NA = No site-specific standard applies

- (l) Upper South Platte Lakes Segment 19: Temperature Standards

Platte Canyon Reservoir:

DM and MWAT = CLL from 1/1 – 2/29
DM = CLL and MWAT = 25.0 from 3/1 – 12/31

Antero Reservoir:

DM and MWAT = CLL from 1/1 – 3/31
DM = CLL and MWAT = 19.6 from 4/1 – 12/31

Elevenmile Reservoir:

DM and MWAT = CLL from 1/1 – 3/31
DM = CLL and MWAT = 19.8 from 4/1 – 12/31

Spinney Mountain Reservoir:

DM and MWAT = CLL from 1/1 – 3/31
DM = CLL and MWAT = 20.2 from 4/1 – 12/31

Cheesman Reservoir:

DM and MWAT = CLL from 1/1 – 3/31
DM = CLL and MWAT = 21.9 from 4/1 – 12/31

Strontia Springs Reservoir:

DM and MWAT = CLL from 1/1 – 3/31
DM = CLL and MWAT = 22.6 from 4/1 – 12/31

Jefferson Lake:

DM and MWAT = CLL from 1/1 – 3/31
DM = 22.4 and MWAT = 16.6 from 4/1 – 12/31

All other locations DM and MWAT = CL, CLL year-round

(m) Cache la Poudre Segment 18: Temperature Standards

All locations DM and MWAT = CL, CLL from 1/1 – 3/31

Barnes Meadow Reservoir DM = CL and MWAT = 16.6 from 4/1 – 12/31

Chambers Lake DM = 22.4 and MWAT = 16.6 from 4/1 – 12/31

All other locations DM and MWAT = CL, CLL from 4/1 – 12/31

(n) Lower South Platte Segment 3: Temperature Standards

All locations DM and MWAT = WL from 1/1 – 3/31

North Sterling Reservoir DM = WL and MWAT = 26.1 from 4/1 – 12/31

Jumbo Reservoir DM = WL and MWAT = 27 from 4/1 – 12/31

Jackson Reservoir DM = WL and MWAT = 28.1 from 4/1 – 12/31

All other locations DM and MWAT = WL from 4/1 – 12/31

(5) Stream Classifications and Water Quality Standards Tables

The stream classifications and water quality standards tables in Appendix 38-1 are incorporated herein by reference.

The following is information regarding duration and measured form of standards in Appendix 38-1:

- (a) *E. coli* criteria and resulting standards for individual water segments, are established as indicators of the potential presence of pathogenic organisms. Standards for *E. coli* are

expressed as a two-month geometric mean. Site-specific or seasonal standards are also two-month geometric means unless otherwise specified.

- (b) All phosphorus standards are based upon the concentration of total phosphorus.
- (c) The pH standards of 6.5 (or 5.0) and 9.0 are an instantaneous minimum and maximum, respectively to be applied as effluent limits. In determining instream attainment of water quality standards for pH, appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.
- (d) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (e) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

(6) Discharger-Specific Variances

- (a) Upper South Platte River Segments 15 and 16i (COSPUS15 and COSPUS16i):

Discharger-Specific Variance, Suncor Energy (U.S.A.) Inc., Commerce City Refinery (CO0001147): Adopted 10/11/2016.

Selenium (acute) = TVS: no limit; Selenium (chronic) = 9: 24 µg/L. Expiration date: 12/31/2023.

38.7 COMMISSION'S DETERMINATION REGARDING STATE WATERS

(1) Introduction

The following list describes the Commission's determinations regarding water bodies that do not contain "State Waters."

(2) Determinations

- (a) Marston Forebay located in Upper South Platte Segment 23 within Sections 11, 12, 13 and 14 in Township 5 South, Range 69 West of the 6th P.M. in the City and County of Denver, Colorado.

38.8 – 38.9 RESERVED

38.104 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JUNE 14-15, 2021 RULEMAKING; FINAL ACTION AUGUST 9, 2021; EFFECTIVE DATE DECEMBER 31, 2021

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

I. DISCHARGER-SPECIFIC VARIANCES

The commission deleted subsections 38.6(6) (a) and (b), which described the regulatory basis and implementation of discharger-specific variances, because this information was revised and consolidated into 31.7(4).

II. CLEANUP, CORRECTIONS, AND CLARIFICATIONS

A. Sulfate

38.6(2)(b)(ii) was edited to clarify that the sulfate standard applies to dissolved sulfate concentrations. As an ion, sulfate is found in water only in the dissolved state; therefore, either unfiltered or filtered samples may be used to determine sulfate concentrations.

B. Reformat Hardness-based Equations

The following changes were made to the hardness-based table value standard equations at 38.6(3) to improve compatibility with Excel and align with corrections made to Regulation No. 31:

- Acute and chronic aluminum, chromium III, copper, lead, manganese, nickel, silver, uranium, and zinc: the first bracket was replaced with the symbol * and the second bracket was deleted from the equation.
- Acute and chronic cadmium: extra spaces were removed.
- Acute and chronic lead: the brackets were deleted and a parenthesis was moved within the conversion factor.
- Acute silver: $\frac{1}{2}$ was replaced with 0.5* in the equation.

C. Chromium Footnote

The commission revised Footnote 6 of the Table Value Standards table to improve the clarity of the footnote, which directs the implementation of the trivalent (III) and hexavalent (VI) chromium standards when data for the individual valence states are unavailable. Chromium data are infrequently reported for chromium III and chromium VI individually. Instead, data are typically reported as the total of all valence states of chromium present in the sample. This is primarily due to the difficulty of accurately measuring chromium III concentrations and the instability of chromium when the sample is acidified for analysis of the total recoverable fraction. While chromium III and chromium VI are the valence states most often found in natural waters, chromium is unstable and can convert between forms in water and in the bodies of humans and aquatic life. However, chromium VI is more water soluble and a known carcinogen. Depending on the classified use, the chromium VI standards are the same as or more stringent than the chromium III standards (Table III). Therefore, when data for individual chromium species are unavailable, the use of the chromium VI standards to assess data reported as total chromium (i.e., the total of all valence states of chromium) will ensure protection of human health and aquatic life. In addition, Footnote 6 was modified to clarify that neither the sum of the concentrations of chromium III and chromium VI (when reported individually) nor the total chromium concentration (i.e., the total of all valence states of chromium) should exceed the Water Supply standards of 50 µg/L for chromium III and chromium VI in water bodies with a Water Supply use classification.

D. Housekeeping

The following edits were made to improve clarity, correct typographical errors, and improve consistency across the basin regulations (Regulation Nos. 32-38) and with Regulation No. 31:

- All variations of *E. coli* were edited to display a consistent format in the regulation and appendix tables.

-
- At 38.5(2) 'Table B' was added to the reference to organic standards at 31.11 to align with changes to Regulation No. 31.
 - At 38.6(1), text was added to clarify that the tables in Appendix 38-1 only show the most stringent standards, and that additional, less stringent standards may be found in Regulation No. 31.
 - The reference to the 'temporary modification and qualifiers' column at 38.6(2)(c)(i) was replaced with 'Other' to align with a previous change to the appendix tables.
 - References to "Trec" were replaced with "total recoverable" or "T".
 - Footnote 4 of the Table Value Standards table was modified to clarify that the "T" in the chronic ammonia equations stands for temperature.
 - Other minor edits were made to improve clarity and consistency.

**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 12/31/2021

Abbreviations and Acronyms

Aq	=	Aquatic
°C	=	degrees Celsius
CL	=	cold lake temperature tier
CLL	=	cold large lake temperature tier
CS-I	=	cold stream temperature tier one
CS-II	=	cold stream temperature tier two
D.O.	=	dissolved oxygen
DM	=	daily maximum temperature
DUWS	=	direct use water supply
E. coli	=	<i>Escherichia coli</i>
EQ	=	existing quality
mg/L	=	milligrams per liter
mg/m ²	=	milligrams per square meter
mL	=	milliliter
MWAT	=	maximum weekly average temperature
OW	=	outstanding waters
SSE	=	site-specific equation
T	=	total recoverable
t	=	total
tr	=	trout
TVS	=	table value standard
µg/L	=	micrograms per liter
UP	=	use-protected
WS	=	water supply
WS-I	=	warm stream temperature tier one
WS-II	=	warm stream temperature tier two
WS-III	=	warm stream temperature tier three
WL	=	warm lake temperature tier

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

1a. Mainstem of the South Platte River from the source of the South and Middle Forks to the inlet of Cheesman Reservoir.

COSPUS01A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I*	CS-I*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. All tributaries to the South Platte River, including wetlands within the Lost Creek and Mt. Evans Wilderness Areas.

COSPUS01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

Upper South Platte River Basin

2a. All tributaries to the South Platte River system, including all wetlands from the headwaters of the South and Middle Forks to a point immediately below the confluence with Tarryall Creek except for listings in Segment 1b, 2b and 2c.

COSPUS02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E						
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2b. Mainstem of Mosquito Creek from Road #698 (39.270971, -106.098846) to its confluence with the Middle Fork of the South Platte River.

COSPUS02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	220

T = total recoverable

tr = trout

DM = daily maximum

See 38.6 for further details on applied standards

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

2c. South Mosquito Creek from the source to confluence with Mosquito Creek, Mosquito Creek from the confluence with South Mosquito Creek to Road #698 (39.270971, -106.098846), and No Name Creek from the source to the confluence with South Mosquito Creek.

COSPUS02C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m ²)	---	150	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
			acute	chronic	Manganese	TVS	TVS
		Ammonia	TVS	TVS	Mercury(T)	---	0.01
		Boron	---	0.75	Molybdenum(T)	---	150
		Chloride	---	250	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	---	280
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

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 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	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

4. Mainstem of the North Fork of the South Platte River, including all tributaries and wetlands from the source to the confluence with the South Platte River, except for listings in Segments 1b, 5a, 5b, and 5c.							
COSPUS04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).			Inorganic (mg/L)		Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
5a. Mainstem of Geneva Creek from the source to the confluence with Scott Gomer Creek.							
COSPUS05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	---	---
Other:		D.O. (spawning)	---	7.0	Cadmium(T)	---	2
*Uranium(acute) = See 38.5(3) for details.		pH	3.5-9.0	---	Chromium III	---	---
*Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	---	---
					Chromium VI(T)	---	25
			Inorganic (mg/L)		Copper	---	18
			acute	chronic	Iron(T)	---	1200
		Ammonia	TVS	TVS	Lead	---	---
		Boron	---	0.75	Lead(T)	---	4
		Chloride	---	---	Manganese	---	530
		Chlorine	0.019	0.011	Mercury(T)	---	0.05
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	---	---
		Nitrite	---	0.05	Nickel(T)	---	50
		Phosphorus	---	0.11	Selenium	---	---
		Sulfate	---	---	Selenium(T)	---	4.6
		Sulfide	---	0.002	Silver	---	---
					Silver(T)	---	1
					Uranium	varies*	varies*
					Zinc	---	190

5a. Mainstem of Geneva Creek from the source to the confluence with Scott Gomer Creek.							
COSPUS05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	---	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		D.O. (spawning)	---	7.0	Cadmium(T)	---	2
		pH	3.5-9.0	---	Chromium III	---	---
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	---	---
					Chromium VI(T)	---	25
		Inorganic (mg/L)			Copper	---	18
			acute	chronic	Iron(T)	---	1200
		Ammonia	TVS	TVS	Lead	---	---
		Boron	---	0.75	Lead(T)	---	4
		Chloride	---	---	Manganese	---	530
		Chlorine	0.019	0.011	Mercury(T)	---	0.05
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	---	---
		Nitrite	---	0.05	Nickel(T)	---	50
		Phosphorus	---	0.11	Selenium	---	---
		Sulfate	---	---	Selenium(T)	---	4.6
		Sulfide	---	0.002	Silver	---	---
					Silver(T)	---	1
					Uranium	varies*	varies*
					Zinc	---	190

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

5b. Mainstem of Geneva Creek from the confluence with Scott Gomer Creek to the confluence with the North Fork of the South Platte River; all tributaries of Geneva Creek including wetlands from source to confluence with the North Fork of the South Platte River.

COSPUS05B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

5c. Mainstem of Gooseberry Gulch and all tributaries from source to Sunset Trail.

COSPUS05C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation U		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

5d. Mainstem of Gooseberry Gulch and all tributaries from Sunset Trail to confluence with Elk Creek.						
COSPUS05D	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation U	acute	chronic	Arsenic(T)	---	0.02-10 ^A
Qualifiers:	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50
*Uranium(acute) = See 38.5(3) for details.	*Uranium(chronic) = See 38.5(3) for details.	E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	---	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

6a. Mainstem of the South Platte River from the outlet of Cheesman Reservoir to the inlet of Chatfield Reservoir.						
COSPUS06A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
Qualifiers:	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50
Temporary Modification(s):	Arsenic(chronic) = hybrid	E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	---	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

6b. Chatfield Reservoir								
COSPUS06B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT					
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = measured through samples that are representative of the mixed layer during July-Sept, with an allowable exceedance frequency of 1in 5 yrs. See section 38.6(4) for assessment thresholds. *Phosphorus(chronic) = See section 38.6(4) for assessment thresholds. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM=CLL and MWAT=CLL from 1/1-3/31 DM=CLL and MWAT=23.5 from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	7/1 - 9/30	---	10*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.03*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
7. All tributaries to the South Platte River, including all wetlands from a point immediately below the confluence with the North Fork of the South Platte River to the outlet of Chatfield Reservoir except for listings in Segments 8, 9, 10, 11, 12, and 13.								
COSPUS07	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT					
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

8. Mainstems of East and West Plum Creek from the source to the boundary of National Forest lands, including all tributaries and wetlands within the Plum Creek drainage which are on National Forest Lands, except for the listing in Segment 9.

COSPUS08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

9. Mainstem of Bear Creek, including all tributaries and wetlands from the source to the inlet of Perry Park Reservoir, a.k.a. Waucondah Reservoir (Douglas County).

COSPUS09	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

10. 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.

COSPUS10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

11a. All tributaries to the East Plum Creek system, including all wetlands which are not on national forest lands.

COSPUS11A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

11b. All tributaries to the West Plum Creek system, including all wetlands, which are not on national forest lands, except for listings in Segments 9 and 12.							
COSPUS11B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *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). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
12. Mainstem of Garber Creek and Jackson Creek from the boundary of National Forest lands to the confluence with West Plum Creek; mainstem of Bear Creek from the outlet of Perry Park Reservoir, a.k.a. Waucondah Reservoir, to the confluence with West Plum Creek.							
COSPUS12	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

13. Mainstem of Deer Creek, including the North and South Forks, from the source to Chatfield Reservoir.							
COSPUS13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		
14. Mainstem of the South Platte River from the outlet of Chatfield Reservoir to the Burlington Ditch diversion in Denver, Colorado.							
COSPUS14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I*	WS-I*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Copper(acute) = Copper BLM-based FMB Cu FMB(ac)=31.5 ug/l downstream of Marcy Gulch. *Copper(chronic) = Copper BLM-based FMB Cu FMB(ch)=20.8 ug/l downstream of Marcy Gulch. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = summer criteria apply from 2/14 - 11/30		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	---	TVS*
		Ammonia	TVS	TVS	Copper	TVS*	---
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/190
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	---	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
			Uranium	varies*	varies*		
			Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

15. Mainstem of the South Platte River from the Burlington Ditch diversion in Denver, Colorado, to a point immediately below the confluence with Big Dry Creek.							
COSPUS15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	varies*	varies*	Cadmium	TVS	TVS
Qualifiers:		pH	6.0-9.0*	---	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	---	TVS*
temperature(DM/MWAT) = current condition*					Copper	TVS*	---
Expiration Date of 12/31/2021					Iron	---	WS
Discharger Specific Variance(s):					Iron(T)	---	1000
Selenium(acute) = TVS: no limit					Lead	TVS	TVS
Selenium(chronic) = TVS: 24 µg/L					Lead(T)	50	---
Expiration Date of 12/31/2023					Manganese	TVS	TVS/400
*Ammonia(acute) = See section 38.6(4) for site-specific standards.					Mercury(T)	---	0.01
*Ammonia(chronic) = See section 38.6(4) for site-specific standards.					Molybdenum(T)	---	150
*Copper(acute) = Copper BLM-based FMB					Nickel	TVS	TVS
Cu FMB(ac)=26.4 ug/l					Nickel(T)	---	100
Downstream of the Metro Hite WWTF outfall.					Selenium	TVS	TVS
*Copper(chronic) = Copper BLM-based FMB					Silver	TVS	TVS
Cu FMB(ch)= 18.0 ug/l					Uranium	varies*	varies*
Downstream of the Metro Hite WWTF outfall.					Zinc	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.							
*Uranium(chronic) = See 38.5(3) for details.							
*D.O. (mg/L)(acute) = See section 38.6(4) for site-specific standards.							
*D.O. (mg/L)(chronic) = See section 38.6(4) for site-specific standards.							
*pH(acute) = 6.0 - 9.0 from 64th Ave. downstream 2 miles							
*TempMod: temperature = Adopted 6/8/2009							
*Variance: Selenium = see 38.6(6) for details.							

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16a. Mainstem of Sand Creek from the confluence of Murphy and Coal Creek in Arapahoe County to the confluence with the Toll Gate Creek.							
COSPUS16A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			Zinc	TVS	TVS		

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16b. Aurora Reservoir.							
COSPUS16B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid			acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
16c. All tributaries to the South Platte River, including all wetlands, from the outlet of Chatfield Reservoir, to a point immediately below the confluence with Big Dry Creek, except for listings in the subbasins of the South Platte River, and in Segments 16a, 16d, 16e, 16f, 16g, 16h, 16i, 16j, and 16k.							
COSPUS16C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		chlorophyll a (mg/m²)	---	150	Chromium III(T)	---	100
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

16c. All tributaries to the South Platte River, including all wetlands, from the outlet of Chatfield Reservoir, to a point immediately below the confluence with Big Dry Creek, except for listings in the subbasins of the South Platte River, and in Segments 16a, 16d, 16e, 16f, 16g, 16h, 16i, 16j, and 16k.

COSPUS16C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *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). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		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 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16d. Second Creek from the source to the O'Brian Canal at 39.898789, 104.817661.

COSPUS16D	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	3.3*	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *D.O. (mg/L)(chronic) = 15th percentile of D.O. measurements collected between 6:30 a.m. and 6:30 p.m.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

16e. Third Creek from the source to the O'Brian Canal at 39.917346, -104.784028.

COSPUS16E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation E	D.O. (mg/L)	---	4.0*	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *D.O. (mg/L)(chronic) = 15th percentile of D.O. measurements collected between 6:30 a.m. and 6:30 p.m.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16f. Barr Lake Tributary from the source to the Denver Hudson Canal at 39.941142, -104.748387.

COSPUS16F	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	narrative*	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *D.O. (mg/L)(chronic) = When water is present, D.O. concentrations shall be maintained at levels that protect classified uses.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

16g. Marcy Gulch, including all wetlands from the source to the confluence with the South Platte.

COSPUS16G	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s): temperature(MWAT) = current condition* Expiration Date of 12/31/2025 12/1 - 2/29 *Copper(acute) = Copper BLM-based FMB Cu FMB(ac)=67.1 ug/l below the Centennial WWTF. *Copper(chronic) = Copper BLM-based FMB Cu FMB(ch)=43.3 ug/l below the Centennial WWTF. *Selenium(acute) = See section 38.6(4)(b) for assessment locations. *Selenium(chronic) = See section 38.6(4)(b) for assessment locations. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *TempMod: temperature(12/1 - 2/29) = downstream of Centennial WWTF. Adopted 6/8/2009		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	---	TVS*
			acute	chronic	Copper	TVS*	---
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	TVS	TVS
		Nitrite	---	0.5	Selenium	21*	13*
		Phosphorus	---	---	Silver	TVS	TVS
		Sulfate	---	---	Uranium	varies*	varies*
		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 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16h. Mainstem of West Toll Gate Creek, including all tributaries and wetlands, upstream of the confluence with East Toll Gate Creek. Mainstem of East Toll Gate Creek, including all tributaries and wetlands, upstream of the confluence with West Toll Gate Creek. Mainstem of Toll Gate Creek, downstream of the confluence of East and West Toll Gate Creeks, to the confluence with Sand Creek.

COSPUS16H	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM MWAT			acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion Standards		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	varies*	varies*
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek to the confluence with the South Platte River.

COSPUS16I	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM MWAT			acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Mercury(T)	---	0.026*
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	TVS	TVS
		Nitrite	---	0.5	Selenium	---	varies*
		Phosphorus	---	0.17*	Selenium	varies*	---
		Sulfate	---	---	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

16j. Lee Gulch, Little's Creek, Big Dry Creek (Douglas and Arapahoe Counties), and Little Dry Creek, including all wetlands from the source to the confluence with the South Platte.									
COSPUS16J		Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS		
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---		
Other: *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). *Selenium(acute) = See section 38.6(4)(h) for selenium standards and assessment locations. *Selenium(chronic) = See section 38.6(4)(h) for selenium standards and assessment locations. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS		
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---		
		Inorganic (mg/L)				Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS		
		Ammonia	TVS	TVS	Iron	---	WS		
		Boron	---	0.75	Iron(T)	---	1000		
		Chloride	---	250	Lead	TVS	TVS		
		Chlorine	0.019	0.011	Lead(T)	50	---		
		Cyanide	0.005	---	Manganese	TVS	TVS/WS		
		Nitrate	10	---	Mercury(T)	---	0.01		
		Nitrite	---	0.5	Molybdenum(T)	---	150		
		Phosphorus	---	0.17*	Nickel	TVS	TVS		
		Sulfate	---	WS	Nickel(T)	---	100		
		Sulfide	---	0.002	Selenium	varies*	varies*		
					Silver	TVS	TVS		
					Uranium	varies*	varies*		
					Zinc	TVS	TVS		
16k. Mainstem of Lakewood Gulch from the source to the confluence with the South Platte.									
COSPUS16K		Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---		
	Water Supply		acute	chronic	Arsenic(T)	---	0.02		
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS		
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS		
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---		
		Inorganic (mg/L)				Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS		
		Ammonia	TVS	TVS	Iron	---	WS		
		Boron	---	0.75	Iron(T)	---	1000		
		Chloride	---	250	Lead	TVS	TVS		
		Chlorine	0.019	0.011	Lead(T)	50	---		
		Cyanide	0.005	---	Manganese	TVS	TVS/WS		
		Nitrate	10	---	Mercury(T)	---	0.01		
		Nitrite	---	0.5	Molybdenum(T)	---	150		
		Phosphorus	---	0.17*	Nickel	TVS	TVS		
		Sulfate	---	WS	Nickel(T)	---	100		
		Sulfide	---	0.002	Selenium	TVS	TVS		
					Silver	TVS	TVS		
					Uranium	varies*	varies*		
					Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

17a. Washington Park Lakes, City Park Lakes, Rocky Mountain Lake, Berkely Lake.							
COSPUS17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

17b. Sloan's Lake.							
COSPUS17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

17b. Sloan's Lake.							
COSPUS17B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		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 38.6 for further details on applied standards.

Upper South Platte River Basin

17c. Bowles Lake, a.k.a. Patrick Reservoir or Bow Mar Lake.								
COSPUS17C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Aluminum	TVS	TVS	
	Recreation E		acute	chronic	Arsenic	340	---	
Qualifiers:		D.O. (mg/L)	---	5.0	Arsenic(T)	---	7.6	
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (ug/L)	---	---	Chromium III(T)	---	100	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
			Inorganic (mg/L)		Iron(T)	---	1000	
				acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS	TVS	
		Boron	---	0.75	Mercury(T)	---	0.01	
		Chloride	---	---	Molybdenum(T)	---	150	
		Chlorine	0.019	0.011	Nickel	TVS	TVS	
		Cyanide	0.005	---	Selenium	TVS	TVS	
		Nitrate	100	---	Silver	TVS	TVS	
		Nitrite	---	0.5	Uranium	varies*	varies*	
		Phosphorus	---	---	Zinc	TVS	TVS	
		Sulfate	---	---				
		Sulfide	---	0.002				
		18. Lakes and reservoirs within the boundaries of the Lost Creek and Mt. Evans Wilderness areas.						
		COSPUS18	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture		DM	MWAT		acute
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
			Inorganic (mg/L)		Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

T = total recoverable

```
tr = trout
```

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

19. Lakes and reservoirs in the South Platte River system from headwaters to Chatfield Reservoir, except for listings in Segment 18. Includes Antero, Spinney Mountain, Elevenmile, Cheesman, and Strontia Springs.

COSPUS19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024					Iron	---	WS
		Inorganic (mg/L)			Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.025*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

20. Lakes and reservoirs in the Plum Creek system within National Forest boundaries; and lakes and reservoirs in the Bear Creek drainage between the National Forest boundary and to the inlet of Perry Park Reservoir, a.k.a. Waucondah Reservoir (Douglas County).

COSPUS20	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

All metals are dissolved unless otherwise noted.

T = total recoverable

t = total

tr = trout

D.O. = dissolved oxygen

DM = daily maximum

MWAT = maximum weekly average temperature

See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

21. Lakes and reservoirs in the Plum Creek system except for listings in Segment 20.						
COSPUS21	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

*Classification: DUWS applies to Aurora Rampart only.
 *Uranium(acute) = See 38.5(3) for details.
 *Uranium(chronic) = See 38.5(3) for details.

22a. Lakes and reservoirs in watersheds tributary to the South Platte River from the outlet of Chatfield Reservoir to a point immediately below the confluence with Big Dry Creek, except for listings in the subbasins of the South Platte River, and in Segments 16b, 17a, 17b, 17c, 22b, and 23.						
COSPUS22A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Molybdenum(T)	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

Temporary Modification(s):
 Arsenic(chronic) = hybrid
 Expiration Date of 12/31/2024
 *Classification: DUWS applies to McLellan, Quincy and Marshall Reservoir only.
 *Molybdenum(T)(chronic) = 210 ug/L for McLellan Reservoir
 *Uranium(acute) = See 38.5(3) for details.
 *Uranium(chronic) = See 38.5(3) for details.

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Upper South Platte River Basin

22b. Lakes and reservoirs located in the Rocky Mountain Arsenal National Wildlife Refuge						
COSPUS22B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*Uranium(acute) = See 38.5(3) for details.
 *Uranium(chronic) = See 38.5(3) for details.

23. Lakes and reservoirs in watersheds tributary to the Upper South Platte River and within the City and County of Denver, except for listings in the other subbasins of the South Platte River and in Segments 17a and 17b.						
COSPUS23	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Fish Ingestion Standards		pH	6.5 - 9.0	---	Chromium III	TVS
Other:		chlorophyll a (ug/L)	---	---	Chromium III(T)	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

*See section 38.7 (Marston Forebay).
 *Uranium(acute) = See 38.5(3) for details.
 *Uranium(chronic) = See 38.5(3) for details.

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

1. Mainstem of Cherry Creek from the source of East and West Cherry Creek to the inlet of Cherry Creek Reservoir.							
COSPCH01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Cherry Creek Reservoir.								
COSPCH02	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other:		chlorophyll a (ug/L)	7/1 - 9/30	---	18*	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS		
*chlorophyll a (ug/L)(chronic) = Season mean concentration measured in the upper three meters of the water column for the months of July through September with an exceedance frequency of once in five years.		Ammonia	TVS	TVS	Iron	---	WS	
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000	
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied 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 1	Temperature °C	WS-II	WS-II	Arsenic	340 ---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS	
		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---	
Qualifiers:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		acute	chronic	Copper	TVS	TVS	
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
4a. All tributaries to Cherry Creek, including all wetlands, from the source of East and West Cherry Creeks to the confluence with the South Platte River except for listings in Segment 4b.							
COSPCH04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute chronic			
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340 ---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS	
		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---	
Qualifiers:		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Phosphorus(chronic) = Applies only above the facilities listed at 38.5(4).		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4a. All tributaries to Cherry Creek, including all wetlands, from the source of East and West Cherry Creeks to the confluence with the South Platte River except for listings in Segment 4b.

COSPCH04A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	^A	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Other: *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = Applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS	
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
		acute	chronic	Copper	TVS	TVS		
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	0.17*	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

4b. Cottonwood Creek, including all tributaries and wetlands, from the source to Cherry Creek Reservoir.

COSPCH04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
Other: *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = Applies only above the facilities listed at 38.5(4). *Selenium(acute) = See section 38.6(4)(i) for selenium standards and assessment locations. *Selenium(chronic) = See section 38.6(4)(i) for selenium standards and assessment locations. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	varies*	varies*
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

5. Lakes and reservoirs in the Cherry Creek system from the source of East and West Cherry Creeks to the confluence with the South Platte River, except for listings in Segments 2, 6 and 7.

COSPCH05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Other:		Inorganic (mg/L)			Chromium VI	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cherry Creek Basin

6. Lakes and reservoirs in watersheds tributary to Cherry Creek within the City and County of Denver.						
COSPCH06	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2 Recreation E	Temperature °C	WL WL	Arsenic	340	---
Qualifiers:	Fish Ingestion Standards	acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	---
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

7. Rueter-Hess Reservoir						
COSPCH07	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1 Recreation E Water Supply DUWS	Temperature °C	WL WL	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
		chlorophyll a (ug/L)	---	---	Chromium III	---
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)			Chromium VI	TVS
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

1a. Mainstem of Bear Creek from the boundary of the Mt. Evans Wilderness area to the inlet of Evergreen Lake.							
COSPBE01A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Mainstem of Bear Creek from Harriman Ditch to the inlet of Bear Creek Reservoir.							
COSPBE01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM=CS-II and MWAT=CS-II from 11/1-3/31 DM=CS-II and MWAT= 19.3 from 4/1-10/31		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

1c. Bear Creek Reservoir.								
COSPBE01C	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = mean concentration measured through collection of samples that are representative of the mixed layer during summer months (July, August, September) and with an exceedance frequency of once in five years. *Phosphorus(chronic) = mean concentration measured through collection of samples that are representative of the mixed layer during summer months (July, August, September) and with an exceedance frequency of once in five years. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM=CLL and MWAT=CLL from 1/1-3/31 DM=CLL and MWAT= 23.3 from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	7/1 - 9/30	---	12.2*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	7/1 - 9/30	---	22.2*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
1d. Evergreen Lake.								
COSPBE01D	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CLL	CLL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	DUWS	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

1e. Mainstem of Bear Creek from the outlet of Evergreen Lake to the Harriman Ditch.							
COSPBE01E	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Temperature =		Ammonia	TVS	TVS	Lead	TVS	TVS
DM=CS-II and MWAT=CS-II from 11/1-3/31		Boron	---	0.75	Lead(T)	50	---
DM=CS-II and MWAT= 19.3 from 4/1-10/31		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Mainstem of Bear Creek from the outlet of Bear Creek Reservoir to the confluence with the South Platte River.							
COSPBE02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Mainstem of Bear Creek from the outlet of Bear Creek Reservoir to the confluence with the South Platte River.							
COSPBE02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

3. All tributaries to Bear Creek, including all wetlands, from the source to the outlet of Evergreen Lake, except for listings in Segment 7.							
COSPBE03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
4. All tributaries to Bear Creek, including all wetlands, from the outlet of Evergreen Lake to the confluence with the South Platte River, except for specific listings in Segments 5, 6a, and 6b.							
COSPBE04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Other:		Inorganic (mg/L)			Chromium VI	TVS	TVS
Temporary Modification(s):		acute	chronic	Copper	TVS	TVS	
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---	WS
Expiration Date of 12/31/2024		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4. All tributaries to Bear Creek, including all wetlands, from the outlet of Evergreen Lake to the confluence with the South Platte River, except for specific listings in Segments 5, 6a, and 6b.							
COSPBE04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

5. Swede, Kerr, Sawmill, Troublesome, and Cold Springs Gulches, and mainstem of Cub Creek from the source to the confluence with Bear Creek.							
COSPBE05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

6a. Turkey Creek system, including all tributaries and wetlands, from the source to the inlet of Bear Creek Reservoir, except for listings in Segment 6b.							
COSPBE06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Lead(T)	50	---
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

6a. Turkey Creek system, including all tributaries and wetlands, from the source to the inlet of Bear Creek Reservoir, except for listings in Segment 6b.							
COSPBE06A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).			acute	chronic	Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

6b. Mainstem of North Turkey Creek, from the source to the confluence with Turkey Creek.							
COSPBE06B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
7. Mainstem and all tributaries to Bear Creek, including wetlands, within the Mt. Evans Wilderness Area.							
COSPBE07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

8. Lakes and reservoirs in the Bear Creek system from the sources to the boundary of the Mt. Evans Wilderness area.						
COSPBE08	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E				Arsenic(T)	0.02
	Water Supply				Cadmium	TVS
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	5.0
		D.O. (spawning)	---	7.0	Chromium III	---
		pH	6.5 - 9.0	---	Chromium III(T)	50
Other:		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron	---
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.					Iron(T)	1000
					Lead	TVS
					Lead(T)	50
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
*Uranium(acute) = See 38.5(3) for details.					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
*Uranium(chronic) = See 38.5(3) for details.					Silver	TVS
					Uranium	varies*
					Zinc	TVS

9. Lakes and reservoirs in the Bear Creek system from the boundary of the Mt. Evans Wilderness area to the inlet of Evergreen Lake; includes Summit Lake.						
COSPBE09	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E				Arsenic(T)	0.02
	Water Supply				Cadmium	TVS
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	5.0
		D.O. (spawning)	---	7.0	Chromium III	---
		pH	6.5 - 9.0	---	Chromium III(T)	50
Other:		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron	---
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.					Iron(T)	1000
					Lead	TVS
					Lead(T)	50
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
*Uranium(acute) = See 38.5(3) for details.					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
*Uranium(chronic) = See 38.5(3) for details.					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

10. Lakes and reservoirs in drainages of Swede Gulch, Sawmill Gulch, Troublesome Gulch, and Cold Springs Gulch from source to confluence with Bear Creek.								
COSPBE10	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
				Zinc	TVS	TVS		
11. Lakes and reservoirs in the Bear Creek system from the outlet of Evergreen Lake to the confluence with the South Platte River, except for lakes and reservoirs in Segments 1c, 10, and 12; includes Soda Lakes.								
COSPBE11	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Water + Fish Standards		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
						Silver	TVS	TVS
						Uranium	varies*	varies*
				Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Bear Creek Basin

12. Lakes and reservoirs in the Turkey Creek system from the source to the inlet of Bear Creek Reservoir.						
COSPBE12	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
Reviewable	Agriculture					
	Aq Life Cold 2	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply			Cadmium	TVS	TVS
Qualifiers:				Cadmium(T)	5.0	---
Water + Fish Standards				Chromium III	---	TVS
Other:				Chromium III(T)	50	---
*Uranium(acute) = See 38.5(3) for details.				Chromium VI	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.				Copper	TVS	TVS
				Iron	---	WS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	Lead(T)	50	---
		Boron	---	Manganese	TVS	TVS/WS
		Chloride	---	Mercury(T)	---	0.01
		Chlorine	0.019	Molybdenum(T)	---	150
		Cyanide	0.005	Nickel	TVS	TVS
		Nitrate	10	Nickel(T)	---	100
		Nitrite	---	Selenium	TVS	TVS
		Phosphorus	---	Silver	TVS	TVS(tr)
		Sulfate	---	Uranium	varies*	varies*
		Sulfide	---	Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

1. Mainstem of Clear Creek, including all tributaries and wetlands, from the source to the I-70 bridge above Silver Plume.							
COSPCL01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Designation: 9/30/00 Baseline does not apply		acute	chronic	Iron(T)	---	1000	
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of Clear Creek, including all tributaries and wetlands, from the I-70 bridge above Silver Plume to a point just above the confluence with West Fork Clear Creek, except for listings in Segments 3a and 3b.							
COSPCL02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Designation: 9/30/00 Baseline does not apply		acute	chronic	Iron(T)	---	1000	
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

2b. Mainstem of Clear Creek, including all tributaries and wetlands, from the confluence with West Fork Clear Creek to a point just below the confluence with Mill Creek, except for listings in Segments 4 through 8.

COSPCL02B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS
*Designation: 9/30/00 Baseline does not apply		Boron	---	0.75	Lead(T)	50
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Chloride	---	250	Manganese	TVS
*Uranium(acute) = See 38.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---
*Uranium(chronic) = See 38.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

2c. Mainstem of Clear Creek, including all tributaries and wetlands, from a point just below the confluence with Mill Creek to a point just above the Argo Tunnel discharge, except for listings in Segments 9a, 9b, and 10.

COSPCL02C	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS
*Designation: 9/30/00 Baseline does not apply		Boron	---	0.75	Lead(T)	50
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Chloride	---	250	Manganese	TVS
*Uranium(acute) = See 38.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---
*Uranium(chronic) = See 38.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Nitrate	10	---	Nickel	TVS
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	---
					Zinc	SSE*

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

3a. Mainstem of South Clear Creek, including all tributaries and wetlands, from the source to the confluence with Clear Creek, except for the listings in Segments 3b and 19.							
COSPCL03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
*Designation: 9/30/00 Baseline does not apply		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
*Zinc(acute) =		Chlorine	0.019	0.011	Mercury(T)	---	0.01
0.978e^(0.8537[ln(hardness)]+1.9467)		Cyanide	0.005	---	Molybdenum(T)	---	150
*Zinc(chronic) =		Nitrate	10	---	Nickel	TVS	TVS
0.986e^(0.8537[ln(hardness)]+1.8032)		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.							
COSPCL03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Designation: 9/30/00 Baseline does not apply					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Zinc(acute) =		Ammonia	TVS	TVS	Lead	TVS	TVS
0.978e^(0.8537[ln(hardness)]+1.9467)		Boron	---	0.75	Lead(T)	50	---
*Zinc(chronic) =		Chloride	---	250	Manganese	TVS	TVS/WS
0.986e^(0.8537[ln(hardness)]+1.8032)		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.								
COSPCL03B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable*	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *Designation: 9/30/00 Baseline does not apply *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467) *Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
						Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	---	SSE*	
					Zinc	SSE*	---	

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

4. Mainstem of West Fork Clear Creek from the source to the confluence with Woods Creek.							
COSPCL04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Designation: 9/30/00 Baseline does not apply *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
		5. Mainstem of West Fork Clear Creek from the confluence with Woods Creek to the confluence with Clear Creek.					
COSPCL05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Manganese(chronic) = 393 ug/L at the mouth of West Fork, and 1480 ug/L below Woods Creek, see section 38.6(4)(j) for manganese assessment locations. Chronic TVS applies throughout segment. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Zinc(acute) = e^(0.8404[ln(hardness)]+1.8810) *Zinc(chronic) = e^(08404[ln(hardness)]+1.5127)		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	varies*
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	210
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

6. All tributaries to West Fork Clear Creek, including all wetlands, from the source to the confluence with Clear Creek, except for listings in Segments 7a and 8.							
COSPCL06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Designation: 9/30/00 Baseline does not apply *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS
7a. Mainstem of Woods Creek from the outlet of Upper Urad Reservoir to the confluence with West Fork Clear Creek.							
COSPCL07A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 2		DM	MWAT	acute	chronic	
UP	Recreation N	Temperature °C	CS-I	CS-I	Arsenic	340	150
Qualifiers:			acute	chronic	Cadmium	TVS	TVS
Other: Temporary Modification(s): temperature(MWAT) = current condition							

7a. Mainstem of Woods Creek from the outlet of Upper Urad Reservoir to the confluence with West Fork Clear Creek.

COSPCL07A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 2		DM	MWAT		acute	chronic
UP	Recreation N	Temperature °C	CS-I	CS-I	Arsenic	340	150
Qualifiers:			acute	chronic	Cadmium	TVS	TVS
Other:		D.O. (mg/L)	---	6.0	Chromium III	TVS	TVS
Temporary Modification(s):		D.O. (spawning)	---	7.0	Chromium VI	TVS	TVS
temperature(MWAT) = current condition	10/1 - 11/30	pH	6.5 - 9.0	---	Copper	TVS	TVS
temperature(MWAT) = current condition	4/1 - 5/31	chlorophyll a (mg/m²)	---	---	Iron(T)	---	1000
Expiration Date of 6/30/2023		E. coli (per 100 mL)	---	630	Lead	TVS	TVS
					Manganese	TVS	TVS
		Inorganic (mg/L)			Mercury(T)	---	0.01
*Uranium(acute) = See 38.5(3) for details.			acute	chronic	Molybdenum(T)	---	---
*Uranium(chronic) = See 38.5(3) for details.		Ammonia	TVS	TVS	Nickel	TVS	TVS
		Boron	---	---	Selenium	TVS	TVS
		Chloride	---	---	Silver	TVS	TVS(tr)
		Chlorine	0.019	0.011	Uranium	varies*	varies*
		Cyanide	0.005	---	Zinc	TVS	TVS
		Nitrate	---	---			
		Nitrite	---	0.05			
		Phosphorus	---	0.11			
		Sulfate	---	---			
		Sulfide	---	0.002			

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

7b. Lower Urad Reservoir							
COSPCL07B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 2		DM	MWAT	acute	chronic	
UP	Recreation N	Temperature °C	CL	CL	Arsenic	340 150	
Qualifiers:			acute	chronic	Cadmium	TVS TVS	
Other: Temporary Modification(s): temperature(MWAT) = current condition 10/1 - 11/30 temperature(MWAT) = current condition 4/1 - 5/31 Expiration Date of 6/30/2023 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		D.O. (mg/L)	---	6.0	Chromium III	TVS TVS	
		D.O. (spawning)	---	7.0	Chromium VI	TVS TVS	
		pH	6.5 - 9.0	---	Copper	TVS TVS	
		chlorophyll a (ug/L)	---	---	Iron(T)	---	1000
		E. coli (per 100 mL)	---	630	Lead	TVS TVS	
					Manganese	TVS TVS	
					Mercury(T)	---	0.01
					Molybdenum(T)	---	---
					Nickel	TVS TVS	
					Selenium	TVS TVS	
					Silver	TVS TVS(tr)	
					Uranium	varies*	varies*
					Zinc	TVS TVS	
	8. Mainstem of Lion Creek from the source to the confluence with West Fork Clear Creek.						
COSPCL08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 2		DM	MWAT	acute	chronic	
UP	Recreation E	Temperature °C	CS-I	CS-I	Arsenic	---	---
Qualifiers:			acute	chronic	Cadmium	---	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		D.O. (mg/L)	---	6.0	Chromium III	---	---
		D.O. (spawning)	---	7.0	Chromium VI	---	---
		pH	3.0-9.0	---	Copper	---	---
		chlorophyll a (mg/m²)	---	150	Iron	---	---
		E. coli (per 100 mL)	---	126	Lead	---	---
					Manganese	---	---
					Mercury(T)	---	---
					Molybdenum(T)	---	---
					Nickel	---	---
					Selenium	---	---
					Silver	---	---
					Uranium	varies*	varies*
					Zinc	---	---
			</				

8. Mainstem of Lion Creek from the source to the confluence with West Fork Clear Creek.							
COSPCL08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Aq Life Cold 2		DM	MWAT	acute		chronic
UP	Recreation E	Temperature °C	CS-I	CS-I	Arsenic	---	---
Qualifiers:			acute	chronic	Cadmium	---	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		D.O. (mg/L)	---	6.0	Chromium III	---	---
		D.O. (spawning)	---	7.0	Chromium VI	---	---
		pH	3.0-9.0	---	Copper	---	---
		chlorophyll a (mg/m²)	---	150	Iron	---	---
		E. coli (per 100 mL)	---	126	Lead	---	---
					Manganese	---	---
		Inorganic (mg/L)			Mercury(T)	---	---
			acute	chronic	Molybdenum(T)	---	---
		Ammonia	---	---	Nickel	---	---
		Boron	---	---	Selenium	---	---
		Chloride	---	---	Silver	---	---
		Chlorine	---	---	Uranium	varies*	varies*
		Cyanide	---	---	Zinc	---	---
		Nitrate	---	---			
		Nitrite	---	---			
		Phosphorus	---	---			
		Sulfate	---	---			
Sulfide	---	---					

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

9a. Mainstem of Fall River, including all tributaries and wetlands, from the source to the confluence with Clear Creek.						
COSPCL09A	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

9b. Mainstem of Trail Creek, including all tributaries and wetlands from the source to the confluence with Clear Creek.						
COSPCL09B	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
		Inorganic (mg/L)			Iron	---
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.11	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

10. Mainstem of Chicago Creek, including all tributaries and wetlands, from the source to the confluence with Clear Creek, except for listings in Segment 19.							
COSPCL10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Designation: 9/30/00 Baseline does not apply		acute	chronic	Iron(T)	---	1000	
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.							
COSPCL11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	---	17
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Ammonia	TVS	TVS	Lead	TVS	TVS
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.							
COSPCL11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	---	17
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Iron(T)	---	1000	
*Zinc(acute) =		Ammonia	TVS	TVS	Lead	TVS	TVS
0.978e^(0.8537[ln(hardness)]+1.9467)		Boron	---	0.75	Lead(T)	50	---
*Zinc(chronic) =		Chloride	---	250	Manganese	TVS	TVS/WS
0.986e^(0.8537[ln(hardness)]+1.8032)		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

12a. All tributaries to Clear Creek, including all wetlands, from the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado, except for listings in Segments 12b, 13a and 13b.

COSPCL12A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

12b. Beaver Brook, from the source to the confluence with Soda Creek, and Soda Creek, from the source to the confluence with Clear Creek.

COSPCL12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

13a. Mainstem of North Clear Creek, including all tributaries and wetlands, from its source to its confluence with Chase Gulch, and Four Mile Gulch, including all tributaries and wetlands, from their sources to their confluence with North Clear Creek and Eureka Gulch, including all tributaries and wetlands, from its source to its confluence with Gregory Gulch.

COSPCL13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024					Iron	---	WS
*Designation: 9/30/00 Baseline does not apply		Inorganic (mg/L)			Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.			acute	chronic	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

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 listings in Segment 13a.

COSPCL13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	---	64
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).			acute	chronic	Iron(T)	---	5400
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	740

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.							
COSPCL14A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	630	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.							
COSPCL14B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	244
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied 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	
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

16a. Mainstem of Lena Gulch including all tributaries and wetlands from its source to the inlet of Maple Grove Reservoir.						
COSPCL16A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---
*Uranium(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50
*Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

16b. All tributaries to Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the confluence with the South Platte River, except for listings in Segments 16a, 17b, 18a and 18b.

COSPCL16B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

17a. Arvada Reservoir.

COSPCL17A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Cold 2	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Water + Fish Standards		chlorophyll a (ug/L)	---	8	Chromium III(T)	50	---
Other:		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

17b. Mainstem of Ralston Creek, including all tributaries and wetlands, from the source to the inlet of Arvada Reservoir.							
COSPCL17B		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024					Iron	---	WS
		Inorganic (mg/L)			Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

18a. Mainstem of Ralston Creek, including all tributaries and wetlands, from the outlet of Arvada Reservoir to the confluence with Clear Creek.							
COSPCL18A		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid					Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.5	Nickel	TVS	TVS
		Phosphorus	---	0.17	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

18a. Mainstem of Ralston Creek, including all tributaries and wetlands, from the outlet of Arvada Reservoir to the confluence with Clear Creek.							
COSPCL18A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

18b. Mainstem of Leyden Creek and Van Bibber Creek from their source to their confluence with Ralston Creek. Mainstem of Little Dry Creek from its source to its confluence with Clear Creek.

COSPCL18B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

19. All tributaries to Clear Creek, including wetlands, within the Mt. Evans Wilderness Area.

COSPCL19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	250	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

20. Lakes and reservoirs in the Clear Creek system that are within the boundary of the Mt. Evans Wilderness Area.								
COSPCL20	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic			
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	250	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		21. Lakes and reservoirs in the Clear Creek system from sources to the Farmer's Highline Canal diversion in Golden, CO, except for listings in Segments 7b, 20, 22, and 25. Upper Long Lake.						
		COSPCL21	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture	DM	MWAT	acute	chronic	
		Reviewable*	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340
Recreation E	acute		chronic	Arsenic(T)	---	0.02		
Water Supply	D.O. (mg/L)		---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Hole in the Ground Reservoir, Chase Gulch Reservoir, and Beaver Brook Reservoir No 2 only. *Designation: 9/30/00 Baseline does not apply *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM and MWAT=CL from 1/1-3/31 Chase Gulch Reservoir DM=CL and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CL from 4/1-12/31		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.025*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

22. Lakes and reservoirs in the North Clear Creek drainage from a point just below the confluence with Chase Gulch to the confluence with Clear Creek.

COSPCL22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable*	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Inorganic (mg/L)			Manganese	TVS	TVS
			acute	chronic	Mercury(T)	---	0.01
		Ammonia	TVS	TVS	Molybdenum(T)	---	150
		Boron	---	0.75	Nickel	TVS	TVS
		Chloride	---	---	Selenium	TVS	TVS
		Chlorine	0.019	0.011	Silver	TVS	TVS(tr)
		Cyanide	0.005	---	Uranium	varies*	varies*
		Nitrate	100	---	Zinc	TVS	TVS
		Nitrite	---	0.05			
		Phosphorus	---	0.025*			
		Sulfate	---	---			
		Sulfide	---	0.002			

23. Ralston Reservoir

COSPCL23	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Cold 2	Temperature °C	CLL	CLL	Arsenic	340	---
	Recreation U	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
Qualifiers:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Clear Creek Basin

24. Lakes and reservoirs in the Clear Creek system from the Farmers Highline Canal diversion in Golden, Colorado to the confluence with the South Platte River, except for listings in Segments 17a, 21 and 23.

COSPCL24	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
Qualifiers:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Maple Grove Reservoir only. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute		chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

25. Guanella Reservoir (near Town of Empire, 39.758,-105.700)

COSPCL25	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000
		Inorganic (mg/L)			Lead	TVS	TVS
					Manganese	TVS	TVS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	---
					Nickel	TVS	TVS
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Dry Creek Basin

1. Mainstem of Big Dry Creek, including all tributaries and wetlands, from the outlet of Standley Lake to the confluence with the South Platte River. Walnut Creek, including tributaries and wetlands, from the outlet of Great Western Reservoir to the confluence with Big Dry Creek.

COSPB01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation E	D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Fish Ingestion Standards Do Not Apply		chlorophyll a (mg/m ²)	---	150*	Cadmium(T)	5.0	---
Other:		E. coli (per 100 mL)	---	126	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	4.5	Mercury(T)	---	0.01
		Phosphorus	---	0.17*	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	---	varies*
					Selenium	varies*	---
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Standley Lake.

COSPB02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
	DUWS	pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Qualifiers:		chlorophyll a (ug/L)	---	4.0*	Cadmium(T)	5.0	---
Other:		E. coli (per 100 mL)	---	126	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	---	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	---
					Uranium(T)	---	3*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Dry Creek Basin

3. Great Western Reservoir.							
COSPBD03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	100
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(T)(chronic) = 4(t) Picocuries/Liter. See 38.6(4) for additional standards for segment 3.		chlorophyll a (ug/L)	---	---	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	630	Chromium III(T)	---	100
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	---	Manganese	TVS	TVS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	100	---	Nickel	TVS	TVS
		Nitrite	---	2.7	Selenium	TVS	TVS
		Phosphorus	---	---	Silver	TVS	TVS
		Sulfate	---	---	Uranium	varies*	---
		Sulfide	---	0.002	Uranium(T)	---	4*
					Zinc	TVS	TVS
4a. Mainstem and all tributaries to Woman and Walnut Creeks from sources to Standley Lake and Great Western Reservoir, respectively, except for listings in Segments 4b and 5a.							
COSPBD04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(T)(chronic) = See 38.6(4) for additional standards for segment 4a.		chlorophyll a (mg/m²)	---	150	Cadmium(T)	5.0	---
		E. coli (per 100 mL)	---	126	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	---
					Uranium(T)	---	16.8*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Dry Creek Basin

4b. North Walnut Creek from its source to the western edge of the Central Operable Unit. North and South Walnut Creek and Walnut Creek, from the eastern edge of the Central Operable Unit on Rocky Flats Property to Indiana Street.

COSPBD04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(T)(chronic) = See 38.6(4) for additional standards for segment 4b.		chlorophyll a (mg/m ²)	---	150	Cadmium(T)	5.0	---
		E. coli (per 100 mL)	---	126	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	---
					Uranium(T)	---	16.8*
					Zinc	TVS	TVS

5a. North Walnut Creek from the western edge of the Central Operable Unit and South Walnut Creek from its source, including all tributaries and wetlands, to the eastern boundary of the Central Operable Unit.

COSPBD05A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(T)(chronic) = See 38.6(4) for additional standards for segment 5a.		chlorophyll a (mg/m ²)	---	---	Cadmium(T)	5.0	---
		E. coli (per 100 mL)	---	630	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	---	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	---	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	---
					Uranium(T)	---	16.8*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Dry Creek Basin

5b. All lakes and reservoirs from the western edge of the Central Operable Unit to the eastern boundary of the Central Operable Unit and Pond C-2 on Woman Creek.

COSPBD05B	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation N		acute	chronic	Arsenic(T)	---	0.02-10 ^A	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0	
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Qualifiers:								
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(T)(chronic) = See 38.6(4) for additional standards for segment 5b.								
			chlorophyll a (ug/L)	---	20*	Cadmium(T)	5.0	---
			E. coli (per 100 mL)	---	630	Chromium III	---	TVS
			Inorganic (mg/L)			Chromium III(T)	50	---
				acute	chronic	Chromium VI	TVS	TVS
			Ammonia	TVS	TVS	Copper	TVS	TVS
			Boron	---	0.75	Iron(T)	---	1000
			Chloride	---	---	Lead	TVS	TVS
			Chlorine	0.019	0.011	Lead(T)	50	---
			Cyanide	0.005	---	Manganese	TVS	TVS
			Nitrate	10	---	Mercury(T)	---	0.01
			Nitrite	---	0.5	Molybdenum(T)	---	150
			Phosphorus	---	0.083*	Nickel	TVS	TVS
			Sulfate	---	---	Nickel(T)	---	100
			Sulfide	---	0.002	Selenium	TVS	TVS
						Silver	TVS	TVS
						Uranium	varies*	---
						Uranium(T)	---	16.8*
						Zinc	TVS	TVS

6. Upper Big Dry Creek and South Upper Big Dry Creek, from their source to Standley Lake.

COSPBD06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Dry Creek Basin

7. Lakes and reservoirs in the Big Dry Creek system from the source to the confluence with the South Platte River, except for listings in Segments 2, 3, and 5b.							
COSPBD07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation P		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
	DUWS*	pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (ug/L)	---	20*	Cadmium(T)	5.0	---
Qualifiers:	Water + Fish Standards	E. coli (per 100 mL)	---	205	Chromium III	---	TVS
Other:		Inorganic (mg/L)			Chromium III(T)	50	---
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to Welton Reservoir only. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Chromium VI	TVS	TVS
	Ammonia	TVS	TVS	Copper	TVS	TVS	
	Boron	---	0.75	Iron	---	WS	
	Chloride	---	250	Iron(T)	---	1000	
	Chlorine	0.019	0.011	Lead	TVS	TVS	
	Cyanide	0.005	---	Lead(T)	50	---	
	Nitrate	10	---	Manganese	TVS	TVS/WS	
	Nitrite	---	0.5	Mercury(T)	---	0.01	
	Phosphorus	---	0.083*	Molybdenum(T)	---	150	
	Sulfate	---	WS	Nickel	TVS	TVS	
	Sulfide	---	0.002	Nickel(T)	---	100	
				Selenium	TVS	TVS	
				Silver	TVS	TVS	
				Uranium	varies*	varies*	
				Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

1. All tributaries to Boulder Creek, including all wetlands, within the Indian Peaks and James Peak Wilderness Areas.

COSPBO01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.					Inorganic (mg/L)		
*Uranium(chronic) = See 38.5(3) for details.						---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of Boulder Creek, including all tributaries and wetlands, from the boundary of the Indian Peaks Wilderness Area to a point immediately below the confluence with North Boulder Creek, except for the specific listings in Segment 3.

COSPBO02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).					Inorganic (mg/L)		
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

2b. Mainstem of Boulder Creek, including all tributaries and wetlands, from a point immediately below the confluence with North Boulder Creek to a point immediately above the confluence with South Boulder Creek.							
COSPB002B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3. Mainstem of Middle Boulder Creek, including all tributaries and wetlands, from the source to the outlet of Barker Reservoir, except for specific listings in Segment 1.							
COSPB003	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3. Mainstem of Middle Boulder Creek, including all tributaries and wetlands, from the source to the outlet of Barker Reservoir, except for specific listings in Segment 1.							
COSPBO03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

4a. Mainstem of South Boulder Creek, including all tributaries and wetlands, from the source to the outlet of Gross Reservoir except for specific listings in Segment 1.							
COSPBO04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4b. Mainstem of South Boulder Creek, including all tributaries and wetlands, from the outlet of Gross Reservoir to South Boulder Road, except for specific listings in Segments 4c and 4d.							
COSPBO04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT			
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
					Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4b. Mainstem of South Boulder Creek, including all tributaries and wetlands, from the outlet of Gross Reservoir to South Boulder Road, except for specific listings in Segments 4c and 4d.							
COSPBO04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

4c. Mainstem of Cowdrey Drainage from the source below Cowdrey Reservoir #2 to the Davidson Ditch.							
COSPBO04C		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
4d. Mainstem of Cowdrey Drainage from immediately downstream of the Davidson Ditch to the confluence with South Boulder Creek.							
COSPBO04D		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

5. Mainstem of South Boulder Creek from South Boulder Road to the confluence with Boulder Creek.							
COSPBO05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS	
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

6. Mainstem of Coal Creek, including all tributaries and wetlands, from the source to Highway 93.							
COSPBO06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		Copper	TVS	TVS	
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.11	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

7a. Mainstem of Coal Creek from Highway 93 to Highway 36 (Boulder Turnpike).							
COSPBO07A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			Zinc	TVS	TVS		

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 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			Zinc	TVS	TVS		

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 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

8. All tributaries to South Boulder Creek, including all wetlands from South Boulder Road to the confluence with Boulder Creek and all tributaries to Coal Creek, including all wetlands from Highway 93 to the confluence with Boulder Creek.

COSPBO08	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Water Supply	acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron(T)	---
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	0.17*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

9. Mainstem of Boulder Creek from a point immediately above the confluence with South Boulder Creek to the confluence with Coal Creek.

COSPBO09	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

10. Mainstem of Boulder Creek from the confluence with Coal Creek to the confluence with St. Vrain Creek.							
COSPBO10	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

11. All tributaries to Boulder Creek, including all wetlands from a point immediately above the confluence with South Boulder Creek to the confluence with St. Vrain Creek, except for specific listings in Segments 5, 7a and 7b.							
COSPBO11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

11. All tributaries to Boulder Creek, including all wetlands from a point immediately above the confluence with South Boulder Creek to the confluence with St. Vrain Creek, except for specific listings in Segments 5, 7a and 7b.

COSPBO11	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute		chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

12. Deleted.

COSPBO12	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
Qualifiers:		acute	chronic		
Other:					
		Inorganic (mg/L)			
		acute	chronic		

13. All lakes and reservoirs tributary to Boulder Creek that are within the boundary of the Indian Peaks and James Peak Wilderness Areas.

COSPBO13	Classifications	Physical and Biological		Metals (ug/L)			
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.
*Uranium(acute) = See 38.5(3) for details.
*Uranium(chronic) = See 38.5(3) for details.

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

14. All lakes and reservoirs tributary to Boulder Creek from the source to a point immediately above the South Boulder Creek confluence, except as specified in Segment 13. This segment includes Barker and Lakewood Reservoir.

COSPBO14	Classifications	Physical and Biological			Metals (ug/L)					
Designation	Agriculture	DM	MWAT	acute		chronic				
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---			
	Recreation E			acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS			
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---			
		pH	6.5 - 9.0	---	Chromium III	---	TVS			
Qualifiers:					Chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
Other:					E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Temporary Modification(s):								Copper	TVS	TVS
Arsenic(chronic) = hybrid								Iron	---	WS
Expiration Date of 12/31/2024					Inorganic (mg/L)			Iron(T)	---	1000
					acute		chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---	Manganese	TVS	TVS/WS
		Boron	---	0.75	Mercury(T)	---	0.01	Molybdenum(T)	---	150
		Chloride	---	250	Nickel	TVS	TVS	Nickel(T)	---	100
		Chlorine	0.019	0.011	Selenium	TVS	TVS	Silver	TVS	TVS(tr)
		Cyanide	0.005	---	Uranium	varies*	varies*	Zinc	TVS	TVS
		Nitrate	10	---						
		Nitrite	---	0.05						
		Phosphorus	---	0.025*						
		Sulfate	---	WS						
		Sulfide	---	0.002						

15. All lakes and reservoirs tributary to South Boulder Creek from the source to Highway 93. All lakes and reservoirs tributary to Coal Creek from the source to Highway 93 except for specific listings in segments 13 and 18.

COSPBO15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Classification: DUWS applies to Kossler Lake only.</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

16. All lakes and reservoirs tributary to South Boulder Creek system from Highway 93 to the confluence with Boulder Creek. All lakes and reservoirs tributary to Coal Creek system from Highway 93 to the confluence with Boulder Creek.

COSPBO16	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (ug/L)	---	---	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

17. All lakes and reservoirs tributary to Boulder Creek from a point immediately below the confluence with South Boulder Creek to the confluence with St. Vrain Creek, except as specified in Segments 15 and 16.

COSPBO17	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Boulder Creek Basin

18. Gross Reservoir.							
COSPBO18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM and MWAT=CLL from 1/1-3/31 DM=22.4 and MWAT=19.4 from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

1. All tributaries to St. Vrain Creek, including all wetlands, which are within the Indian Peaks Wilderness Area and Rocky Mountain National Park.

COSPSV01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of St. Vrain Creek, including all tributaries and wetlands, from the boundary of the Indian Peaks Wilderness Area and Rocky Mountain National Park to the eastern boundary of Roosevelt National Forest.

COSPSV02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).			acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

2b. Mainstem of St. Vrain Creek, including all tributaries and wetlands, from the eastern boundary of Roosevelt National Forest to Hygiene Road.						
COSPSV02B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0	---	Chromium III	--- TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50 ---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
Expiration Date of 12/31/2024					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11*	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS

3. Mainstem of St. Vrain Creek from Hygiene Road to the confluence with the South Platte River.						
COSPSV03	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340 ---
	Water Supply	acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	--- TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50 ---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	--- WS
		Boron	---	0.75	Iron(T)	--- 1000
		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.5	Molybdenum(T)	--- 150
		Phosphorus	---	---	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS
					Uranium	varies* varies*
					Zinc	TVS TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

St. Vrain Creek Basin

4a. Mainstem of Left Hand Creek, including all tributaries and wetlands, from the source to a point immediately below the confluence with James Creek, except for specific listings in Segment 4b.

COSPSV04A	Classifications	Physical and Biological			Metals (ug/L)		
Designation			DM	MWAT		acute	chronic
UP	Agriculture						
	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

4b. Mainstem of James Creek, including all tributaries and wetlands, from the source to the confluence with Left Hand Creek.

COSPSV04B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

4c. Mainstem of Left Hand Creek, including all tributaries and wetlands, from a point immediately below the confluence with James Creek to Highway 36.							
COSPSV04C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

5. Mainstem of Left Hand Creek, including all tributaries and wetlands from Highway 36 to the confluence with St. Vrain Creek.							
COSPSV05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.5	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

6a. All tributaries to Dry Creek, including wetlands, from the source to the inlet of Boulder Reservoir.						
COSPSV06A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---
Iron(chronic) = current condition*		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 6/30/2023		Inorganic (mg/L)			Copper	TVS
		acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Manganese	TVS
*TempMod: Iron = Adopted 12/12/2016		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

6b. All tributaries to St. Vrain Creek, including wetlands from Hygiene Road to the confluence with the South Platte River, except for specific listings in the Boulder Creek subbasin and in Segments 4a, 4b, 4c and 5 and 6a.						
COSPSV06B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Water Supply	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

7. Boulder Reservoir, Coot Lake, Left Hand Valley Reservoir and Spurgeon Reservoir.							
COSPSV07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Classification: DUWS applies to Boulder, Spurgeon and Left Hand Valley Reservoirs only. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
8. All lakes and reservoirs tributary to St. Vrain Creek that are within the boundary of the Indian Peaks Wilderness Area and Rocky Mountain National Park.							
COSPSV08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

9. All lakes and reservoirs tributary to St. Vrain Creek from sources to Hygiene Road, including Button Rock Reservoir, except as specified in Segment 8.						
COSPSV09	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (ug/L)	---	---	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
					Iron	---
*Uranium(acute) = See 38.5(3) for details.					Iron(T)	---
*Uranium(chronic) = See 38.5(3) for details.					Lead	TVS
					Lead(T)	50
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

10. All lakes and reservoirs tributary to Left Hand Creek from sources to Highway 36.						
COSPSV10	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Classification: DUWS applies to Joder Reservoir only.					Copper	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.					Iron	---
*Uranium(acute) = See 38.5(3) for details.					Iron(T)	---
*Uranium(chronic) = See 38.5(3) for details.					Lead	TVS
					Lead(T)	50
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

11. Barbour Ponds.

COSPSV11	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (ug/L)	---	---	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

12. All lakes and reservoirs tributary to Left Hand Creek from Highway 36 to the confluence with St. Vrain Creek, except as specified in Segment 7.

COSPSV12	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Water + Fish Standards		chlorophyll a (ug/L)	---	---	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

St. Vrain Creek Basin

13. All lakes and reservoirs tributary to St. Vrain Creek from Hygiene Road to the confluence with the South Platte River, except as specified in Segments 7, 10, 11 and 12.

COSPSV13	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

1a. Mainstem of the South Platte River from a point immediately below the confluence with Big Dry Creek to the confluence with St. Vrain Creek.							
COSPMS01A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	varies*	varies*	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	---	18.0*
Ammonia(acute) = See section 38.6(4) for site-specific standards.		Ammonia	TVS	TVS*	Copper	26.4*	---
*Ammonia(chronic) = See section 38.6(4) for site-specific standards.		Boron	---	0.75	Iron	---	WS
*Copper(acute) = Copper BLM-based FMB		Chloride	---	250	Iron(T)	---	1000
Cu FMB(ac)=26.4 ug/l		Chlorine	0.019	0.011	Lead	TVS	TVS
*Copper(chronic) = Copper BLM-based FMB		Cyanide	0.005	---	Lead(T)	50	---
Cu FMB(ch)=18.0 ug/l		Nitrate	10	---	Manganese	TVS	TVS/WS
*Uranium(acute) = See 38.5(3) for details.		Nitrite	---	0.5	Mercury(T)	---	0.01
*Uranium(chronic) = See 38.5(3) for details.		Phosphorus	---	---	Molybdenum(T)	---	150
*D.O. (mg/L)(acute) = See section 38.6(4) for site-specific standards.		Sulfate	---	WS	Nickel	TVS	TVS
*D.O. (mg/L)(chronic) = See section 38.6(4) for site-specific standards.		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Mainstem of the South Platte River from a point immediately below the confluence with St. Vrain Creek to the Weld/Morgan County Line.							
COSPMS01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

1b. Mainstem of the South Platte River from a point immediately below the confluence with St. Vrain Creek to the Weld/Morgan County Line.							
COSPMS01B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

2. Deleted.							
COSPMS02	Classifications	Physical and Biological			Metals (ug/L)		
Designation		DM	MWAT	acute	chronic		
Qualifiers:		acute	chronic				
Other:							
		Inorganic (mg/L)					
		acute	chronic				
3a. All tributaries to the South Platte River, including all wetlands, from a point immediately below the confluence with Big Dry Creek to the Weld/Morgan County line, except for listings in the subbasins of the South Platte River, and in Segments 3b, 5a, 5b, 5c, and 6.							
COSPMS03A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m ²)	---	150*	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
Temporary Modification(s):		acute	chronic		Copper	TVS	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---	WS
Expiration Date of 12/31/2024		Boron	---	0.75	Iron(T)	---	1000
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Chloride	---	250	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Chlorine	0.019	0.011	Lead(T)	50	---
*Uranium(acute) = See 38.5(3) for details.		Cyanide	0.005	---	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 38.5(3) for details.		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

3b. Hayesmount Tributaries including the Upper Hayesmount Tributary from the source to the confluence with Box Elder Creek and the Lower Hayesmount Tributaries from the source to the Denver Hudson Canal.

COSPMS03B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	narrative*	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.17	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

4. Barr Lake and Milton Reservoir.

COSPMS04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m ²)	---	---	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

5a. Mainstem of Lone Tree Creek from the source to the confluence with the South Platte River.						
COSPMS05A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340
	Recreation N	acute	chronic	Arsenic(T)	---	0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
		E. coli (per 100 mL)	---	630	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	0.17*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

5b. Mainstem of Box Elder Creek from the confluence with Coyote Run to the Denver Hudson Canal.						
COSPMS05B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340
	Recreation N	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	4.7*	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---
		E. coli (per 100 mL)	---	630	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	10	---	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	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 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

5c. Mainstems of Crow Creek and Box Elder Creek from their sources to their confluences with the South Platte River, except for listings in Segment 5b.							
COSPMS05C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation N	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	630	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

6. Lost Creek from the source to Interstate 76, including all its tributaries, stock ponds and wetlands.

COSPMS06	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture			DM	MWAT	acute		chronic
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---	
	Recreation N			acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100	
Other: *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Cadmium	---	---	
		chlorophyll a (mg/m²)	---	---	Cadmium(T)	---	10	
		E. coli (per 100 mL)	---	630	Chromium III	---	---	
		Inorganic (mg/L)			Chromium III(T)	---	100	
					Chromium VI	---	---	
		Ammonia	---	---	Chromium VI(T)	---	100	
		Boron	---	0.75	Copper	---	---	
		Chloride	---	---	Copper(T)	---	200	
		Chlorine	---	---	Iron	---	---	
		Cyanide	0.2	---	Lead	---	---	
		Nitrate	100	---	Lead(T)	---	100	
		Nitrite	10	---	Manganese	---	---	
		Phosphorus	---	0.17*	Manganese(T)	---	200	
		Sulfate	---	---	Mercury(T)	---	---	
		Sulfide	---	0.002	Molybdenum(T)	---	150	
					Nickel	---	---	
					Nickel(T)	---	200	
					Selenium	---	---	
					Selenium(T)	---	20	
					Silver	---	---	
					Uranium	varies*	varies*	
					Zinc	---	---	
					Zinc(T)	---	2000	

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Middle South Platte River Basin

7. All lakes and reservoirs tributary to the South Platte River from a point immediately below the confluence with Big Dry Creek to the Weld/Morgan County line, except for listings in the subbasins of the South Platte River, and in segments 4 and 8.

COSPMS07	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m ²)	---	---	Chromium III	---	TVS
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Other:		Inorganic (mg/L)			Chromium VI	TVS	TVS
Temporary Modification(s):			acute	chronic	Copper	TVS	TVS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron	---	WS
Expiration Date of 12/31/2024		Boron	---	0.75	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

8. Riverside Reservoir.

COSPMS08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: *chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	20*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

1. Mainstem of the Big Thompson River, including all tributaries and wetlands, within Rocky Mountain National Park.							
COSPBT01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
2. Mainstem of the Big Thompson River from the boundary of Rocky Mountain National Park to the Greeley-Loveland Canal Diversion (40.397884, -105.106482). All tributaries to the Big Thompson River, including all wetlands, from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion (40.424430, -105.210449).							
COSPBT02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Copper(acute) = 11 ug/L from immediately above the Upper Thompson Sanitation District's wastewater treatment plant outfall to the Home Supply Canal Diversion. *Copper(chronic) = 7.5 ug/L from immediately above the Upper Thompson Sanitation District's wastewater treatment plant outfall to the Home Supply Canal Diversion. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	7.5*
		Inorganic (mg/L)			Copper	11*	TVS
			acute	chronic	Copper	TVS	---
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	0.11*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

3. Mainstem of the Big Thompson River from the Greeley-Loveland Canal diversion (40.397884, -105.106482) to County Road 11H.						
COSPBT03	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

4. Mainstem of the Big Thompson River from County Road 11H to I-25.						
COSPBT04	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Fish Ingestion Standards		pH	6.5 - 9.0	---	Chromium III	TVS
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	---
*Uranium(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

5. Mainstem of The Big Thompson River from I-25 to the confluence with the South Platte River.							
COSPBT05	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

6. All tributaries to the Big Thompson River, including all wetlands, from the Home Supply Canal diversion (40.424430, -105.210449) to the confluence with the South Platte River, except for listings in segments 7, 8, 9, and 10.							
COSPBT06	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 2	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Water Supply		acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m²)	---	150	Chromium III	---	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid			acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

Big Thompson River Basin

7. Buckhorn Creek from the source to the confluence with the Big Thompson River.

COSPBT07	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
					Inorganic (mg/L)	Iron	---	WS	
					acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS		
		Boron	---	0.75	Lead(T)	50	---		
		Chloride	---	250	Manganese	TVS	TVS/WS		
		Chlorine	0.019	0.011	Mercury(T)	---	0.01		
		Cyanide	0.005	---	Molybdenum(T)	---	150		
		Nitrate	10	---	Nickel	TVS	TVS		
		Nitrite	---	0.05	Nickel(T)	---	100		
		Phosphorus	---	0.11*	Selenium	TVS	TVS		
		Sulfate	---	WS	Silver	TVS	TVS(tr)		
		Sulfide	---	0.002	Uranium	varies*	varies*		
					Zinc	TVS	TVS		

8. Mainstem of the Little Thompson River, including all tributaries and wetlands, from the source to the Culver Ditch diversion (40.259242, -105.200029).

COSPBT08	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

9. Mainstem of the Little Thompson River from the Culver Ditch diversion (40.259242, -105.200029) to the confluence with the Big Thompson River.						
COSPBT09	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	150*	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron(T)	---
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	0.17*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

10. All tributaries to the Little Thompson River, including all wetlands, from the Culver Ditch diversion (40.259242, -105.200029) to the confluence with the Big Thompson River.						
COSPBT10	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	---
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)		Copper	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Manganese	TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Phosphorus	---	0.17*	Uranium	varies*
		Sulfate	---	---	Zinc	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 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

11. Carter Lake.								
COSPBT11	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
	DUWS	D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM and MWAT=CLL from 1/1-3/31 DM=22.4 and MWAT=22.7 from 4/1-12/31		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	---	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS	
		12. Lake Loveland, Horseshoe Lake, Boyd Lake.						
		COSPBT12	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture		DM	MWAT	acute	chronic
		Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340
Recreation E			acute	chronic	Arsenic(T)	---	0.02	
Water Supply	D.O. (mg/L)		---	5.0	Cadmium	TVS	TVS	
DUWS*	pH		6.5 - 9.0	---	Cadmium(T)	5.0	---	
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Classification: DUWS Applies to Boyd and Loveland Lakes only. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron	---	WS	
		Boron	---	0.75	Iron(T)	---	1000	
		Chloride	---	250	Lead	TVS	TVS	
		Chlorine	0.019	0.011	Lead(T)	50	---	
		Cyanide	0.005	---	Manganese	TVS	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	---	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	TVS	

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

13. Berthoud Reservoir, Johnstown Reservoir.						
COSPBT13	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
	DUWS	pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Other:		Inorganic (mg/L)			Chromium VI	TVS
		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

14. Welch Reservoir, Lonetree Reservoir, Boedecker Lake, Lon Hagler Reservoir.						
COSPBT14	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	---	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)			Chromium VI	TVS
		acute	chronic	Copper	TVS	TVS
Temporary Modification(s):		Ammonia	TVS	TVS	Iron	---
Arsenic(chronic) = hybrid		Boron	---	0.75	Iron(T)	---
Expiration Date of 12/31/2024		Chloride	---	250	Lead	TVS
*Classification: DUWS applies to Lonetree Reservoir only.		Chlorine	0.019	0.011	Lead(T)	50
*Uranium(acute) = See 38.5(3) for details.		Cyanide	0.005	---	Manganese	TVS
*Uranium(chronic) = See 38.5(3) for details.		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

15. All lakes and reservoirs tributary to the Big Thompson River within Rocky Mountain National Park.						
COSPBT15	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E				Arsenic(T)	---
	Water Supply				Cadmium	TVS
Qualifiers:					Cadmium(T)	5.0
Other:					Chromium III	---
					Chromium III(T)	50
					Chromium VI	TVS
					Copper	TVS
					Iron	---
					Iron(T)	---
					Lead	TVS
					Lead(T)	50
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

16. All lakes and reservoirs tributary to the Big Thompson River from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion (40.424430, -105.210449). This segment includes Lake Estes and St Mary's Lake.						
COSPBT16	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	CL,CLL	Arsenic	340
	Recreation E				Arsenic(T)	---
	Water Supply				Cadmium	TVS
	DUWS*				Cadmium(T)	5.0
Qualifiers:					Chromium III	---
Other:					Chromium III(T)	50
					Chromium VI	TVS
					Copper	TVS
					Iron	---
					Iron(T)	---
					Lead	TVS
					Lead(T)	50
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

17. All lakes and reservoirs tributary to the Big Thompson River from the Home Supply Canal diversion (40.424430, -105.210449) to the confluence with the South Platte River, except for listings in segments 12, 14, 18, and 19.

COSPBT17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS
Qualifiers:		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Water + Fish Standards					Chromium VI	TVS	TVS
Other:		Inorganic (mg/L)			Copper	TVS	TVS
Temporary Modification(s):			acute	chronic	Iron	---	WS
Arsenic(chronic) = hybrid		Ammonia	TVS	TVS	Iron(T)	---	1000
Expiration Date of 12/31/2024		Boron	---	0.75	Lead	TVS	TVS
*Classification: DUWS applies to Pinewood Lake only.		Chloride	---	250	Lead(T)	50	---
*Uranium(acute) = See 38.5(3) for details.		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 38.5(3) for details.		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.5	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

18. All lakes and reservoirs tributary to the Little Thompson River from the source to the Culver Ditch diversion (40.259242, -105.200029).

COSPBT18	Classifications	Physical and Biological			Metals (ug/L)				
Designation	Agriculture		DM	MWAT		acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---		
	Recreation E		acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS		
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---		
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---		
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
		Inorganic (mg/L)			Iron	---	WS		
					Iron(T)	---	1000		
		Ammonia			TVS	TVS	Lead	TVS	TVS
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	TVS/WS
		Chlorine			0.019	0.011	Mercury(T)	---	0.01
		Cyanide			0.005	---	Molybdenum(T)	---	150
		Nitrate			10	---	Nickel	TVS	TVS
		Nitrite			---	0.05	Nickel(T)	---	100
		Phosphorus			---	---	Selenium	TVS	TVS
		Sulfate			---	WS	Silver	TVS	TVS(tr)
		Sulfide			---	0.002	Uranium	varies*	varies*
							Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Big Thompson River Basin

19. All lakes and reservoirs tributary to the Little Thompson River from the Culver Ditch diversion (40.259242, -105.200029) to the confluence with the Big Thompson River, except for listings in segments 11 and 13.

COSPBT19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (ug/L)	---	---	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

1. Mainstem of the Cache La Poudre River, including all tributaries and wetlands, within Rocky Mountain National Park and the Rawah, Neota, Comanche Peak, and Cache La Poudre Wilderness Areas.

COSPCP01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

2a. Mainstem of the Cache La Poudre River, including all tributaries and wetlands, from the boundaries of Rocky Mountain National Park and the Rawah, Neota, Comanche Peak, and Cache La Poudre Wilderness Areas to a point immediately below the confluence with the South Fork Cache La Poudre River.

COSPCP02A	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT		acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III(T)	50	---	
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
Arsenic(chronic) = hybrid					Copper	TVS	TVS	
Expiration Date of 12/31/2024						Iron	---	WS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).						Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).						Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.						Lead(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.						Manganese	TVS	TVS/WS
						Mercury(T)	---	0.01
						Molybdenum(T)	---	150
						Nickel	TVS	TVS
						Nickel(T)	---	100
						Selenium	TVS	TVS
						Silver	TVS	TVS(tr)
						Uranium	varies*	varies*
						Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

2b. Mainstem of the Cache La Poudre River, including all tributaries and wetlands, from a point immediately below the confluence with the South Fork Cache La Poudre River to the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion; 40.691700, -105.255292), except for listings in segments 1 and 3.							
COSPCP02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3. Elkhorn Creek, including all tributaries and wetlands, from the source to a point immediately above the confluence with Manhattan Creek.							
COSPCP03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
*Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

4. Deleted.				
COSPCP04	Classifications	Physical and Biological		Metals (ug/L)
Designation		DM	MWAT	acute chronic
Qualifiers:		acute	chronic	
Other:				
		Inorganic (mg/L)		
		acute	chronic	

5. Deleted.				
COSPCP05	Classifications	Physical and Biological		Metals (ug/L)
Designation		DM	MWAT	acute chronic
Qualifiers:		acute	chronic	
Other:				
		Inorganic (mg/L)		
		acute	chronic	

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

6. North Fork of the Cache La Poudre River, including all tributaries and wetlands, from the source to the inlet of Halligan Reservoir.						
COSPCP06	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
		acute chronic			Iron(T)	--- 1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	0.11	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS

7. North Fork of the Cache La Poudre River, including all tributaries and wetlands, from the inlet of Halligan Reservoir to the confluence with the Cache La Poudre River, except for listings in segments 8 and 20.						
COSPCP07	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	--- TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
					Copper	TVS TVS
		Inorganic (mg/L)			Iron	--- WS
		acute chronic			Iron(T)	--- 1000
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Lead(T)	50 ---
		Chloride	---	250	Manganese	TVS TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	--- 0.01
		Cyanide	0.005	---	Molybdenum(T)	--- 150
		Nitrate	10	---	Nickel	TVS TVS
		Nitrite	---	0.05	Nickel(T)	--- 100
		Phosphorus	---	---	Selenium	TVS TVS
		Sulfate	---	WS	Silver	TVS TVS(tr)
		Sulfide	---	0.002	Uranium	varies* varies*
					Zinc	TVS TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

8. Middle Fork Rabbit Creek, including all tributaries and wetlands, from the source to the confluence with Rabbit Creek. Stonewall Creek, including all tributaries and wetlands, from the source to the confluence with the North Fork of the Cache La Poudre River. North Fork Lone Pine Creek and South Fork Lone Pine Creek, including all tributaries and wetlands, from the source to the confluence with Lone Pine Creek.

COSPCP08	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture	DM		MWAT	acute		chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
	Recreation E	acute		chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	0.11*	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
				Zinc	TVS	TVS		

9. Deleted.

COSPCP09	Classifications	Physical and Biological		Metals (ug/L)	
Designation		DM	MWAT	acute	chronic
Qualifiers:		acute	chronic		
Other:					
		Inorganic (mg/L)			
		acute	chronic		

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

10a. Mainstem of the Cache La Poudre River from the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion; 40.691700, -105.255292) to a point immediately above the Larimer County Ditch diversion (40.656612, -105.185244).

COSPCP10A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

10b. Mainstem of the Cache La Poudre River from a point immediately above the Larimer County Ditch diversion (40.656612, -105.185244) to Shields Street in Ft. Collins, Colorado.

COSPCP10B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid					Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
*Uranium(acute) = See 38.5(3) for details.			acute	chronic	Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

Cache La Poudre River Basin

[illegible]

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

12b. Mainstem of the Cache La Poudre River from U.S. Hwy 85 in Greeley to the confluence with the South Platte River.							
COSPCP12B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	2.7	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
13a. All tributaries to the Cache La Poudre River, including all wetlands, from the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion; 40.691700, -105.255292) to the confluence with the South Platte River, except for listings in segments 6, 7, 8, 13b, and 13c.							
COSPCP13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
Water Supply		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
			Zinc	TVS	TVS		

13a. All tributaries to the Cache La Poudre River, including all wetlands, from the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion; 40.691700, -105.255292) to the confluence with the South Platte River, except for listings in segments 6, 7, 8, 13b, and 13c.							
COSPCP13A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *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). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
		Inorganic (mg/L)			Chromium VI	TVS	TVS
			acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---	WS
		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

13b. Mainstem of Boxelder Creek from its source to a point immediately above Slab Canyon Wash. Mainstems of South Branch of Boxelder Creek, North Branch of Boxelder Creek, and Sand Creek from their sources to their confluences with the mainstem of Boxelder Creek.

COSPCP13B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.					Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

13c. Mainstem of Boxelder Creek from a point immediately above Slab Canyon Wash to the confluence with the Cache La Poudre River.

COSPCP13C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute		chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Water Supply	acute	chronic	Arsenic(T)	---	0.02	
	Recreation P	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	150*	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron(T)	---	1000
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

14. Horsetooth Reservoir.						
COSPCP14	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	varies* varies* B	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
	DUWS	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM=CLL and MWAT=CLL from 1/1-3/31 DM=CLL and MWAT=22.8 from 4/1-12/31		chlorophyll a (ug/L)	---	---	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
				Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	---	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

15. Watson Lake.						
COSPCP15	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	---	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
				Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	---	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

16. Reservoir #4 (40.719045, -105.033743), Water Supply Reservoir #3 (40.665205, -105.089882), Claymore Lake, College Lake, Dixon Reservoir, Robert Benson Lake, Black Hollow Reservoir, Seeley Lake.

COSPCP16	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
UP	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	20*	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	0.083*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

17. All lakes and reservoirs tributary to the Cache La Poudre River within Rocky Mountain National Park and the Rawah, Neota, Comanche Peak, and Cache La Poudre Wilderness Areas.

COSPCP17	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

18. All lakes and reservoirs tributary to the Cache La Poudre River from the boundaries of Rocky Mountain National Park and the Rawah, Neota, Comanche Peak, and Cache La Poudre Wilderness Areas to the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion; 40.691700, -105.255292).

COSPCP18	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = See 38.6(4) for temperature standards.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.025*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
Sulfide	---	0.002	Zinc	TVS	TVS		

19. All lakes and reservoirs tributary to the North Fork of the Cache La Poudre River from the source to the inlet of Halligan Reservoir.

COSPCP19	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	TVS	TVS
		Chloride	---	250	Lead(T)	50	---
		Chlorine	0.019	0.011	Manganese	TVS	TVS/WS
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	0.025*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

20. All lakes and reservoirs tributary to the North Fork of the Cache La Poudre River from the inlet of Halligan Reservoir to the confluence with the Cache La Poudre River. This segment includes Halligan Reservoir and Seaman Reservoir.						
COSPCP20	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM MWAT		acute	chronic	
Reviewable	Aq Life Cold 2	Temperature °C	varies*	varies*	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0 ---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	--- TVS
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = DM and MWAT=CL,CLL from 1/1-3/31 Seaman Reservoir DM=CLL and MWAT=22.5 from 4/1-12/31 All others DM and MWAT=CL,CLL from 4/1-12/31		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
			acute	chronic	Iron	--- WS
		Ammonia	TVS	TVS	Iron(T)	--- 1000
		Boron	---	0.75	Lead	TVS TVS
		Chloride	---	250	Lead(T)	50 ---
		Chlorine	0.019	0.011	Manganese	TVS TVS/WS
		Cyanide	0.005	---	Mercury(T)	--- 0.01
		Nitrate	10	---	Molybdenum(T)	--- 150
		Nitrite	---	0.05	Nickel	TVS TVS
		Phosphorus	---	0.025*	Nickel(T)	--- 100
		Sulfate	---	WS	Selenium	TVS TVS
		Sulfide	---	0.002	Silver	TVS TVS(tr)
					Uranium	varies* varies*
					Zinc	TVS TVS
21. All lakes and reservoirs tributary to the Cache La Poudre River from the Munroe Gravity Canal Headgate (also known as the North Poudre Supply Canal diversion; 40.691700, -105.255292) to the confluence with the South Platte River, except for listings in segments 14, 15, 16, 19, 20, and 22.						
COSPCP21	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM MWAT		acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340 ---
	Recreation E		acute	chronic	Arsenic(T)	--- 0.02-10 ^A
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
DUWS*		pH	6.5 - 9.0	---	Cadmium(T)	5.0 ---
		chlorophyll a (ug/L)	---	20*	Chromium III	--- TVS
Qualifiers:		E. coli (per 100 mL)	---	126	Chromium III(T)	50 ---
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS applies to North Poudre Reservoir No. 3 only. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS TVS
			acute	chronic	Copper	TVS TVS
		Ammonia	TVS	TVS	Iron	--- WS
		Boron	---	0.75	Iron(T)	--- 1000
		Chloride	---	250	Lead	TVS TVS
		Chlorine	0.019	0.011	Lead(T)	50 ---
		Cyanide	0.005	---	Manganese	TVS TVS/WS
		Nitrate	10	---	Mercury(T)	--- 0.01
		Nitrite	---	0.5	Molybdenum(T)	--- 150
		Phosphorus	---	0.083*	Nickel	TVS TVS
		Sulfate	---	WS	Nickel(T)	--- 100
		Sulfide	---	0.002	Selenium	TVS TVS
					Silver	TVS TVS
					Uranium	varies* varies*
					Zinc	TVS TVS

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Cache La Poudre River Basin

22. Fossil Creek Reservoir.							
COSPCP22	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
UP	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Fish Ingestion Standards		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other: *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	---	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Manganese	TVS	TVS
		Chloride	---	---	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	100	---	Selenium	TVS	TVS
		Nitrite	---	0.5	Silver	TVS	TVS
		Phosphorus	---	---	Uranium	varies*	varies*
		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 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Laramie River Basin

1. All tributaries to the Laramie River, including all wetlands, which are within the Rawah Wilderness Area.

COSPLA01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
OW	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	---	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.					Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.					Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	---	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

2a. Mainstem of the Laramie River from the source to the National Forest boundary, and all tributaries and wetlands from the source to the Colorado/Wyoming border, except for listings in Segment 1.

COSPLA02A	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.					Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.					Iron(T)	---	1000
			acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Lead(T)	50	---
		Boron	---	0.75	Manganese	TVS	TVS/WS
		Chloride	---	250	Mercury(T)	---	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	---	150
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Nickel(T)	---	100
		Nitrite	---	0.05	Selenium	TVS	TVS
		Phosphorus	---	0.11	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		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 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Laramie River Basin

2b. Mainstem of the Laramie River from the National Forest boundary to the Colorado/Wyoming border.							
COSPLA02B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
3. All lakes and reservoirs tributary to the Laramie River within the Rawah Wilderness Area.							
COSPLA03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
OW	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.025*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Laramie River Basin

4. All lakes and reservoirs tributary to the Laramie River from the source to the Colorado/Wyoming border, except for listings in Segment 3.							
COSPLA04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---
					Manganese	TVS	TVS/WS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower South Platte River Basin

1a. Mainstem of the South Platte River from the Weld/Morgan County line to the Morgan/Washington County line.						
COSPLS01A	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

1b. Mainstem of the South Platte River from the Morgan/Washington County line to the Colorado/Nebraska border.						
COSPLS01B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Water + Fish Standards		chlorophyll a (mg/m ²)	---	---	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Temporary Modification(s):		Inorganic (mg/L)		Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---
*Uranium(acute) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---
*Uranium(chronic) = See 38.5(3) for details.		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower South Platte River Basin

2. All tributaries to the South Platte River, including all wetlands, from the Weld/Morgan County line to the Colorado/Nebraska border.

COSPLS02	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 1	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Cadmium(T)	5.0	---
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III	---	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium III(T)	50	---
Expiration Date of 12/31/2024		acute	chronic		Chromium VI	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Copper	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron	---	WS
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Iron(T)	---	1000
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	0.17*	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

3. Jackson Reservoir, Prewitt Reservoir, North Sterling Reservoir, Jumbo (Julesburg), Empire Reservoir, Vancil Reservoir.

COSPLS03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT		acute	chronic	
UP	Aq Life Warm 1	Temperature °C	varies*	varies*	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (ug/L)	---	20*	Chromium III	---	TVS
*chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		acute	chronic		Copper	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Temperature = See 38.6(4) for temperature standards.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.083*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Lower South Platte River Basin

4. All lakes and reservoirs tributary to the South Platte River from the Weld/Morgan County line to the Colorado/Nebraska border, except for listings in Segment 3.							
COSPLS04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 2	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
Water + Fish Standards		chlorophyll a (ug/L)	---	20*	Cadmium(T)	5.0	---
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III	---	TVS
		Inorganic (mg/L)			Chromium III(T)	50	---
			acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS	TVS
		Boron	---	0.75	Iron	---	WS
		Chloride	---	250	Iron(T)	---	1000
		Chlorine	0.019	0.011	Lead	TVS	TVS
		Cyanide	0.005	---	Lead(T)	50	---
		Nitrate	10	---	Manganese	TVS	TVS/WS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	0.083*	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
		Selenium	TVS	TVS			
		Silver	TVS	TVS			
		Uranium	varies*	varies*			
Zinc	TVS	TVS					

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Republican River Basin

1. Mainstem of the South Fork of the Republican River from a point 23 miles above the Colorado/Kansas border (39.582154, -102.350838) to the Colorado/Kansas border.							
COSPREF01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture		DM	MWAT		acute	chronic
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	---	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024			acute	chronic	Copper	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
2. Deleted.							
COSPREF02	Classifications	Physical and Biological			Metals (ug/L)		
Designation			DM	MWAT		acute	chronic
Qualifiers:			acute	chronic			
Other:							
		Inorganic (mg/L)					
			acute	chronic			

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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Republican River Basin

3. Mainstem of the North Fork of the Republican River from the source to the Colorado/Nebraska border. Mainstem of Chief Creek from the source to the confluence with the North Fork of the Republican River.							
COSPRE03	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Cold 1	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic	Iron(T)	---	1000	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.11*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
4. Mainstem of the Arikaree River from the confluence of the North and South Forks to the Colorado/Kansas border.							
COSPRE04	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340	---
	Water Supply	acute	chronic	Arsenic(T)	---	0.02	
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron(T)	---	1000
		Chloride	---	250	Lead	TVS	TVS
		Chlorine	0.019	0.011	Lead(T)	50	---
		Cyanide	0.005	---	Manganese	TVS	TVS/WS
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.17	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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

D.O. = dissolved oxygen
DM = daily maximum
MWAT = maximum weekly average temperature
See 38.6 for further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Republican River Basin

5. Mainstem of Black Wolf Creek from the source to the confluence with the Arikaree River.						
COSPRE05	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m ²)	---	150	Chromium III	---
*Uranium(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	50
*Uranium(chronic) = See 38.5(3) for details.		Inorganic (mg/L)			Chromium VI	TVS
		acute	chronic	Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	0.17	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

6. All tributaries to the Republican River system in Colorado, including all wetlands, except for listings in segments 1, 3, 4 and 5.						
COSPRE06	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
UP	Aq Life Warm 1	Temperature °C	WS-I	WS-I	Arsenic	340
	Water Supply	acute	chronic	Arsenic(T)	---	0.02
	Recreation P	D.O. (mg/L)	---	5.0	Beryllium(T)	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:		chlorophyll a (mg/m ²)	---	150*	Cadmium(T)	5.0
Temporary Modification(s):		E. coli (per 100 mL)	---	205	Chromium III	---
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Chromium III(T)	50
Expiration Date of 12/31/2024		acute	chronic	Chromium VI	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 38.5(4).		Ammonia	TVS	TVS	Copper	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Boron	---	0.75	Iron	---
*Uranium(acute) = See 38.5(3) for details.		Chloride	---	250	Iron(T)	---
*Uranium(chronic) = See 38.5(3) for details.		Chlorine	0.019	0.011	Lead	TVS
		Cyanide	0.005	---	Lead(T)	50
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.5	Mercury(T)	---
		Phosphorus	---	0.17*	Molybdenum(T)	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					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 further details on applied standards.

REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Republican River Basin

7. Mainstem of the North Fork of the Smoky Hill River and mainstem of the Smoky Hill River, including all tributaries and wetlands, from the source to the Colorado/Kansas border.								
COSPRE07	Classifications	Physical and Biological			Metals (ug/L)			
Designation	Agriculture		DM	MWAT	acute	chronic		
UP	Aq Life Warm 2	Temperature °C	WS-III	WS-III	Arsenic	340	---	
	Recreation P		acute	chronic	Arsenic(T)	---	100	
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100	
Other: *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). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
		chlorophyll a (mg/m²)	---	150*	Chromium III	TVS	TVS	
		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100	
		Inorganic (mg/L)			Chromium VI	TVS	TVS	
			acute	chronic	Copper	TVS	TVS	
		Ammonia	TVS	TVS	Iron(T)	---	1000	
		Boron	---	0.75	Lead	TVS	TVS	
		Chloride	---	---	Manganese	TVS	TVS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	100	---	Nickel	TVS	TVS	
		Nitrite	---	0.5	Selenium	TVS	TVS	
		Phosphorus	---	0.17*	Silver	TVS	TVS	
		Sulfate	---	---	Uranium	varies*	varies*	
		Sulfide	---	0.002	Zinc	TVS	TVS	
		8. All lakes and reservoirs tributary to the Republican River and Smoky Hill River in Colorado.						
		COSPRE08	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture		DM	MWAT	acute	chronic		
Reviewable	Aq Life Warm 1	Temperature °C	WL	WL	Arsenic	340	---	
	Recreation E		acute	chronic	Arsenic(T)	---	0.02	
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS	
Other: *chlorophyll a (ug/L)(chronic) = applies only above the facilities listed at 38.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	20*	Cadmium(T)	5.0	---	
		E. coli (per 100 mL)	---	126	Chromium III	---	TVS	
		Inorganic (mg/L)			Chromium III(T)	50	---	
			acute	chronic	Chromium VI	TVS	TVS	
		Ammonia	TVS	TVS	Copper	TVS	TVS	
		Boron	---	0.75	Iron	---	WS	
		Chloride	---	250	Iron(T)	---	1000	
		Chlorine	0.019	0.011	Lead	TVS	TVS	
		Cyanide	0.005	---	Lead(T)	50	---	
		Nitrate	10	---	Manganese	TVS	TVS/WS	
		Nitrite	---	0.5	Mercury(T)	---	0.01	
		Phosphorus	---	0.083*	Molybdenum(T)	---	150	
		Sulfate	---	WS	Nickel	TVS	TVS	
		Sulfide	---	0.002	Nickel(T)	---	100	
					Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
			Zinc	TVS	TVS			

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

D.O. = dissolved oxygen
 DM = daily maximum
 MWAT = maximum weekly average temperature
 See 38.6 for further details on applied standards.

STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS – FOOTNOTES

- (A) Whenever a range of standards is listed and referenced to this footnote, the first number in the range is a strictly health-based value, based on the Commission's established methodology for human health-based standards. The second number in the range is a maximum contaminant level, established under the federal Safe Drinking Water Act that has been determined to be an acceptable level of this chemical in public water supplies, taking treatability and laboratory detection limits into account. Control requirements, such as discharge permit effluent limitations, shall be established using the first number in the range as the ambient water quality target, provided that no effluent limitation shall require an "end-of-pipe" discharge level more restrictive than the second number in the range. Water bodies will be considered in attainment of this standard, and not included on the Section 303(d) List, so long as the existing ambient quality does not exceed the second number in the range.
- (B) Assessment of adequate refuge shall rely on the Cold Large Lake table value temperature criterion and applicable dissolved oxygen standard rather than the site-specific temperature standard.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00098

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-38

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

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:07:20

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Water Quality Control Commission (1002 Series)

CCR number

5 CCR 1002-64

Rule title

5 CCR 1002-64 REGULATION NO. 64 - BIOSOLIDS REGULATION 1 - eff 09/30/2021

Effective date

09/30/2021

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 64 - BIOSOLIDS REGULATION

5 CCR 1002-64

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

64.1 AUTHORITY

These regulations are promulgated pursuant to the Colorado Water Quality Control Act, sections 25-8-101 through 25-8-703 C.R.S., (1989 Repl. Vol. 11A and 1993 Supp.). In particular, they are promulgated under sections 25-8-202, 25-8-205, 25-8-501, and 25-8-509 C.R.S., (1989 Repl. Vol. and 1993 Supp.).

64.2 PURPOSE

The purpose of these regulations is to establish requirements, prohibitions, standards and concentration limitations on the use of biosolids as a fertilizer and/or organic soil amendment in a manner so as to protect the public health and prevent the discharge of pollutants into state waters.

64.3 APPLICABILITY

These regulations apply to:

- A. any domestic wastewater treatment works, irrespective of whether the domestic wastewater treatment works is required to obtain a CDPS permit, when biosolids generated at the domestic wastewater treatment works are withdrawn for beneficial use, and
- B. any person treating, manipulating, or applying biosolids to land for beneficial purposes.

These regulations do not apply to the use or disposal of grit or screenings generated during primary treatment of domestic sewage in a wastewater treatment works, hazardous sewage sludge, grease (except grease removed in primary, secondary or advanced wastewater treatment processes and added to a biosolids treatment process), commercial or industrial sludges (regardless of whether or not combined with domestic sewage), domestic or industrial septage, or sludge generated during treatment of drinking water.

64.4 SEVERABILITY

The provisions of these regulations are severable, and if any provisions or the application of the provisions to any circumstances are held invalid, the application of such provision to other circumstances, and the remainder of these regulations shall not be affected thereby.

64.5 MATERIALS INCORPORATED BY REFERENCE

U.S. Environmental Protection Agency standards and test methods cited in these regulations are hereby incorporated by reference. The references herein are to the Code of Federal Regulations at 40 CFR Part 503 and are current as of February 8, 2010. Incorporation of this material does not include later

amendments to, or editions of, the incorporated material. The Commission will need to adopt revisions to this regulation for conformance with any subsequent changes to the Federal Regulations.

All materials incorporated by reference may be examined at any state publication depository library. Requests for public inspection of materials incorporated by reference in this regulation should be made to the Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive, South, Denver, Colorado, 80246-1530.

64.6 VARIANCES

The Division may grant a variance from any provision of these regulations in a particular case where it determines that the public health or water quality benefits that will be created by compliance with the subject provision do not bear a reasonable relationship to the costs required to achieve compliance, except that in no case shall the Division grant a variance such that any resultant requirement or standard is less stringent than required by federal regulation. Any such variance shall be reasonably consistent with the protection of public health and of water quality.

Any person who requests a variance from a provision of these regulations shall bear the burden of developing and supplying the Division with such information as the Division deems necessary to adequately demonstrate the existence of conditions which warrant issuance of a variance. A variance may be requested at any time. Any such request shall be made in writing. The Division shall notify the applicant of the adequacy of information contained within the applicants request within 45 days of receipt of the variance request. The Division shall either issue or deny a variance request within 90 days of receipt of a complete and adequate variance request. Any such variance issued by the Division shall be made in writing. No person shall be considered to have obtained a variance until said person is in receipt of the Division's written statement granting such variance. Any such written statement shall identify the provision of these regulations from which a variance has been awarded, and shall prescribe any requirements with which the recipient of the variance must comply in lieu of the provision for which a variance has been issued. The Division shall prescribe such requirements as are reasonably consistent with the protection of the public health and of water quality.

All variances awarded by the Division in any one month shall be reported to the Water Quality Control Commission at its subsequent regular meeting.

64.7 FEES

A. Assessment of Fees and Billing

- (1) The division may assess a non-refundable fee of two dollars and forty cents (\$2.40) per dry ton of biosolids to generators who generate 31.25 dry ton or greater of biosolids used for beneficial purposes. The Division will notify generators when adjustments are made to the fee schedule and the effective date for implementing the changes.
- (2) Payments shall be based on the actual amount of biosolids (dry weight basis) generated and used for beneficial purposes in the previous reporting period covered in the annual report. Failure to submit the required fee when due and payable is a violation of this regulation.

- (3) Payment by check shall be made out to the Colorado Department of Public Health and Environment Biosolids Management Program. All such payments received shall be transmitted to the state treasurer and shall be credited to the Biosolids Management Program Fund.

B. Enforcement of Fee Payments

- (1) Failure or refusal to make payments for the beneficial use of biosolids within the time frame specified in Section 64.7(A)(3)(a) of these regulations shall result in suspension and/or revocation of the Notice of Authorization for the Use and Distribution of Biosolids.
- (2) Action to suspend or revoke the Notice of Authorization for the Use and Distribution of Biosolids shall be taken by the Division if payment is not received following written notice sent by certified mail pursuant to Section 64.7(B)(3) of these regulations.
- (3) Formal notification of the suspension or revocation shall be sent to the generator by certified mail. The notice shall state:
 - (a) the effective date of the suspension or revocation;
 - (b) the basis for suspension or revocation; and
 - (c) the consequences of applying biosolids without the required Notice of Authorization for the Use and Distribution of Biosolids.

C. Appeals of Actions on Fees

- (1) All appeal and reviews will be conducted by the Water Quality Control Commission.
- (2) Water Quality Control Commission action on the appeal is considered final agency action.

64.8 ENFORCEMENT

Violations of these regulations shall be subject to enforcement action by the Division pursuant to Part 6 of the Act.

64.9 DEFINITIONS

The following definitions are applicable within the intent of these regulations:

- A. "ACT" means the Colorado Water Quality Control Act as from time to time amended, section 25-8-101 C.R.S., 1973, et seq.
- B. "AGRICULTURAL LAND" means land on which a food crop, a feed crop, or a fiber crop is grown on a scale larger than a family garden plot. Agricultural land may also include range land, forest land, and land used as pasture.

- C. "AGRICULTURAL USE" means the application of biosolids to land for use as a source of macro- or micronutrients, organic matter or other beneficial properties as a soil conditioner for the facilitation of vegetative growth.
- D. "AGRONOMIC RATE" means the rate at which biosolids are applied to land such that the amount of nitrogen required by the food crop, feed crop, fiber crop, cover crop or vegetation grown on the land is supplied over a defined growth period, and such that the amount of nitrogen in the biosolids which passes below the root zone of the crop or vegetation grown to groundwater is minimized. Agronomic rate shall be calculated in accordance with section 64.15(H) of this regulation.
- E. "ANNUAL BIOSOLIDS APPLICATION RATE" means the maximum amount of biosolids, on a dry weight basis, that can be applied to a unit area of land during a three hundred sixty-five (365) day period or during a single cropping cycle.
- F. "ANNUAL HIGH GROUNDWATER TABLE" means the highest elevation that groundwater reaches over a one-year period.
- G. "ANNUAL POLLUTANT LOADING LIMIT" means the maximum amount of a pollutant that can be applied to a unit area of land during a three hundred sixty-five (365) day period as outlined in section 64.14(B)(2)(c)(ii), Table 4.
- H. "APPLICATION SITE" means all contiguous areas of a property intended for biosolids application.
- I. "APPLIER" means the person who places biosolids onto or into the soil till zone for beneficial use.
- J. "APPLY" means to place onto or into the soil till zone.
- K. "BENEFICIAL USE" means the use of the nutrients and/or organic matter in biosolids to act as a soil conditioner or fertilizer for the promotion of vegetative growth on land.
- L. "BIOSOLIDS" means the accumulated treated residual product resulting from a domestic wastewater treatment works. Biosolids does not include grit or screenings from a wastewater treatment works, commercial or industrial sludges (regardless of whether the sludges are combined with domestic sewage), sludge generated during treatment of drinking water, or domestic or industrial septage.
- M. "BIOSOLIDS MANAGEMENT PLAN" means a plan that describes biosolids production, treatment, storage, distribution and land application activities and the measures taken to ensure compliance with Federal, State and local regulatory requirements.
- N. "CUMULATIVE POLLUTANT LOADING RATE" means the maximum amount of an inorganic pollutant outlined in section 64.12(A), Table 2 that can be applied to a unit area of land.
- O. "DEWATERED BIOSOLIDS" means biosolids that have the properties of a solid. Dewatered biosolids are biosolids that can be transported and handled as a solid material.
- P. "DISTURBED LAND" means land from which vegetation, topsoil, or overburden has been removed, or land of marginal agricultural use or grazing capacity due to past use.

- Q. "DIVISION" means the Colorado Department of Public Health and Environment, Water Quality Control Division.
- R. "DOMESTIC WASTEWATER TREATMENT WORKS" means a system or facility for treating, neutralizing, stabilizing, or disposing of domestic wastewater which system or facility has a designed capacity to receive more than two thousand gallons of domestic wastewater per day. The term "domestic wastewater treatment works" also includes appurtenances to such system or facility, such as outfall sewers and pumping stations, and to equipment relating to such appurtenances. The term "domestic wastewater treatment works" does not include industrial wastewater treatment plants or complexes whose primary function is the treatment of industrial wastes, notwithstanding the fact that human wastes generated incidentally to the industrial processes are treated therein.
- S. "FEED CROPS" are crops produced primarily for consumption by animals.
- T. "FINAL PRODUCT" or "FINAL PRODUCT MATERIAL" means a finished soil amendment or fertilizer which is intended for beneficial use and which contains a biosolids component.
- U. "FOOD CROPS" are crops consumed by humans. These include, but are not limited to, grain, fruits, and vegetables.
- V. "HIGH POTENTIAL FOR PUBLIC EXPOSURE" means land that the public uses frequently including, but not limited to, disturbed land when such land is located in a heavily populated area (e.g. a construction site located within a city), public parks, ball fields, cemeteries, retail plant nurseries, golf courses, turf farms. Land with "high potential for public access" does not include land on which public access is controlled by fencing, signage or other means regardless of the location of such land.
- W. "LETTER OF INTENT FOR THE USE OR DISTRIBUTION OF BIOSOLIDS" means the written application for Division authorization to land apply biosolids or distribute or market biosolids to the public submitted by the biosolids preparer or applier per section 64.10(A).
- X. "LIQUID BIOSOLIDS" means biosolids that are in liquid form. Liquid biosolids are biosolids that need to be transported and handled in a tank or tank truck.
- Y. "LOW POTENTIAL FOR PUBLIC EXPOSURE" means sites subject to infrequent public use including, but not limited to, agricultural land, forest, or disturbed land located in a sparsely populated area (e.g. A strip mine located in a rural area).
- Z. "MUNICIPALITY" means any regional commission, county, metropolitan district, sanitation district, water and sanitation district, water conservancy district, metropolitan sewage disposal district, service authority, city and county, Indian tribe or authorized Indian tribal organization, or any two or more of the above which are acting jointly in connection with a domestic wastewater treatment works.
- AA. "NON-FOOD CROP" means any crop not intended for direct human consumption including, but not limited to, crops cultivated for fiber, fuel, or feed crops.

- BB. "NOTICE OF AUTHORIZATION TO USE OR DISTRIBUTE BIOSOLIDS" means a biosolids permit issued by the Division pursuant to section 25-8-501 of the Act indicating the conformance of a proposed beneficial use of biosolids with the criteria contained in this regulation and containing such terms and conditions as are required per section 64.10(E).
- CC. "PERSON" means an individual, corporation, partnership, association, state, or political subdivision thereof, federal agency, state agency, municipality or commission.
- DD. "PREPARER" means either the person who generates biosolids during the treatment of domestic sewage in a domestic wastewater treatment works or the person who derives a final product material from biosolids.
- EE. "PUBLIC CONTACT SITE" means land which is available for specific uses by the public and, as such, has a potential for direct public contact when biosolids are applied to such a site.
- FF. "PUBLIC WATER SYSTEM" means a system for the provision of piped water, if such system has a minimum of 15 service connections or regularly serves an average of a minimum of 25 persons.
- GG. "RESTRICTED USE" means the use or distribution of biosolids for use on land with high potential for public exposure.
- HH. "RUNOFF" means precipitation (e.g. rainwater), leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.
- II. "SHORT TERM STORAGE" means the temporary storage and/or staging of dewatered biosolids, within a permitted land application site, for a period of fourteen days or less, or temporary storage for a longer period upon site-specific Division approval at that time.
- JJ. "STATE WATERS" means any and all surface and subsurface waters which are contained in or flow in or through Colorado, except waters in sewage systems, water in treatment works or disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. State waters do not include runoff from drainages which are cultivated as a routine farming practice or from rangeland which supports a permanent vegetative cover before the runoff enters a permanent or intermittent surface water body or groundwater.
- KK. "STORAGE OF BIOSOLIDS - LONG TERM" means the storage of biosolids in an authorized storage facility as outlined in section 64.13. These biosolids shall not be stored for a period of more than two years before removed for use or distributed.
- LL. "SITE CLOSURE" means the closing of a biosolids application site as outlined in section 64.10(I) of this regulation.
- MM. "SITE DEACTIVATION" means a specific applier is no longer authorized to apply biosolids to a site; the site is still available for biosolids application by other appliers as outlined in section 64.10(H) of this regulation.

- NN. "SITE TRANSFER" means the transfer of an NOA to a new person as outlined in Section 64.10(J) of this regulation.
- OO. "TRANSFER / OFFLOADING AREA" means areas within a permitted land application site, which are intended for the offloading of biosolids from vehicles transporting biosolids to an application site and subsequent loading of biosolids into application equipment.
- PP. "TREAT BIOSOLIDS" or "TREATMENT OF BIOSOLIDS" means the preparation of biosolids for final use or distribution including, but is not limited to, thickening, stabilization, stockpiling, dewatering, and blending of biosolids from different sources or with other materials. This does not include storage of biosolids except as such storage is incidental to treatment.
- QQ. "TREATMENT WORKS TREATING DOMESTIC SEWAGE" means a domestic wastewater treatment works or other sludge or biosolids handling facility, regardless of ownership, used in the storage, treatment, recycling or reclamation of domestic sewage or land application of biosolids.
- RR. "UNRESTRICTED USE" means the use or distribution of biosolids for lawns or home gardens use.
- SS. "WETLANDS" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

64.10 ADMINISTRATION

- A. Letters of Intent for the Use and Distribution of Biosolids. Persons using or distributing biosolids shall submit a Letter of Intent for the Use and Distribution of Biosolids. Letters of Intent for the Use and Distribution of Biosolids shall be submitted to the Division and to the local health authority. A Letter of Intent for the Use and Distribution of Biosolids shall be submitted prior to the initial use or distribution of biosolids and shall be amended as necessary to comply with sections 64.10(1), (2) and (3) below. The contents of the Letter of Intent for the Use and Distribution of Biosolids shall include the following:
- (1) Letters of Intent for the Use and Distribution of Biosolids which are submitted for the distribution of biosolids for unrestricted (lawn and home garden) use need only be submitted one time as long as the Biosolids Management Plan in (e) below remains substantially unchanged. The Letter of Intent shall include:
 - (a) Facility information including the facility name, address, legal contact and phone number.
 - (b) Information demonstrating compliance with the metals content criteria as described in section 64.12(A), Table 3 of these regulations.
 - (c) Information demonstrating compliance with the pathogen destruction criteria for Class A biosolids as described in section 64.12(B) of these regulations.
 - (d) Information demonstrating compliance with one or more of the vector attraction reduction criteria as described in section 64.12(C)(3) through (10) of these regulations.

- (e) A Biosolids Management Plan describing the distribution or marketing of biosolids to the public.
 - (f) Copies of labeling, information sheets, cautions or instructions for use required pursuant to section 64.14(A)(2) of these regulations which will accompany biosolids distributed to the public.
 - (g) A detailed description of materials (e.g. wood chips), if any, that are mixed, combined, blended or co-applied with the biosolids prior to, during or after treatment, and the associated ratio(s) of such material(s) to biosolids.
 - (h) Other information deemed by the Division as appropriate to evaluate potential human health and water quality impact of the proposed use.
- (2) Letters of Intent for the Use and Distribution of Biosolids which are submitted for the distribution of bagged or containerized biosolids for restricted use need only be submitted one time as long as the Biosolids Management Plan in (e) below remains substantially unchanged. The Letter of Intent shall include:
- (a) Facility information including the facility name, address, legal contact and phone number.
 - (b) Information demonstrating compliance with, at a minimum, the metals content criteria for Table 1 quality biosolids as described in section 64.12(A) of these regulations.
 - (c) Information demonstrating compliance with the pathogen destruction criteria for Class A biosolids as described in section 64.12(B) of these regulations.
 - (d) Information demonstrating compliance with one or more of the vector attraction reduction criteria as described in section 64.12(C)(3) through (10) of these regulations.
 - (e) A Biosolids Management Plan describing the distribution or marketing of biosolids to the public.
 - (f) Copies of labeling, information sheets, cautions or instructions for use required pursuant to section 64.14(B)(2) of these regulations which will accompany biosolids distributed to the public.
 - (g) A detailed description of materials (e.g.) wood chips, if any, that are mixed, combined, blended or co-applied with the biosolids prior to, during or after treatment, and the associated ratio(s) of such material(s) to biosolids.
 - (h) Other information deemed by the Division as appropriate to evaluate potential human health and water quality impact of the proposed use.
- (3) Letters of Intent for the Use and Distribution of Biosolids which are submitted for projects or programs involving application of biosolids to agricultural land or for reclamation of disturbed land must be submitted for each application site and need only

be submitted one time as long as the Biosolids Management Plan in (n) below remains substantially unchanged. The Letter of Intent shall include:

- (a) Facility information including the facility name, address, legal contact and phone number.
- (b) Site owner and operator information including the name, address, legal contact, proof of ownership, and the phone number of the site owner or the owner's legal representative.
- (c) Documentation that the site owner, or the owner's legal representative has been provided a copy of these regulations and has agreed to comply with the requirements of these regulations and to allow access to the site to perform the monitoring and analysis required by section 64.16 of these regulations.
 - (i) The documentation shall consist of either:
 - (A) where it is known through site research that biosolids have not been applied, a certification statement signed by the site owner, or the legal representative of the site owner, that the signatory has been provided a copy of these regulations or the applicable portions of these regulations, and has agreed to comply with the applicable requirements of these regulations, in particular the nitrogen restrictions of section 64.15(H), and to allow access to the site to perform the monitoring and analysis required by section 64.16 of these regulations, and that the site has not received biosolids application since January 1, 1986, or
 - (B) where it is known that biosolids have been applied, a certification statement signed by the site owner, or the legal representative of the site owner, that the signatory has been provided a copy of these regulations or the applicable portions of these regulations, and has agreed to comply with the applicable requirements of these regulations, in particular the nitrogen restrictions of section 64.15(H), and to allow access to the site to perform the monitoring and analysis required by section 64.16 of these regulations.
- (d) When the certification statement provided per paragraph (3)(c)(i)(B) above is that which is submitted and the biosolids source(s) to be applied to the site exceed the pollutant limits in section 64.12(A), Table 3, the Letter of Intent shall also include data quantifying loadings of cadmium, copper, lead, nickel and zinc which have occurred after January 1, 1986, and demonstrating that loadings of

those metals to the site since that date do not exceed cumulative application limits for those parameters as defined in section 64.12(A), Table 2 of this regulation, and data quantifying loadings of arsenic, mercury, and selenium which have occurred after July 1993, and demonstrating that loadings of those metals to the site since that date do not exceed cumulative application limits for those parameters as defined in section 64.12(A).

- (e) Contractor information, if applicable, including the name, address, legal contact, and phone number of any contractor whose responsibilities include the transport, storage, treatment, or application of biosolids to the site, or monitoring of the biosolids or any characteristics of the site including soils, vegetation, groundwater, or surface water.
- (f) Information demonstrating compliance with, at a minimum, the metals content criteria for Table 1 biosolids as described in section 64.12(A), of these regulations.
- (g) Information demonstrating compliance with, at a minimum, the pathogen destruction criteria for Class B biosolids as described in section 64.12(B)(8) of these regulations.
- (h) Information demonstrating compliance with one or more of the vector attraction reduction criteria as described in section 64.12(C) of these regulations.
- (i) The quarter section(s), section(s), township(s) and range(s) or the latitude and longitude in which the site is located.
- (j) A USGS 7.5 or 15-minute map, or a copy of such map, indicating the boundaries of the site and delineating the areas within the site boundaries to which application of biosolids is proposed.
- (k) The results of soil monitoring as described in section 64.16(B) of this regulation demonstrating compliance with criteria addressing soil physical and chemical properties as described in section 64.16(B), Table 9 of these regulations.
- (l) Natural Resource Conservation Services maps, or copies of such maps, demonstrating compliance with soil depth criteria as described in section 64.15(G)(2) of these regulations.
- (m) The results of groundwater depth evaluations demonstrating compliance with groundwater depth criteria as described in section 64.15(D) of these regulations.
- (n) A Biosolids Management Plan describing the application of biosolids to the site, the crop(s) cultivated, applicable site access restrictions and, if onsite storage of biosolids is anticipated, facts demonstrating compliance with the requirements of section 64.13 of these regulations.

- (o) A detailed description of materials, if any, that are mixed, combined, blended or co-applied with the biosolids prior to, during or after treatment, and the associated ratio(s) of such material(s) to biosolids.
 - (p) Other information deemed by the Division as appropriate to evaluate potential human health and water quality impact of the proposed use.
- B. Division Review. An applicant shall be notified not more than thirty (30) days after receipt of a Letter of Intent to Use or Distribute Biosolids if, and in what respects, the Letter of Intent for the Use and Distribution of Biosolids is incomplete. Upon the written agreement of the applicant, the review period may be extended to such duration is mutually agreed by the applicant and the Division.
- C. Issuance of Notices of Authorization for the Use and Distribution of Biosolids. The Division shall either issue or deny the Notice of Authorization for the Use and Distribution of Biosolids within thirty (30) days of its determination that the Letter of Intent for the Use and Distribution of Biosolids is complete. The applicant shall be notified in writing upon denial of the Notice of Authorization for the Use and Distribution of Biosolids of such action and the reason(s) for such action.
- D. Appeal of Issuance or Denial of Notice of Authorization for the Use and Distribution of Biosolids. The applicant or any other person, potentially adversely affected or aggrieved by Division issuance or denial of Letters of Intent for the Use and Distribution of Biosolids, may submit a request, within thirty (30) days of the date of issuance or denial, to the Director, Water Quality Control Division, for an adjudicatory hearing.
 - (1) Any such adjudicatory hearing shall be conducted pursuant to the requirements of sections 24-4-105 and 25-8-401, et seq C.R.S. The Colorado Water Quality Control Act, section 25-8-100, et seq. C.R.S., the Procedural Regulations for all Proceedings before the Water Quality Control Commission and the Water Quality Control Division, Regulation No. 21, 5 CCR 1002-21, and the State Administrative Procedures Act, section 24-4-100, et seq. C.R.S., shall be applicable to all hearings held pursuant to this section.
 - (2) Only issues of law or fact raised by the applicant or other person prior to an adjudicatory hearing may be raised at the adjudicatory hearing. The person requesting the adjudicatory hearing shall have the burden of proof in all hearings held pursuant to this section.
 - (3) The adjudicatory hearing shall be before an administrative law judge or hearing officer.
- E. Terms and Conditions of Notices of Authorization for the Use and Distribution of Biosolids. Notices of Authorization for the Use and Distribution of Biosolids issued by the Division shall contain such terms, limitations, and conditions as are deemed necessary by the Division to ensure compliance with the criteria contained in these regulations, with applicable water quality standards for surface or groundwater and with control regulations except for those Notices of Authorization for the Use and Distribution of Biosolids which contain terms, limitations and criteria and a schedule of compliance as determined by the Division. At a minimum, all Notices of Authorization for the Use and Distribution of Biosolids shall contain the following:

- (1) issuance date;
- (2) terms for modification, revocation, or termination;
- (3) biosolids monitoring requirements;
- (4) soils monitoring requirements, if applicable;
- (5) other monitoring requirements, such as vegetation, subsurface soil, groundwater, and surface water monitoring, as determined by the Division to be applicable;
- (6) grazing and cropping restrictions, if applicable;
- (7) reporting and recordkeeping requirements;
- (8) labeling requirements, if applicable;
- (9) public access restrictions, if applicable;
- (10) a statement of applicable civil and criminal penalties; and
- (11) a requirement to notify the Division of a site deactivation or a site closure as outlined in section 64.10(H) and (I) below.

- F. Notice of Authorization for the Use and Distribution of Biosolids - Duration. Except for terms and conditions incorporated into Colorado Discharge Permit System Regulations as authorized pursuant to section 64.11 below, Notices of Authorization for the Use and Distribution of Biosolids may be issued by the Division for any period except that no Notice of Authorization for the Use and Distribution of Biosolids, or any permit which is issued by the Division may allow application of biosolids in exceedance of the cumulative application limits as described in section 64.12(A) Table 2 of this regulation.
- G. Notice of Authorization for the Use and Distribution of Biosolids Required. No person shall use biosolids, distribute biosolids for use, or cause biosolids to be used for any beneficial use unless a Notice of Authorization for the Use and Distribution of Biosolids has been issued by the Division to a treatment works treating domestic sewage for such use or distribution.
- H. Notice of Authorization for the Use and Distribution of Biosolids. Site Deactivation: Persons no longer applying biosolids to an authorized application site and who no longer intend on applying biosolids to that site shall submit to the Division in writing a request to deactivate the application site. The Division will terminate the Notice of Authorization for the Use and Distribution of Biosolids and will follow-up with a written confirmation. Authorized sites that have not been reported in the annual report in accordance with section 64.17(B)(2) may be deactivated by the Division. Note: a deactivated site is still available for biosolids application by other persons.
- I. Notice of Authorization for the Use and Distribution of Biosolids. Site Closure: Persons no longer applying biosolids to an authorized application site because: 1) the site has reached or exceeded the Cumulative Pollutant Loading Rates outlined in section 64.12(A), Table 2 of this regulation, or 2) biosolids application has ceased due to land-use changes e.g. proposed development, shall submit to the Division in writing a request to close the application site. The Division will

terminate the Notice of Authorization for the Use and Distribution of Biosolids and will follow-up with a written confirmation. A closed site is no longer available for biosolids application by any person.

- J. Notice of Authorization for the Use and Distribution of Biosolids. Site Transfer: An NOA may be transferred to a new person from a person no longer applying biosolids to an authorized application site and who no longer intends on applying biosolids to that site. A signed transfer document showing the agreement between the parties shall be submitted to the Division. The Division will complete the transfer by sending a written confirmation. Note: The Transferor shall transfer all the information relating to biosolids application for the site to the new persons.

64.11 RESERVED

64.12 CLASSIFICATION AND USE OF BIOSOLIDS

A. Metals Based Classification of Biosolids.

- (1) Criteria for metals based classification of biosolids shall be as defined in Table 1 and Table 3. Determination of compliance with Table 1 or Table 3 criteria shall be demonstrated by analysis of the final product material for all of the parameters identified in Table 1 and Table 3. Biosolids classified as Table 1 – Ceiling Concentration Limits - are subject to the Cumulative Pollutant Loading Rates outlined in Table 2 below:

Table 1 - Ceiling Concentration Limits

Pollutant	mg/kg, dry weight basis
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100 ¹
Zinc	7500

Table 2 - Cumulative Pollutant Loading Rates

Pollutant	kg/ha (lbs/ac)
Arsenic	41 (37)

Cadmium	39 (35)
Copper	1500 (1339)
Lead	300 (286)
Mercury	17 (17)
Molybdenum	
Nickel	420 (375)
Selenium	100 (89)
Zinc	2800 (2499)

Table 3 - Pollutant Concentration Limits

Pollutant	mg/kg, dry weight basis
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Molybdenum	
Nickel	420
Selenium	100
Zinc	2800

¹ As a result of a ruling by the United States Court of Appeals for the District of Columbia Circuit on March 3, 1998, the selenium limit set forth in Table 1 is stayed with respect to the City of Pueblo's land application of biosolids at public contact sites with low potential for child occupancy.

- (2) Biosolids which exceed the numeric criteria for Table 1 biosolids shall not be applied to land for beneficial use except as may be allowed pursuant to the Colorado Solid Waste Disposal Sites and Facilities Regulations.
- (3) Compliance with the numeric criteria contained in Table 1 or Table 3 shall be determined as follows:
 - (a) The arithmetic average of all samples collected within a given calendar month and analyzed for a given parameter shall not exceed the numeric limit for Table 3 biosolids for any parameter if the biosolids are to be considered to be within Table 3 Pollutant Concentration Limits (PC).

- (b) The concentration for any given parameter for which criteria are identified shall not exceed the numeric limit for Table 1 biosolids in any sample if the biosolids are to be considered below Table 1 Ceiling Concentration Limits.
- (c) The initial determination of biosolids grade shall be as demonstrated by the arithmetic average of no less than three composite biosolids samples.
- (d) For reclassification of Table 1 quality as Table 3 quality biosolids compliance with the Table 3 criteria shall be demonstrated by the arithmetic average of no less than seven daily composite biosolids samples.
- (e) For reclassification of biosolids which had previously exceeded the Table 1 numeric criteria, compliance with the Table 1 criteria shall be demonstrated by the arithmetic average of no less than seven daily composite biosolids samples.
- (f) All sampling of biosolids for the purpose of demonstrating compliance with the criteria contained in Table 1 or Table 3 shall be performed in accordance with the requirements of section 64.16(A)(6).
- (g) If at any time the arithmetic average of all samples collected within a given calendar month and analyzed for a given parameter exceeds the Table 3 Pollutant Concentration Limits, the biosolids shall no longer be considered within Table 3 Limits and all applicable requirements for Table 1 biosolids, or the requirements of paragraph 64.12(A)(2) shall apply. Reclassification of such biosolids shall be in accordance with the requirements of 64.12(A)(3)(d) above.
- (h) If at any time the concentration for any given parameter for which numeric criteria are identified exceeds the Table 1 Ceiling Concentration Limits, the biosolids shall no longer be considered within Table 1 limits and the requirements of paragraph 64.12(A)(2) shall apply. Reclassification of such biosolids shall be in accordance with the requirements of 64.12(A)(3)(e) above.

B. Pathogen Destruction Criteria.

- (1) The requirement in paragraph (2) of this section and the requirements of any one of paragraphs (3) through (7) of this section shall be met for biosolids to be classified as Class A with respect to pathogens.
- (2) The Class A pathogen requirements in paragraphs (3) through (7) shall be met either prior to meeting or at the same time the vector attraction reduction requirements in section 64.12(C)(6) through (10) are met, except in those instances when the vector attraction reduction requirements in paragraphs 64.12(C)(11) through 64.12(C)(13), are those which are met.
- (3) Class A - Alternative 1
 - (a) Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the biosolids shall be less than three Most Probable

Number per four grams of total solids (dry weight basis) at the time the biosolids are used or distributed; or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations, and

- (b) The temperature of the biosolids that is used or distributed shall be maintained at a specific value for a period of time as determined using the following procedures:

- (i) When the percent solids of the biosolids is seven percent or higher, the temperature of the biosolids shall be 50 degrees Celsius or higher; the time period shall be 20 minutes or longer; and the temperature and time period shall be determined using the following equation, except when small particles of biosolids are heated by either warmed gases or an immiscible liquid.

$$D = \frac{131,700,000}{10^{0.1400t}}$$

Where D = time in days, and
t = temperature in degrees Celsius.

- (ii) When the percent solids of the biosolids is seven percent or higher and small particles of biosolids are heated by either warmed gases or an immiscible liquid, the temperature of the biosolids shall be 50 degrees Celsius or higher; the time period shall be 15 seconds or longer; and the temperature and time period shall be determined using the equation specified in paragraph (3)(b)(i) of this section.

- (iii) When the percent solids of the biosolids is less than seven percent and the time period is at least 15 seconds, but less than 30 minutes, the temperature and time period shall be determined using the equation specified in paragraph (3)(b)(i) of this section.

- (iv) When the percent solids of the biosolids is less than seven percent; the temperature of the biosolids is 50 degrees Celsius or higher; and the time period is 30 minutes or longer, the temperature and time period shall be determined using the following equation:

$$D = \frac{50,070,000}{10^{0.1400t}}$$

Where D = time in days, and
t = temperature in degrees Celsius.

- (4) Class A - Alternative 2

- (a) Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the biosolids shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used or distributed, and

- (b) at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations
 - (i) the pH of the biosolids that is used or distributed shall be raised to above 12 s.u. and shall remain above 12 s.u. for 72 hours, and
 - (ii) the temperature of the biosolids shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the biosolids is above 12 s.u., and
 - (iii) at the end of the 72-hour period during which the pH of the biosolids is above 12 s.u., the biosolids shall be air dried to achieve a percent solids in the biosolids of greater than 50 percent.
- (5) Class A - Alternative 3
 - (a) Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in biosolids shall be less than three Most Probable Number per four grams of total solids (dry weight basis), at the time the biosolids are used or distributed; or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations, and
 - (b) the biosolids shall be analyzed prior to pathogen treatment to determine whether the biosolids contains enteric viruses.
 - (i) When the density of enteric viruses in the biosolids prior to pathogen treatment is less than one Plaque-forming Unit per four grams of total solids (dry weight basis), the biosolids is considered Class A with respect to enteric viruses until the next monitoring episode for the biosolids.
 - (ii) When the density of enteric viruses in the biosolids prior to pathogen treatment is equal to or greater than one Plaque-forming Unit per four grams of total solids (dry weight basis), the biosolids is considered Class A with respect to enteric viruses when the density of enteric viruses in the biosolids after pathogen treatment is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolids that meets the enteric virus density requirement are documented.
 - (iii) After the enteric virus reduction in paragraph (ii) of this subsection is demonstrated for the pathogen treatment process, the biosolids continues to be considered Class A with respect to enteric viruses when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in paragraph (ii) of this subsection.

- (c) The biosolids shall be analyzed prior to pathogen treatment to determine whether the sewage sludge contains viable helminth ova.
 - (i) When the density of viable helminth ova in the biosolids prior to pathogen treatment is less than one per four grams of total solids (dry weight basis), the biosolids is considered Class A with respect to viable helminth ova until the next monitoring episode for the biosolids.
 - (ii) When the density of viable helminth ova in the biosolids prior to pathogen treatment is equal to or greater than one per four grams of total solids (dry weight basis), the biosolids is considered Class A with respect to viable helminth ova when the density of viable helminth ova in the biosolids after pathogen treatment is less than one per four grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the biosolids that meets the viable helminth ova density requirement are documented.
 - (iii) After the viable helminth ova reduction in paragraph (ii) of this subsection is demonstrated for the pathogen treatment process, the biosolids continue to be considered Class A with respect to viable helminth ova when the values for the pathogen treatment process operating parameters are consistent with the values or ranges of values documented in (ii) of this subsection.

(6) Class A - Alternative 4

- (a) Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis) or the density of Salmonella sp. bacteria in the biosolids shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used or distributed; or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations, and
 - (i) The density of enteric viruses in the biosolids shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the biosolids are used or distributed; or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations, and
 - (ii) the density of viable helminth ova in the biosolids shall be less than one per four grams of total solids (dry weight basis) at the time the biosolids are used or distributed; or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations.

(7) Class A - Alternative 5

- (a) Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis) or the density of Salmonella, sp. bacteria in the biosolids shall be less than three Most Probable Number per four grams of total solids (dry weight basis) at the time the biosolids are used or distributed; or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.14 of these regulations, and
- (b) Biosolids that are used or distributed shall be treated in one of the Processes to Further Reduce Pathogens described as follows:
 - (i) Composting - Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the biosolids compost is maintained at 55 degrees Celsius or higher for three days.

Using the windrow composting method, the temperature of the biosolids compost is maintained at 55 degrees or higher for 15 days or longer. During the period when the compost is maintained at 55 degrees or higher, there shall be a minimum of five turnings of the windrow.
 - (ii) Heat drying - Biosolids are dried by direct or indirect contact with hot gases to reduce the moisture content of the biosolids to 10 percent or lower. Either the temperature of the biosolids particles exceeds 80 degrees Celsius or the wet bulb temperature of the gas in contact with the biosolids as the biosolids leaves the dryer exceeds 80 degrees Celsius.
 - (iii) Heat treatment - Liquid biosolids are heated to a temperature of 180 degrees Celsius or higher for 30 minutes.
 - (iv) Thermophilic aerobic digestion - Liquid biosolids are agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the biosolids is 10 days at 55 to 60 degrees Celsius.
 - (v) Beta ray irradiation - Biosolids are irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20 degrees Celsius).
 - (vi) Gamma ray irradiation - Biosolids are irradiated with gamma rays from certain isotopes, such as Cobalt 60 and Cesium 137, at room temperature (ca. 20 degrees Celsius).
 - (vii) Pasteurization - The temperature of the biosolids is maintained at 70 degrees Celsius or higher for 30 minutes or longer.

- (viii) Any other method of biosolids treatment which is certified as a Process to Further Reduce Pathogens by the U. S. Environmental Protection Agency, Region VIII, or, after assumption of delegation by the State, which is certified as such by the Division.
- (8) The requirement in either of paragraphs (a), or (b) of this subsection shall be met for biosolids to be classified as Class B with respect to pathogens.
 - (a) Seven individual samples of the biosolids shall be collected at the time the biosolids are used or distributed or at the time the final product material derived from biosolids is prepared to meet the requirements in section 64.15 of these regulations. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 Most Probable Number per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis), or
 - (b) Biosolids that are used or distributed shall be treated in one of the Processes to Significantly Reduce Pathogens described as follows:
 - (i) Aerobic digestion - Biosolids are agitated with air or oxygen to maintain aerobic conditions for a mean cell residence time at a temperature or temperatures within a time-temperature function having as end points 40 days at 20 degrees Celsius and no less than 60 days at 15 degrees Celsius.
 - (ii) Air drying - Biosolids are dried on sand beds or on paved or unpaved basins. The biosolids dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above zero degrees Celsius.
 - (iii) Anaerobic digestion - Biosolids are treated in the absence of air for a mean cell residence time at a temperature or temperatures within a time-temperature function having as end points 15 days at 35 to 55 degrees Celsius and no less than 60 days at 20 degrees Celsius.
 - (iv) Composting - Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the biosolids is raised to 40 degrees Celsius or higher and remains at 40 degrees Celsius or higher for five days. For four hours during the five days, the temperature in the compost pile exceeds 55 degrees Celsius.
 - (v) Lime stabilization - Sufficient lime is added to the biosolids to raise the pH of the sewage sludge to 12 after two hours of contact.
 - (vi) Any other method of biosolids treatment which is certified as a Process to Significantly Reduce Pathogens by the U. S. Environmental Protection

Agency, Region VIII, or, after assumption of delegation by the State, which is certified as such by the Division.

- (9) The site restrictions in section 64.15 of these regulations shall be met when biosolids that meets the Class B pathogen requirements in paragraphs (8)(a) or (8)(b) of this subsection is applied to the land.

C. Vector Attraction Reduction (Biosolids Stability) Criteria.

- (1) One of the biosolids stability requirements in paragraphs (3) through (13) shall be met when biosolids are applied to agricultural or disturbed land, or to a public contact site.
- (2) One of the biosolids stability requirements in paragraphs (3) through (10) shall be met when biosolids are distributed to the public for use.
- (3) The mass of volatile solids in the biosolids shall be reduced by a minimum of 38 percent.
- (4) When the 38 percent volatile solids reduction requirement in paragraph (3) cannot be met for anaerobically digested biosolids, biosolids stability can be demonstrated by digesting a portion of the previously digested biosolids anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. When at the end of the 40 days, the volatile solids in the biosolids at the beginning of that period is reduced by less than 17 percent, biosolids stability is achieved.
- (5) When the 38 percent volatile solids reduction requirement in paragraph (3) cannot be met for aerobically digested biosolids, biosolids stability can be demonstrated by digesting a portion of the previously digested biosolids that has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. When at the end of the 30 days, the volatile solids in the biosolids at the beginning of that period is reduced by less than 15 percent, biosolids stability is achieved.
- (6) The specific oxygen uptake rate (SOUR) for biosolids treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.
- (7) Biosolids shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the biosolids shall be higher than 40 degrees Celsius and the average temperature of the biosolids shall be higher than 45 degrees Celsius.
- (8) The pH of biosolids shall be raised to 12 or higher by alkaline addition and, without the addition of more alkaline material, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.
- (9) The percent solids of biosolids that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials.

- (10) The percent solids of biosolids that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.
- (11) Biosolids shall be subsurface injected, and
 - (a) No significant amount of the biosolids shall be present on the land surface within one hour after the biosolids are injected.
 - (b) When the biosolids which are subsurface injected are considered to be Class A with respect to pathogens, the biosolids shall be injected within eight hours after being discharged from the pathogen treatment process.
- (12) Biosolids which are surface applied shall be incorporated into the soil within six hours after application to or placement on the land.
- (13) When biosolids that are incorporated into the soil are considered to be Class A with respect to pathogens, the biosolids shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

64.13 STORAGE OF BIOSOLIDS – LONG TERM

- A. Notice of Authorization for the Use and Distribution of Biosolids Required. No person shall store biosolids unless a Notice of Authorization for the Use and Distribution of Biosolids has been issued by the Division pursuant to section 64.10 for such storage.

- B. Exemptions. The requirements of this section shall not apply to the following:
 - (1) Process components of a domestic wastewater treatment facility which is subject to a CDPS permit issued pursuant to section 25-8-501 of the Act, C.R.S., 1973, as amended, or to the process components of a domestic wastewater treatment facility site approval and plans and specifications approval pursuant to section 25-8-701 of the Act, C.R.S., 1973, as amended.
 - (2) Components of a solid waste disposal site or facility which has received a Certificate of Designation pursuant to the Solid Wastes Disposal Sites and Facilities Act, C.R.S. 30-20-100.5 et seq., 1973 (as amended).
 - (3) Components of an Individual Sewage Disposal System which is subject to requirements adopted pursuant to the Individual Sewage Disposal Systems Act, C.R.S. 25-10-101 et seq., 1975, (as amended).

- (4) Transfer / Offloading Areas, within a permitted land application site, which are intended for the offloading of biosolids from vehicles transporting biosolids to an application site and subsequent loading of biosolids into application equipment, including any incidental spillage or placement on the land during transfer. Such areas shall be protected or managed so as to prevent movement of spillage or runoff from the transfer area, off of the permitted land application site.
 - (5) Tankage. Such facilities shall be bermed or otherwise protected so as to prevent movement of spillage or runoff from the storage area off of the permitted site.
 - (6) Short Term Storage - Staging Area, within a permitted land application site, for the storage of dewatered biosolids for a period of fourteen days or less, or temporary storage for a longer period upon site-specific Division approval at that time. These areas shall be protected or managed so as to prevent biosolids and/or runoff from escaping the permitted land application site. If approval is sought for a period in excess of two weeks, the applicant may also be required to address the potential need for control of leachate generated as a result of such storage.
- C. General Requirements for Storage. No person shall use any facility for biosolids storage unless the facility, and the biosolids to be stored therein, meet the following requirements:
- (1) At the time biosolids are placed in the storage facility, all biosolids which are stored shall meet, at a minimum, Class B pathogen destruction criteria as described in section 64.12(B) of these regulations.
 - (2) At the time biosolids are placed in the storage facility, all biosolids which are stored shall meet, at a minimum, one of the vector attraction reduction criteria as described in paragraphs 64.12(C)(3) through (10) of these regulations.
 - (3) Biosolids shall not be stored for a period of more than two years before removed for use or distributed. A storage facility may operate for an indefinite period such that the maximum retention time for biosolids stored within the facility does not exceed two years.
- D. Storage Requirements for Liquid Biosolids. Facilities for the storage of liquid biosolids shall comply with the Waste Impoundment criteria described in section 9 of the Regulations pertaining to Solid Waste Disposal Sites and Facilities (6 CCR 1007-2).
- E. Storage Requirements for Dewatered Biosolids. Facilities for the storage of dewatered biosolids shall be operated in a manner which will prevent windblown biosolids from escaping the storage facility, and shall comply with either of the following requirements:
- (1) The bottom of the biosolids storage facilities shall consist of an impermeable material or shall be constructed with an underdrain system and the facilities shall be bermed or otherwise protected so as to prevent movement of spillage or runoff from the storage facilities off of the permitted site. For purposes of this section 64.13, the term "impermeable material" means any synthetic or naturally occurring material which will

allow leachate to seep no more than 1/16 of an inch per day through surrounding or underlying material, or

- (2) The storage facilities shall be covered and either shall be bermed or otherwise protected so as to prevent movement of spillage or runoff from the storage facilities off of the permitted site, or runoff from the cover shall be collected and directed away from the storage facilities.

64.14 DISTRIBUTION AND MARKETING OF BIOSOLIDS

A. Distribution of Biosolids for Unrestricted (Lawn and Home Garden) Use

- (1) No person shall distribute or market biosolids to the public for unrestricted use unless a Notice of Authorization for the Use and Distribution of Biosolids has been issued by the Division pursuant to section 64.10 of these regulations for public distribution of biosolids, and
 - (a) the biosolids meet the Table 3 Pollutant Concentration Limits with respect to metals as defined in section 64.12(A), of these regulations, and
 - (b) the biosolids meet the criteria for Class A with respect to pathogen destruction as defined in section 64.12(B) of these regulations, and meet at least one of the vector attraction reduction criteria as defined in paragraphs 64.12(C)(3) through (10) of these regulations at the point at which the biosolids are distributed or marketed to the public, and
- (2) When biosolids are distributed or marketed to the public for unrestricted use, information shall be made available to the public, in the form of labeling, information sheets, and written cautions or written instructions for use. At a minimum such information shall include the following:
 - (a) the name and address of the person who prepared the biosolids which are sold or given away, and
 - (b) the typical concentration of plant nutrients on a dry weight percentage basis including, at a minimum total nitrogen, total phosphorus, and total potassium in the biosolids.

B. Distribution of Biosolids for Restricted Use

- (1) No person shall distribute or market bagged or containerized biosolids to the public for restricted use unless a Notice of Authorization for the Use and Distribution of Biosolids has been issued by the Division pursuant to section 64.10 of these regulations for public distribution of biosolids, and
 - (a) the biosolids meet, at a minimum, Table 1 Pollutant Concentration Limits with respect to metals as defined in section 64.12(A), of these regulations, and

- (b) the biosolids meet the criteria for Class A with respect to pathogen destruction as defined in section 64.12(B) of this regulation, and meet at least one of the vector attraction reduction criteria as defined in paragraphs 64.12(C)(3) through (10) of these regulations at the point at which the biosolids are distributed or marketed to the public, and
- (2) When biosolids which are distributed or marketed to the public for restricted use are considered to be Table 1 limits with respect to metals, information shall be made available to the public, in the form of labeling, information sheets, written cautions or written instructions for use. At a minimum such information shall include the following:
 - (a) the name and address of the person who prepared the biosolids which are sold or given away, and
 - (b) the typical concentration of plant nutrients on a dry weight percentage basis including, at a minimum, total available nitrogen, total phosphorus, and total potassium in the biosolids, and
 - (c) the maximum allowable annual biosolids application rate as calculated based upon the Table 4 Annual Pollutant Loading Rate and based upon either of the following:
 - (i) The maximum allowable annual biosolids application rate shall be calculated based upon the most recent twelve months' analysis of the biosolids for the parameters for which numeric limitations are identified in Table 4. Labeling, information sheets, written cautions or written instructions for use shall identify the maximum allowable annual biosolids application rate for the biosolids based upon the maximum reported values for the twelve-month period and such advisory information shall be updated on a monthly basis, or
 - (ii) the maximum allowable annual biosolids application rate shall be calculated based upon a value representing the arithmetic average of a minimum of six analyses of the biosolids for the parameters for which numeric limitations are identified in Table 4 plus one standard deviation. Labeling, information sheets, written cautions or written instructions for use which identify the maximum allowable annual application rate for the biosolids shall be updated on a semi-annual basis.

Table 4 – Annual Pollutant Loading Rate Limits

Pollutant	kg/ha (lbs/ac)
Arsenic	2.00 (1.79)
Cadmium	1.90 (1.70)
Copper	75.00 (66.94)
Lead	15.00 (13.39)
Mercury	0.85 (0.76)
Molybdenum	
Nickel	21.00 (18.74)
Selenium	5.00 (4.46)
Zinc	140.00 (124.96)

64.15 USE OF BIOSOLIDS FOR AGRICULTURE AND RECLAMATION

A. Land Application of Biosolids.

- (1) No person shall use biosolids, distribute biosolids for use, or cause biosolids to be used for any beneficial use unless a Notice of Authorization for the Use and Distribution of Biosolids has been issued by the Division pursuant to section 64.10 of these regulations for such use or distribution.
- (2) No person shall apply biosolids to land unless:
 - (a) the biosolids meet at a minimum the Table 1 Ceiling Concentration Limits with respect to metals as defined in section 64.12(A), of this regulation, and
 - (b) the biosolids either:
 - (i) meet the criteria for Class A with respect to pathogen destruction as defined in section 64.12(B) of these regulations, and meet at least one of the vector attraction reduction criteria as defined in paragraphs 64.12(C)(3) through (13) of these regulations when the biosolids are applied to a public contact site, or
 - (ii) the biosolids meet the criteria for Class B with respect to pathogen destruction as defined in section 64.12(B) of these regulations, and meet at least one of the vector attraction reduction criteria as defined in paragraphs 64.12(C)(3) through (13) of these regulations when the biosolids are applied to land for agricultural use or to disturbed land for reclamation, and

- (3) No person shall land apply biosolids for any beneficial use if such application is likely to adversely affect a threatened or endangered species listed under section 64.4 of the Endangered Species Act, or the designated critical habitat of any species so listed.
- (4) Biosolids which do not meet the Table 3 Pollutant Concentration Limits with respect to metals as defined in section 64.12(A), of these regulations, and which are applied to land shall be subject to the Table 2 Cumulative Pollutant Loading Limits.
- (5) Compliance with cumulative pollutant loading limits shall be documented by the permit Applicant. Documentation shall consist of either:
 - (a) a certification statement signed by the site owner, or the legal representative of the site owner, that the site has not received sludge application since January 1, 1986, or
 - (b) data quantifying loadings of cadmium, copper, lead, nickel and zinc which have occurred after January 1, 1986, and demonstrating that loadings of those metals to the site since that date do not exceed cumulative application limits for those parameters as defined in Table 2, and data quantifying loadings of arsenic, mercury, and selenium which have occurred after July 19, 1993, and demonstrating that loadings of those metals to the site since that date do not exceed cumulative application limits for those parameters as defined in Table 2.

B. Notification Requirements for Preparers and Appliers.

- (1) Any person who prepares biosolids that will be applied by another to agricultural land or used by another for reclamation of disturbed land shall provide the following to the biosolids applier:
 - (a) written notification of the total nitrogen concentration, on a dry weight basis, of the biosolids; and
 - (b) notice of and necessary information to comply with the applicable requirements of these regulations.
- (2) The biosolids applier shall provide written notice to the Division and the local health authority when biosolids are applied to agricultural land or used for reclamation of disturbed land. Such notice shall be provided prior to land application of biosolids by the preparer or the applier and shall occur at a minimum of one time per year. Notification shall include the following:
 - (a) the location, by either latitude and longitude or quarter-section, township, range, of each land application or reclamation use site;
 - (b) the approximate time period the biosolids will be applied to the site;
 - (c) the name, address, telephone number, and permit number (if appropriate) for the biosolids preparer; and

- (d) the name, address, telephone number, and permit number (if appropriate) for the person who will land apply or use the biosolids for reclamation.
- (3) Biosolids preparers shall ensure that the applicable requirements of these regulations are met when the biosolids are applied to agricultural land or used for reclamation of disturbed land.
- (4) Any person who produces biosolids in Colorado, which biosolids are land applied to agricultural land or used for reclamation of disturbed land in another State, shall provide written notice to the permitting authority for the State in which the biosolids are proposed to be so used or land applied prior to commencement of such activities.

C. Application Near State Waters.

- (1) No person shall apply biosolids for beneficial use on land located upgradient, and within one linear mile, of a point at which surface waters are diverted for use in a public water system, unless either:
 - (a) Runoff from within the application site does not drain into the body of water which is diverted, or
 - (b) A site operating plan is prepared, and submitted with the Letter of Intent for the Use and Distribution of Biosolids which describes measures which prevent runoff during any storm event of greater frequency than the 10 year 24-hour storm event from the application site into the body of water which is diverted.
- (2) No person shall apply biosolids for beneficial use on land located:
 - (a) Upgradient and within 300 feet of a reservoir classified for Class I Recreational Use by the Water Quality Control Commission,
 - (b) Within 200 feet of any body of surface water, including intermittent streambeds when standing or running water is present in the streambed, unless application is made by either subsurface injection, or by surface application which is followed by immediate incorporation, or a site operating plan is prepared, and submitted with the Letter of Intent to Use or Distribute Biosolids which describes measures which prevent runoff from the application site into the body of water,
 - (c) Within 50 feet of any water body or perennial streambed, or any intermittent streambed when standing or running water is present in the streambed,
 - (d) Within 33 feet of any dry streambed. For purposes of this section land which, as the result of typical agricultural practice, is under cultivation shall not be considered to be a dry streambed regardless of whether it serves as a watercourse during significant precipitation events.

TABLE 5 – APPLICATION NEAR STATE WATERS

No application within 1 linear mile upgradient from a point at which surface water is diverted for use in a public water system, unless the requirements in section 64.15(C)(1)(a) or (b) are met.

No application upgradient and within 300 feet of a reservoir classified for Class 1 Recreational Use by the Water Quality Control Commission (generally, lakes and streams frequently used for swimming, rafting, kayaking, tubing, windsurfing and water-skiing – activities where ingestion of small quantities of water is likely to occur).

Application Method	Incorporated or Injected	Surface
Any surface water channel including intermittent streambeds when water is present	50 Feet	200 Feet
Any surface water channel including intermittent streambeds when water is not present	33 Feet	33 Feet

Agricultural land under cultivation shall not be considered a dry streambed regardless of whether it serves as a watercourse during significant precipitation events.

- (3) No person shall apply biosolids for beneficial use on land which is saturated, or on land where ponding is occurring.
- (4) No person shall apply biosolids for beneficial use on land which is either:
 - (a) within 100 feet of a private domestic water supply well or within 300 feet of a community supply well when use is made to agricultural land, or
 - (b) within 300 feet of a private domestic water supply well or within 1,500 feet upgradient of a community supply well when use is made for reclamation of disturbed land.

D. Groundwater.

- (1) No person shall apply biosolids for beneficial use on land which is underlain by groundwater where the annual high groundwater table is within five feet of the surface of the land unless conditions of 64.15D(2) are met. Determination of the annual high groundwater table shall be made as follows:
 - (a) Groundwater depth determinations based upon direct observation using piezometric tubes or other groundwater depth monitoring devices shall be the preferred method of groundwater depth determination. The Division may require installation of such devices in instances where other information which is developed does not conclusively demonstrate adequate depth to groundwater, alternately,
 - (b) U.S.D.A. Soil Survey maps of the application site, including depth to water table information, and/or

- (c) Well completion records may be considered as documentation, either singly or in combination with other supporting documentation, in instances where surface topography, vegetation, or lack of seasonal ponding suggest that adequate depth to groundwater exists, and/or.
 - (d) Any other methods approved by the Division.
- (2) If the annual high ground water table at any point under the land application site is potentially within five feet of the ground surface, a site operating plan must be prepared, and submitted with the Letter of Intent for the Use and Distribution of Biosolids, which describes how the land application of biosolids would be conducted in a manner that would prevent the discharge of pollutants to groundwater. The plan shall provide enough specifics so that the plan can be reviewed for adequacy. This plan must be approved by the Division through issuance of the Notice of Authorization.

E. Slopes and Application Requirements.

- (1) No person shall apply biosolids to agricultural land on slopes in excess of 15 percent.
- (2) Application of biosolids to agricultural land with slopes of less than 15 percent shall conform with the requirements stated in Table 6A.

TABLE 6A. - SLOPE AND APPLICATION REQUIREMENTS FOR AGRICULTURAL LAND

percent slope	less than six percent solids content	six percent or greater solids content
level to five percent slope	no limitation on application method except as otherwise specified within this section 64.16	no limitation on application method except as otherwise specified within this section 64.16
greater than five to nine percent slope	incorporation within 24 hours, subsurface injection or approved site operating plan	no limitation on application method except as otherwise specified within this section 64.16
greater than nine to fifteen percent slope	subsurface injection or approved site operating plan	surface application if vegetative cover is established or if uniform crop residue cover of greater than 60%, or approved site operating plan

- (3) No person shall apply biosolids for reclamation on disturbed land which exhibits slopes in excess of 30 percent.
- (4) Application of biosolids for reclamation of disturbed land with slopes of less than 30 percent shall conform with the requirements stated in Table 6B.

TABLE 6B. - SLOPE AND APPLICATION REQUIREMENTS FOR RECLAMATION

percent slope	less than six percent solids content	six percent or greater solids content
level to five percent slope	no limitation on application method except as otherwise specified within this section 64.16	no limitation on application method except as otherwise specified within this section 64.16
greater than five to nine percent slope	immediate incorporation, subsurface injection or approved site operating plan	no limitation on application method except as otherwise specified within this section 64.16
greater than nine to fifteen percent slope	subsurface injection or approved site operating plan	incorporation within 24 hours or approved site operating plan
greater than sixteen to thirty percent	application prohibited	incorporation within 24 hours or approved site operating plan

F. Application to Frozen, Ice-Covered, or Snow-Covered Ground.

- (1) Application of biosolids to frozen, ice-covered, or snow-covered sites where the slope of the site exceeds six percent is prohibited.
- (2) No person shall apply biosolids for beneficial use to frozen, ice-covered, or snow-covered land where the slope of such land is greater than three percent and is less than or equal to six percent unless one of the following requirements is met:
 - (a) there is 80 percent vegetative ground cover; or,
 - (b) approval has been obtained based upon a plan demonstrating adequate runoff containment measures.

G. Soils.

- (1) No person shall apply biosolids for beneficial use on land cultivated in food crops where the soil exhibits a pH of less than 6.0 standard units.
- (2) No person shall apply biosolids for beneficial use on land unless:
 - (a) for irrigated agricultural land, the depth of suitable soil is a minimum of three (3) feet, or
 - (b) for agricultural land cultivated in dryland crops, or for rangeland, the depth of suitable soil is a minimum of eighteen (18) inches, or
 - (c) for reclamation of disturbed land the depth of suitable soil is a minimum of twelve (12) inches.

- (d) For the purposes of this paragraph 64.15(G)(2), the depth of suitable soil shall be defined as the distance beneath the level in the soil at which biosolids are placed to the level at which impermeable substrata are encountered. The Division shall approve the method of determining depth to suitable soil.

H. Nutrient Management.

- (1) No person shall apply biosolids for beneficial use to agricultural land such that nitrogen application exceeds the agronomic rate for the crop or vegetation cultivated. Agronomic loading rates shall be determined in a manner that is acceptable to the Division and shall account for plant available nitrogen sources which may include biosolids, manures, fertilizers, irrigation water, residual soil nitrogen, and soil organic matter. The Division may require monitoring to determine background levels of nitrogen in irrigation water in instances where the soil percolation rate, groundwater depth and residual soil nitrogen level indicate a reasonable potential for excessive nitrogen transport to groundwater.
- (2) No person shall apply biosolids for reclamation of disturbed land such that the nitrogen application exceeds the agronomic rate for the vegetation which is to be established, except that such application rate may be based upon an aggregate agronomic need representing the initial five years after application occurs or as justified in an operational plan that documents the application rate and process has been designed to prevent the discharge of pollutants to State Waters, and is approved by the Division.
- (3) When, per paragraph (2) of this subsection, a nitrogen application rate is requested which is based on an aggregate agronomic requirement for the vegetation, the Division may specify additional siting and operational restrictions which are more stringent than those otherwise specified within this section 64.15, or additional monitoring requirements which are more stringent than those specified in section 64.16 of these regulations.
- (4) The plant available nitrogen levels (lbs per dry ton) in biosolids shall be calculated as follows:

$$\text{Biosolids PAN} = (m) (\text{Organic N}) + (v) (\text{NH}_4\text{-N}) + \text{NO}_3\text{-N}$$

Where:

PAN = Plant Available Nitrogen (lbs per dry ton of biosolids)

m = Mineralization Factor

v = Volatization Factor

Organic N = organic nitrogen in biosolids (%)

NH₄ - N = Ammonia-nitrogen in biosolids(%)

NO₃ - N = Nitrate-nitrogen in biosolids (%)

- (5) No person shall apply biosolids for beneficial use to land, unless;
 - (a) For Soil pH greater than 6.5, the available phosphorus content of the soil does not exceed:
 - a. Sodium bicarbonate extraction - 80 ppm; or
 - b. AB-DTPA extraction - 40 ppm
 - (b) For Soil pH 6.5 or less, the available phosphorus content of the soil does not exceed:
 - a. Bray P1 extraction - 120 ppm; or
 - b. Mehlich 3 extraction - 200 ppm
 - (c) Where a phosphorus content limit in subsection (a) or (b), above, is exceeded, the Division may allow land application of biosolids where the potential for phosphorus movement off-site is minimized based on evaluation of site-specific conditions, management practices, application methods, and rates (e.g., in accordance with the Colorado phosphorus index).
- (6) The Division may consider allowing land application of biosolids if appropriate erosion control measures are implemented (e.g., NRCS code 590 for Colorado).

I. Crop Restrictions.

- (1) No person shall apply biosolids which are considered to be Class B with respect to pathogens, as defined in section 64.12(B)(8) of these regulations, unless the following requirements are met:
 - (a) food crops with harvested parts that may touch the biosolids/soil mixture and which grow above the soil surface shall not be harvested for 14 months after application of biosolids, or
 - (b) food crops with harvested parts which grow below the soil surface shall not be harvested for 20 months after application of biosolids when the biosolids remain on the soil surface for four months or longer prior to incorporation into the soil, or
 - (c) food crops with harvested parts which grow below the soil surface shall not be harvested for 38 months after application of biosolids when the biosolids remain on the soil surface for less than four months prior to incorporation into the soil, or

- (d) food crops, feed crops, and non-food crops shall not be harvested for 30 days after application of biosolids.

J. Access Restrictions.

- (1) No person shall apply biosolids which are considered to be Class B with respect to pathogens, as defined in section 64.12(B)(8) of these regulations, unless the following requirements are met:
 - (a) animals shall not be allowed to graze on the land for 30 days after application of biosolids. For the purposes of this section 64.15(J), animals shall be defined as domesticated livestock whose products are consumed by humans.
 - (b) turf grown on land where biosolids is applied shall not be harvested for one year after application of the biosolids.
 - (c) public access to land with a high potential for public exposure shall be restricted for one year after application of biosolids, or
 - (d) public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids.

64.16 MONITORING AND ANALYSIS

A. Biosolids Monitoring.

- (1) For purposes of this section, "Annual Biosolids Production" is defined as the amount of biosolids (dry weight basis) applied to the land, which also includes those facilities that further process biosolids, e.g. "composting", that is distributed to the public. Collection and analysis of biosolids shall be accomplished after final treatment and at the frequencies specified in Table 7. When sampling is required once per year samples shall be collected during the fourth quarter (October 1 through December 31) unless the Division approves otherwise.

TABLE 7. - FREQUENCY OF BIOSOLIDS SAMPLE COLLECTION AND ANALYSIS

ANNUAL BIOSOLIDS PRODUCTION(dry short tons/year)	FREQUENCY
less than 319	once per year
319 to less than 1,650	once per quarter
1,650 to less than 16,500	once per two months
16,500 and greater	monthly

- (2) Notwithstanding the requirements of Table 7 above, collection and analysis of biosolids samples from wastewater treatment lagoons shall be required prior to removal and use or distribution of the biosolids. Sampling shall be described in a sampling plan submitted to the Division for review and approval and shall be undertaken in accordance with the approved plan.

- (3) Analysis of biosolids samples shall include the parameters identified in Table 8.

TABLE 8. - BIOSOLIDS ANALYSES AND REPORTING UNITS

PARAMETERS	UNITS	PARAMETERS	UNITS
total solids	percent	volatile solids	percent of total solids
pH	standard units	organic nitrogen as N	percent dry weight
total phosphorus	percent dry weight	total ammonia as N	percent dry weight
total potassium	percent dry weight	nitrate as N	percent dry weight
total arsenic	mg/kg dry weight	total mercury	mg/kg dry weight
total cadmium	mg/kg dry weight	total molybdenum	mg/kg dry weight
		total nickel	mg/kg dry weight
total copper	mg/kg dry weight	total selenium	mg/kg dry weight
total lead	mg/kg dry weight	total zinc	mg/kg dry weight

- (4) Samples collected to satisfy the requirements of paragraphs (3) of this subsection shall be composite samples. Individual composite samples shall be collected either in a storage area or at the outlet of a biosolids application device immediately prior to application. A composite sample of liquid biosolids shall consist of a minimum of three grab samples of no less than 500 ml each taken at equal intervals so as to be representative of the entire pumping cycle. A composite sample of dewatered biosolids shall consist of a minimum of three grab samples of no less than 0.5 pounds collected so as to be representative of the volume of biosolids applied within a twenty-four hour period, and combined.
- (5) Notwithstanding the requirements of paragraph (3) above, biosolids shall also be analyzed for such parameters as necessary to demonstrate compliance with the pathogen destruction and vector attraction reduction requirements of sections 64.12(B) and 64.12(C) of these regulations as appropriate for the use and distribution option(s) practiced. Compliance with Class A pathogen requirements shall be demonstrated using multiple tube assays. Compliance with Class B pathogen requirements may use either multiple tube or membrane filter methods. Analyses demonstrating pathogen destruction and vector attraction reduction shall be performed at the frequencies specified in section 64.16(A)(1), Table 7 of these regulations. Samples collected to satisfy the requirements of this paragraph shall be grab samples.
- (6) All methods used for the analysis of biosolids samples must be approved by the Division.

- (7) All nutrient and metals (Table 8), pathogen destruction, and Vector Attraction Reduction data collected for compliance with these regulations, may be valid for up to a maximum of 12 months from the date the sample was collected.

B. Soils Monitoring.

- (1) Collection and analysis of soils for the parameters identified in Table 9 shall be accomplished prior to the initial biosolids application and on a once per application basis thereafter. Sampling conducted subsequent to the initial sampling event shall occur after completion of the cropping cycle, i.e. after harvest, but prior to any additional application. For purposes of this section biosolids application shall be considered as one or more individual application of biosolids which are intended to supply the agronomic nitrogen requirement for the crop for a single cropping cycle.

TABLE 9. - SOILS FERTILITY ANALYSES AND REPORTING UNITS

PARAMETERS	UNITS	PARAMETERS	UNITS
pH	standard units	conductivity	mmhos/cm
ammonium as N	mg/kg	organic matter	percent
nitrate as N	mg/kg	available phosphorus	ppm extract
total phosphorus	mg/kg		

- (2) Analysis of soil samples for the parameters listed in Table 9 shall be performed using methods approved by the Division.
- (3) Samples collected to satisfy the requirements of paragraph (1) of this subsection shall be composite samples made up of soil taken from no fewer than sixteen core holes per 320 acres and completely mixed to form a minimum one-pound sample.
- (a) A minimum of one composite sample per 320 acres is required. The Division may require more intensive sampling in instances where multiple crops are cultivated or different soil types are present.
- (b) Except as otherwise required in the Notice of Authorization for the Use or Distribution of Biosolids samples shall be collected to a depth of one foot and composited.
- (c) Notwithstanding any other requirements of this section 64.16(B), the Division may require deep soil (nitrate) monitoring.
- (4) The Division may specify more frequent monitoring than otherwise required in paragraphs (1) and (3) above when biosolids are applied for the reclamation of disturbed land.

C. Additional Monitoring.

- (1) Additional monitoring, including but not limited to monitoring of additional biosolids or soils parameters, monitoring of biosolids or soils parameters more frequently than otherwise specified, deep soil monitoring, monitoring of groundwater, monitoring surface water, or monitoring of plant tissue may be required by the Division.

64.17 RECORDKEEPING AND REPORTING

A. Recordkeeping.

- (1) Biosolids preparers shall develop the following information and shall retain the following information for a period of no less than five years. Such information shall be made available to any representative of the Division upon request.
 - (a) Documentation demonstrating compliance with the appropriate pathogen destruction criteria contained in section 64.12(B) of this regulation.
 - (b) Documentation demonstrating compliance with the appropriate vector attraction reduction criteria contained in section 64.12(C) of this regulation. In instances where the biosolids preparer is not the biosolids applier, and the appropriate vector attraction reduction criteria are those which appear in sections 64.12(C)(11) through 64.12(C)(13), such documentation shall be in the form of a certification statement as described in subsections 64.17(C)(4) of this section obtained from the biosolids applier.
 - (c) In instances where the biosolids preparer is not the biosolids applier, documentation that the applier has been provided information necessary to comply with the requirements of these regulations.
 - (d) The results of any biosolids analyses performed pursuant to the requirements of sections 64.16(A) and (C) of these regulations.
 - (e) The results of any soils analyses performed pursuant to the requirements of sections 64.16 (B) and (C) of these regulations.
 - (f) The results of any additional monitoring performed as specified in the Notice of Authorization for the Use and Distribution of Biosolids.
- (2) The biosolids applier shall develop the following information and shall retain the following information for a period of no less than five years. Such information shall be made available to any representative of the Division upon request.
 - (a) Documentation demonstrating compliance with the appropriate pathogen destruction criteria contained in section 64.12(B) of these regulations. Such documentation shall be in the form of a certification statement as described in subsection 64.17(C)(2) of this section obtained from the biosolids preparer.
 - (b) Documentation demonstrating compliance with the appropriate vector attraction reduction criteria contained in section 64.12(C) of these regulations.

In instances where the biosolids preparer is not the biosolids applier, and the appropriate vector attraction reduction criteria are those which appear in sections 64.12(C)(3) through (10) such documentation shall be in the form of a certification statement as described in subsection 64.17(C)(2) of this section obtained from the biosolids preparer.

- (c) The results of any biosolids analyses performed pursuant to the requirements of sections 64.16(A) and (C) of these regulations. Results shall include citation referencing the analytical procedures utilized.
- (d) The results of any soils analyses performed pursuant to the requirements of sections 64.16(B) and (C) of these regulations. Results shall include citation referencing the analytical procedures utilized.
- (e) The results of any additional monitoring performed as specified in the Notice of Authorization for the Use and Distribution of Biosolids.

B. Annual Report Submittal.

- (1) Biosolids preparers shall submit to the Division an annual Self-Monitoring Report.
The Self-Monitoring Report shall include the following items:
 - (a) Documentation demonstrating compliance with the appropriate pathogen destruction criteria contained in section 64.12(B) of these regulations.
 - (b) Documentation demonstrating compliance with the appropriate vector attraction reduction criteria contained in section 64.12(C) of these regulations.
 - (c) The results of any biosolids analyses performed pursuant to the requirements of sections 64.16(A) and (C) of these regulations.
 - (d) The results of any soils analyses performed pursuant to the requirements of sections 64.16(B) and (C) of these regulations.
 - (e) The results of any additional monitoring performed as specified in the Notice of Authorization for the Use and Distribution of Biosolids.
 - (f) The total amount and disposition of biosolids produced during the preceding calendar year, including the amount of biosolids applied to each agricultural and/or disturbed land site issued a Notice of Authorization for the Use and Distribution of Biosolids.
 - (g) Certification statement(s) required per section 64.17(C) of these regulations as appropriate for the use and/or distribution option(s) practiced.
- (2) The biosolids applier shall submit to the Division an annual Self-Monitoring Report.
The annual Self-Monitoring Report shall include the following items:
 - (a) Documentation demonstrating compliance with the appropriate biosolids vector attraction reduction criteria contained in section 64.12(C) of these regulations

when the appropriate criteria are those contained in section 64.12(C)(11) through 64.12(C)(13).

- (b) The results of any biosolids analyses performed pursuant to the requirements of sections 64.16(A) and (C) of these regulations.
 - (c) The results of any soils analyses performed pursuant to the requirements of sections 64.16(B) and (C) of these regulations.
 - (d) The results of any additional monitoring performed as specified in the Notice of Authorization for the Use and Distribution of Biosolids.
 - (e) The total amount and disposition of biosolids applied during the preceding twelve months, including the date biosolids are applied to each agricultural and/or disturbed land site issued a Notice of Authorization for the Use and Distribution of Biosolids, amount of biosolids applied to each agricultural and/or disturbed land site issued a Notice of Authorization for the Use and Distribution of Biosolids, and the cumulative amount of those pollutants identified in section 64.12(A), Table 1 and Table 3, of these regulations applied to each agricultural and/or disturbed land site issued a Notice of Authorization for the Use and Distribution of Biosolids.
 - (f) For sites authorized for long-term storage, information demonstrating compliance with section 64.13 of this regulation.
 - (g) A list of authorized sites and a description of the status of each, including the most recent date of biosolids application.
 - (h) Certification statement(s) required per section 64.17(C) of these regulations as appropriate for the use and/or distribution option(s) practiced.
- (3) Self-Monitoring Reports shall be submitted to the Division so that they are received by February 19th of each year. The Self-Monitoring Report for all items identified in subsections (1) and (2) of this section, shall include the results for the period from January 1 through December 31 of the preceding year.

C. Certification.

- (1) Persons who prepare biosolids which are distributed to the public shall include one of the following certification statements, as appropriate, with the Self-Monitoring Report:
 - (a) "I certify, under penalty of law, that the Table 3 metals based requirements in section 64.12(A), the appropriate Class A pathogen destruction requirements in sections 64.12(B)(1) through 64.12(B)(7), and the appropriate vector attraction reduction requirements in sections 64.12(C)(1) through 64.12(C)(10) have been met. This determination has been made under my direction and supervision in

accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen destruction requirements and biosolids stability requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.", or

- (b) "I certify, under penalty of law, that the Table 1 metals based requirements in section 64.12(A), the appropriate Class A pathogen destruction requirements in sections 64.12(B)(1) through 64.12(B)(7), the appropriate vector attraction reduction requirements in sections 64.12(C)(1) through 64.12(C)(10), and the notification requirements in section 64.14(B)(2) have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen destruction requirements and biosolids stability requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

- (2) Persons who prepare biosolids which are applied to agricultural land or to disturbed land for reclamation, and who apply the biosolids which are produced, shall include the following certification statement with the Self-Monitoring Report:

"I certify, under penalty of law, that the Table 1 metals based requirements in section 64.12(A); the appropriate Class A pathogen destruction requirements in sections 64.12(B)(1) through 64.12(B)(7), or the appropriate Class B pathogen destruction requirements in sections 64.12(B)(8) and (9); the appropriate biosolids stability requirements in sections 64.12(C)(1) through 64.12(C)(13), and the appropriate management practices in sections 64.13, 64.15, and 64.16 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

- (3) Persons who prepare biosolids which are applied to agricultural land or to disturbed land for reclamation, and who do not apply the biosolids which are produced, shall include the following certification statement with the Self-Monitoring Report:

"I certify, under penalty of law, that the Table 1 metals based requirements in section 64.12(A); the appropriate Class A pathogen destruction requirements in sections 64.12(B)(1) through 64.12(B)(7), or the appropriate Class B pathogen destruction requirements in sections 64.12(B)(8) and (9); and the appropriate biosolids stability requirements in sections 64.12(C)(3) through 64.12(C)(10), if utilized, have been met. I further certify that the applier has been provided notice of and necessary information to comply with the requirements of the Biosolids Regulation, and specifically with the appropriate biosolids stability requirements in sections 64.12(C)(11) through (13), if utilized, and the appropriate management practices in sections 64.13, 64.15, and 64.16. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

- (4) Persons who apply biosolids to agricultural land or to disturbed land for reclamation, when not the persons who prepare biosolids, shall include the following certification statement with the Self-Monitoring Report:

"I certify, under penalty of law, that the biosolids stability requirements in sections 64.12(C)(11) through 64.12(C)(13), and, as necessary, the appropriate management practices in sections 64.13, 64.15, and 64.16 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the pathogen requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

64.18 - 64.20 RESERVED

64.21 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., (1989 Repl. Vol. and 1993 Supp.) provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., (1988 Repl. Vol. and 1992 Supp.), the following Statement of Basis and Purpose.

BASIS AND PURPOSE

There are a number of statutory provisions which authorize the regulation of biosolids by the Department of Health. Prior to the 1993 legislative session these included the Department's general rulemaking authority found at Section 25-1-107 C.R.S. (1973 Repl. Vol., 1981 Supp.) and the Solid Waste Disposal Sites and Facilities Act, 30-20-101 et seq., C.R.S. (1973 Repl. Vol., 1981 Supp.). The former provides authority allowing the Department to "establish and enforce minimum general sanitary standards as to the quality of wastes discharged upon land and the quality of fertilizer derived from the excreta of human beings or from the sludge of sewage disposal plants.", C.R.S. 1973, 25-1-107(1)(e)

(Supp. 1981). More specific authorities are contained in the Solid Wastes Disposal Sites and Facilities Act.

The Solid Wastes Disposal Sites and Facilities Act defines sludge from waste treatment plants as solid waste (§30-20-101(6)). The Act requires that "Any person who owns or operates a solid wastes disposal site and facility shall first obtain a certificate of designation from the governing body having jurisdiction over the area in which such site and facility is located.", (§30-20-102(1)). Further, "Solid Wastes disposal by any person is prohibited except on or at a solid wastes disposal site and facility for which a certificate of designation has been obtained as provided in section 30-20-105.", (§30-20-102(2)). The certificate of designation process is intended to address the siting and operation of landfills and similar activities. The legislature recognized that the certificate of designation requirement was inappropriate for certain modes of waste recycling and utilization and therefore amended the statute in 1986. This amendment provides an exemption for the certificate of designation requirement for "the final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, of sludge which has been processed and certified or designated as meeting all applicable regulations of the department and the department of agriculture shall not require a certificate of designation for such final use.", (§30-20-102(6)). Other modes of sewage sludge disposal (i.e. incineration or dedicated disposal) remained subject to the certificate of designation requirement.

The Department convened a task force in 1977 made up of state and local health professionals, academics, consultants, public interest group representatives and members of the regulated community. The group was charged with the development of the mechanism necessary to implement the certificate of designation exemption. This group produced a document entitled Guidelines for Sludge Utilization on Land. This document was jointly adopted by the Colorado Board of Health and the Water Quality Control Commission in 1979. Compliance with the criteria contained in the document was voluntary. Moreover, because the document was adopted as guidance, and not as regulation, the Attorney General's Office determined that the document was inadequate to constitute implementation of the certificate of designation exemption at Section 30-20-102(6) of the Solid Wastes Disposal Sites and Facilities Act. The task force was reconstituted in 1981 and began a comprehensive revision of the guidelines. The product was the Colorado Domestic Sewage Sludge Regulation, 5 CCR 1003-7, adopted by the Board of Health in 1985. The regulations represented the incorporation of the Guidelines for Sludge Utilization on Land with criteria contained within a number of guidance documents and regulation produced by the United States Environmental Protection Agency during that period.

The Statement of Basis and Purpose which was adopted by the Board of Health when the Domestic Sewage Sludge Regulations were initially adopted in 1985 embodied a policy promoting the beneficial use of biosolids. Specifically the following comment was incorporated into the Statement of Basis and Purpose:

"an environmentally sound solution to sludge disposal problems is utilization of stabilized sludge on land for agriculture, silviculture or reclamation"

It is the intent of the Water Quality Control Commission that this regulation further promote the beneficial use of biosolids by providing a comprehensive framework of criteria, compliance with which

assures a degree of operational management and a product of a quality compatible with the state's goals of protecting the public health and the environment."

The Solid Wastes Disposal Sites and Facilities Act was amended in 1986 to establish a fee system to support implementation of the regulations (§30-20-110.5). This authority continues to provide the statutory basis for the program fee system. The regulations were amended in 1987 to provide a mechanism to implement the fee system. The fee system provisions will remain a primary feature of a regulation separate from this which is to be retained under Board of Health Authority.

The Domestic Sewage Sludge Regulations were amended a second time in 1987 to provide for issuance of Notices of Authorization to Apply Domestic Sewage Sludge. Prior to this revision the regulations were self-implementing. Submittal of a Letter of Intent to Apply Domestic Sewage Sludge, by the sludge producer, to the Department was required. If, within a specified time frame, the department did not notify the applicant of deficiencies in the Letter of Intent, the producer could begin sludge application. A number of producers found this mechanism to be lacking. There was a desire on the part of the producers to be provided a permit-like instrument which would serve to document their compliance with the regulatory criteria. There existed a similar desire on the part of the public. The regulations were therefore amended to create the Notice of Authorization to Apply Domestic Sewage Sludge, a permit-like document.

The regulations were again amended in 1990 to provide criteria for the beneficial use of sludges derived from the treatment of municipal raw water sources with aluminum or iron compounds. As with the fee system provisions, the water treatment sludge provisions of the Domestic Sewage Sludge Regulations are to remain within a separate regulation to be promulgated by the Board of Health under Solid Wastes Disposal Sites and Facilities Act authority.

An amended version of the Domestic Sewage Sludge Regulations is to be promulgated by the Board of Health. It is anticipated that this action will take place at a November 17, 1993 rulemaking. The effective date of this revised rule will correspond to that of this regulation. The revised Domestic Sewage Sludge Regulations, as previously discussed, will retain only those criteria and requirements which are germane to the beneficial use of water treatment sludges and to the state sludge management fee system. All other provisions of the Domestic Sewage Sludge Regulations are expected to be rescinded by the Board.

As the Colorado Municipal Sludge Management Program was evolving so too were federal efforts at rulemaking. The EPA initially promulgated regulations applicable to the beneficial use of sewage sludge in 1979. These regulations appeared at 40 CFR Part 257. The federal technical criteria were incorporated into the 1985 Colorado Domestic Sewage Sludge Regulations. The Part 257 regulations were intended by the EPA to provide the foundation for comprehensive regulations addressing sludge use and disposal. The Clean Water Act reauthorization of 1987 provided the impetus for a second round of federal rulemaking.

The EPA on May 2, 1989 amended regulations at 40 CFR Parts 122, 123, and 124 and promulgated new regulations at 40 CFR Part 501. These regulations address implementation of what were then anticipated federal sewage sludge criteria to be promulgated at 40 CFR Part 503. Specifically the revisions to Parts 122 through 124, and the newly promulgated Part 501, require implementation of federal sludge use and disposal requirements through EPA issued National Pollutant Discharge Elimination System permits or through NPDES permits or equivalent permit-like instruments issued by delegated states. Colorado holds primacy for the NPDES program and issues Colorado Discharge System permits (CDPS permits). The State may select that implementation option which most readily integrates into an existing program structure. Unlike a number of other programs, assumption of sludge program delegation is not required of states which hold NPDES delegation. The State could opt to allow the EPA to implement federal sludge program requirements through "permit riders" attached to Colorado Discharge Permit System permits. The Part 501 regulations also allow what is termed "partial program delegation". The federal regulations divide sludge use/disposal into three areas: land application, surface disposal, and incineration. These distinctions correspond fairly closely to the beneficial use/dedicated disposal Division which has evolved within the Colorado programs regulating sludge use. Partial program delegation would allow delegation of program implementation responsibilities for any or all of the three program areas. It is the State's intent to seek delegation of the land application and surface disposal portions of the federal program. This rulemaking will expedite delegation of the former. The Wastewater Utilities Council and the Water Quality Forum, groups representing the regulated community, have actively supported this position.

The promulgation of the federal delegation requirements in 1989 allowed the Department to review its existing program structure in terms of those requirements. This review identified a significant deficiency. Regardless of whether the State assumes delegation of the federal sludge management program as a component of its existing NPDES program or as an independent program, the federal regulations promulgated in 1989 require the Department's enforcement capability to be equivalent to that necessary for NPDES delegation. These authorities must include administrative remedies for non-compliance (i.e. cease and desist orders), and the ability to impose civil penalties of up to \$5,000 per day for each violation and criminal penalties of up to \$10,000 per day of violation. The Department lacks such authorities under to Solid Wastes Disposal Sites and Facilities Act. The State's Water Quality Control Act, however, includes a level of enforcement authority which is adequate to support delegation. The Department considered either amendment of the Solid Waste Disposal Sites and Facilities Act, thereby developing a level of enforcement authority which is adequate to meet the requirements for delegation, or amendment of the Water Quality Control Act to provide the Commission the authority to regulate sludge use and disposal. After discussions both internal and external to the Department, the decision was made to pursue the second option. Senate Bill 182, legislation amending the Water Quality Control Act, was drafted and carried forward by a coalition consisting of the Wastewater Utility Council, the Water Quality Forum, and the Department. SB 182 was adopted during the 1993 legislative session.

In addition to providing rulemaking authority to the Commission, SB 182 also introduces the term "biosolids" into the Water Quality Control Act. The term has been defined to mean a residual product

which is no longer a waste but rather a recyclable commodity. The concept originated within the wastewater treatment industry in an attempt to disassociate biosolids from other, sometimes hazardous wastes which have historically been lumped together as "sludge". The Biosolids Regulations address criteria and procedures for the beneficial use of biosolids.

The EPA promulgated comprehensive technical criteria for the beneficial use of biosolids and for several modes of sludge disposal at 40 CFR Part 503. The Part 503 regulations were promulgated on February 19, 1993. The Colorado Biosolids Regulations represent an integration of that portion of the federal Part 503 regulations dealing with beneficial land application with the criteria and administrative processes from the State's Domestic Sewage Sludge Regulations.

The technical criteria for molybdenum and selenium promulgated by EPA at 40 CFR Part 503 are currently the subject of ongoing litigation at the federal level. Climax Metals Company and the City of Pueblo are parties to the Commission's rulemaking and are litigants in the federal court action. Alternate proposals put forth by these parties incorporate either alternate numeric standards for molybdenum which are greater than the Part 503 criteria (Climax) or delete any numeric criterion for selenium (Pueblo). Adoption of these proposals would result in the state's regulation being less stringent than currently effective federal requirements. It is the intention of the commission, upon resolution of those federal actions, to incorporate appropriate revisions to this regulation. It is the Commission's intent that these modifications proceed as expeditiously as possible. Should the federal litigation result in either administrative or judicial stays of the effectiveness of the molybdenum or selenium portions of the federal rule, the Commission will schedule a rulemaking hearing, including an emergency rulemaking if warranted, to consider similar action.

The Water Quality Control Division convened a series of public meetings after this regulation was initially noticed. These meetings were held with the intent of soliciting public input regarding the proposed regulation. It is the preference of both the Commission and the Division that such meetings proceed the public notice of a proposed regulation. The juxtaposition of the 1993 legislative action and the Commission's schedule, however, necessitated that the meetings followed the initial proposal. As a result of comment received at those hearings, as well as written comments solicited by the Division, a series of modifications have been incorporated into the regulation.

The terminology used to reference Division issued approvals for the use of biosolids has been modified so as to retain, to a degree, nomenclature developed under the old Domestic Sewage Sludge Regulations. Approvals are now referred to as "Notices of Authorization for the Use and Distribution of Biosolids" as opposed to "Permits for the Use and Distribution of Biosolids". Approvals granted under the Domestic Sewage Sludge Regulations were referred to as "Notices of Authorization to Apply Domestic Sewage Sludge". This modification is intended to minimize any confusion which might arise between references to CDPS permits and to the biosolids permitting mechanism.

A feature of the federal regulations (40 CFR 501) is the requirement that the permit or permit equivalent document receive public notice. It is the State's intent to implement the federal program requirements through a combination of existing mechanisms. Notices of Authorization will continue to be issued on a

site by site basis and will focus on those management, monitoring and reporting requirements which are unique to the state Biosolids Regulations. Broader requirements which are not specific to a given land application site, and which flow from the federal Part 503 regulations will be integrated into the CDPS permit. The CDPS permit will incorporate those elements for which public notice is required. Nonetheless, it should be noted that the Notice of Authorization is intended as a permit or permit equivalent mechanism as that term is utilized in 40 CFR 503.

Notices of Authorization for the Use and Distribution of Biosolids shall not be issued if they would allow a violation of any water quality standards promulgated by the State of Colorado for surface or groundwater, or would violate a control regulation. Nothing in this regulation is intended to affect any requirements specified in any control regulation and in particular the CheOrry Creek Reservoir Control Regulations, 4.2.0 (5 CCR 1002-19). The Cherry Creek Reservoir Control Regulations require that whenever a discharger requests a compliance schedule in connection with a permit issuance or permit renewal, the discharger shall notify the Cherry Creek Basin Water Quality Authority of that request, solicit Authority comment, and submit evidence of that notice to the Division. Thus the Authority shall continue to be notified and may comment on permit-based compliance schedules issued pursuant to this regulation.

Requirements for the submittal and contents of applications for Notices of Authorization, referred to as "Letters of Intent for the Use and Distribution of Biosolids", have been restructured to address three possible use scenarios; unrestricted use, restricted use of bagged and containerized biosolids, and agricultural or reclamation use. The first two options involve the distribution and/or marketing of biosolids to the public. Distribution to the public limits control over appropriate usage of the product. The public noticed version of the regulation proposed different submittal requirements based upon the level of public exposure to the product. This distinction is not, however, crucial to determination of the appropriate regulatory criteria. The regulation now differentiates between the Letter of Intent submittal requirements based upon the metal content (grade) of the biosolids. This restructuring more closely conforms with federal regulatory requirements and is more easily understood by the applicant. It should be noted that the required issuance of a Notice of Authorization for the public distribution of biosolids is applicable to the facility producing or preparing biosolids for public distribution. Individuals who purchase or otherwise receive biosolids prepared and distributed in accordance with applicable provisions of these regulations are not required to obtain individual notices of authorization.

The federal Part 503 regulations identify a series of compliance dates applicable to various portions of the federal regulation. Federal monitoring and reporting requirements became effective on July 20, 1993. Compliance with the remaining applicable portions of Part 503 is required no later than February 19, 1994, unless construction of additional facilities is necessary. In the latter instance the compliance deadline is extended to February 19, 1995. Section 4.9.7 Has been amended to identify February 19, 1994 as the effective date of the regulations. Section 4.9.6 Has been modified so as to identify the variance process as the mechanism through which the Division will implement the compliance deadline extension in those instances where construction is required to achieve compliance.

Section 4.9.12.A(3) is modified to provide more appropriate monitoring requirements in instances where biosolids exceed a numeric metals criterion for either Grade I or II and subsequently experience a decrease in metals content such that compliance with the Grade I or II criterion is once again achieved.

Comments were submitted to the Division which questioned the need for the provisions appearing at 4.9.15.A(2)(b)(ii) and (iii), and at 4.9.15.B(1)(c) and (d). These paragraphs identify maximum numerical limits for PCBs and for total alpha activity in the biosolids. Should levels of these parameters exceed the numeric criteria identified, disposal of the material is regulated by other regulations. There are no monitoring requirements associated with these criteria as previous monitoring has indicated the likelihood of biosolids exceeding either criterion to be minimal. The Commission, nonetheless, is of the opinion that there is significant informational value in the retention of these criteria in the regulation. The Board of Health is currently engaged in a rulemaking addressing "Naturally Occurring Radioactive Materials". The result of that rulemaking will necessitate the review and, potentially, the revision of this regulation.

A significant concern identified by commenters was that cultivated lands or rangeland could be excluded from application if it is subject to periodic inundation during storm events. A notation has been inserted into the definition of "state waters" with the intent of eliminating any confusion which might arise as to the exclusion of runoff from cultivated drainages or vegetated range from the definition of "state waters" until such point as that runoff enters a water body.

Section 4.9.15.F, has had additional language inserted which requires consideration of all potential nitrogen sources when application rates for biosolids are determined. The Division has identified instances where biosolids application has been supplemented by application of manures, fertilizers, or other nitrogen sources. Excessive nitrogen application contributes to nitrate contamination of groundwater. These additional nitrogen sources must now be accounted for in determination of the appropriate biosolids application.

The regulation also specifically allows the Division to require deep soil (5 foot) monitoring for nitrates (4.9.16.B) on a case by case basis. The Division may consider past and present biosolids application rates as well as application of other nitrogen sources, soil texture and depth, groundwater depth and use, and other relevant factors in determining applicability of deep soil monitoring requirements. This requirement is also intended to address problems associated with past or potential overapplication of nitrogen and to identify instances of overapplication in a timely fashion.

Section 4.9.17.B has been modified to relax reporting frequencies to correspond to the annual reporting requirement of 40 CFR 503. Additional language now appears at 4.9.17.D, however, requiring expedient notification to the Division upon instances of significant noncompliance.

Language has been inserted in Section 4.9.12.B(8) in response to comment received from the City of Pueblo. This modification is intended to clarify the time and temperature requirements for aerobic and anaerobic digestion of biosolids. The City had also proposed identification of long term stabilization as a Process to Further Reduce Pathogens (PFRP). The Domestic Sewage Sludge Regulations had included provisions which did so. This provision was a unique feature of the Colorado regulations and had no corresponding provision in federal regulations. The 40 CFR 503 regulations do not recognize long term stabilization as a PFRP. Section 4.9.12.B(8)(b)(vi) does, however, allow the permitting authority to certify processes which are not specifically identified in the regulation as equivalent to PFRP. Until delegation occurs that authority is vested with the EPA. That agency, the state, and the City of Louisville are in the process of defining the operational parameters applicable to long term stabilization which, when met, demonstrate a level of pathogen destruction consistent with the PFRP designation. It is expected that certification for long term stabilization will be finalized shortly.

Requirements applicable to short term storage of biosolids at an application site have been incorporated into Section 4.9.13.F. Previously the regulatory requirements addressed only relatively permanent storage facilities. Several commenters noted that weather conditions may, on occasion, necessitate short term on-site storage. Section 4.9.13.F identifies criteria applicable to such circumstances.

The regulations had also contained criteria for both storage and for application on various slopes which utilized a sixteen percent solids content criterion to distinguish between various applicable criteria. The Domestic Sewage Sludge Regulations had included several management requirements which were based upon the sixteen percent criterion. It had been assumed that biosolids with a solids content of greater than sixteen percent would generate only a minimal amount of free liquid. It is the experience of several parties, and of the Division, that a fourteen percent solids content criteria is, in fact, appropriate. The fourteen percent criterion has been incorporated into the storage requirements at 4.9.13 and the management requirements relative to application on sloping land at 4.9.15.D.

Several parties have also suggested that the soil depth criteria, as it appeared at 4.9.15.F(2), was inflexible and did not recognize various reclamation scenarios. The soil depth criterion has been restructured to recognize beneficial use for reclamation and to provide requirements for agricultural use on both irrigated and dryland crops.

PARTIES TO THE RULEMAKING HEARING

October 4, 1993

HEARING CHAIR: David Pusey

1. Metro Wastewater Reclamation District
2. Climax Metals Company
3. City of Fort Collins
4. Littleton-Englewood Wastewater Treatment Plant
5. City of Pueblo
6. Cherry Creek Basin Water Quality Authority
7. City of Colorado Springs

64.22 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE (July, 1994 Hearing)

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., (1989 Repl. Vol. and 1993 Supp.) provide the specific statutory authority these amendments to the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., (1988 Repl. Vol. and 1992 Supp.), the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Water Quality Control Commission adopted the Colorado Biosolids Regulations, 4.9.0 on November 2, 1993. While the regulations were being heard there was also ongoing litigation at the federal level concerning the technical basis for numeric molybdenum criteria contained in the federal sludge regulations at 40 CFR Part 503. The Commission opted to incorporate the federal numeric molybdenum standards into the Biosolids Regulations as they appeared in the Part 503 regulation at that time. The Statement of Basis, Specific Statutory Authority, and Purpose (§ 4.9.18) adopted anticipated potential future action relative to the federal molybdenum standards and indicated the Commission's intention to consider similar action. The Administrator of the United States Environmental Protection Agency on February 18, 1994 announced amendments to the 40 CFR Part 503 regulations. These amendments became effective the following day. The modification deletes annual and cumulative loading limits for molybdenum as well as the molybdenum concentration limit which corresponds to the state's Grade I molybdenum limit. The maximum allowable molybdenum concentration limit (Grade 2) remains unaffected by the federal amendments. This amendment to the Biosolids Regulations provides conformance with the revised federal criteria for molybdenum.

The state regulations at § 4.9.10.A(3)(d) and at § 4.9.15A(5) also require a determination of historic metals loadings to land application sites as part of the permitting process. Sites which have previously received biosolids after July 31, 1993 must have loadings of arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium and zinc quantified. This amendment deletes molybdenum from that requirement. Monitoring for molybdenum levels in biosolids, products derived from biosolids and application site soils are, however, retained as a feature of the regulation.

The Commission anticipates that these provisions will be reassessed again in the future, following further consideration and action concerning this issue by EPA.

64.23 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE (January, 1996)

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., (1989 Repl. Vol. and 1993 Supp.) provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., (1988 Repl. Vol. and 1992 Supp.), the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Colorado Water Quality Control Commission adopted the Colorado Biosolids Regulation, 4.9.0 on November 2, 1993. Subsequently, Water Quality Control Division and the Colorado Attorney General's Office staff developed the additional materials necessary to request delegation of the National Sludge Management Program. During the development of the delegation package several items were identified which had either been omitted from the regulation, or for which clarification is appropriate. A number of additional changes are best characterized as corrected or expanded cross references, or as minor corrections, and are not addressed below.

Section 4.9.3.B is amended to ensure that any facility or person treating or using biosolids, including a treatment works treating or applying biosolids which are generated elsewhere, are subject to the requirements of the regulation.

Language is also added at Section 4.9.3, as well as at Section 4.9.9.K, to clarify the applicability of the regulation and to modify the definition of biosolids to conform with the definition which appears in the Water Quality Control Act. Language added to section 4.9.3 excludes "hazardous sewage sludge" from the regulation. This language is added so as to restrict the applicability of the regulation in a manner which is consistent with the federal regulation at 40 CFR 503.

The Metro Wastewater Reclamation District raised a concern relative to a potential interpretation of the applicability section (4.9.3) and the biosolids definition to absolutely exclude grit, screenings or grease. The District noted that while it is appropriate to exclude those grit or screenings which are generated during primary treatment processes, a fraction of the materials which are typically characterized as grit and screenings are not removed during primary treatment and ultimately become a component of the treated biosolids. Similarly, there is some grease present in biosolids which is not removed earlier in the treatment process, or which has been re-introduced into the biosolids treatment train to enhance the efficiency of biosolids treatment processes and/or as an alternative to other disposal options. The criteria contained in the Biosolids Regulation are not applicable to the land application of grit or screenings removed during the primary treatment of domestic wastewater. Nor are they applicable to the land application of grease removed during the treatment of domestic wastewater which is not treated in a biosolids treatment unit, or from other sources. The land application of these materials, should such an activity be undertaken, would be subject to the requirements of the Colorado Regulations pertaining to Solid Waste Disposal Sites and Facilities. It is the intent of the Commission that the land application of these materials be clearly excluded from the Biosolids Regulation. It is not the Commission's intent to bar the land application of biosolids which may contain grease or insignificant amounts of grit which is present as a result of normal treatment operations and which meets all applicable state and federal requirements for land application.

The definition of "Annual Biosolids Application Rate" at 4.9.9.E is amended to address multi-year cropping practices, i.e. dryland wheat.

Language is added at 4.9.15.B to conform with federal requirements that the preparer of the biosolids provide the applier with the information necessary to allow the applier to determine the appropriate means to maintain compliance with the regulation. Section 4.9.15.B(3) is specifically added so as to assure conformance with federal requirements at 40 CFR 503.7 which require the preparer to assure that all applicable regulatory requirements are met.

Section 4.9.15.C is amended to specify a required 30 foot separation between a biosolids application area and a dry streambed. Federal regulations require a ten meter separation between land to which biosolids are applied and Waters of the United States. Dry streambeds have been determined to be Waters of the United States and are therefore subject to the 10 meter requirement.

Table 4 is amended to allow application of biosolids of less than fourteen percent solids by subsurface injection to sites which exhibit a surface slope of greater than nine to fifteen percent. Such application was allowed under the Domestic Sewage Sludge Regulations, which preceded this regulation, and has been demonstrated to be an acceptable application method on slopes of less than fifteen percent or less.

Table 6 is amended to specify that the frequency of required monitoring is based upon the annual biosolids production expressed as "short" tons as opposed to "metric" tons.

Language is added to Section 4.9.17.A(1)(c) to require documentation that the biosolids producer has provided notification to the applier of information necessary to comply with the requirements of the regulation be maintained in producer records.

A specific certification statement is added at Section 4.9.16.C(3) to address instances where the producer is not also the applier of the biosolids.

Comments were submitted during the public notice period suggesting the addition of language clarifying state regulatory requirements relative to co-disposal of biosolids at municipal solid waste facilities.

The author correctly pointed out the federal regulations at 40 CFR Part 258 address co-disposal. Similarly, co-disposal of biosolids is addressed within the state regulatory framework via the Colorado Regulations pertaining to Solid Waste Disposal Sites and Facilities, 6 CCR 1007-2. Criteria contained within the Colorado Biosolids Regulation do not apply to biosolids which are co-disposed with other wastestreams in municipal solid waste facilities. Section 4.9.3 specifically limits the applicability of the Biosolids Regulation to biosolids which are used beneficially. Co-disposal is not considered beneficial use and is therefore not governed by this regulation. It should be noted that the application of biosolids at a municipal solid waste facility for the purpose of reclaiming closed portions of the facility is considered beneficial use. The requirements of the Biosolids Regulation would be applicable in that instance.

The Commission adopted the Biosolids Regulation on November 2, 1993. While the regulation was being heard there was also ongoing litigation at the federal level concerning the technical basis for numeric chromium and selenium criteria contained in the federal regulations at 40 CFR Part 503. The Commission opted to incorporate the federal chromium and selenium standards into the Biosolids Regulation as they appeared in the federal Part 503 regulations at that time. The Statement of Basis, Specific Statutory Authority, and Purpose (section 4.9.18) adopted with the November 2, 1995 Biosolids Regulation anticipated potential future action relative to the federal chromium and selenium standards and indicated the Commission's intention to consider appropriate action upon resolution of the issues relating to the federal standards.

The United States Court of Appeals for the District of Columbia Circuit issued a decision on November 15, 1994 concerning the technical basis for the chromium and selenium limitations set forth in the 40 CFR Part 503 regulations. See Leather Industries of America, Inc. v. Environmental Protection Agency, 40 F.3d 392 (D.C.Cir. 1994). The Court held that the chromium and selenium "clean sludge" caps (40 CFR 503.13, Table 3), equivalent to the Colorado Grade I maximum metals concentrations identified at section 4.9.12.A(1), Table 1 of the Biosolids Regulation, were developed in a manner which exceeded EPA's statutory mandate because they were not based upon risk to human health or to the environment. The Court remanded the "clean sludge" numeric limits, as well as the maximum concentration limits (40 CFR 503.13, Table 1; section 4.9.12.A(1), Table 1 Grade II limits) and the annual loading limits (40 CFR 503.13, Table 4; section 4.9.14.B(2)(c)(i), Table 2) for chromium and selenium to EPA for "modification or additional justification". Following the Court's decision, the City of Pueblo petitioned the Commission to amend the Biosolids Regulation to delete the remanded federal "clean sludge" limitations for chromium and selenium and the maximum concentration limit for selenium. The City's petition resulted, in part, in this rulemaking.

The USEPA, on October 25, 1995 promulgated amendments to the federal sludge management regulations at 40 CFR Part 503 which partially implement the Court's decision in Leather Industries. (60 Fed. Reg. 54764). These revisions address maximum allowable concentration limits, annual pollutant loading limits, and cumulative pollutant loading limits for chromium and "clean sludge" concentrations for selenium. All numeric limitations for chromium were struck from the Part 503 rule. The EPA action relaxed the federal Table 3 limitation for selenium from 36 mg/kg to 100 mg/kg. These revisions to the Colorado Biosolids Regulation incorporate revisions to the Grade I and Grade II metals concentration limits identified in Table 1, section 4.9.12.A, to the annual pollutant loading limits expressed in Table 2, section 4.9.15.B, and the cumulative pollutant loading limits in Table 3, section 4.9.15.A so as to conform with the federal rule.

With regard to the maximum concentration and annual loading limitations for selenium which were remanded to EPA, the City of Pueblo and EPA have been negotiating an amendment to the federal regulation which will establish variance procedures to allow the use of biosolids exceeding the maximum ceiling concentration (Colorado Grade II) where (1) the high concentration of a metal in the biosolids is due to unusual natural conditions and (2) the permitting authority adopts an alternative ceiling concentration sufficient to protect public health and the environment based upon the intended use and the risk assessments that reasonably apply to such use. EPA has expressed an intention to publish a proposed amendment to the federal sludge regulations in early 1996 for the purpose of incorporating this variance procedure, and to thereafter adopt the variance procedure in a final rule to be published after the close of a 60 day comment period. As a consequence of these factors, and in order to avoid delaying delegation of federal program authorities to the State, the City of Pueblo has withdrawn, for purposes of this rulemaking, its request to delete the remaining selenium limits in Tables 1 and 2. It is the Commission's intent to subsequently conduct a future rulemaking to either consider incorporation

of the EPA variance procedure when finally adopted, or to consider other resolution of the selenium issue should negotiations between EPA and the City fail. During the interval between EPA adoption of a variance procedure and a new Commission rulemaking to consider incorporation of those procedures into the Biosolids Regulation, the Division has indicated that the EPA approved procedure will be applied under the existing authority of section 4.9.6.

PARTIES TO THE RULEMAKING HEARING

1. The Metro Wastewater Reclamation District
2. The City of Pueblo

64.24 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE (Incorporation by Reference May, 1996)

The provisions of section 25-8-202(1)(d) and 25-8-501 to 504; C.R.S., provide the specific statutory authority for adoption. The Commission also adopted, in compliance with Colorado Revised Statute Section 24-4-103(4) C.R.S., the following statement of basis and purpose of these amendments.

BASIS AND PURPOSE

The Commission added a new sentence to section 4.9.5 to comply with incorporation by reference provisions of the Administrative Procedure Act, section 24-4-103 (12.5)(c).

64.25 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JULY, 1997 RULEMAKING

The provisions of sections 25-8-202 and 25-8-401, C.R.S., provide the specific statutory authority for adoption of the attached regulatory amendments. The Commission also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

The Commission has adopted a revised numbering system for this regulation, as a part of an overall renumbering of all Water Quality Control Commission rules and regulations. The goals of the renumbering are: (1) to achieve a more logical organization and numbering of the regulations, with a system that provides flexibility for future modifications, and (2) to make the Commission's internal numbering system and that of the Colorado Code of Regulations (CCR) consistent. The CCR references for the regulations will also be revised as a result of this hearing.

64.26 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE (December, 1997 Hearing)

The provisions of sections 25-8-202(1)(c), 25-8-205(1)(e), 25-8-501 to 504, and 25-8-509; C.R.S., provide the specific statutory authority for adoption. The Commission also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose of these amendments.

BASIS AND PURPOSE

The Colorado Water Quality Control Commission adopted the Colorado Biosolids Regulation 4.9.0 on November 2, 1993. Subsequently, the Commission convened an informational hearing concerning the Biosolids Regulation on December 9, 1996 as part of the triennial review.

A number of issues were identified at the December 9, 1996 informational hearing and were considered in this rulemaking hearing. These include applicability of Colorado permitting requirements to out-of-state biosolids, concerns with the distribution and/or marketing of liquid biosolids in Colorado, adequacy of current slope and setback criteria in the regulation, and expanded pathogen monitoring requirements for Class A biosolids. Additionally, the regulation is restructured slightly to combine phosphorus and nitrogen requirements into a single section addressing nutrient management concerns. Finally, there are a number of corrected or expanded cross references, which are not addressed any further.

Comments submitted to the Division from out-of-state producers of biosolids products marketed in Colorado requested waiver of the Notice of Authorization for the Use and Distribution requirement, and a concomitant \$2.40 per dry ton fee assessed for the biosolids which are beneficially used in the state. Comments submitted asserted that Colorado's regulatory requirements are equivalent to the requirements imposed by a regulatory agency in the state where the biosolids originated, and therefore, duplication of regulatory requirements is not necessary. In June, 1997, Division staff met with stakeholders to address this issue. The consensus was to keep the regulatory requirements of the regulation the same, and continue to assess the \$2.40 per dry ton fee for all biosolids beneficially used in Colorado. Justification for this is that state requirements where the biosolids originated from are, in fact, sometimes different than Colorado's requirements. Additionally, participants strongly felt that there is a need for local (in-state) sampling and analysis to confirm product quality. The Commission agrees with these conclusions and therefore has made no changes to the regulation in this regard.

Currently, the Biosolids Regulation allows the distribution and marketing of any product which meets Class A pathogen requirements, Grade I pollutant limitations, and appropriate Vector Attraction Reduction criteria. To date biosolids which have been distributed or marketed to the public have included composted or heat dried products. Questions have arisen as to the appropriate regulatory controls for a product which meets these requirements but is in a liquid form. A facility operating plan is required in the regulation at section 64.10.A(1)(e) to describe the distribution and marketing of biosolids to the public. In addition, the Division may also require in the operating plan, that a facility address handling and transportation of liquid biosolids. Therefore, the Commission does not believe that this aspect of the regulation requires modification at this time.

Agate and Deer Trail Soil Conservation District representatives voiced their concern, in both correspondence and at the informational hearing on December 9, 1996, over soil erosion problems at a

property owned and operated by the Metro Wastewater Reclamation District where biosolids are being applied to the land for beneficial use. The Commission at that time asked Division staff to meet with the Agate and Deer Trail Soil Conservation Districts to discuss their concerns. The initial meeting occurred on May 29, 1997. Representatives of the Agate and Deer Trail Soil Conservation Districts, Metro Wastewater Reclamation District and other parties attended. The Soil Conservation Districts had two concerns; That the Universal Soil Loss Equation upon which previous criteria had been based is now out-of date, and that EPA's use of the equation in the risk assessment upon which national criteria is based, did not take into account the intense rainfall events in eastern Colorado. A work-group was formed to evaluate these two issues. EPA ran the updated version of the Universal Soil Loss Equation (RUSLE ver 1.05) and included current rainfall data supplied by the Natural Resources Conservation Service. Analysis confirmed the adequacy of existing criteria for current slope and set-back requirements. Therefore, no changes to the current slope and set-back requirements are being adopted at this time. However, Tables 4 and 5 of the regulation have been modified per recommendations from the stakeholders group, to modify biosolids application methods identified in Tables 4 and 5 in order to minimize run-off from a site by maintaining established vegetative cover, crop residue cover, and/or organic matter on the soil surface and by allowing site specific management options to be considered.

The parties to the hearing recognize the importance of site management planning to address the issue of soil loss. The parties also recognize that criteria contained within the regulation are statutorily constrained such that any criteria must reflect a human health and/or water quality basis. Such criteria may not, however, adequately address soil loss problems in all cases given the variability of soil types and slopes which could potentially be encountered. Further discussions among parties resulted in an agreement that representatives of the parties, in conjunction with the National Resource Conservation Service, the Colorado Association of Soil Conservation Boards, and other interested groups, develop a document identifying "Recommended Management Practices for Control of Soil Erosion and Surface Runoff at Biosolids Application Sites". This document is intended to communicate information concerning erosion control practices and related issues to wastewater treatment facility staff, consultants, and biosolids management contractors. This document is not intended to be and will not be utilized as a basis to support mandated site management requirements but rather as a technology transfer device. The Division anticipates development of such document within a twelve to eighteen month timeframe.

Representatives of the Soil Conservation Districts also indicated that there is often confusion on the part of the public as to where to direct complaints and/or inquiries. It is the Division's intent to address this issue through the development of site specific fact sheets which would identify appropriate contacts and which would be distributed locally where application projects are ongoing.

Based upon recommendations by the stakeholders group and the CSU's Guide To Fertilizer Recommendation in Colorado, Section 64.16.B(4) of the regulation is modified to require that a soils analysis be comprised of 16 core hole samples per 320 acres. This is an increase from the current requirement in the regulation of 5 core holes samples per 320 acres. This increase in soil core hole samples would give a more representative sample of a site.

The Division had proposed modification of the regulation to require that compliance with numeric pathogen criteria for Class A biosolids products be based upon the results of seven discrete samples. The basis for the Division's proposal was that compliance with the Class B numeric criteria is based upon the

geometric mean of seven samples and, because Class A biosolids products are made available to the public for use, the application of pathogen criteria to Class A products warrants an elevated level of conservatism. It should be noted that the language addressing the application of pathogen criteria to Class A biosolids currently mirrors the requirements of federal sludge management regulations at 40 CFR Part 503. The Division had proposed that additional language be adopted which would, in the Division's interpretation, clarify the federal requirements.

Several parties objected to the Division's proposal, questioning the Division's interpretation of EPA guidance relative to the federal requirements. After meeting with the parties and EPA the Division has agreed to withdraw that portion of its proposal. It is agreed that the monitoring requirements in question will be explored in a white paper developed jointly by the Division, EPA Region VIII, and other interested parties. It is the intent of the parties and EPA that the white paper be submitted to the EPA's Pathogen Equivalency Committee for their review and concurrence. The Division estimates that development of the white paper will be a year long process. EPA Region VIII expects the Pathogen Equivalency Committee review process to require an additional six months. The Division would anticipate that, should modification of the regulation be indicated, proposed changes would be offered as part of the next triennial review.

The Division, in the interim, will contact instate producers of Class A products and notify them of this process. The Division's notification will also identify existing requirements relative to the need for sampling which is representative of the treatment process utilized and procedures should any instance of non-compliance be identified.

Currently the Division sends a letter to the local Natural Resources Conservation Service office notifying them when permittees apply to the Department for a Notice of Authorization to land apply biosolids, on a site located within local district boundaries. This practice is one which has evolved at the program level, and is not a requirement of the regulations. The Division believes that this practice is beneficial and intends to continue it, but does not see a need to modify the regulation at this time.

PARTIES TO THE RULEMAKING HEARING

1. Agate and Deer Trail Soil Conservation Districts
2. Littleton/Englewood Wastewater Treatment Plant
3. Metro Wastewater Reclamation District
4. Colorado Wastewater Utility Council

64.27 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; (January, 2000 Hearing)

The provisions of sections 25-8-202(1)(c), 25-8-205(1)(e), 25-8-501 to 504, and 25-8-509; C.R.S., provide the specific statutory authority for adoption. The Commission also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose of these amendments.

BASIS AND PURPOSE

The Commission convened an informational hearing concerning the Biosolids Regulation on July 14, 1999 as part of the triennial review.

Two issues were identified at the informational hearing and were considered in this rulemaking hearing. The issues are modifying the concentration limit for “selenium” for the City of Pueblo and removing requirements for “chromium” testing from the regulations.

The United States Court of Appeals for the District of Columbia Circuit issued a decision on November 15, 1994, concerning EPA’s exceedence of its statutory mandate regarding the technical basis for chromium and selenium limitations set forth in the 40 C.F.R. Part 503 regulations. The USEPA, on October 25, 1995, promulgated amendments to the federal sludge management regulations at 40 C.F.R. Part 503. All numeric limitations for chromium were struck from the Part 503 rule. In January of 1996, the Commission adopted revisions to the Biosolids Regulation reflecting US EPA’s removal of chromium numeric limitations from the federal regulations. Chromium monitoring had inadvertently remained a requirement in the biosolids monitoring section (64.16, Table 7) and in the soils monitoring section (64.16, Table 9) of the Colorado Biosolids Regulations. For consistency, the Commission has removed chromium monitoring requirements from the regulation.

As a result of ongoing litigation at the federal level, the USEPA, on October 25, 1995, promulgated amendments to the federal sludge management regulations at 40 C.F.R. Part 503 which addresses concentration limits for selenium. The EPA action relaxed the federal Table 3 limitation for selenium from 36 mg/kg to 100 mg/kg. The Commission, at that time, revised the Colorado Biosolids Regulation to incorporate the Grade I and Grade II metals concentration limits, identified in Table 1, section 64.12.A, to the annual pollutant loading limits expressed in Table 2, section 64.15.B, and the cumulative pollutant loading limits in Table 3, section 64.15.A so as to conform with the federal rule.

On March 3, 1998, the United States Court of Appeals for the District of Columbia Circuit granted a “stay” on the selenium limit in 40 C.F.R. Part 503, Section 503.13(b), Table 1 for the City of Pueblo’s biosolids. By adding a footnote to the Biosolids Regulation (Colorado Grade I and II, Table 1) the Commission is indicating its intent to recognize the court decision and further indicate that state regulatory actions will not be inconsistent with that decision.

64.28 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; (March, 2003 Hearing)

The provisions of sections 25-8-202(1)(c), 25-8-205(1)(e), 25-8-501 to 504, and 25-8-509; C.R.S., provide the specific statutory authority for adoption. The commission also adopted, in compliance with section 24-4-103(4) C.R.S, the following statement of basis and purpose of these amendments.

BASIS AND PURPOSE

The Commission considered a number of issues that were identified at the August 12, 2002, informational hearing on the Biosolids Regulation in this rulemaking hearing.

Incorporation by Reference language has been updated to reflect the most accurate legal version in this regulation.

The Biosolids Regulation (Regulation 64) originally required that all Letters of Intent for Notices of Authorization, be submitted by certified mail. The reason this was instituted was so the Division would

have a way to track the arrival of the Letter of Intent because the Division only had 60-calendar days to issue the Notice of Authorization. If it was not reviewed and issued within the 60 days it was deemed in effect by statute. Since that time the statute has been revised and the Notices of Authorization are no longer issued by default. Therefore the need to have the Letter of Intent submitted by certified mail no longer exists and the Commission has removed language found at Section 64.10(A). 64.10(A)(3)(I) has been changed from Soil Conservation Services to Natural Resources Conservation Services.

Section 64.10(A) also references the re-issuance of Notices of Authorization. As of 1994 all new Notices of Authorization that have been issued, and any reissued Notices of Authorization, do not have an expiration date. Therefore the Commission has removed this language.

Regulation 64 was adopted prior to the promulgation of the federal biosolids regulations (40 CFR Part 503). As a result the language in Regulation 64 that describes the metals limits has not been consistent with the language at 40 CFR Part 503.13 and this inconsistency has been confusing to the regulated community. The Commission has revised the language in Regulation 64 to match that at 40 CFR Part 503.13. Specifically the change eliminated the Maximum Metals Concentration classification of Grade I and Grade II biosolids, found in Table 1 at Section 64.12(A), which has been replaced with Table 1 "Ceiling Concentrations" and Table 3 "Pollutant Concentrations." This necessitated a renumbering of all the tables listed in Regulation 64 to make them consistent with the tables in 40 CFR Part 503.13.

The Commission removed sections 64.14(A)(1)(c) & (d), 64.14(B)(2)(c) & (d), and 64.15(A)(2)(c) & (d) that referenced monitoring for polychlorinated biphenyls (PCBs) which is not a requirement of the biosolids regulation and is covered in the federal regulations at 40 CFR Part 761 and in Part 279 of the Colorado Hazardous Waste Regulations. The disposal of material that has a total alpha activity of 40 picocuries per gram or greater is covered by the Colorado Radiation Control Act found at CRS 25-11-104 & 107. The Hazardous Waste Division and the Laboratory and Radiation Services (LARS) Division regulate disposal of these materials, respectively. There have been no monitoring requirements associated with these criteria in Regulation 64 as previous monitoring has indicated the likelihood of biosolids exceeding either criterion to be minimal.

The "Analytical Methods" found at Section 64.16(A)(6) have been replaced with updated and are approved by the Division. These approved methods are consistent with current EPA methods. This change was needed due to the evolution of more advanced methods of analysis and lower detection limits that provide greater accuracy.

Corrections of various typographical errors have also been made.

PARTIES TO THE RULEMAKING HEARING

1. Metro Wastewater Reclamation District
2. The City of Grand Junction

64.29 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; (February 2007 Hearing)

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S, provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Commission found that revisions to this regulation were necessary to delete outdated language, clarify confusing language, incorporate Senate Bill 171 fee provisions, and establish a state-wide formula specific to biosolids for calculation of plant available nitrogen.

Section 64.3, Applicability, was modified to remove reference to water treatment sludge and the co-application of water treatment sludge with biosolids. Recent legislation, Senate Bill 171, moved the authority to regulate water treatment sludge from the Board of Health to the Hazardous Waste Commission.

The text of Section 64.5 was deleted because all materials incorporated by reference in this regulation have been removed (see explanation below for Sections 64.16(A)(6) and 64.16(B)(2), and such materials will now be included in Division policy. The Commission has reserved this section to accommodate future use if the need arises.

A portion of Section 64.6 regarding extension of compliance deadlines beyond February 19, 1995, was deleted as it is no longer applicable. The text of Section 64.7 was deleted for the same reason and was replaced with a new section regarding fees for the biosolids program. SB 171, moved the sewage sludge (biosolids) fee collection authority from the Board of Health to the Commission. Accordingly, the regulation has been updated to implement fee assessment and billing as well as enforcement.

The Commission found it necessary to update several provisions in the Definitions section of the regulation. Section 64.9(D) was modified to clarify calculation of the agronomic rate to ensure that a consistent method is used by all Colorado preparers, applicators, farmers, regulators and citizens. Historically, this was left to the preparer for interpretation. A workgroup is assisting the Division with developing a policy, "Methodology for Implementation of Regulation 64", that will include a section on agronomic rate calculation. The intent of the policy is to allow all interested parties to easily understand how to calculate plant available nitrogen, and then to compute the biosolids agronomic application rate. The Division policy will be made available on the Department's web page under the Water Quality Control Division Programs. A minor stylistic modification was made to the definition of "Annual Pollutant Loading Limit" in Section 64.9(G). In addition, definitions were added for the following terms to correspond with changes made in other sections of the regulation: "Biosolids Management Plan"; "Site Closure"; and "Site Deactivation." "Persons who Prepare Biosolids" was changed to "Preparer," and "Persons who Apply Biosolids" was changed to "Applier." All remaining definitions were re-lettered accordingly.

Section 64.10(A)(1) was modified to add a paragraph (g) requiring that the Division be notified of other materials to be mixed or applied with biosolids so that appropriate monitoring may be required by the Division, as needed.

Language was added to Section 64.10(A)(3)(d) to clarify that the paragraph pertains to biosolids that exceed the pollutant limit in Table 3 with respect to metals.

Section 64.10(G) was deleted as no longer necessary, and subsequent provisions were re-lettered.

Section 64.10(H) and (I), Terms and Conditions of Notices of Authorization for the Use and Distribution of Biosolids, was modified to require permittees to identify all site closures or site deactivations. This notification will assist the Division and other permittees in determining what sites have had biosolids applied to them, whether a site is still active, and if not, when it was deactivated or closed.

The requirements set forth in Section 64.11 were deleted and the section was reserved for future use (when the Division seeks biosolids program delegation). The Division does not have the delegated authority to implement the federal regulations at this time. In addition, domestic facilities are currently covered under the EPA Region 8 General Sewage Sludge Permit which was implemented in August of 2002 and is scheduled to be renewed August 2007.

Section 64.12(A)(1) was modified to explain the purpose of Table 2, Cumulative Pollutant Loading Rates, which is currently silent on that issue.

Section 64.15(B)(2) was modified to clarify the frequency and method of notification required to assure consistent compliance with this provision. Notification will be accepted at a minimum of one time per calendar year via any of the approved formats. Each biosolids preparer or applier has the freedom to choose the notification process that best fits their operation so small preparers or appliers are not disadvantaged. By making the process of notification easier and at a pre-determined frequency, the Division will be able to identify inactive land application sites.

A new Table 5 was added to Section 64.15(C) to provide a quick reference aid similar to the tables that are currently presented for slope requirements at Section 64.15(E). With the addition of this table, the tables in Section 64.15(E) were re-numbered 6A. and 6B. (previously Tables 5 and 6).

Section 64.15(H), Nutrient Management, was modified to add a paragraph number 4 including a formula which details how plant available nitrogen levels in biosolids must be calculated to ensure a consistent method is used by Colorado preparers, appliers, farmers, regulators and citizens. Historically, this was left to the preparer for interpretation. This formula ensures that plant available nitrogen is calculated uniformly by all interested parties. All remaining items were renumbered accordingly.

The Commission deleted the table in Section 64.16(A)(6), which listed the Division-approved methods for the analysis of sewage sludge for various parameters. It included EPA-approved methods from publication SW-846, which the Commission had incorporated by reference. The Commission found that these methods change frequently and therefore would be better addressed in a more flexible Division policy.

Similarly, Section 64.16(B)(2) was modified to delete the reference to methods for soil analysis from the American Society of Agronomy and Soil Science Society of America. The Commission added language to

give the Division general authority to approve methods that will now be included in a more flexible Division policy.

Section 64.16(B)(3) was modified to change the monitoring frequency for soils metals from prior to application and every five years thereafter to prior to application and every ten years thereafter. Currently, entities are required to run two separate extraction methods on soils metals (EPA-TRM, Regulation 64-AB-DTPA). The relaxed frequency will lessen the economic impact of two extractions.

The heading of Section 64.17(B) was modified from "Report Submittal" to "Annual Report Submittal" to clarify the type of report.

Section 64.17(B)(2) was modified to add a new requirement to the annual Self-Monitoring Report. Applicants must now include sufficient information to demonstrate compliance with on-site storage requirements and a list of authorized sites with the status of each. All remaining sections were re-lettered accordingly.

PARTIES TO THE RULEMAKING HEARING

1. Parker Ag Services, LLC

64.30 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; (January 2008 Hearing)

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Commission found that the reduction of the biosolids fees from \$2.11 per dry ton to \$1.87 per dry ton was necessary because the biosolids program has generated more revenue in the past three years than the legislature has given the program the authority to spend. Therefore the Division is seeking a fee reduction to avoid exceeding the allowable 16.5 % statutory fund balance carryover established under the TABOR amendment. The cost to operate the biosolids program has been below the revenues the program has generated.

64.31 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; February 8, 2010 Hearing; Effective March 9, 2010

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Commission found it necessary to add a new section (Section 64.10(J)) to allow for site transfers between persons in order to facilitate a seamless process. This site transfer process will not only allow

farmers to work with the biosolids applicator of their choice, but will also help reduce the administrative tasks of the Division. In addition, a definition was added for the term "Site Transfer" to correspond with changes made to the regulation. All remaining definitions were re-lettered accordingly.

The Commission also found that it was appropriate to modify the soil sample analysis method for metals. The method for analysis of soil samples to be performed for metals in Section 64.16(B)(5) was changed from AB-DTPA extraction to the methods listed in the EPA publication "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as SW-846, which includes EPA Method 3050B. Federal Regulation (40 CFR Part 503.8(b)(4)) requires the methods listed in the SW-846 to be used for biosolids analysis. This change will fully align the soil metals analysis method in this regulation with the Federal Regulation. The Commission found that this will help facilitate a seamless transition from EPA to State oversight when the Division obtains delegation of the biosolids program. Also, this change was necessary to be able to compare the metals accumulated in the soil from biosolids applications to the amount of biosolids metals calculated as the cumulative pollutant loading rates. Because of the addition of the requirement to use EPA Method 3050B is a requirement found in federal regulation, the Commission added "standard" Incorporation by Reference language at Section 64.5 as required by the State Administrative Procedures Act. The section had previously been reserved for this purpose.

The determination of metal speciation in Section 64.16(B)(3) was changed from extractable metals concentrations to total recoverable metals concentrations since EPA Method 3050B yields total recoverable metals concentrations.

Finally, the Commission found that the increase of the biosolids fees from \$1.87 per dry short ton to \$2.40 per dry short ton was necessary to fully fund biosolids program. Program costs have been above the revenues the program has generated.

64.32 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; MAY 12, 2014 RULEMAKING HEARING; EFFECTIVE JUNE 30, 2014

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Commission found it necessary to clarify, modify or update four parts of these regulations.

An option was added to section 64.15D(1) and 64.15G(2) that allows the Division to approve additional means to determine the depth to groundwater and depth of suitable soil. This allows more flexibility for the Division when a permittee is trying to determine these levels.

Under section 64.15H(2), the language was expanded to allow the use of operation plans to allow more flexibility in determining the application rate for reclamation sites.

Under section 64.15H(5), the phosphorus values and references were updated to be consistent with other federal and state programs. This will make it easier for the permitted community to be in compliance.

Finally, the Commission found that re-wording section 64.16A(1) clarified the number of tests that need to be performed on biosolids prior to beneficial use and which facilities need to test.

PARTIES TO THE RULEMAKING HEARING

1. Rocky Mountain Water Environment Association Biosolids Committee
2. Parker Ag Services, LLC

64.33 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE; (May 2021 Hearing)

The provisions of Colorado Revised Statute Sections 25-8-202(1)(c) and (2), 25-8-205(1)(e), 25-8-501(1) and (2), and 25-8-509 C.R.S., provide the specific statutory authority for the Colorado Biosolids Regulations adopted by the Commission. The Commission has also adopted, in compliance with Colorado Revised Statute Section 24-4-203(4) C.R.S., the following Statement of Basis and Purpose.

BASIS AND PURPOSE

The Commission found that revisions to this regulation were necessary to delete outdated language, clarify confusing language, align the regulation better with current practices, and revise language that resulted in conditions that unnecessarily restricted the application and storage of biosolids without corresponding benefits to public health or the environment.

64.7.A was revised to align with current practices for annual billing. To maintain an efficient billing process, a minimum quantity of biosolids was established for applying the annual fee that is consistent with current practices of not billing facilities that generate small quantities of biosolids that would result in a fee of less than \$75. A requirement for an annual notice from the division providing the fee schedule was removed. The due date for payment of the annual fee was removed and replaced with language consistent with division CDPS permit language that allows for the due date to be established at the time of billing.

The language within section 64.13 was modified to clarify the exemptions for the requirement of a Notice of Authorization. The term “Long Term” was added to the section title, and Short Term Storage (section 64.13.F.) was modified and moved into Section 64.13.B., to more clearly and properly define short term storage as an exemption. The wording of 64.13.B(4) was also modified to more clearly and properly define this exemption.

Requirements for storage of liquid versus dewatered biosolids were revised in section 64.13.D and E to remove a requirement that all biosolids less than 14% solids be treated as liquid and all biosolids of 14% solids and greater be treated as dewatered biosolids. Because of continually evolving treatment processes, and significant variations between biosolids material, some biosolids with less than 14% solids may behave as a solid material and are therefore appropriate to be stored and managed as solid materials.

Section 64.13 revisions have been further clarified with several additions to the definitions section (see section 64.9) which include “Dewatered Biosolids”, “Liquid Biosolids”, “Short Term Storage”, “Storage of Biosolids – Long Term” and “Transfer/Offloading Area”.

Under section 64.15.D, the language was expanded to allow the use of site operating plans within the Letter of Intent to allow more flexibility in determining the suitability and applicability of permitted application sites with regard to protection of groundwater. This language allows for alternatives to only looking at the annual high groundwater table to determine that groundwater will be protected.

Section 64.16.A(7) was added to identify that lab analysis for biosolids are valid for one year. This has been the division's long term practice to ensure the data is valid, and identifying in regulation will provide clarity to generators.

Monitoring requirements for Chromium in biosolids (Table 8), and of heavy metals in soils (Table 10) were removed from section 64.16. Neither Regulation 64 nor the EPA 40 CFR Part 503 have regulatory limits for these parameters and no specific need has been identified for this data to justify the continued cost of analysis. Due to this removal, the requirement in section 64.10.A(3)(K), of submitting results of Table 10 heavy metals in soils with a Letter of Intent was also removed.

Additional changes have been made at several locations within the regulations to either correct typographical errors or to increase clarity. These corrections either have no effect on the meaning of the regulation or revise the meaning of the regulation.

Since the previous commission review of this regulation the Board of Health has revised regulation 6 CCR 1007-1 to include additional requirements for technologically enhanced naturally occurring radioactive material (TENORM) that are applicable to biosolids in Colorado. These rules are implemented by the Colorado Hazardous Materials and Waste Management Division, and although can be applicable to biosolids, are independent of this regulation. Biosolids Generators and land appliers should be aware of these separate rules.

Editor's Notes

History

Rule 64.7; 64.30 eff. 03/01/2008.

Rules 64.1 – 64.5, 64.7A, 64.9 KK – OO, 64.10 I-J, 64.16B, 64.31 eff. 03/30/2010.

Rules 64.15.D(1)(c) – D(1)(d), 64.15.G(2)(d), 64.15.H, 64.16.A(1), 64.32 eff. 06/30/2014.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00230

Opinion of the Attorney General rendered in connection with the rules adopted by the

Water Quality Control Commission (1002 Series)

on 08/09/2021

5 CCR 1002-64

REGULATION NO. 64 - BIOSOLIDS REGULATION

The above-referenced rules were submitted to this office on 08/13/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 27, 2021 15:08:17

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

Income Maintenance (Volume 3)

CCR number

9 CCR 2503-9

Rule title

9 CCR 2503-9 COLORADO CHILD CARE ASSISTANCE PROGRAM 1 - eff
09/30/2021

Effective date

09/30/2021

(9 CCR 2503-9)

3.915.1 CHILD CARE PROVIDER REIMBURSEMENT RATES

The counties shall implement the state-established licensed child care provider base payment rates for each county on July first every year. In addition to establishing licensed child care provider base payment rates, the state department will establish tiered reimbursement rates based on quality levels for licensed child care providers that enroll children participating in CCCAP.

- A. Payment rates shall be defined utilizing the state established, system supported age bands.
- B. Rate types are selected by child care provider type (licensed home, licensed center, and qualified exempt child care providers). The state department has established rate type definitions to be used by all counties and deviation from the rate definitions shall not be permitted.
- C. Payments shall be made in part time/full time daily rates.
 - 1. Part-time is defined as zero (0) hours, zero (0) minutes, and one (1) second through five (5) hours, zero (0) minutes, and zero (0) seconds per day. Part time is paid at fifty-five percent (55%) of the full time rate.
 - 2. Full time is defined as five (5) hours, zero (0) minutes, and one (1) second through twelve (12) hours, zero (0) minutes, and zero (0) seconds.
 - 3. Full-time/part time is defined as twelve (12) hours, zero (0) minutes, one (1) second through seventeen (17) hours, zero (0) minutes, zero (0) seconds of care.
 - 4. Full time/full time is defined as seventeen (17) hours, zero (0) minutes, one (1) second through twenty-four (24) hours, zero (0) minutes, zero (0) seconds of care.
 - 5. Counties may set rates for alternative care as defined by the county and reported in the county plan.
- D. Counties must not set qualified exempt child care provider rates such that they inhibit or deter providers from becoming licensed.

E. Absences and Holidays .

- 1. Effective August 1, 2021 until June 30, 2022, counties shall reimburse licensed child care providers for absences based on the following schedule:
 - a. No fewer than Six (6) absences per month if they are in levels one (1) or two (2) of the department's quality rating and improvement system.
 - b. No fewer than Seven (7) absences per month if they are in levels three (3), four (4), or five (5) of the department's quality rating and improvement system.
 - c. No fewer than Six (6) absences per month if they are a school age child care program that does not have a quality rating through the department's quality rating and improvement system.
- 2. Effective July 1, 2022, counties shall reimburse licensed child care providers for absences based on the following schedule:
 - a. No fewer than three (3) absences per month if they are in levels one (1) or two (2) of the department's quality rating and improvement system.

- b. No fewer than four (4) absences per month if they are in levels three (3), four (4), or five (5) of the department's quality rating and improvement system.
 - c. No fewer than three (3) absences per month if they are a school age child care program that does not have a quality rating through the department's quality rating and improvement system.
- 3. Counties may pay licensed child care providers for holidays in accordance with the policy set by the county and approved by the State Department.
- 4. Counties may adopt a policy allowing the use of hold slots in order to address payments for unattended authorized care that is in addition to absences, holidays, and school breaks to hold a child's space with a provider when the child is not in care.
- F. Counties may adopt a policy to pay for drop in days in addition to regularly authorized care.
- G. Bonus Payments

Counties shall not at any time use federal Child Care Development Block Grant Funds (CCDBG), or state General Funds, for the payment of bonuses to child care providers serving children in the CCCAP program. A county shall not use CCDBG or state General Funds to retroactively increase the daily rate paid to child care providers and issue a payment to child care providers based on that retroactive calculation.
- H. Child care providers who contend that the county has not made payment for care provided under CCCAP in compliance with these rules may request an informal conference with staff, the appropriate supervisor, the county director or the director's designee, and, if requested by the child care provider(s), state program staff. Any request for a conference shall be submitted in writing within fifteen (15) calendar-days of the date of the action. The county shall hold that conference within two (2) weeks of the date of the request. The county shall provide written notice of its final decision within fifteen (15) business days of the conference. The purpose of the conference shall be limited to discussion of the payments in dispute and the relevant rules regarding payment.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00403

Opinion of the Attorney General rendered in connection with the rules adopted by the

Income Maintenance (Volume 3)

on 08/06/2021

9 CCR 2503-9

COLORADO CHILD CARE ASSISTANCE PROGRAM

The above-referenced rules were submitted to this office on 08/11/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 25, 2021 14:39:55

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Executive Director of Health Care Policy and Financing

CCR number

10 CCR 2505-5

Rule title

10 CCR 2505-5 EXECUTIVE DIRECTOR OF HEALTH CARE POLICY AND
FINANCING RULES 1 - eff 09/30/2021

Effective date

09/30/2021

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Executive Director of the Department of Health Care Policy and Financing Rule Concerning County Administration, Section 1.000

Rule Number: ED 21-06-17-A

Division / Contact / Phone: County Administration / Steve King / 4845

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department/Agency Name: Health Care Policy and Financing / Executive Director of Health Care Policy and Financing
2. Title of Rule: ED 21-06-17-A, Revision to the Executive Director of the Department of Health Care Policy and Financing Rule Concerning County Administration, Section 1.000
3. This action is an adoption an amendment
of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 1.000, 2505 Colorado Department of Health Care Policy and Financing, Executive Director of Health Care Policy and Financing (10 CCR 2505-5).
5. Does this action involve any temporary or emergency rule(s)? No
If yes, state effective date:
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at Section 1.000 with the proposed text beginning at 1.010 through the end of 1.020.12. This rule is effective September 30, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Executive Director of the Department of Health Care Policy and Financing Rule Concerning County Administration, Section 1.000

Rule Number: ED 21-06-17-A

Division / Contact / Phone: County Administration / Steve King / 4845

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The Finance and Administrative rules provides guidance to county human/social service departments on the proper administration of Medical Assistance programs. The goal of the proposed updates to this ruleset are outlined below:

- Better functional support and guidance for county departments of human/social services
- Reduced findings and errors on State and Federal audits
- Improved oversight of county Medical Assistance operations
- Improve Member experience

2. An emergency rule-making is imperatively necessary

- ☐ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

3. Federal authority for the Rule, if any:
4. State Authority for the Rule:

Section 25.5-1-108, C.R.S. (2021);

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Executive Director of the Department of Health Care Policy and Financing Rule Concerning County Administration, Section 1.000

Rule Number: ED 21-06-17-A

Division / Contact / Phone: County Administration / Steve King / 4845

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

County departments of human/social services who administer Medical Assistance may need to modify their current business processes to comply with the proposed changes. Many of the proposed changes are predicated off various State and Federal rules enacted since the rules were originally implemented in 2011. Stakeholders, applicants and members advocating for system improvements and improved member services may benefit from more comprehensive rules and policies.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The Department does not expect any effect on state revenues; however, there are ongoing operational costs for the state related to verifying and documenting compliance with the proposed rules. Current operational expenditures related to enforcement of the current rule set are not expected to cover the costs of enforcement of the proposed rules.

Agencies primarily impacted are county departments of human/social services, as this rule set governs county administration. The Department does not anticipate an increase in costs for counties relating to implementation of these rules; rather, many of the proposed rules are expected to be addressed through on-site compliance reviews, which occur over a three- to five-year cycle. In addition, the rule revisions do not add or change eligibility criteria or categories, which can result in changes and growth in caseload. Because the focus of the rule revisions is administrative oversight, the Department expects that county workload related implementation of the proposed rules may be absorbable by existing staff.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

DO NOT PUBLISH THIS PAGE

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The State would benefit from the proposed rule changes because the additional information will improve staff competency, improve oversight of county Medical Assistance operations and further process and system improvements. The Department believes these improvements will directly improve the system quality and efficacies.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The State could incur cost as a result of federal fines and sanctions if various aspects of the proposed changes are enacted. The state would benefit from this rule change because the additional information would improve analysis and contribute to system quality. The proposed changes will further the State's efforts to comprehensively address error rates identified in recent State and Federal audits.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no less costly or intrusive strategies to achieve the purpose of the proposed rule.

7. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The Department has sought to address deficiencies in the existing ruleset through various memos and guidance. While this process served the immediate needs to comply with Federal rule, establishing these changes in rule will formalize our guidance for counties.

DO NOT PUBLISH THIS PAGE

1.010 FINANCE AND ACCOUNTING

The incorporation by reference (as indicated within) throughout section 1.010 excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5) the State Department maintains copies of this incorporated text in its entirety available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

Incorporated materials are found in the following sections: 1.010.1, 1.010.3(5), 1.010.5(2)(b), 1.010.7.H(4), 1.010.7.I(4), 1.010.7.K(2), 1.010.7.K(4), 1.010.7.M(3), 1.010.7.O(3), 1.010.8.A(1), 1.010.8.B, 1.010.8.E(1), 1.010.8.F(3), and 1.010.8.H(1)-(5).

1.010.1 Definitions

Please be advised that the definitions set forth in 1.010.1 also apply to 1.020

The following definitions are used in this rule manual, unless the context otherwise requires.

Accounts Receivable are recoveries that may be due the County Department of Social/Human Services for, but not limited to the following: Overpayment of a benefit or benefits, Ineligibility for a benefit or benefits, Fee for service provided, Overpayment to a Vender of goods, Provider of service, or Employee.

Allowable Expenditures are those which the Colorado Department of Health Care Policy and Financing deems are allowed or required.

Applicable Credits refer to those receipts or reductions of expenditure-type transactions that offset or reduce expense items as direct or indirect costs. Examples of such transactions are: Purchase discounts, Rebates or allowances, Recoveries or indemnities on losses, Insurance refunds or rebates, Adjustments of overpayments, or Erroneous charges. To the extent that such credits accrue to or are received by the County Department of Social/Human Services and relate to allowable costs, they shall be credited to the Colorado Department of Health Care Policy and Financing and/or the appropriate federal award as a reduction of expenditures.

Applicant is any individual who has applied for benefits under the programs of Medical Assistance administered or supervised by the Colorado Department of Health Care Policy and Financing, in accordance with the provisions of Section 25.5-4-103, C.R.S.

Appointing Authority is the person with the direct authority and responsibility for Appointment of employment, Disciplinary action, Promotion of, and or Discharge of employment, over another person.

Appropriation means the authorization by ordinance or resolution of a spending limit for expenditures and obligations for specific purposes, in accordance with the provisions of Section 29-1-102, C.R.S.

Appropriations Account is a budgetary account that represents the total authorized expenditures for a current fiscal period.

Approving Authority is the person with direct authority and responsibility for reviewing and approving of another's activities or requests for payment of expenses.

Arms-length Bargaining means both parties to a contract have relatively equal powers of negotiation upon entering into the contract. Neither party has a disproportionate amount of power to strong-arm the other party.

Capital Expenditure shall be the cost of the asset including the cost to put it in place. Capital expenditure for equipment means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. Ancillary charges, such as taxes, duty, freight, and installation may be included in, or

DO NOT PUBLISH THIS PAGE

excluded from, capital expenditure cost in accordance with the County Department of Social/Human Services' accounting policies.

Capitalized Equipment is tangible personal property that has an acquisition cost of more than \$5,000.00, which is not a permanent part of a building and does not lose its identity through incorporation into a more complex unit.

Capital Lease transfers to the lessee substantially all of the benefits and risks related to ownership of the property. The lessee records the leased property as an asset and establishes a liability for the lease obligation.

Cash means the cash account(s) of the County Department, all trust accounts, all petty cash accounts and any other cash accounts maintained.

Cash Reconciliation means the treasurer/bank balance shall be agreed to the general ledger cash balance using an outstanding warrant list and possibly other identifiable reconciling items.

Catalog of Federal Domestic Assistance Number (CFDA) means a five digit number assigned in the awarding document to most grants and cooperative agreements funded by the Federal government. The CFDA number for Medicaid is 93.778 and the CFDA for the Children's Health Insurance Program is 93.767.

Chart of Accounts is a numbered list of accounts that gives order and consistency to a bookkeeping system. Common terminology and classifications shall be used consistently throughout the budget, the accounts, and the financial reports of the fund.

Commercial Lodging is a hotel, motel, resort or public inn as defined in Section 44-3-103, C.R.S. or a bed and breakfast as defined in Section 39-1-102, C.R.S.

Commitment Vouchers as defined by State of Colorado Fiscal Rules, 1 CCR 101-1:Rule 3-1 (2021), which is hereby incorporated by reference, include any approved form of purchase order, contract, travel authorization, advice of employment, Grant Contract, license agreement, parking license agreement and other written authorization for disbursements which satisfy the requirements in a document providing the following:

1. A description of goods or services being purchased or other reasons for the disbursement of funds;
2. The amount to be paid;
3. The obligation is being charged to the appropriate account; and
4. That procurement requirements have been satisfied.

Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services and the buyer to pay for them. It includes all types of commitments that obligate the government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing.

Contractor is an entity that receives a Contract (2 CFR §200.23). A contractor provides goods and services within normal business operations. Operates in a competitive environment. Provides goods and services that are ancillary to the operation of the federal program.

Corrective Action means action taken by an auditee that corrects identified deficiencies.

Cost Allocation Methodology is a system of principles, practices, and procedures that identify the: Types of services provided, Cost of each service, Reasonable basis of allocation for each type of service which will produce an equitable distribution of costs, Cost objective(s), and Appropriate mathematical computation to make a rational allocation of costs.

DO NOT PUBLISH THIS PAGE

Cost Allocation Plan is a systematic and rational allocation of all administrative costs and a narrative description of the procedures that will be used in identifying, measuring and allocating all administrative costs to the benefiting programs and activities.

Cost Objective is a program, grant, organizational subdivision, function, contract or other activity for which costs are being accumulated.

Cost Pool is an aggregation of costs for subsequent allocation to another cost pool or a cost objective.

Costs are expenses incurred, either directly or indirectly. Costs include such items as Labor, Material, Supplies, Rent or building charges, Operating expenses, and Administrative expenses that might properly be assigned to a project or program. It does not include transfers to a general fund or similar fund.

County Board of Social/Human Services or County Board means the county board of social or human services or district board of social or human services except in the case of the City and County of Denver or the City and County of Broomfield, this means the city and county board with responsibility for Medical Assistance and related activities.

County Department of Social/Human Services or County Department means the county department of social or human services or district department of social or human services, except in the case of the City and County of Denver or the City and County of Broomfield, this means the department or agency responsible for Medical Assistance and related activities.

County Department Director means the director of the County Department of Social/Human Services or district department of social/human services.

County means a county or a city and county.

Data refers to all books, papers, maps, photographs, or other documentary materials regardless of physical form. Data may be in hard copy form, microfiche, electronic, or other form.

Deferred Revenue means a revenue collected but not yet earned.

Direct Costs are those costs that can be specifically and readily identified with a program, grant, function, contract, or other activity.

Disability - According to federal regulations, a person is considered to have a disability if s/he: 1) has a physical, communication, or mental impairment which substantially limits one or more major life activities; 2) has a record of such an impairment, or 3) is regarded as having such an impairment. Such impairments may include, but are not limited to, blindness, deafness, paraplegia, contagious diseases, etc.

Disbursement is any decrease in fund resources.

Double-entry Accounting is a method of accounting that recognizes the duality of a transaction. Any change in one account also causes a change in another account.

Equipment shall be an article of non-expendable, tangible personal property having a cost, which equals the lesser of the capitalization level established by the County Department of Social/Human Services for financial statement purposes, or \$5,000.00.

Estimated Revenues Account is a budgetary account that represents the total anticipated revenues expected to be available during the fiscal year on a budgetary basis.

Executive Director means the executive director of the Colorado Department of Health Care Policy and Financing.

Expenditures is a decrease in fund resources other than through inter-fund transfer.

DO NOT PUBLISH THIS PAGE

Federal Award means federal financial assistance and federal cost-reimbursement contracts that non-federal entities receive directly from federal awarding agencies or indirectly from pass-through entities.

Federal Financial Assistance means assistance that non-federal entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance, but does not include amounts received as reimbursement for services rendered to individuals as:

1. Medicare payments (payments to a non-federal entity for providing patient care services to Medicare eligible individuals), and
2. Medicaid payments (payments to a sub-recipient for providing patient care services to Medicaid eligible individuals) unless a state requires the funds to be treated as federal awards expended because reimbursement is on a cost-reimbursement basis.

Fiscal Year for a County Department of Social/Human Services is the period covered by the County Department appropriations for social/human services funds and shall be the calendar year, which coincides with the County Department fiscal year. The fiscal year covered by the Colorado Department of Health Care Policy and Financing appropriations and allocations to the counties shall be July through June. The fiscal year covered by the federal grants in aid shall be October through September. Federal projects may cover fiscal years other than the federal fiscal year and will be specified in the terms of the project.

Fund is an accounting entity which owns assets and incurs liabilities. This means the social/human services fund in each County Department must be accounted for separately from any other funds in the County Department. The assets, including cash, must be identified as assets of this fund.

General Ledger is a book or computer database that contains a full set of accounts. It should be in balance at all times with aggregate debits equaling aggregate credits.

Generally Accepted Accounting Principles (GAAP) has the meaning specified by the Financial Accounting Standards Board (FASB). The FASB is a private, non-profit organization standard-setting body whose primary purpose is to establish and improve Generally Accepted Accounting Principles within the United States in the public's interest. They encompass a wide spectrum of accounting guidelines, ranging from basic concepts and standards to detailed methods and procedures. The priority sequence of sources that an entity should look to for accounting and reporting guidance is discussed in the Statement of Federal Financial Accounting Standards (SFFAS) 34, *The Hierarchy of Generally Accepted Accounting Principles for Federal Entities, Including the Application of Standards Issued by the Financial Accounting Standards Board* (2020), which is hereby incorporated by reference.

Governmental Auditing Standards: The Comptroller General of the United States issues Generally Accepted Governmental Auditing Standards. They are the standards for audits of governmental organizations, programs, activities and functions, and of governmental assistance received by contractors, nonprofit organizations and other nongovernmental organizations. They are more commonly known as the "Yellow Book."

HHS Financial Guidance is the US Department of Health and Human Services (HHS) 45 CFR Part 75 Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS Awards, commonly referred to as the "HHS Uniform Guidance," which superseded requirements from OMB Circulars A-21, A-50, A-87, A-89, A-102, A-110, A-122, and A-133.

Indirect Costs relate to a cost incurred that cannot be specifically and readily identified with a cost objective and therefore must be allocated on some basis of imputed benefit. Indirect costs are more commonly known as the costs of administration.

DO NOT PUBLISH THIS PAGE

Internal Control is a process affected by an entity's board of directors, management, and other personnel that is designed to provide reasonable assurance regarding the achievement of objectives in the following categories: a) reliability of financial reporting, b) effectiveness and efficiency of operations, and c) compliance with applicable laws and regulations.

The above definition reflects certain fundamental concepts as stated in the US Government Accountability Office Standards for Internal Controls in the Federal Government (the "Green book") revised September 2014:

1. Internal controls are a process. It is a means to an end, not an end in itself. People affect internal controls. It is not policy manuals and forms, but people at every level of an organization.
2. Internal control can be expected to provide only reasonable, not absolute assurance, to an entity's management and board.
3. Internal Control comprises five interrelated components:
 - a. Control Environment: The people - their individual attributes, including integrity, ethical values and competence - and the environment in which they operate. They are the engine that drives the entity and the foundation on which everything rests.
 - b. Risk Assessment: Mechanisms that identify, analyze, and manage related business and operating risks.
 - c. Control Activities: Control policies and procedures must be established and implemented to help ensure that the actions identified by management as necessary to address risks and obtain the specified goals are effectively carried out. Policies and procedures should be reviewed on a periodic basis by management.
 - d. Information and Communication: Surrounding these activities are information and communication systems. These enable the County Department of Social/Human Services to capture and exchange the information needed to conduct, manage and control their operations.
 - e. Monitoring: The entire process must be monitored and modifications made as necessary. In this way, the system can react dynamically, changing as conditions warrant.

Inventory means a physical identification and count and/or to provide a list of items.

Less-than-arms-length Transactions include, but are not limited to, those where one party is able to control or substantially influence the actions of the other.

Management Decision means the evaluation by the federal awarding agency or pass-through entity of the audit findings and corrective action plan and the issuance of a written decision as to what corrective action is necessary.

Maintenance of Effort is a requirement that a County Department of Social/Human Services must maintain a specified level of financial effort in a specific area in order to receive federal grant funds.

Medical Assistance is defined in section 25.5-1-103, C.R.S.

Medical Services Board means the state board authorized to act in accordance with the provisions of Section 25.5-1-301, C.R.S.

Member is a generic term for an individual or group of individuals who receives any assistance from the County Department of Social/Human Services whether it is in the form of cash, non-cash or services.

DO NOT PUBLISH THIS PAGE

Non-capital Expenditure is one that is less than \$5,000.00 (or a lesser threshold amount set by the County Department) or an operating expense not expected to benefit future periods.

Partisan refers to any election in which any one of the candidates for office is nominated or elected representing a political party whose candidates for presidential election received votes at the last preceding election at which presidential electors were selected.

Pass-through Entity (PTE) is a non-federal entity that provides a subaward to one or more subrecipients to carry out part of a federal program.

Payroll means a list of expenditures and/or disbursements that are similar in nature or object of expenditure. An employee payroll listing wages, with the amounts due to each employee is an example of a payroll. A listing of Old Age Pension benefits payable to eligible OAP members is another type of payroll. Such lists become vouchers when certified and approved.

Personal Property is property such as machinery, equipment, or furniture that is not real property.

Post-audit is the examination and verification of expenditures after reimbursement with State and/or federal funds.

Pre-audit is the examination and verification of expenditures before reimbursement with State and/or federal funds.

Program is a generic term for any "social services", "assistance payments," "payments under the Colorado Medical Assistance Act," or a specific function or activity.

Program Accessibility is achieved when an entity has all of its services, programs, or activities, when viewed in its entirety, accessible to and usable by persons with disabilities.

Provider is any person, public or private institution, agency, or business concern enrolled under the state Medical Assistance program to provide medical care, services, or goods and holding a current valid license or certificate to provide such services or to dispense such goods.

Questioned Cost means a cost that is questioned by an auditor because of an audit finding: (1) Which resulted from a violation or possible violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the use of federal funds, including funds used to match federal funds; (2) Where the costs, at the time of the audit, are not supported by adequate documentation; or (3) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

Random Moment Sampling is the federally approved cost allocation method that documents the efforts expended in support of programs in order to receive reimbursement for the expenditures.

Real Property is land and generally anything erected on, growing on, or attached to land, for instance, a building.

Recipient Agency means a non-federal entity that expends federal awards received directly from a federal awarding agency to carry out a federal program.

Recipient means any individual or group of individuals who is receiving or has received benefits from programs of Medical Assistance administered or supervised by the Colorado Department of Health Care Policy and Financing, in accordance with the provisions of Section 25.5-4-103 (21), C.R.S.

Regulation is a rule or order issued by an executive authority or regulatory agency of a government and having the force of law.

DO NOT PUBLISH THIS PAGE

Reimbursable Expenditures are supported in whole or in part by State general fund, federal (Pass Through) or a combination of State and federal money.

Revenue Expenditure is one that benefits only the current year and is treated as an expense to be matched against revenue; it is less than \$5,000.00 or a lesser amount established by the County Department and the expenditure is not for land, a building or a permanent part of a building and does not lose its identity through incorporation into a more complex unit.

Rule is an agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. Rule includes Regulation.

Social/Human Services Fund is a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

Social Services are services and payments for services available, directly or indirectly, through the County Department or through State designated agencies, where applicable, for the benefit of eligible persons.

State Department means the Colorado Department of Health Care Policy and Financing.

Subrecipient means a non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency. Guidance on distinguishing between a subrecipient and a contractor is provided in the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards §200.330 and US Department of Health and Human Services 45 CFR Section 75.351 - Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS Awards.

Subaward is an award provided by the pass through entity to a subrecipient for the purpose of carrying out part of a federal award received by the pass through entity. A subaward does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. The form of agreement for a subaward is a grant (2 CFR §200.92 and 45 CFR part 75).

Training Function is a meeting, conference, or other function which is held to enhance staff knowledge or to educate customers of the county that are affected by the county department operations or regulations.

Transportation is travel by commercial airline, railroad, bus, taxicab, County-owned, or personally-owned automobile or any other means of conveyance.

Trial Balance is a list of all open accounts in a ledger and their balances. The debits and credits should be in balance at all times. It provides a summary that can be used in making later adjusting and closing entries before financial statements are prepared.

Trust Accounts may result from activity of a foster care, child support enforcement, adult protective or any other activity when a County Department employee is given the responsibility as representative payee for a member's financial affairs. Trust account funds typically come from a member's income from SSA, SSI, Railroad Retirement, Veteran's Affairs, court ordered lump sum settlements, or child support enforcement activities. Trust accounts maintained by the County Department imply a high degree of fiduciary responsibility.

Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, Commonly referred to as the "Uniform Guidance" issued in 2014. It supersedes requirements from all

DO NOT PUBLISH THIS PAGE

previous OMB Circulars and applies to all Federal awards except those under the federal department of Health and Human Services.

Vendor generically means a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a federal program. These goods or services may be for an organization's own use or for the use of beneficiaries of the federal program. Additional guidance on distinguishing between a subrecipient and a vendor is provided in Office of Management and Budget (OMB) Circular A133, Audits of States, Local Governments and Non-Profit Organizations.g1.010.2 Purpose and Scope

1.010.2 Purpose and Scope

These rules are the fiscal rules for County Departments concerning Medical Assistance and the administration of that assistance including but not limited to internal controls, financial reporting, accounting and auditing.

The Colorado Department of Health Care Policy and Financing's Finance and Accounting Manual consists entirely of Executive Director rules as allowed by Section 25.5-1-108, C.R.S.

1.010.3 Board of County Commissioners

1. Board of County Commissioners Responsible for Appropriating Twenty Percent Share

As per Section 25.5-4-206 C.R.S., the board of county commissioners for each county shall annually appropriate as provided by law the funds necessary to defray the county twenty percent share of the overall cost of Medical Assistance administration and related activities delivered in the county, including the costs allocated to the administration of each, and shall include in the tax levy the funds appropriated for that purpose. Such appropriation shall be based upon the County Department budget prepared by the County Department Director.

2. Board of County Commissioners Responsible for Availability of Twenty Percent Share

Additional funds shall be made available by the board of county commissioners if the county funds so appropriated prove insufficient to defray the county twenty percent share of actual costs for Medical Assistance administration.

3. Approval of the County Department Budget

The board of county commissioners approves the final County Department budget and makes a county levy to provide the necessary money to defray the local share of amounts appropriated for administration of Medical Assistance payments and the administration of the County Department.

4. Send a Copy of the Approved Budget to the Colorado Department of Health Care Policy and Financing

A copy of the Approved final budget shall be submitted to the Colorado Department of Health Care Policy and Financing electronically to HCPF_Audit@state.co.us as soon as the budget is approved or by January 1 of each year, whichever date is earlier.

5. Approval of the County Merit System Plan

On or before January 1 of each year, the board of county commissioners shall submit to the State Department a certification that the county merit system is in conformity with 9 CCR 2502-1, Volume 2 (2021), which is hereby incorporated by reference.

6. Liability Insurance

The board of county commissioners shall purchase insurance for its officers, employees and agents that protects them against any liability for injuries or damages resulting from their

DO NOT PUBLISH THIS PAGE

negligence or other tortuous conduct during the course of their service or employment. The board of county commissioners can, in writing, assume the risk and the financial responsibility of a reasonable deductible.

7. Surety Bond

A surety bond shall be purchased for the County Department Director and other County Department employees, who receive, disburse, handle or have access to currency, checks, money orders, and warrants. The bond shall be in favor of the County Department and be the greater of \$10,000 or 15% of the maximum value of cash and or cash-like items the County Department Director and employees have access to during a year. The board of county commissioners can, in writing, assume the risk and the financial responsibility of a reasonable deductible. This bonding requirement applies to any contractual employees having the same responsibilities.

1.010.4 Financial and Budgetary Responsibilities of the County Department Director

1. Payroll and Expenses Responsibility

a. Payroll and Expenses Certification

Each month the County Department Director or designee shall certify by signature all payrolls and each expense voucher for the issuance of warrants.

b. Certified Payrolls of Salaries and Expenses Presented to the County Board

The County Department Director shall present to the County Board the certified payrolls for salaries and expenses authorizations that have been certified.

c. Certification Description

A description of the certification process for issuance of warrants for the County Department fund and a copy of each certificate shall be available for audit purposes.

2. Responsible for Overseeing the Maintenance of the Accounting System

The County Department Director shall be responsible for overseeing the maintenance of the County Department accounting system.

a. Financial Reports Follow Generally Accepted Governmental Accounting Principles

Each monthly reporting period shall be regarded as an integral part of the fiscal year. Revenues shall be allocated to monthly reporting periods in accordance with generally accepted governmental accounting principles. Expenditures, such as salaries and operating expenditures, shall be allocated to interim periods in which they were incurred. Arbitrary assignment to a monthly period shall not be allowed. The County Department Director shall submit these monthly reports to the County Board within 60 calendar days of the end of each month.

b. Financial Reports Come from the General Ledger

The county general ledger and supporting systems to the general ledger shall be the system used to record the county financial information and the system from which standard reports shall be prepared and forwarded to the County Board of Social/Human Services.

DO NOT PUBLISH THIS PAGE

c. Quarterly Financial Reports

Pursuant to section 1.010.5(3)(e) of these rules, the County Department Director shall be responsible for submitting quarterly financial reports to the board of county commissioners. These financial reports shall be available for use by county executive management and their respective staffs for planning purposes and decision-making.

d. Annual Financial Statements

The County Department Director shall be responsible for generating un-audited annual financial statements fully disclosing the financial position of the social/human services fund by March 1 of the subsequent fiscal year.

3. Federal Compliance on Pass Through Funds

The County Departments are responsible for administering federal programs that involve contracts, grants, block grants, and other agreements and shall comply with the applicable federal and state laws and regulations even though the funds were passed through the State Department.

4. Responsibility for Administrative Internal Control and Accounting Internal Control.

The County Department Director is responsible for organizing staff functions to assure adequate control and safeguards for all cash, fixed assets and negotiable items (cash, bonds, securities, etc.) handled by, stored in or used in the County Department and establish appropriate internal controls and separation of duties.

a. Internal Control Activities

Internal control activities include, but are not limited to, reviews by director or high level financial staff member of actual performance, controls over information processing, physical controls over vulnerable assets, establishment and review of performance measures and indicators, segregation of duties, proper execution of transactions, accurate and timely recording of transactions, and access restrictions to and accountability for resources and records.

5. Responsibility for Internal Control on Trust Accounts

a. Signatures Required

Internal control on trust accounts or other funds entrusted or maintained for others outside the County Department shall require at least two signatures, one of which is to be the County Department Director or designee of the County Department Director, for making withdrawals from savings accounts, checking accounts or for the sale of, or redemption of bonds or other securities.

b. High Degree of Fiduciary Responsibility

Trust accounts require a high degree of fiduciary responsibility. The County Department Director is responsible for every trust account transaction.

6. Responsibility for Record Retention

The County Department Director shall assure that the county has available all necessary and complete records for audit purposes and that adequate prior years' expenditure documents are maintained for use in the budgeting process.

7. Budgetary Responsibility

DO NOT PUBLISH THIS PAGE

a. Budget Preparation

As part of the county budget, the County Department Director shall prepare a County Department budget and submit this to the County Board for approval.

b. Annual Budgets

The County Department Director shall be responsible for estimating future needs of the County Department as accurately as possible, utilizing all available data, including economic and census forecasts. The estimates are to be supported by documentation and a narrative supporting the budget. The budget shall estimate revenues from all sources based on the most current information. County Department revenue shall be sufficient to maintain an appropriate surplus from year to year. The County Department Director is responsible for initiating requests to County Board for changes in the County Department.

c. Distribution of the Budget

The County Department Director shall submit the original budget request to the County Board and as many copies as it may need. A copy of the approved final budget shall be submitted to the State Department, Audits Section, Denver CO 80203-1818 or HCPF_Audit@state.co.us no later than February 15 of each year. The budget shall be submitted to the board of county commissioners no later than October 15 of each year.

d. Spending Within Budgeted Appropriations

The County Department Director shall be responsible for assuring that expenditures do not exceed appropriations and for controlling the county fund balance at all times.

e. Quarterly Budget Reports to Commissioners

The County Department Director shall be responsible for timely submitting quarterly reports to the board of county commissioners concerning:

- i) A budget report containing a comparison of calendar year-to-date expenditures to calendar year-to-date county appropriations,
- ii) A budget report containing a comparison of calendar year-to-date earned revenues to calendar year-to-date county estimated revenues,
- iii) A budget report containing a comparison of State fiscal year-to-date expenditures to State fiscal year-to-date allocations from the State Department, and
- iv) Interim Balance Sheet and Statement of Net Assets.

f. Budget Revisions

The County Department Director shall be responsible for initiating requests to the County Board for changes in the County Department budget.

1.010.5 County Treasurer

1. County Treasurer Shall Act As Custodian

The County Treasurer shall be the treasurer and custodian of the social/human services fund and shall disburse money from the fund only upon distinct County Department warrants drawn by the person duly appointed by the County Board.

DO NOT PUBLISH THIS PAGE

2. Monthly County Treasurer's Reports

The County Treasurer, or county entity acting as the County Treasurer, shall prepare a monthly report which indicates a beginning balance of cash, the amount of monies deposited into the social/human services fund each month, the warrants redeemed by the treasurer or designated redemption entity each month, and an ending cash balance. Alternate forms of tracking the monthly amounts of cash through a redemption entity are also accepted. One example of this is the use of a zero balance account(s) where the balance of this account(s) at any point in time is the amount of unredeemed warrants.

3. No County Treasurer's Fee for Social/Human Services Fund

The County Treasurer, or county entity acting as the County Treasurer, shall not collect any fee for the collection or deposit of any monies into the county social/human services fund.

1.010.6 Chart of Accounts

A chart of account numbering system shall reflect the order of the Statement of Net Assets/Balance Sheet and Statement of Activity/Statement of Revenues and Expenditures accounts. The numbering shall start with the accounts that go into current assets, the first section of the balance sheet, and end with the last category of expenses in the income statement.

1.010.7. General Ledger

1. Double-Entry General Ledger

Each county social/human services fund shall maintain a double-entry general ledger system that is the basis for the accounting system and for financial reporting. The general ledger shall be the location in which all of the active accounts are collected.

2. General Ledger in Balance

The general ledger shall be in balance at all times, with aggregate debits equaling aggregate credits.

3 Experienced Staff to Maintain the Accounting System

Only county staff experienced in bookkeeping and accounting shall maintain the accounting system for the county social/human services fund.

4. Subsidiary Journals

Subsidiary journals shall be maintained to support the general ledger. The supporting journals at a minimum shall be the general journal, cash receipts journal, cash disbursements journal, earned revenue journal, electronic benefits authorized journal, and an accounts receivable journal. In an automated accounting system these journals may consist of a distinct code for each type of journal:

a. Accounts Receivable Journal

Colorado Department of Human Services automated accounts receivable systems may be used as a subsidiary journal but only if appropriate internal controls are in place at the county level for the operation and maintenance of these systems.

b. Cash Disbursement Journal

The warrants issued by the County Department shall be recorded in the cash disbursement journal in a manner that distinctions shall be shown for administration,

DO NOT PUBLISH THIS PAGE

specific programs, and those warrant issues which are returns or refunds or other accounts payable transactions.

5. Postings Are to Be Current

The accounting system shall be kept current. Each month's transactions shall be recorded to the general ledger as soon as possible after all information is received concerning receipts, expenditures, disbursements, electronic benefit authorizations, actual revenue, and estimated revenue, for a month.

6. Budgetary Accounts

The budget amounts for each calendar year shall be entered in the county general ledger or budget system used by the county. The amounts noted shall reflect the final budget as approved by the board of county commissioners or other governing body with authority to approve the budget. If the budget is subsequently revised, the amounts by program shall be posted to the appropriation and estimated revenue accounts.

1.010.8. Financial Statement Reporting

1. Prepare in Accordance with Generally Accepted Governmental Accounting Principles

Financial statements shall be prepared in accordance with generally accepted governmental accounting principles.

2. Reflect All Financial Activities

Financial statements shall reflect all of the financial activities of the County Department.

3. Additional Financial Reports

Additional reports to fully disclose the operations of the County Department shall be tailored to meet the County Department's needs and enhance the ability to make timely and accurate decisions. Reports shall include but are not limited to such items as: comparison of budget to actual for programs or organizational units; efficiencies and economies in operations; and the results of specific programs and activities, as reflected in accomplishments, benefits, and effectiveness; and compliance with grant requirements and administrative policies.

1.010.9. Internal Control

1. Personnel Responsible for Internal Accounting and Administrative Controls

The County Board, the County Department Director, County Department managers and supervisors, and employees are all responsible for the internal accounting and administrative control processes within and surrounding the County Department.

a. Signature Authority

The County Department shall identify those persons authorized to sign or approve specific documents for another person. The County Department Director shall approve of such listings that shall contain the name(s) and of those persons delegated signature authority.

b. Adequate and Appropriate Personnel

There shall be personnel of quality, integrity, and experience commensurate with their assigned responsibilities.

c. Access to Assets

DO NOT PUBLISH THIS PAGE

There shall be restrictions permitting access to assets only by authorized persons in the performance of their assigned duties.

2. Written Plan of Accounting Controls and Administrative Controls

A written plan of accounting controls and administrative controls shall be on file at the County Department. This plan shall reflect the current operations of the County Department and shall provide for but not be limited to the following:

a. Accounting and Administrative Procedures

There shall be adequate authorization and procedures to provide effective accounting control over assets, liabilities, revenues, and expenditures.

b. Continuous Review of the Plan of Internal Accounting and Administrative Controls

There shall be an effective process of internal review and adjustment for changes in operating conditions.

c. Purchasing or Procurement Cards (P-Cards)

The County Department Director is responsible for establishing and maintaining written department-specific P-Card program policies and procedures that include, but are not limited to, purchasing approvals, accounting controls, cardholder compliance and training for employees participating in the P-Card program.

3. Separation of Duties

There shall be internal control procedures that include the appropriate separation of duties such as, but not limited to the following:

a. Separation of Duties for the Receipt and Recording of Cash

The same employee shall not receive cash, record the receipt, deposit the funds, and make journal and/or ledger entries for cash.

b. Separation of Duties for the Receipt of Negotiable Items and the Control of Negotiable Items

The same employee shall not receive negotiable items, dispense these items and control the repository and the inventory of them.

c. Separation of Duties, Ordering and Paying for Goods and Services

The same employee shall not order, receive, and process payment for goods and/or services. Orders for goods and/or services are to be approved in writing by the County Department Director or the director's designee prior to placing such orders. There shall be written approval from the County Department Director or the director's designee prior to payment being made for goods and services received.

4. Effectiveness and Efficiency of Operations

There shall be an appropriate balance between accounting controls and administrative controls, and the effectiveness and efficiency of operations.

5. Reliable Financial Reporting

There shall be systems in place for the accurate and timely compilation of financial reports.

6. Compliance with Applicable Laws and Regulations

DO NOT PUBLISH THIS PAGE

There shall be a review process to ensure compliance with the many and varied laws, rules and regulations that are included with the administration of federal grants.

7. Official Receipts

a. Consecutively Numbered Receipt Book

County Departments shall maintain manual or automated receipt books with receipts numbered consecutively. Manual receipt books shall be pre-numbered.

b. Mail Listing of All Negotiable Items

There shall be a listing at the point the mail is opened for all negotiable receipts. This mail listing shall be prepared by the person opening the mail and by someone other than the bookkeeper/accountant.

c. Restrictively Endorsed Negotiable Items

Each County Department shall have a restrictive endorsement stamp and each negotiable item shall be immediately stamped with a restrictive endorsement at the point the mail is opened.

d. Separation of Duties for Mail List Preparation and Receipt Writing

The preparation of the mail and the writing of receipts, whether automated or manual shall be performed by different people. If possible, the monies shall be sent to another person for preparation of the deposit.

9. Deposit of All Cash

All cash or negotiable items made payable to the County Department shall be deposited directly into the social/human services fund.

a. Daily Deposit of All Cash Totaling \$500 or More

Monies shall be deposited daily unless the total amount received is less than \$500.00. Once the cumulative amount of monies received equals \$500 or more, it shall be deposited no later than the next business day. Sufficient security shall be provided to secure cash and negotiable items against theft or loss.

b. Cash Receipts Shall Equal Cash Deposits

The cash receipt total shall be the same as the amount deposited.

c. Reconcile the Mail List to the Receipts to the Deposits

At least at the end of each month, the mail listing and the listing of receipts shall be reconciled with the amount deposited and any differences shall be noted and reconciled.

d. Identification of Cash Receipts

At a minimum, cash receipts shall include information to distinguish Colorado Department of Health Care Policy and Financing remittances, county revenues, plus receipts from individuals, vendors, and other sources.

e. Maintain a Cash Receipts Journal

DO NOT PUBLISH THIS PAGE

The county shall record the monies received for deposit into the social/human services fund on a cash receipts journal. The cash receipts journal shall record the receipt transactions for a calendar month.

f. Receipt of Negotiable Items Not Made Payable to the County Department

If the county must accept negotiable items made payable to others, the county shall initiate a procedure to record the county receipt of the negotiable item, the amount of the negotiable item, the sender, the payee, the reason the transaction must be handled in this way, and the date the negotiable item was forwarded to the payee. All available methods to eliminate or minimize these transactions shall be undertaken by the county.

1.010.10. Bid System

1. Threshold for Utilizing a Bid System

A County Department that purchases at one time, supplies, equipment, personal property, or personal services in excess of \$25,000.00 shall use a formal advertising and bidding process to provide, to the maximum extent practicable, open and free competition. If a County Department is unable to use this process, written justification shall be available from the County Department giving the facts related to the purchase and the inability to advertise and seek bids.

a. Groups of Items Totaling \$25,000 or More

Purchases, including a group of items or services from one vendor, at one time, that equals or exceeds \$25,000.00 are defined as a purchase of one item or service.

2. Reconciliation of County Information with Statewide Financial Automated Systems

The county reimbursement or billing will be based on the information that is transmitted by these statewide-automated tracking systems to the Colorado Department of Human Services financial reporting system. The County Departments shall reconcile their own information with the expenditures, reimbursements, and billing information documented in the statewide automated tracking systems and the State financial reporting system.

3. Correct Coding of Information

The county shall correctly code all information reported to the Colorado Department of Human Services and the Department of Health Care Policy and Financing. These codes determine whether the expenditure falls within budgetary allocations, disregards budgetary maximums or is a special project.

a. Reimbursable and Non-Reimbursable Costs

Some costs have a reimbursable portion and a non-reimbursable portion. The county shall split and appropriately code these costs for reporting in the County Financial Management System.

4. Reporting of Refunds

All refunds collected for previously reimbursed expenditures shall be reported in the County Financial Management System. This reporting shall follow the procedures of the statewide automated tracking systems and/or the financial reporting systems.

5. Over-collections

DO NOT PUBLISH THIS PAGE

If the County Department collects more money from a payer than the amount established as due, a County Department warrant shall be issued to the payer to repay this over-collection within 10 business days of determining the over-collection.

1.010.11. Balance Sheet Accounts

1. Social/Human Services Fund

A fund to be known as the social/human services fund shall be established and maintained in each of the counties of the State of Colorado.

a. Separate from Other Funds

The social/human services fund in each county shall be accounted for separately from any other funds in the county so that the cash balance in the social/human services fund can be determined at all times.

b. Special Revenue Fund

The social/human services fund shall be maintained as a special revenue fund and used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.

c. Includes All Medical Assistance

The social/human services fund shall include all money appropriated by the board of county commissioners for Medical Assistance administration and related purposes.

d. Includes All Colorado Department of Health Care Policy and Financing and Federal Funds

The social/human services fund shall include all money allotted, allocated, or apportioned to the county by the State Department. These funds are granted by the State of Colorado and by the federal government for Medical Assistance administration and related purposes and paid to the county by the State Department.

e. Composition of the Social/Human Services Fund

The fund consists of:

- i) Assets,
- ii) Liabilities,
- iii) Approved budget, and
- iv) Fund balance (surplus or deficit of local revenues, both current and prior year).

2. Cash, Warrants and Electronic Benefits Authorized

a. Cash Reconciliation(s)

i) Performed within 30 Days

All cash accounts are to be reconciled each month within 30 days of the end of each month.

ii) Send Reconciliation to the State Department

A copy of the December 31 cash reconciliation(s) report shall be submitted to the State Department, Audits Department, 1570 Grant Street, Denver, CO 80203-

DO NOT PUBLISH THIS PAGE

1818 or submitted electronically to HCPF_Audit@state.co.us by March 1 of each year.

iii) Warrants Redeemed List

A redeemed warrant listing(s) shall be retained or alternative procedures should be in place to reconcile the cash balance of the social/human services fund. The reconciliation of the fund shall be based on warrants written and warrants outstanding along with other reconciling items to agree the book balance of the cash in the account with the actual cash balance of the social/human services fund.

iv) Retain Redeemed Warrants

The redeemed warrants shall be retained, filed in numerical sequence or by date redeemed, and available for audit. A facsimile listing of redeemed warrants provided by the financial institution shall be acceptable.

b. Date of Warrant Issue

The date of issue on a warrant must be on or before the date of mailing.

i) Delivery

On the established pay date, all member and vendor warrants shall be mailed to the last known address of the payee. Member and vendor warrants shall not be hand delivered to payees. Employee compensation or employee travel reimbursement may be hand delivered with appropriate internal control surrounding the delivery.

c. Warrant Redemption Period of 180 Days

Each warrant drawn on and issued from the social/human services fund shall bear a notation clearly printed in a prominent position upon its face, stating that the warrant is void after a predetermined number of days, for example: "Void after 180 days from issue date."

i) Exception to Rule

County Departments shall not have the option of using a time period longer than 180 days for canceling warrants but may use a shorter period of time for cancellation of the warrants.

ii) Canceling Warrants

Any warrants outstanding after the specified time period shall be canceled in accordance with the county internal control procedures or by resolution of the County Board at their next County Board meeting with the stipulation that should such warrant be presented for payment, a new warrant shall be issued.

iii) Stale Dated Warrants

A stop-payment order will be issued to the County Treasurer or county redemption entity at the time the warrant cancellation resolution is passed.

d. Forged Warrants

i) County Procedure

DO NOT PUBLISH THIS PAGE

Disposition of the forged warrant shall follow whatever steps are available at the county level to recover the amount of the forged warrant.

ii) Non-Reimbursable

The expenditure as a result of a forged warrant is non-reimbursable. If the amount is collected (from the forger or through return through the banking system) the refund is not reported through the County Financial Management System.

1.010.12 Trust Accounts

1. Responsibility

All trust accounts arising from the State Department programs shall bear the name and the title of the County Department Director as trustee for the recipient. Withdrawals from savings, checking or investment accounts shall require two signatures, neither of which can be the caseworker or the bookkeeper. They may be the business office supervisor and director or director designee, or the caseworker supervisor and director or director designee. Shortages in trust accounts are the responsibility of the County Department.

2. Trust Accounts Usage

a. Deposits

All trust account funds shall initially be deposited with the County Treasurer with the understanding that it is to be deposited where it can draw interest.

b. Document Security

All savings account passbooks, blank checks, checkbooks, bonds, all other securities and any other documentation that could provide access to a trust account shall be kept in a secure place.

c. Checking Accounts

When a member has monthly needs, the trust account funds may be held in a checking account. When it is determined that the checking account contains more than is reasonably needed for the current month's needs, the excess shall be deposited in an interest bearing account.

d. Documentation

Documentation must exist for all transactions of the trust account(s). Withdrawals from trust accounts shall be documented by use of a disbursement request form developed by the County Department.

e. Termination

Termination of trust accounts shall be documented on a notice to terminate trust account form. The form shall be prepared by a caseworker/technician indicating the fact that all payments are to cease on a given date and indicating the disposition of the funds.

f. Reconciliations

All trust accounts shall be reconciled each month and the business office shall prepare a monthly trust account status report 10 working days after the close of the month's

DO NOT PUBLISH THIS PAGE

business. If all activity is limited to saving account interest earnings, quarterly status reports are acceptable.

g. Commingling

Multiple trust accounts may be held in one account. The monthly reconciliation shall indicate that the adjusted bank balance will cover the positive balances of all the individual trust accounts.

3. Trust Accounts Recorded in the General Ledger

Trust account deposits, withdrawals, and balances shall be recorded in a general ledger account(s). The general ledger account(s) shall, at a minimum, be updated at the conclusion of each month's business.

1.010.13. Accounts Receivable

1. Conflict with Accounts Receivable Program Rules

If the accounts receivable rules of a program are in conflict with these financial rules, the program rules on accounts receivable shall be followed instead of this section 1.010.7.G.

2. Establish Accounts Receivable

The County Department shall establish recoveries due from members, providers, vendors, and employees for all program and administrative areas in a manner consistent with program rules.

3. Interest Payment on Delinquent Accounts Receivables

a. Statutory Interest

If permitted by program rules, a delinquent receivable not already assigned an interest rate may be assessed interest at the statutory rate as set by § 5-12-102, C.R.S.

b. Interest Begins on Forty-Sixth Day after Notice

If no time for payment has been provided for in writing and interest is assessed, interest on the unpaid balance shall be calculated beginning with the forty-sixth day after the notice has been given that the receivable is due and payable.

c. Interest Stated Separately

Interest liability incurred shall be presented on each billing statement as a separate amount from the original amount due.

4. Monthly Billing for Accounts Receivable

The billing shall be supported by the detail of the amount owed, prepared by the County Department referencing the delinquent receivable, the number of days of interest to be paid if applicable, and the interest rate if applicable.

5. Aging Accounts Receivable

Each month every account receivable shall be aged in increments of 1-30 days past due, 31-60 days past due, 61-90 days past due, and 91 or more days past due.

a. Referral of Accounts Receivable to a Collection Agency

When a county has exhausted its collection resources on a claim, the claim shall be referred to a collection agency and written off.

DO NOT PUBLISH THIS PAGE

6. Assignment of Member Benefits

No assistance payments made to an eligible recipient shall be transferable or assignable at law or in equity, and none of the money paid or payable under these rules shall be subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law.

7. Accounts Receivable Recorded in the General Ledger

The total amount of recoveries due shall be recorded in the county's general ledger accounting system. The account will be adjusted at a minimum each quarter, reflecting additional amounts due and collections received.

8. Accounts Receivable, Subsidiary Journal

The county shall maintain detailed subsidiary journals and the total of the subsidiary journals must equal the amount(s) recorded in the general ledger accounting system for accounts receivable.

1.010.14. Fixed Assets

1. County Responsibility

Each County Department shall be responsible for ensuring that all capitalized equipment is properly accounted for when acquired, annually inventoried, safeguarded throughout its useful life, and properly accounted for at the time of disposal.

2. Inventory

The County Department shall be responsible for an annual inventory of property, both real and personal, belonging to the County Department. An inventory shall be required only with respect to items of property having an original cost that equals or exceeds \$5,000.00. For control purposes a County Department may establish an amount less than \$5,000.00.

3. Property Records

Each County Department shall maintain detailed property records disclosing the:

- a. Date acquired,
- b. Cost of the fixed asset or value at the time of donation,
- c. Specific program fund or cost pool used to acquire the fixed asset,
- d. Any alterations made to the fixed asset, and
- e. The physical location of the fixed asset.

4. Useful Life, Use and Disposal

a. Useful Life

The fixed asset acquired must be used by, and in, the County Department for the useful life of the asset. Useful life will be the same as defined by the Internal Revenue Service for straight-line depreciation for that class of asset as discussed in the Internal Revenue Manual 1.35.6, *Property and Equipment Accounting* (2019), which is hereby incorporated by reference.

b. Use for the County Department

DO NOT PUBLISH THIS PAGE

If the fixed asset is removed from the County Department, sold or traded before the useful life is exhausted, the prorated cost of the remaining useful life is to be refunded to the original funding source for the asset.

c. Discontinuance of Program

If fixed assets were purchased for a program that has been discontinued, the assets may continue to be used for the benefit of the other federally funded programs that are administered by the County Department.

d. Credit to the Original Funding Source

Upon fixed asset disposal, the trade-in value or scrap value is to be reported as a credit to the original funding source of the asset.

5. Recorded in the General Ledger

The total dollar amount of fixed assets shall be recorded in the general ledger and shall be supported by and agree to the detailed property records that disclose the funding source of the assets.

6. Donated Fixed Assets

Fixed assets donated to a County Department shall be recorded at the fair market value on the date of the gift and treated as purchased equipment for inventory and accounting purposes.

7. Leased Fixed Assets With No Intent to Purchase

The fixed asset so acquired must be used by, and in, the County Department for the term of the lease.

a. Interest

Interest is allowable per the restrictions found in this rule manual, section 1.010.13.3.

b. Allowable Cost in a Sale and Leaseback

Costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the County Department continued to own the fixed asset.

c. Limit on Amount of Reimbursement

Fixed assets rented by the county with no intent to purchase are reimbursable only up to the amount of the annual depreciation had the county purchased the asset.

8. Capital Lease of Fixed Assets

Costs under leases, which are required to be treated as capital leases under generally accepted governmental accounting principles, are allowable only up to the amount that would be allowed had the county purchased the fixed asset on the date the lease agreement was executed. This amount would include expenses such as depreciation or use allowance, maintenance, and insurance.

1.010.15. Revenue and Expenditures

1. County Tax Revenue

The county government, through the budget process, determines the amount of county tax revenue that will be deposited into the social/human services fund during a calendar year.

DO NOT PUBLISH THIS PAGE

a. Apportioned Taxes

County tax revenue apportioned to the social/human services fund includes but is not limited to:

- i) Levy on assessed valuation of property, and
- ii) Specific ownership taxes.

b. Deposits are Revenues

The county shall record the actual deposits made each month to the social/human services fund from information furnished by the County Treasurer. No calculation of earned revenue from county sources is necessary month by month.

2. Miscellaneous Revenue

a. Revenue from Social/Human Services Costs

All revenue received by a county or County Department, as a result of part or all of the costs being borne by a social/human services program, shall be deposited into the social/human services fund.

b. Donations and Gifts

Unrestricted bequests, gifts or donations to the County Department are used as local revenue. If a restricted donation to the county is invested and the income from the investment is not restricted, such income is a source of local revenues.

3. State and/or Federal Revenue and Payables

a. Monthly Posting to the General Ledger

Accounting entries to record the County Department calculation of the monthly earned revenues and electronic benefit authorization payables shall be posted monthly to the county general ledger.

4. Expenditures

a. Expenditures, Basis of Claims for Reimbursement, and Factors Affecting Allowability of Costs

To be allowable for reimbursement under Federal awards, expenditures reported in the County Financial Management System shall meet the following general criteria:

i) No Provision for Profit

Reimbursable expenditures shall be based on actual cost with no provision for profit or increment above cost.

ii) Expenditures shall be based on Actual Costs

Reimbursable expenditures shall be an actual cost and not a cost based on an average, allocated, anticipated or budgeted cost.

iii) Expenditures Shall Not Be Prohibited

Reimbursable expenditures shall not be those prohibited under federal, State, or local, laws, rules, and regulations.

iv) Expenditure Policies, Regulations, and Procedures Shall Be Applied Uniformly

DO NOT PUBLISH THIS PAGE

Reimbursable expenditures shall be consistent with policies, regulations, and procedures that apply uniformly to State and federal awards and other activities of the county.

1) Expenditures Shall Have Consistent Treatment

Expenditures shall be accorded consistent treatment.

A cost shall not be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the federal award as an indirect cost.

2) Expenditures Shall Comply With Generally Accepted Accounting Principles

Expenditures shall, except for provisions in Office of Management and Budget Uniform Guidance or the US Department of Health and Human Services 45 CFR part 75 Financial Guidance, incorporated by reference, be determined in accordance with generally accepted governmental accounting principles.

v) Expenditures Shall Only Be Used Once as a Match

Expenditures shall not be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior period, except as specifically provided by federal law or regulation.

vi) Expenditures Shall Be Net of Applicable Credits

1) Net of All Credits

Expenditures shall be claimed net of all credits, including but not limited to, volume and cash discounts, refunds, rental income, trade-ins, scrap sales, rebates or allowances, recoveries or indemnities on losses, insurance refunds, adjustments of overpayments, and erroneous charges.

2) In Some Instances, the Amounts Received from the Federal Government

Shall Be Treated as Applicable Credits

In some instances, the amounts received from the Federal government to finance activities or service operations shall be treated as applicable credits. Specifically, the concept of netting such credit items, including any amounts used to meet cost sharing or matching requirements, should be recognized in determining the rates or amounts to be charged to federal awards.

vii) Expenditures Shall Be Necessary and Reasonable

Expenditures shall be necessary and reasonable for proper and efficient performance and administration. A cost is reasonable if, in its nature and amount, it meets all the following criteria:

1) Expenditures Shall Be Compared to Market Prices for Reasonableness

Expenditures shall be compared to the market prices for comparable goods or services as a test for reasonableness.

DO NOT PUBLISH THIS PAGE

2) Expenditures Shall Be Ordinary and Necessary

Expenditures shall be of a type generally recognized as ordinary and necessary for the operation of the governmental unit or the performance of the federal award.

3) Expenditures Shall Meet Standards Such as Sound Business Practices and Arms-Length Bargaining

Expenditures shall have restraints or requirements imposed by such factors as: sound business practices; arms-length bargaining; federal, State and other laws and regulations; and, terms and conditions of the State and/or federal award.

4) Expenditures Shall Be the Same as Would Be Incurred by a Prudent Person

Expenditures shall not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. A prudent person is one who considers their responsibilities to the governmental unit, its employees, the public at large, and the federal government.

b. Legal Settlements

Legal judgments and settlements against the County Department are not reimbursable.

5. Documentation of Expenditures

To be allowable for reimbursement under federal awards, expenditures reported in the County Financial Management System shall meet the following criteria:

a. Documentation to Support Expenditures

The authorization to purchase, documentation of the receipt of the goods or services, the vendor's invoice, and a signed commitment voucher or signed approval to pay for each disbursement are documents supporting expenditures and must be retained and available for audit purposes.

i) Prior Authorization

Expenditures shall be prior authorized by a signed requisition, purchase order, or similar form of prior authorization. If the purchase is for a monthly recurring expense, a copy of the initial authorization shall be attached to the billing.

ii) Different People Are Required for Ordering, for Receiving and for Processing Payment

The person ordering goods and/or services shall not be the same person receiving or the person processing the payment for them. Likewise, the person receiving the goods/services shall not be the same person processing the payment for them.

iii) Receiving Reports

1) Proper Receiving Report

Expenditures shall be documented by evidence of the receipt of goods or services such as a receiving report signed by an employee authorized to receive the goods or services. A receiving report shall include; actual

DO NOT PUBLISH THIS PAGE

quantities received, any unsatisfactory condition, and compliance with specifications, prior to a voucher being processed for payment and shall be attached to the voucher packet.

iv) Verification of Vendor's Invoice

The vendor's invoice must be verified by checking for proper purchase authorization, notation of receipt of goods/services, correct addition, and extensions. The invoice should be signed by the person verifying its accuracy. Any discounts for prompt payment or volume purchase shall be reported as a credit or reduction of expenditures.

v) Commitment Vouchers

No disbursement of funds shall be made unless the County Department director or the director's designee has signified approval by signing the commitment voucher or invoice.

6. Employee Salary and Benefits

To be allowable for reimbursement under Federal awards, employee salary and benefits reported in the County Financial Management System shall meet the following criteria:

a. Documentation of Employee Salary and Benefits

The County Department Director and/or board of county commissioners will document employee salary, benefits, and withholdings on payroll records. County Department expenditures shall be listed on payrolls separate from other county personnel costs. These payrolls must be retained as per Colorado State Archives Records Management Manual, Schedule 10 and available for audit.

i) Documentation of Employee Salary and Benefits

County Departments shall have records documenting all personnel actions including, but not limited to, appointments and separations, employee salary level, transfers, demotions, funding changes, pay increases, promotions, terminations, title changes, attendance and leave records, longevity or other circumstances affecting employee compensation.

ii) Controls Over Employee Salary and Benefits

Adequate controls shall be maintained to initiate changes in salary due to promotion, longevity or other circumstances affecting employee compensation.

b. Employee Wage Assignments

County Department employee wages are subject to execution, levy, attachment, garnishment, or other legal processes.

c. Leave Records

All County Departments shall maintain records of all leave both accrued and taken.

d. Standards for documentation of personnel expenses

Personnel expenses shall:

- i) Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable and properly allocated.

DO NOT PUBLISH THIS PAGE

- ii) Reasonably reflect the total activity for which the employee is compensated not to exceed 100% of compensated activities
- iii) Have supporting documentation for the distribution of the employee salary or wages among specific activities or cost objectives. This includes personnel activity reports such as 100% time reporting, prescribed certifications or equivalent documentation that support the records as required by HHS Financial Guidance 45 CFR part 75, §75.460 Compensation - personal services.

e. Reimbursements for Employee Training

i) Training Purpose

Training not provided or required by the State Department as specified in section 1.020.3.3.c must include the following to be eligible for reimbursement: Training functions shall be held to achieve program objectives, develop employees, enhance employee's job performance, and shall be limited to reasonable and actual costs.

ii) Training Attendance

The attendance of employees at training functions shall include only those individuals related to the purpose of the function.

iii) Training Functions Shall Be Documented

Training functions shall have a written agenda, study materials, and be led by an identified presenter. Training materials created or modified by the County Department that are related to the required trainings as listed in section 1.020.3.3.c must be approved by the State Department prior to the training being offered to County Department staff.

1.010.16. Contracts

The County Departments shall adhere to all county guidelines for contract processes and procedures. In the absence of county procedures, the County Department shall follow State contract process and procedures pursuant to 1 CCR 101 through 1 CCR 109.

To be allowable for reimbursement under federal awards, expenditures for contracts reported in the County Financial Management System shall meet the following criteria:

1. Contract Intent

Each County Department shall be responsible for assuring that the contracts they initiate are within the intent of the funding source and that the contract is necessary and is the most economical and efficient means for accomplishing the identified tasks.

2. Subrecipient versus Contractor Determination

Each County Department shall be responsible for determining the substance of the agreement as required by HHS Financial Guidance §75.351 between the county and its vendors. County Departments must have a documented process for this determination. County Departments must maintain documentation of the determination as part of the agreement.

- a) The County Department must have a written monitoring process for oversight of its subrecipients. This process must include a risk assessment of each subrecipient.

DO NOT PUBLISH THIS PAGE

- b) The risk assessment is not part of the selection process but must be done at the outset of the subaward and at least annually thereafter.
- c) Counties must follow information and documentation requirements required by HHS Financial Guidance §75.352.

3. Interagency Contracts

Formal agreements between two agencies, sometimes referred to as “Interagency Agreements,” “Memoranda of Understanding,” or “Memoranda of Agreement” are to be treated as if they are contracts.

4. Contracts Legality

The County Department shall be responsible for assuring that all constitutional, statutory, regulatory, and grant requirements have been met prior to signing a contract.

5. Protection of Interests

A County Department shall negotiate and process a contract when protecting the interest of the county can only be accomplished by using a contract. When questions arise in this area, the county legal representative should be contacted for assistance.

6. Advance Payments/Retainers

Contracts and other commitment vouchers shall not provide for advance payment for goods and/or services unless it is an established industry standard or unless the party to the contract provides a benefit to the county at least equal to the cost and risk of the advance payment. Any advance payment made on a contract shall require the written approval of the chairman of the County Board, or an authorized delegate.

7. No Personal Benefit

The county signatories of a contract shall have no personal or beneficial interest whatsoever in the goods or services described in the contract.

8. Contracts at a Minimum Shall:

a. Be in Writing

All contracts at a minimum shall be prepared in writing.

b. Specifically Identify the Parties to the Contract

All contracts at a minimum shall specifically identify the parties to the contract.

c. Contain a County Fiscal Year Restriction

All Contracts shall contain a fiscal year restriction such as:

“This contract is subject to and contingent upon the continuing availability of budgeted county funds for the purposes hereof.”

d. Contain a Restriction Regarding the Availability of State and/or Federal Funds

Contracts shall contain a restrictive clause involving State and or federal funds such as:

“This contract is subject to and contingent upon the continuing availability of State and or federal funds for the purposes hereof.”

DO NOT PUBLISH THIS PAGE

e. All Contracts Shall Contain Provisions for:

- i) Statement of Work;
- ii) Payment terms, including maximum dollar amount;
- iii) Performance period (contract beginning and end dates); and
- iv) General terms and conditions.

f. Request Payment at Least Monthly

Contractors shall bill for goods or services at least monthly. Goods or services performed must be identified in detail. Contracts shall specify that all parties to the contract shall maintain, for audit purposes, documentation to support expenditures claimed under the contract. Payments made should be coded to account categories that identify the type of expense being paid.

g. Define Breach of Contract

The county shall define breach of contract and include available remedies in the contract.

h. State a Preference for Colorado Labor

Pursuant to Sections 8-17-101 and 8-17-102, C.R.S., a preference for Colorado labor is applicable if the contract is for public works and is financed in part or in whole with State funds.

9. Contract Review

a. Contract Monitoring

The County shall have a monitoring system to assure that expenditures claimed are within the terms of the contract.

b. Review for Availability of Funds

Before the execution of a contract, the County Department Director or a delegate shall review the contract for completeness and to ensure that funds are available to cover the contract liability; written evidence of the director's or delegate's review shall be maintained with the contract.

c. Review for Compliance

Before execution of a contract, the County Department Director or delegate shall categorize the contract according to risk using the State Controller's "Review and Approval of State Contracts" criteria or criteria established by written policy of the County Department Director. The County Department legal representative shall review all high risk contracts to include compliance with:

- i) The federal and the State constitution,
- ii) Federal and State laws,
- iii) Federal and State rules and regulations,
- iv) Executive orders, and

DO NOT PUBLISH THIS PAGE

- v) The authority of the County Department of Social/Human Services to enter into the contract.

The County Department shall maintain written documentation of the risk analysis of the contract as well as a copy of the results of the written legal review in the contract file.

d. Delegation of the Contracting Authority

Under certain circumstances the County Department Director may delegate, in writing, authority to execute contracts. Delegation of the County Department Director's signature authority does not eliminate the requirement that all contracts have a risk analysis and, if required, legal review, or exempt any County Department from securing the required approval from the chairman of the County Board.

10. Contract Signature Approval

a. Signature Authority

The chairman of the County Board or a designee shall sign all contracts on behalf of the County Department. Delegated authority shall be in writing and maintained for audit purposes.

b. Original Signatures

It shall be the responsibility of the contracting county to obtain original or legally accepted signatures of all parties to the contract and to retain at least one contract that contains the original or legally accepted signatures of all of the contracting parties.

11. Required for Personal Services

Contracts shall be required when a County Department purchases personal services that are provided in a relationship other than that of employee-employer. Personal service contracts include maintenance and service agreements, including but not limited to, legal services, management services, extensions of County Department staff, other public or private agencies, automated data processing services, and training by other than the Colorado Department of Health Care Policy and Financing, Colorado Department of Human Services, or another County Department staff.

a. Contract Provision for Personal Services in excess of \$100,000

To be included as a reimbursable expense from the State Department, personal services contracts over \$100,000 shall include all of the following contract requirements:

- i) Performance measures and standards developed specifically for the contract by the administering County;
- ii) Accountability standards requiring regular vendor reports on achievement of the specified performance measures and standards;
- iii) Payment provisions allowing the County to withhold payment until successful completion of all or specified parts of the contract and requiring prompt payment upon successful completion;
- iv) Monitoring requirements specifying how the County and the vendor will evaluate each other's performance, including progress reports, site visits, inspections, and reviews of performance data; and
- v) Processes for resolving disputes between the County and the vendor.

DO NOT PUBLISH THIS PAGE

11. Required for Lease/Rent

A County Department shall negotiate and process a contract when leasing land, buildings, or other office or meeting space when the rental is for more than thirty days or for an amount more than \$5,000.00.

12. Required for Capital Construction/Maintenance

A County Department shall negotiate and process a contract when expending capital construction or maintenance funds in excess of \$5,000.00.

13. Compliance with Laws

Existing laws, rules and regulations cannot be overridden by terms in a contract or a memorandum of understanding.

1.010.17. Travel

The County Department shall adhere to all county guidelines for travel policies and reimbursement procedures. In the absence of county policies and procedures, County Departments shall follow State travel policies and procedures pursuant to 1 CCR 101-1, Chapter 5, Rule 5-1.

1. To be allowable for reimbursement under Federal awards, travel expenditures reported in the County Financial Management System shall meet the following criteria:

a. General

All costs for travel not directly related to case workers or member activity shall be pre-approved by the employee's supervisor and the County Department Director. Appropriate supporting documentation shall be maintained by the supervisor prior to travel.

b. Travel Policies Shall Be Consistent Throughout the County

The travel policies for County Department employee reimbursement for lodging, meals, and transportation shall be consistent with those policies in the county's other departments, offices, and divisions.

c. Travel Expense as Part of Another Fee

If travel expenses (meals, lodging, transportation, etc.) are included in conference fees, registration fees, or are otherwise furnished at no additional cost to the traveler, no reimbursement shall be made for these items. If, however, a meal included in a commercial transportation ticket is not adequate, and the traveler incurs an additional meal expense, reimbursement may be claimed at the authorized rate for that meal.

d. Travel Reimbursement for Only County Business

Lodging, meals, and other reimbursable travel expenses shall only be reimbursed for the period of time necessary for the traveler to accomplish the County Department business. When a traveler uses an alternate method of transportation, which is authorized by the approving authority, any additional time required to complete the County Department business shall be charged to approved leave.

e. Limited Time for Reimbursement

Reimbursement for travel and related expenses is available for the current month (month being paid) and two preceding months.

2. Transportation

DO NOT PUBLISH THIS PAGE

Transportation costs charged to the State Department shall be for the benefit of the State Department and shall conform to the State of Colorado Fiscal Rules, 1 CCR 101-1, Chapter 5, Rule 5-1 (Travel) (2021), which is hereby incorporated by reference.

a. Reimbursement for the Most Economical and Efficient Means Available

Transportation shall be completed using the most economical and efficient means available that will satisfactorily accomplish the County Department business.

b. Documentation of Trip

Sufficient documentation of the purpose and the cost of the trip shall be included with the travel expense form. If the purpose of the travel is not solely for business purposes, the individual involved shall make a reasonable allocation of the expenses and the travel reimbursement request shall contain sufficient documentation to indicate the allocation made and the basis for the allocation.

c. Mileage Rate

Reimbursement of vehicle transportation shall not be greater than the standard mileage rate for business established by the US Internal Revenue Service. This mileage rate is to cover all ownership and operating costs of the vehicle. The County Department shall adhere to all county guidelines for mileage reimbursement. If a County Department does not have an established policy they must follow the State Travel policy at Section 24-9-104, C.R.S.

d. Transportation Does Not Include Employee's Spouse or Other Non-County Employee

Reimbursable costs shall not include the cost of an employee's spouse or other non-County Department employee(s) accompanying the employee on a business trip.

e. Only One Reimbursement per Vehicle

When two or more people travel together in the same personally owned and operated automobile, only the employee responsible for the automobile shall be allowed mileage reimbursement. 3. Lodging

a. Lodging Receipt

Receipts for lodging shall be obtained and submitted with the travel expense form. The actual lodging receipt is required. Charge slips are not sufficient.

b. Travel Reimbursement at Reasonable Accommodations

Employees pre-authorized to travel shall be reimbursed the actual cost of reasonable accommodations. Employees may be required to use approved or designated lodging facilities in certain areas to assist in controlling travel cost. Reimbursement shall be limited to the cost of commercial lodging.

4. Meals

a. Meal Per Diem

Employees pre-authorized to travel shall be reimbursed for the cost of meals, including tax, tip and other incidental expenses at a rate not higher than the per diem rates set by State of Colorado Fiscal Rules, 1 CCR 101-1, Chapter 5, Rule 5-1 (2021), which is hereby incorporated by reference.

DO NOT PUBLISH THIS PAGE

5. Reimbursable Items

In addition to lodging, meals, and transportation, the following actual expenses incurred as a necessary part of approved travel may be reimbursed.

a. Travel Tips

Reasonable tips paid by the traveler for bellhops, porters, maids, and ground transportation are reimbursable up to the daily incidental per diem. Tips paid in conjunction with meals are included in the meal per diem and cannot be claimed separately.

b. Vehicle Trips

i) Mileage of a Private Vehicle

Mileage expenses are reimbursable for the written, pre-approved use of a private vehicle. The written approval should be by the employee's supervisor. The pre-approval may be provided by the supervisor on an annual basis for case workers and those directly involved with member activity. The County Department shall adhere to all county guidelines for mileage reimbursement. If a County Department does not have an established policy they must follow the State Travel policy at Section 24-9-104, C.R.S.

ii) Commercial Vehicle

Commercial transportation expenses paid by the traveler are reimbursable. A receipt shall be required for each individual ride in a commercial vehicle, if over \$25.00.

c. Travel Campsite Fees

Campsite fees paid by the traveler for a commercial campground or a State or national park are reimbursable. A receipt shall be required if over \$25.00.

d. Parking Fees

Parking fees paid by the traveler are reimbursable. A receipt shall be required for any single fee over \$25.00.

e. Travel Registration Fees

Registration fees paid by the traveler are reimbursable. A receipt is required for all registration fees paid.

f. Rental Car Cost

Rental car costs paid by the traveler are reimbursable. A receipt is required for all rental car expenditures.

g. Communications Charges

Telephone, fax, and other similar charges paid by the traveler for official County Department business are reimbursable. A receipt shall be required for any single charge over \$25.00. Personal phone calls are included in the incidental per diem rate; they cannot be claimed separately.

h. Toll Road Charges

DO NOT PUBLISH THIS PAGE

Toll road charges paid by the traveler are reimbursable when the travel is for official County Department business and when the travel is pre-approved.

6. Non-Reimbursable Travel Items

The following actual expenses incurred as a part of approved travel shall not be reimbursed.

a. Alcohol

Alcoholic beverages purchased by the traveler are not allowable for reimbursement.

b. Entertainment Fees

Entertainment expenses paid by the traveler are not allowable for reimbursement.

c. Personal Items

Personal expenses incurred during travel that are primarily for the benefit of the traveler and not directly related to the official purpose of the travel are not allowable for reimbursement. Examples include the purchase of personal hygiene items, magazines, snacks, movie rentals, and other miscellaneous items.

d. Insurance Expense

Travel insurance expenses paid by the traveler are not allowable for reimbursement.

e. Traffic Fines and Tickets

The cost of traffic fines and traffic tickets are not allowable for reimbursement.

7. Travel Expense Form and Approval

a. Travel Expense Form

The State Department-prescribed travel expense form or alternate form containing the same information shall be used for claiming all travel expenses for which an employee, volunteer, or County Board member requests reimbursement. A properly completed and approved travel expense form shall support all payments for travel expenses.

b. Approval

The County Department Director or designee shall sign the travel expense form. This signature shall certify a review and approval of all travel expense items. Receipts for lodging, parking and other miscellaneous claims shall be attached to the County Department copy of the travel expense form. This travel expense form and all receipts shall be retained. Approval of this travel expense form shall be shown by the employee's supervisor's signature. The employee requesting reimbursement shall sign the travel expense form to certify that all expenses listed are for approved County Department purposes.

c. Travel Advances

At the discretion of and in compliance with County Department policies and procedures, employees may request a cash advance to conduct business for the County Department. The amount of the travel advance shall be no larger than the total per diem allowance for the planned trip. The State Department-prescribed Request for Travel Advance form or alternate form containing the same information shall be used for requesting an advance. The form should require the signed approval of the employee's supervisor and the County Department Director or designee.

DO NOT PUBLISH THIS PAGE

8. Travel Coding and Reimbursement

a. Travel Coding

Travel shall be reported under the same program and function coding as the employee's salary and benefits. If the travel expense is reported under a coding other than the coding for the employee's salary and benefits, sufficient explanation and/or documentation to support this alternate coding shall be attached to the travel expense form.

b. Travel Appropriations and Reimbursement

Travel by County Department employees and members of County Boards will be reimbursed within the limit of each County Department allocation(s) if travel was pursuant to section 1.010.7.K of these rules.

1.010.18. Office Space

1. To be allowable for reimbursement under federal awards, expenditures for office space reported in the County Financial Management System shall meet the following criteria:

a. Purchase of Office Space

A county social/human services fund shall not use federal funds to construct or purchase buildings or facilities or to purchase real estate unless prior approval has been obtained from the Controller of the State Department, 1570 Grant St., Denver, CO 80203.

b. Allocation of Office Space Costs

The reimbursement for office space is a part of each program's administrative allocation and allowable only to the extent of each program's administrative allocation. The allocation of the total office space costs to each program is to be based on square foot used or other reasonable and documented method.

c. Sharing Office Space

If a building is shared with another agency, the County Department cost shall not exceed the prorated share of the total building costs based on square feet used.

d. Substantiating Space Costs

Prior to building or contracting for another building, or changing the current contract, the County Department shall obtain and retain documentation that office space costs incurred are equal to or less than the cost of comparable commercial leases in the area.

2. Allowable Costs for County Owned Office Space

a. Allowable Capital Costs for Owned Office Space

The allowable cost for county-owned office space is based on a usage allowance of two percent per year of the capitalized cost of the building or an amount based on a reasonable depreciation schedule that is approved by the Controller of the State Department, 1570 Grant St., Denver, CO 80203.

b. Expenditure of the Social/Human Service Fund

The full amount of the usage allowance or depreciation for office space shall be an actual expenditure from the social/human services fund. This expenditure shall be paid to the county social/human services fund or other county entity that owns the building(s).

DO NOT PUBLISH THIS PAGE

c. Allowable Office Space Costs in Addition to Capital Costs

Office space costs that are allowable for reimbursement are as follows, but are not limited to, utilities such as heating, lighting or cooling the building, normal repairs and maintenance that are not capitalized, ordinary and normal rearrangement and alterations that are not capitalized, security, janitorial, building insurance, elevator service, and upkeep of grounds.

d. Allowable Interest on Office Space Costs

Costs incurred for interest on borrowed capital or the use of a governmental unit's own funds, however represented, are unallowable except as specifically provided below.

i) Office Space Interest Expense Limitations

Financing costs (including interest) paid or incurred on or after August 29, 1997, associated with the otherwise allowable costs of building acquisition, construction, or fabrication, reconstruction or remodeling completed on or after October 1, 1980, is allowable, subject to the following three conditions:

1) Bona Fide Third Party Funding

The financing is provided (from other than tax or user fee sources) by a bona fide third party external to the governmental unit,

2) Support Federal Awards

The assets are used in support of federal awards, and

3) Interest Earnings

Earnings on debt service reserve funds or interest earned on borrowed funds pending payment of the construction or acquisition costs are used to offset the current period's cost or the capitalized interest, as appropriate. Earnings subject to being reported to the Federal Internal Revenue Service under arbitrage requirements are excludable.

3. Allowable Costs for Leased Office Space

a. Allowable Office Space Costs for Leased Office Space

The allowable cost for non-county owned office space is the lower of the actual lease cost or a rate that is reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and, the type, life expectancy, condition, and value of the property leased.

b. Allowable Office Space Costs in Addition to Lease Costs

Office space costs that are allowable for reimbursement if not already provided for in the lease agreement are as follows but are not limited to utilities such as heating, lighting or cooling the building, normal repairs and maintenance that are not capitalized, ordinary and normal rearrangement and alterations that are not capitalized, security, janitorial, building insurance, elevator service, upkeep of grounds, and appraisal fees required by the County Department for cost comparisons.

c. Allowable Office Space Costs in a Sale and Leaseback

DO NOT PUBLISH THIS PAGE

Costs under sale and leaseback arrangements are allowable only up to the amount that would be allowed had the county continued to own the property.

d. Office Space Costs in a Less-Than-Arms-Length Lease

Office space costs under a less-than-arms-length lease are allowable at the lower of the actual lease cost or an amount that is reasonable in light of such factors as rental costs of comparable property, if any; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

e. Authority Created to Acquire and Lease Office Space

Prior approval from the State Department Controller, 1570 Grant St., Denver, CO 80203, is required for reimbursement of office space costs when the county creates an authority or similar entity to acquire and lease the office space to the County Department.

f. Capital Lease of Office Space

Costs under leases, which are required to be treated as capital leases under generally accepted governmental accounting principles, are allowable only up to the amount that would be allowed had the governmental unit purchased the property on the date the lease agreement was executed. This amount would include expenses such as depreciation or use allowance, maintenance, and insurance. Interest costs related to capital leases are allowable to the extent they meet the criteria for allowability of interest in section 1.010.13.3 of these rules.

4. Office Space Costs to be Excluded from Reimbursement

a. Office Space Funded by Others

Office space cost to be excluded is space that is funded by another State or private agency.

b. Sublet Office Space

Office space cost to be excluded is space sublet to a local, state, or federal agency or other user.

c. Used by Others

Office space cost to be excluded is space used solely by staff not authorized by the State Department.

d. Not Authorized for Use

Office space cost to be excluded is space used solely for functions not authorized by the State Department.

e. Not Incurred

Office space cost to be excluded is cost that has not been incurred by or paid from the County Department. Costs excluded are the value of donated materials, labor, or buildings. Other costs excluded are those paid from a grant, or a cost used as matching funds for a grant.

f. Idle or Empty Office Space

Office space cost to be excluded is idle facilities or idle capacity unless necessary to meet fluctuations in workload.

DO NOT PUBLISH THIS PAGE

1.010.19. Cost Accounting

1. Application of Costs Requires a Plan

Where an accumulation of indirect costs will ultimately result in charges to a federal award, a cost allocation plan, indirect rate proposal or application of random moment sampling shall be required.

2. Direct or Indirect Cost

a. Consistent Treatment

Each item of cost shall be treated consistently in like circumstances either as a direct or an indirect cost.

b. No Universal Rule

There is no universal rule for classifying certain costs as either direct or indirect under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the federal award or other final cost objective.

3. Reasonable and Based on Generally Accepted Governmental Accounting Principles

All costs incurred shall be allocated to the program/activity/cost pool based on generally accepted governmental accounting principles and OMB Uniform Guidance and the HHS Financial Guidance incorporated by reference. Direct costs shall be allocated to the project on a reasonable basis relating directly to the benefit or value added to the program. Indirect costs shall be allocated from indirect cost pools on a reasonable basis consistent with that of other similar or related projects/grants/activities.

4. All Inclusive Cost Accounting Plan

All activities that benefit from an indirect cost, including unallowable activities and services, shall receive an appropriate allocation of indirect costs.

5. Duplicate Claims for Reimbursement

a. Same Cost Not Allowed

Costs shall not be claimed for reimbursement by a county or County Department more than once.

b. Direct and Also Indirect

The same cost shall not be charged directly to a program and then charged again through a cost allocation plan or an indirect rate proposal.

c. Same Cost Reported to More Than One Program

The same cost shall not be charged to more than one program. For example, a staff person being reported and reimbursed from the county administration full-time may have some costs reimbursed through a special program, project, or grant. Any reimbursement received from the special grant must be reported as a reduction of expenditures, not as a source of revenue. Crediting the refund to the funding source from which the original reimbursement was made reduces expenditures.

6. Net of All Credits

DO NOT PUBLISH THIS PAGE

Expenditures shall be claimed net of all credits, for example, volume and cash discounts, refunds, rental income, trade-ins, scrap sales, rebates or allowances, recoveries or indemnities on losses, insurance refunds, adjustments of overpayments, erroneous charges, etc.

7. Relative Benefits Received

A cost is allocable to a particular cost objective if the goods or services involved shall be chargeable or assignable to such cost objective in accordance with relative benefits received.

8. Cost Shifting to Fund Deficiencies

Any cost allocable to a particular federal award or cost objective shall not be charged to other federal awards to overcome fund deficiencies or to avoid restrictions imposed by law or terms of the federal awards, or for other reasons. However, this prohibition shall not preclude from shifting costs that are allowable under federal and State laws for two or more awards in accordance with existing program agreements.

1.010.20. Random Moment Sampling

1. Participation in Random Moment Sampling

Participation in random moment sample reporting shall be required by all County Department employees as determined by the Colorado Department of Human Services and the Department of Health Care Policy and Financing.

2. Purpose of Reporting Under Random Moment Sampling

The purpose of this reporting is to measure time expended by employees on certain programs in order to substantiate expenditures eligible for federal reimbursement. Reporting on random moment sampling measures the direct services provided by the County Department. The results of the workload study are used to distribute the indirect costs of the County Department to direct service areas.

1.010.21. Countywide Cost Allocation Plan

1. Availability of Funds

Based on the availability of State and federal funds, a county's allowable indirect countywide costs shall be reimbursed.

2. Purpose of the Countywide Cost Allocation Plan

Counties shall prepare a countywide cost allocation plan that allocates indirect costs across the county operations relative to the benefit derived. Countywide cost allocation plans shall be used in determining rates, fees, or the cost of services provided, and by management in determining the cost effectiveness of a program or activity.

3. Countywide Cost Allocation Plan, Cost Principles

Certified countywide cost allocation plans must be prepared in accordance with the cost principles found in the Office of Management and Budget Uniform Guidance and the HHS Financial Guidance (2014), which is hereby incorporated by reference, or other cost principles as required by a specific grant.

4. Responsibility for the Countywide Cost Allocation Plan

Responsibility for preparation and submission of an indirect countywide cost allocation plan is with the county.

DO NOT PUBLISH THIS PAGE

5. Submittal of the Countywide Cost Allocation Plan

An electronic copy of the countywide cost allocation plan that is provided to the Colorado Department of Human Services annually and due on June 30 of each year shall be provided to the State Department, Audits Section via electronic mail to HCPF_Audit@state.co.us.

1.010.22. Audit by an Independent Certified Public Accountant

Each county shall annually have a financial and, if required by the Uniform Guidance and HHS Financial Guidance, a single audit made by a certified public accountant. An electronic copy of these audits shall be submitted to the State Department via electronic mail to HCPF_Audit@state.co.us. The report must be submitted no later than seven months following the end of the fiscal year. The county may request a 3-month extension to September 30th by filing the request with the State of Colorado, Office of the State Auditor. The State Department may suspend reimbursements of expenditures until such time as the audit report is received.

1.010.23. Audits by the Colorado Department of Health Care Policy and Financing

Information requested by the State Department personnel resulting from desk audits, site reviews or any other audit of County Department records, shall be provided by the County Department within the time frame specified in the request. If responses are not received by the due date (including State Department-approved extensions), the State Department may suspend reimbursements of expenditures until such time as the responses are received.

1. Desk Audits

The State Department is responsible for supervising the maintenance of fiscal and administrative controls to insure proper accountability for all expenditures of State and Federal funds. Desk audits made at the State Department may result in reducing a County Department claim for reimbursement by the amount of any incorrect claims for reimbursement.

2. Post-Audits

Post-audits are made by the State Department to verify the correctness of payments and benefit authorizations and may result in additional adjustments in County Department claims for reimbursement.

3. Recovery of Money Owed by a County

Pursuant to § 25.5-1-114, C.R.S., the State Department has the power to recover any monies owed by a County Department to the State Department by reducing the amount of any payments due from the State Department in connection with any program or activity. Unallowable costs which are identified during either desk audits or field audits will be disallowed despite similar costs which may have been reimbursed in the past.

4. Corrective Action Process for Financial Compliance Reviews Performed by the State Department

a. Copy to County Department Director

The State Department will mail one copy of the preliminary Financial Compliance Review report to the County Department Director.

b. Deadline for Factual Corrections

The County Department shall have 15 working days from the date of mailing to submit any factual corrections to the Financial Compliance Review report to the State Department, Audit Section, 1570 Grant Street, Denver, CO 80203 or electronically to

DO NOT PUBLISH THIS PAGE

HCPF_Audit@state.co.us. If no factual corrections are to be submitted, then the County Department shall have 30 working days from the date of mailing to submit a corrective action plan to the Audit Section.

c. Corrective Action Plan

The corrective action plan submitted by the County Department shall include a:

i) Written Corrective Action Plan Completion

Description, in writing, of how each non-compliance issue has been corrected; or

ii) Information on the Corrective Action Planned

Plan, in writing, by which each non-compliance issue will be corrected. Such a plan must contain the following information for each non-compliance issue:

- 1) Identify the non-compliance issue,
- 2) List the specific action(s) to be taken to correct the non-compliance,
- 3) List the specific time frames for completion of each specific action, and
- 4) Provide the name of the contact person responsible for corrective action. The corrective action plan should proceed as rapidly as possible.

d. Technical Assistance

The County Department may request technical assistance from the State Department in developing the corrective action plan. This request must occur within the 30-day period.

e. Extension of Time

If the County Department needs additional time to develop a Corrective Action Plan, the County Department Director must submit a request in writing to the State Department, Audit Section, 1570 Grant Street, Denver, CO 80203 or electronically to HCPF_Audit@state.co.us, specifying the new timeframe and providing an explanation for the extension request.

i) Review of Extension Request

The State Department, Audit Section, will review the request for time extension within five working days of receipt and respond to the County Department Director.

f. Corrective Action Plan

i) Accept or Reject the Corrective Action Plan

Within 30 working days of receipt of the Corrective Action Plan from the County Department, the State Department, Audit Section, will review and either accept or reject the corrective action plan.

ii) Accepted Corrective Action Plan

If the plan is accepted, this decision will be indicated and the County Department will be notified via letter.

iii) Rejected Corrective Action Plan

DO NOT PUBLISH THIS PAGE

If the plan is rejected by the State Department, the County Department will be notified in writing of the decision along with a new due date for an amended plan to be submitted.

iv) Accepted New Plan

Upon acceptance of the new plan, the State Department, Audit Section will follow procedures outlined in section 1.010.23 of these rules.

v) Follow-Up

The State Department, Audit Section will verify that the County Department has complied with the corrective action plan.

vi) Closure

The State Department, Audit Section, will send a closure letter to the County Department Director and any applicable financial adjustments to the State Department, Accounting Division to be processed in the State financial reporting system.

5. Appeal Process for Financial Compliance Reviews Performed and Management Decisions Issued by the State Department, Audit Section

a. Appeal in Writing

The appeal must be in writing and addressed to the Audit Manager of the State Department, 1570 Grant St., Denver, CO 80203, or submitted electronically to HCPF_Audit@state.co.us. The appeal must be received in the Audit Manager's office within 30 days from the date of Notice of Non-Compliance. The basis for the appeal shall be limited to a factual error in the report or an incorrect interpretation of law, rule, or regulations. The County Department may submit documents or evidence with its appeal. Within 30 days of receiving the appeal, the Audit Manager shall issue his/her final decision in writing. The final decision shall be mailed to the County Department. The effective date of the Audit Manager's final decision is the date it is signed.

b. Secondary Appeal

A secondary appeal may be made in writing to the Executive Director of the State Department, 1570 Grant Street, Denver, CO 80203, after a final decision by the Audit Manager. The secondary appeal must be received by the Executive Director of the State Department within 30 days from the date of the decision by the Audit Manager. The Executive Director of the State Department will notify the County Department of the decision in writing. The decision of the Executive Director of the Department shall be the end of the appeal process.

6. Interest on Wrongful Claims

a. Statutory Interest

When money or property has been wrongfully claimed, withheld, or reimbursed, and when there is no agreement as to the interest rate, interest charged by the State may be at the rate of eight percent per annum compounded annually commencing on the date of the wrongful claim, withholding, or reimbursement to the date of settlement for all moneys or the value of property wrongfully claimed withheld, withheld, or reimbursed. Interest paid to the State may not be claimed for reimbursement.

DO NOT PUBLISH THIS PAGE

7. Federal Department of Health and Human Services, and Other Federal Department or Agencies

The federal Department of Health and Human Services and other federal departments or agencies with which the County Department expends funds and is reimbursed with federal funds may make periodic audits in the selected County Department to verify the correctness of payments, case recording, and pertinent administrative practices. The County Departments shall comply with requests from these federal auditors. These audits may result in adjustments in County Department claims for reimbursement.

1.010.24. Conflict of Interest

1. Conflicts of Interest

No County Department employee shall accept fees, compensation, gifts, payment of expenses, or any other item of monetary value under circumstances in which the acceptance could result in:

a. Preferential Treatment

An undertaking to give preferential treatment to any person or business, or,

b. Impeding Efficiency or Economy

Impeding governmental efficiency or economy, or,

c. Loss of Independence or Impartiality

Any loss of complete independence or impartiality, or,

d. Decisions Made Outside Official Channels

The making of governmental decisions outside official channels, or,

e. Activity Detrimental to Duties and Responsibilities

County Department employees engaging in any activity that may be perceived as detrimental to the discharge of assigned duties and responsibilities, or,

f. Reasonable Inference of Conflict of Interest

The reasonable inference that any of the provisions in this subsection have happened or might happen, or,

g. Adverse Effect on Public Confidence

Any adverse effect on the confidence of the public in the integrity of the government of the State of Colorado or its County Department.

2. Personal Business Interests

County commissioners, County Department Directors, or any other County Department employees shall not perform an official act directly and substantially affecting an economic benefit for a business or other undertaking in which they either have a substantial financial interest or are engaged as counsel, consultant, representative, or agent.

3. Outside Employment

All outside employment of County Department employees shall have the prior written approval of their appointing authority. The outside employment shall not conflict with the interests of the County Department involved, the State of Colorado, or the federal government.

DO NOT PUBLISH THIS PAGE

4. Private Business with People Inspected or Supervised by County Employees

County commissioners, County Boards, County Department Directors, or any other County Department employee shall not engage in a substantial financial transaction for their private business purpose with a person whom they inspect or supervise in the course of their official duties.

5. Employment within Six Months of Termination

County commissioners, County Boards, County Department Directors, or any other County Department employee shall not, within six months following the termination of their office or employment, take advantage, unavailable to others, of matters with which they were directly involved during their employment.

6. Voting or Attempting to Influence

Pursuant to Section 24-18-109, C.R.S., County commissioners, County Boards, County Department Directors, or any other County Department employee shall not vote and shall refrain from attempting to influence the decision of other members of the governing body in voting on matters in which they have a personal or private interest.

1.010.25. Political Activity

1. Partisan Politics

Pursuant to the Hatch Act, 5 United State Code (USC) Chapter 15, Section 1502 (2020), which is hereby incorporated by reference, County Department employees whose salary is reimbursed partially or fully with federal funds shall not be candidates for partisan elective office.

2. Non-Partisan Politics

Activity with respect to the proposed adoption of constitutional amendments, the approval of matters specified in referendums, the proposed adoption of charter amendments, the approval of municipal ordinances, or with respect to other matters of a similar non-partisan character, shall not be deemed to be political activity.

1.010.26 Confidentiality

1. Confidentiality of Financial Data

Pursuant to § 25.5-1-116, C.R.S., financial systems contain both public and confidential information; therefore access to financial data shall not be granted to anyone for general perusal of financial records. However, fiscal data, budgets, financial statements, and reports that do not identify social/human services recipients by name, number, or other identifying information are open records.

1.010.27. Misappropriations

1. Employee Misappropriation

No County Department employee shall use County Department time, property, equipment, or supplies for private or any other use not in the pursuit of County Department business.

a. Reporting of Employee Theft or Embezzlement

Any suspected theft or embezzlement of federal, State, or local funds shall be immediately reported to at least one level of management above the party(s) suspected or to the County Board. In addition, suspected thefts or embezzlements shall be reported

DO NOT PUBLISH THIS PAGE

to the Audits Section of the State Department at 1570 Grant Street, Denver, CO 80203-1818 or submitted electronically to HCPF_Audit@state.co.us. A theft or embezzlement of State and/or federal funds or assets totaling \$5,000.00 or more shall be reported in writing to the County Board and to the Audits Section of the State Department submitted electronically to HCPF_Audit@state.co.us.

1.010.28. U.S. Department of Health and Human Services 45 CFR Part 75 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards (HHS Financial Guidance)

1. Compliance with HHS Financial Guidance

The US Department of Health and Human Services has issued guidance pertaining to grant management. Counties shall comply with the applicable guidance and shall hold their subrecipients and vendors accountable for compliance.

2. Applicable Cost Principles Flow Through on Federal Funds

The County Department shall comply with U.S Department of Health and Human Services, 45 CFR Part 75, Uniform Administrative Requirements, Cost Principles, and Audit Requirements, Appendix V - State/Local Governmentwide Central Service Cost Allocation Plans for HHS Awards. If the County Department passes through federal funds to a non-profit organization, that non-profit organization shall also comply with the federal guidance.

3. Compliance with Individual Federal Awards

Individual federal awards may identify circumstances or dictate policy that is unique to the federal participation. In these instances, the federal award policy shall be followed in the administration and financing of that particular federal award.

1.020. COUNTY ADMINISTRATIVE RULES

The incorporation by reference (as indicated within) throughout section 1.020 excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5) the Department maintains copies of this incorporated text in its entirety available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

Incorporated materials are found in the following sections: 1.020.3.2.b and 1.020.6.7.

The definitions set forth at section 1.010.1 of these rules are also applicable to this section 1.020.

1.020.1. Purpose and Scope

1. Administrative Rules

These rules are the administrative rules for County Departments concerning the operations and the administration of Medical Assistance by County Departments, including but not limited to administrative internal controls, County Department Director responsibilities and oversight of compliance by the County Department with State Department and federal requirements. The State Department's authority for County Administrative rules is as allowed by C.R.S. §§ 25.5-1-114 and 117-122.

2. County Responsibilities

The County Department is charged with the responsibility for administering all Medical Assistance Program activities in accordance with rules established by the State Department. The County

DO NOT PUBLISH THIS PAGE

Department will only be reimbursed for payments under the Colorado Medical Assistance Act and the administration of these programs if said programs are administered in accordance with the State Department rules as well as all other applicable federal, State, and local laws, rules and regulations.

3. Knowledge of Laws and Regulations

There are many federal, State, and local laws, rules and regulations that govern the administration of grants, the employment of personnel, and the health and safety of our lands and the general population. When in doubt as to the existence, applicability, or intent of any law, rule or regulation, County Department personnel shall make inquiries with the State Department and/or the applicable federal department or agency.

1.020.2. County Board of Human/Social Services Administrative Responsibilities

1. Membership Consists of County Board of Commissioners

The County Board of Social/Human Services shall consist of the board of the county commissioners in each county.

2. The County Board of Social/Human Services Is Separate from the Board of County Commissioners

The County Board shall perform its Medical Assistance duties, responsibilities, and activities separate and apart from the duties and responsibilities of the board of county commissioners and in accordance with rules and regulations adopted by the State Department for the administration of Medical Assistance activities in the counties.

3. Cooperation and Reporting

The County Board shall cooperate with the State and federal government in any reasonable manner, in conformity with the laws of the State, which may be necessary to qualify for federal aid, including the preparation of plans, making reports in such form and containing such information as any federal agency may require from time to time, and compliance with such provisions as the federal government may from time to time find necessary to assure correctness and verification of the reports.

4. County Board Responsibilities

a. Appoint a County Department Director

The County Board shall appoint a County Department Director or shall appoint someone acting in the capacity of a director. At no time will the County Department be without the services of a director or an acting director.

b. Sign All Warrants

One member of the County Board shall sign all warrants or one member of the County Board shall have their facsimile signature on all social/human services warrants. In the case of a facsimile signature there shall be detailed written procedures that set forth internal administrative controls and internal accounting controls surrounding the application of the facsimile signature.

c. Approve All Expenditures

One member of the County Board, who shall be designated by resolution for that purpose, shall review and approve in writing the expenditure of salaries and expenses

DO NOT PUBLISH THIS PAGE

prior to the disbursement of funds. Such written approvals shall indicate the approval of the board of county commissioners and the County Board.

d. Financial Statements

The County Board is ultimately responsible for the preparation, content, completion and/or distribution of materially correct financial statements of the social/human services fund prepared by the County Department staff, or outside entities.

1.020.3. County Department Director Administrative Responsibilities

1. Secretary to the County Board

The County Department Director shall serve as secretary to the County Board unless the County Board otherwise appoints a secretary.

2. General Duties of the Director

a. Director Responsibilities

The County Department Director shall be charged with the executive and administrative duties and responsibilities of the County Department, subject to the policies, rules, and regulations of the State Department.

b. Responsibility for Staffing

The County Department Director, with the approval of the County Board, shall appoint such staff as may be necessary to administer Medical Assistance within the County Department. Such staff shall be appointed and shall serve in accordance with a merit system for the selection, retention, and promotion of the County Department employees as described in the county merit system. The salaries of the members of such staff shall be fixed in accordance with the rules and salary schedules prescribed by the county merit system. The county merit system shall conform to the Code of Colorado Regulations, 9 CCR 2502-1, Volume 2, and 5 CFR 900.601. 9 CCR 2502-1, Volume 2 (2021) and 5 CFR 900.601 (2021) are hereby incorporated by reference into this rule.

3. Responsibility for Staff Completion of Training

- a. The County Department Director or designee shall ensure staff appointed to fulfill duties relating to the administration of Medical Assistance complete adequate initial hire training. The director shall also ensure staff appointed to fulfill duties relating to the administration of Medical Assistance complete ongoing training specific to Medical Assistance on an annual basis.
- b. Staff appointed to fulfill duties relating to the administration of Medical Assistance and who have direct contact with applicants and enrollees or supervise those staff who have direct contact shall complete, on an annual basis, trainings relating to civil rights/non-discrimination and disability competency.
- c. The County Department Director or designee shall ensure that required training is obtained through the Staff Development Center (SDC) or an SDC-certified county trainer and that all County Department-created training has been submitted and approved by the State Department and the SDC.

i) Required Trainings

DO NOT PUBLISH THIS PAGE

Required Trainings include those specified in section 1.020.3.3.b. and include trainings related to eligibility determination, the eligibility determination system and other trainings as communicated by the State Department.

4. Administrative Internal Controls and Responsibilities for Medical Assistance Administration

a. Establish Adequate Internal Controls

The County Department Director shall be responsible for organizing operations and staff functions to assure the effectiveness and efficiencies of operations of the County Department and compliance with applicable State and federal requirements, laws, and regulations. The County Department Director shall establish adequate internal controls that include, but are not limited to:

- i. Operations of the overall County Department, such as Accounting or Administrative Support
- ii. Eligibility determinations
- iii. Quality, accuracy and compliance with audits
- iv. Performance management
- v. Internal communications
- vi. Knowledge and information sharing, such that the County Department Director can assure knowledge of and compliance with applicable State and federal requirements, laws, and regulations
- vii. Program integrity activities
- viii. Customer service that is provided in a timely, respectful and culturally appropriate manner

1.020.4. Colorado Department of Health Care Policy and Financing Statewide Automated Systems

1. Required Use of Statewide Automated Systems

The County Departments shall use the State of Colorado automated statewide financial, member and/or provider information systems. These systems are designed to collect and store financial records and program data; assist with eligibility and payment determinations; generate forms and reports; create electronic benefit authorizations; and add to, delete, or make changes to the information on file.

2. Granting Access to Statewide Computer or Electronic Systems

The County Departments shall only grant access to the use of State of Colorado statewide member information systems to County Department employees whose duties are directly related to the administration of Medical Assistance or unless approval is otherwise granted by the State Department.

3. Ownership and Usage of Data in Statewide Automated Systems

Medical Assistance data within statewide member and/or provider information automated systems is considered owned by the State of Colorado. All usage of Medical Assistance data from the statewide automated systems is subject to approval by the State Department. If usage of Medical Assistance data is determined to be non-compliant with State Department requirements,

DO NOT PUBLISH THIS PAGE

the State Department may require corrective actions as specified in section 1.020.11 (Non-Compliance Findings and Action Plan Processes) of these rules.

4. Protection of Data While Using Statewide Automated Systems

Medical Assistance data used by County Departments for the purpose of administering the Medical Assistance program on behalf of the State Department shall be protected at a minimum according to the Colorado Information Security Policies as determined by the Chief Information Security Officer in the Governor's Office of Information Technology or a higher federal standard, if applicable.

5. Sharing of Data originating from Statewide Automated Systems

Medical Assistance data originating from statewide member and/or provider information automated systems shall be used only by those County Department employees whose job duties pertain to the administration of Medical Assistance. Medical Assistance data will not be shared except under those conditions as specified by the State Department. If sharing of Medical Assistance data is determined to be non-compliant with State Department requirements, the State Department may require corrective actions as specified in section 1.020.11 (Non-Compliance Findings and Action Plan Processes) of these rules.

6. County Automated Systems Security

For all automated systems originating from or purchased by the County Departments, the County Department shall:

- a. obtain the approval of the State Department before such systems interface with or download information from statewide automated systems; and
- b. ensure the compliance of such systems with the Colorado Information Security Policies as determined by the Chief Information Security Officer in the Governor's Office of Information Technology or a higher federal standard, if applicable; and
- c. include these requirements in any contractual agreements entered into by the County Department for these automated systems.

1.020.5. Confidentiality

1. Confidentiality of Applicant/Member Financial Data

Pursuant to federal and State law, Medical Assistance program regulations and State of Colorado privacy guidance, information collected and maintained in the Colorado Benefits Management System (CBMS) is private and confidential. Information, which is collected or created by the County Departments, acting as the statutory agent for the State Department for the administration of the Medical Assistance program, is confidential information and shall be protected from disclosure by the County Departments. The County Departments, as agents of the State Department, shall comply with 42 CFR §431.300, et seq, which regulates the use and disclosure of information used to determine eligibility for the Medical Assistance program. Access to financial data shall be role-based and only permitted for the administration of the Medical Assistance program. The County Departments may, to the extent that they are able to de-identify information in compliance with HIPAA, release fiscal data, budgets, financial statements and reports that do not identify a beneficiary. The counties may only disclose de-identified information pursuant to the Colorado Open Records Act (CORA), if the county's legal advisor has declared the records subject to release under CORA

2. Non-Confidential Information

DO NOT PUBLISH THIS PAGE

a. The following information not identified with any individual is not confidential and may be released for any purpose related to the administration of the Medical Assistance program:

- i. Total expenditures;
- ii. Number of recipients;
- iii. Statistical data obtained from studies;
- iv. Social data obtained from studies, reports, or surveys.

3. Confidential Information

Information secured and stored by the County Department for the purpose of conducting the administration of Medicaid or other Medical Assistance programs, such as for determining eligibility, is deemed confidential.

4. Restricted Use for Purpose of Administration of Medical Assistance

Unless disclosure is specifically permitted by the State Department, the following types of information are the exclusive property of and are restricted to use by the State Department and the County Departments for the purpose of administration of the Medical Assistance program:

- a. Information contained in applications;
- b. reports of medical examinations;
- c. income and wage information;
- d. citizenship information;
- e. correspondence;
- f. other information concerning any person from whom, or about whom, information is obtained by the County Department;
- g. records of the State Department or County Department and/or evaluations of the above information.

5. Disclosure of Confidential Information

a. Access to County Department Records

i) No Access Outside County Department

No one outside the County Department shall have access to records of the County Department, including records collected for or held in CBMS.

ii) County Access When Necessary for Administering Medical Assistance

County Department employees who are acting as the agent of the State Department shall have access to confidential records when they are performing work pursuant to 42 CFR § 431.302. These individuals shall have access only for purposes necessary for the administration of Medical Assistance programs.

iii) Allowable Disclosures

Federal and State auditors and private auditors for the County Department, and the applicant/recipient of public assistance and their legal representative may also have access when they comply with HIPAA, 42 CFR Part 2 and all other

DO NOT PUBLISH THIS PAGE

federal and state statutes and regulations which regulate the privacy of Medical Assistance information.

6. Responsibility for Record Retention

The County Department Director shall assure that the County Department has available all necessary and complete records for audit purposes and that adequate prior years' expenditure documents are maintained for use in the budgeting process.

a. Record Retention Requirements

Medical Assistance data of any form shall be retained for the current year, plus three previous years unless:

- i) There is a written statutory requirement, rule, or regulation available from a County Department, State, or federal agency requiring a longer retention period; or,
- ii) There has been a claim, audit, negotiation, litigation or other action started before the expiration of the three-year period.

1.020.6 Non-Discrimination

1. Responsibility for Non-Discrimination

County Departments shall administer Medical Assistance programs in such a manner that no person will, on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability, be excluded from participation, be denied any aid, care, services, or other benefits of, or be otherwise subjected to discrimination in such program. Aid, care, services or other benefits includes all forms of assistance, including direct and vendor payments, work programs, social services, and information and referral services.

a. Protection Against Discrimination

The County Department shall not, directly or through contractual or other arrangements, on the grounds of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability:

- i) Provide to an individual any aid, care, services, or other benefits that are not equally accessible to individuals based on their protected class status;
- ii) subject an individual to segregation barriers or separate treatment in any manner related to access to or receipt of assistance, care services, or other benefits;
- iii) restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving aid, care, services, or other benefits provided under assistance programs;
- iv) treat an individual differently from others in determining whether he or she satisfies any eligibility or other requirements or conditions which individuals must meet in order to receive aid, care, services, or other benefits provided under Medical Assistance programs;
- v) deny an individual an opportunity to participate in programs of assistance through the provision of services or otherwise, or afford him or her an opportunity

DO NOT PUBLISH THIS PAGE

to do so which is different from that afforded others under programs of assistance;

vi) deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

b. Administrative Protection Against Discrimination

No discrimination on the grounds of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability is permitted in relation to:

- i) the use of physical facilities;
- ii) intake and application procedures;
- iii) caseload assignments;
- iv) determination of eligibility;
- v) the amount and type of benefits extended by the County Department to Medical Assistance program recipients.

c. Protection Against Discrimination from Other Entities

The County Department shall assure that other agencies, persons, contractors and other entities with which it does business are in compliance with the above prohibition of discrimination requirements on a continuing basis. The County Department staff are responsible for being alert to any discriminatory activity of other agencies and for notifying the State Department concerning the situation.

d. Notification by the State Department

The State Department, through its various contacts with agencies, persons, and referral sources, will be continuously alert to discriminatory activity and will take appropriate action to assure compliance by the offender. If corrective action is not taken, the State Department will notify the agency of termination of payments and association in regard to recipients or applicants. The County Department, on notification by the State Department, will also terminate payments to or association with any agency, person, or resource being used which has been found to continue discriminatory activity in regard to applicants or recipients.

e. Responsibility to Investigate Individual Complaints of Discrimination

An individual who believes he or she is being discriminated against may file a complaint with the County Department, the State Department, or directly with the federal government. When a complaint is filed with the County Department, the County Department Director is responsible for an immediate investigation of the matter and taking necessary corrective action to eliminate any discriminatory activities found. If such activities are not found, the individual shall be given an explanation. If the person is not satisfied, he or she is requested to direct his or her complaint, in writing, to the State Department, which will be responsible for further investigation and other necessary action consistent with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), and the Age Discrimination Act of 1975, which are hereby incorporated by reference into this rule.

f. State Receipt of Complaint Alleging Discrimination by County Department

DO NOT PUBLISH THIS PAGE

Upon receipt of a complaint alleging discrimination by the County Department due to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability, the State Department shall explain the Medical Assistance programs non-discrimination policy to the individual. If there is insufficient information as to the nature or other detail concerning the complaint, the State Department shall contact the County Department in writing to obtain such information. Copies of the letter shall be sent to the complainant. The County Department shall reply in writing.

i) State Department Determines Action Non-Discriminatory

If the State Department determines the County Department action is not discriminatory and the applicant/recipient disagrees, the applicant/recipient has the right to appeal the case to the State Department. This appeal shall be filed in accordance with the appeal rules as described in the "Protections to the Individual," 9 CCR 2503-6 Section 3.609.94.

ii) State Department Determines Action Discriminatory

If it is found that a County Department practice or action is discriminatory, the State Department shall initiate a corrective action per section 1.020.11 to assure that any and all discriminatory practices are permanently terminated.

1.020.7 Accessibility (ADA)

1. Procedure and/or Information

a. Civil Rights Contact Person

In an effort to comply with 28 C.F.R § 42.410, 45 C.F.R. § 84.7 and state statute, County Departments are required to appoint an Individual as the Civil Rights Contact Person ("Contact Person") to assist in administering Medical Assistance programs and practices in accordance with the above referenced civil rights laws. The Contact Person will perform the following responsibilities: (1) act as the central point of contact for the State Department relative to information sharing regarding member civil rights; (2) maintain up-to-date knowledge of changes in member related civil rights laws, their impact on programs and also disseminate this information to County staff and program areas; (3) act as the first point of contact for member civil rights complaints; and (4) post federally required civil rights notices in conspicuous locations (e.g., reception areas, intake areas or other key entry points). The County Department will provide civil rights training and consulting as necessary.

b. Notices

County Departments are required to post the State Department's Nondiscrimination Statement (or substantially similar notice) in a conspicuous place and in appropriate languages (at minimum both English and Spanish). Recommended locations are reception areas, intake areas or other key entry points. The State Department will provide copies of the Nondiscrimination Statement to the various County Department programs. County Departments may also develop and utilize their own nondiscrimination policy statement, as long it subscribes to federal laws and regulations.

c. Compliance

County Departments are required to adhere to the regulations/guidelines established by the various Federal departments providing Federal financial assistance through the State

DO NOT PUBLISH THIS PAGE

Department. Questions regarding compliance with such regulations/guidelines may be made directly to the following Federal departments:

U.S. Department of Health and Human Services Office for Civil Rights

1961 Stout Street, Room 08-148

Denver, CO 80294-3538

Voice Phone: (800) 368-1019

FAX: (202) 619-3818

TDD: (800) 537-7697

Email: ocrmail@hhs.gov

U.S. Department of Education Office for Civil Rights

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Voice Phone: 303-844-5695

FAX: 303-844-4303

TDD: 303-877-8339

Email: OCR.Denver@ed.gov

U.S. Department of Agriculture Office of Civil Rights

1400 Independence Avenue, SW, Mail Stop 9410

Washington, DC 20250-9410

Voice Phone: 202-260-1026

Toll-free: 866-632-9992

Local or Federal relay: 800-877-8339

Spanish relay: 800-845-6136

Fax: 202-690-7442

Email: program.intake@usda.gov

Fair Housing

U.S. Department of Housing and Urban Development

1670 Broadway

Denver, Colorado 80202-4801

DO NOT PUBLISH THIS PAGE

Voice Phone: (303) 672-5437

Toll-free: 1-800-877-7353

TDD: (303) 672-5248

d. Civil Rights Plan

County Departments should develop a member Civil Rights Plan that outlines how they will ensure members, potential members, employees, and others that their programs and services are provided without regard to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability. This plan should identify how the availability of auxiliary aids and services to individuals with disabilities and languages services to individuals whose first language is not English will be communicated and their complaint filing process.

e. Investigation of Discrimination:

i. Investigation of Complaints

In recognition of the fact that complaints may vary in kind and complexity, the County Department should conduct an investigation appropriate to each complaint. Investigative procedures will depend on the nature and extent of the discrimination alleged and the context in which the alleged incidents occurred. Appropriate investigative procedures may include informal review or a formal investigation. Investigations should be conducted in a timely manner.

ii. County and Member Participation

County Departments and recipients of services are expected to cooperate in all phases of an investigation and ensuing actions. Retaliation against the person filing the complaint or persons participating or cooperating in the Investigation is prohibited by federal law.

iii. Inform Upon Completion

The complainant and the person against whom the allegation was made should be informed of the completion of the investigation and whether the allegations were substantiated.

iv. Action Upon Substantiation

If, after an investigation is concluded, there is reason to believe that the federal laws referenced above have been violated, or that there was inappropriate behavior or action, the State Department will strive to obtain the cooperation necessary to ensure that satisfactory resolutions in accordance with federal and state statutes are utilized.

1.020.8 Communications

1. Responsibility for Timely and Accurate Communications

The State Department has a statutory responsibility to ensure timely and accurate communications to applicants and recipients of the Medical Assistance program. The County Department, as an agent of the state, is also bound by this requirement. Medical Assistance-specific communications issued by the County Department to applicants and enrollees are considered communications issued by the Medical Assistance program, which also must be

DO NOT PUBLISH THIS PAGE

timely and accurate. Such communications issued by the County Department are subject to review and approval by the State Department to ensure timeliness and accuracy.

2. Communications Subject to Review

Communications subject to review by the State Department include written and electronic notices and forms provided to applicants or recipients of the Medical Assistance program as part of ongoing operations of the County Department.

a. State Review of County Department Communications

The State Department may, at its discretion, review communications issued by County Departments sent through various communication mediums such as websites, online postings, or social media for timeliness and accuracy.

i. Non-Compliant Communications

County Department communications deemed by the State Department to be untimely and/or inaccurate shall be issued a finding of non-compliance and will be subject to the corrective action processes as described in section 1.020.11 (Non-Compliance Findings and Action Plan Processes) by the State Department.

b. County Department Communication Contact

The County Department shall designate a point-of-contact to the State Department for communications and information sharing. This contact is responsible for coordinating with the County Department's public information officer, webmaster, and other communications staff.

1.020.9 State Department Oversight of County Department Compliance with Medical Assistance Program Requirements

1. Purpose and Scope

This section and sections 1.020.10, 1.020.11, and 1.020.12 authorize the Colorado Department of Health Care Policy and Financing to enter into informal and formal corrective action plans for non-financial findings of non-compliance identified by the State Department through audits, quality assurance and compliance checks.

1.020.10. Audits, Quality Assurance, and Reviews by the State Department

1. Federal and State Audits

County Departments shall promptly respond to and comply with State Department requests related to federal and State audit requirements, such as Medicaid Eligibility Quality Control (MEQC), Payment Error Rate Measurement (PERM), Office of the State Auditor (OSA), Office of the Inspector General (OIG) audits and any other required federal or State audit.

2. Quality Assurance Program

All County Department eligibility determinations and actions performed to administer Medical Assistance programs are subject to review by the State Department Quality Assurance Program. The County Departments shall comply with all State Department Quality Assurance Program requirements and any other federal or state audits.

DO NOT PUBLISH THIS PAGE

County Departments shall implement appropriate quality assurance measures for activities and expenditures utilizing state and federal funding for the purposes of the administration of Medical Assistance.

3. Desk Reviews and Site Audits

To ensure compliance with State and federal rules, the State Department may conduct desk reviews and site audits of County Departments. Desk reviews and site audits may review any aspect of a County Department's administration of the Medical Assistance program.

4. Self-Report Audits and Post-Audits

At the request of the State Department, the County Department shall submit a self-report audit or self-review data. This County Department self-report audit or self-review data is subject to Post-Audits by the State Department to verify the accuracy of the data.

5. Failure to Comply with Audit Requirements

Failure by the County Department to comply with any aspect of this section 1.020.10. (Audits, Quality Assurance and Reviews) shall result in action plan processes as described in section 1.020.11 (Non-Compliance Findings and Action Plan Processes).

1.020.11. Non-Compliance Findings and Action Plan Processes

1. Non-Compliance Findings

After conducting an audit or review as specified in section 1.020.10. (Audits, Quality Assurance, and Reviews), the State Department shall issue any unresolved findings of non-compliance through Management Decision Letters. Findings of non-compliance will be grouped into the following categories:

a. Administrative

Non-compliance with administrative requirements, including missing or incomplete policies, procedures, or processes; legal non-compliance; or other types of non-compliance not defined below.

b. Quality

Non-compliance with quality assurance, audit, or review requirements set forth in 1.020.10.

c. Performance

Non-compliance with performance measures as determined by the Colorado Department of Health Care Policy and Financing.

2. Notification of Findings to County Department Director

The State Department will provide a copy of any Management Decision Letter regarding findings of non-compliance that may lead to corrective actions or fiscal sanctions as described in this section 1.020.11 (Non-Compliance Findings and Action Plan Processes) to the County Department Director.

3. Improvement Action Plans and Corrective Action Plans

When addressing non-compliance by the County Department that may lead to or has resulted in the issuance of a Management Decision Letter, the State Department shall require the County Department to submit an action plan to address the non-compliance identified. The State

DO NOT PUBLISH THIS PAGE

Department shall specify to the County Department the type of action plan that is required to be implemented.

a. Tier 1 Improvement Action Plan

An informal plan implemented with technical assistance to address non-compliance and/or performance that may lead to non-compliance. This type of plan is not subject to fiscal sanctions as defined in section 1.020.12 (Sanctions). The State Department may convert a Tier 1 Improvement Action Plan to a Tier 2 Corrective Action Plan for any Tier 1 plans that have failed to be adequately or timely implemented.

b. Tier 2 Corrective Action Plan

A formal plan implemented with technical assistance to address non-compliance and/or performance that may lead to non-compliance. This type of plan is subject to fiscal sanctions as defined in section 1.020.12 (Sanctions). The State Department may communicate with the County Board regarding any Tier 2 Corrective Action Plans.

4. Completion of Tier 1 and Tier 2 Action Plans:

Upon request of the State Department, the County Department shall complete a Tier 1 Improvement Action Plan or Tier 2 Corrective Action Plan. The Tier 1 or Tier 2 Action Plan submitted by the County Department shall include:

a. Non-compliance previously addressed

Description, in writing, of how both the individual and systemic root cause of each non-compliance issue has been previously corrected; the date in which the correction took place; the staff involved in the correction; and documentation supporting the correction that took place.

b. Non-compliance to be addressed

Plan, in writing, explaining how each root cause, both individual and systemic, of the non-compliance issue will be corrected. Such a plan must contain the following information for each non-compliance issue:

- i. Identify the non-compliance issue,
- ii. List the specific action(s) to be taken to correct the non-compliance,
- iii. List the specific time frames for completion of each specific action not to exceed six months without the written consent of the State Department, and
- iv. Provide the name of the contact person responsible for each corrective action. The corrective action plan should proceed as rapidly as possible to correct all non-compliance.
- v. Provide documentation demonstrating that the actions to address non-compliance will be completed.

c. Technical Assistance

The County Department may request technical assistance from the State Department in developing either a Tier 1 or Tier 2 Plan. This request must occur within 15 calendar days of notification to the County Department of the requirement to complete a Tier 1 or Tier 2 Plan.

DO NOT PUBLISH THIS PAGE

d. Timeframe to Complete Plan and Extension of Time

i. Timeframe to Complete Plan

If notified of the requirement to complete a Tier 1 or Tier 2 Action Plan, the County Department shall complete such Plan within 30 calendar days of receiving notification from the State Department.

ii. Extension of Time

If the County Department needs additional time to develop a Tier 1 or Tier 2 Action Plan, the County Department Director must submit a request electronically to the State Department at HCPF_CountyRelations@state.co.us specifying the new timeframe requested and providing an explanation for the extension request.

iii. Review of Extension Request

The State Department will review the request for time extension within five business days of receipt and respond to the County Department Director.

5. Acceptance or Rejection of a Tier 1 or Tier 2 Action Plan

Within 30 calendar days of receipt of the proposed Tier 1 or Tier 2 action plan from the County Department, the State Department will review and either accept or reject the proposed Tier 1 or Tier 2 Action Plan.

a. Accepted Tier 1 or Tier 2 Action Plan

If the submitted Tier 1 or Tier 2 action plan is accepted by the State Department, the County Department Director will be notified electronically of the approval within ten calendar days and implementation of the plan may begin immediately.

b. Rejected Tier 1 or Tier 2 Action Plan

If the submitted Tier 1 or Tier 2 action plan is rejected by the State Department, the County Department Director will be notified electronically of the decision and will be required to resubmit a Tier 1 or Tier 2 Plan after participating in technical assistance provided by the State Department to address the individual and systemic root cause of non-compliance.

i. Initial Technical Assistance Meeting

The County Department is required to successfully complete an initial technical assistance meeting within 15 calendar days of receipt of the Tier 1 or Tier 2 Plan rejection.

ii. Request for Time Extension

If the County Department cannot complete the initial technical assistance meeting within 15 calendar days, the State Department will review the request for time extension within five business days of receipt and respond to the County Department Director.

6. Ongoing Monitoring of any Tier 1 or Tier 2 Plan Accepted New Plan

DO NOT PUBLISH THIS PAGE

Upon acceptance of the Tier 1 or Tier 2 Plan, the State Department begins monitoring the implementation of the plan. Monitoring may include but is not limited to routine reviews of reports, field observations, periodic check-ins, plan amendments, and technical assistance.

a. Follow-Up

The State Department will verify that the County Department has complied with the approved Tier 1 or Tier 2 Plan. The County Department shall submit any documentation needed to verify compliance with the accepted Plan.

b. Non-Compliance with Accepted Plan

If the State Department has verified that the County Department has not complied with the accepted Tier 1 or Tier 2 Plan, then:

i. The State Department shall convert a Tier 1 Improvement Action Plan to a Tier 2 Corrective Action Plan

ii. The State Department shall implement fiscal sanctions for non-compliance on a Tier 2 Corrective Action Plan as defined in section 1.020.12 (Sanctions).

c. First Notification of Fiscal Sanctions

The first notification of fiscal sanctions due to non-compliance on a Tier 2 Corrective Action Plan shall be sent to the County Department Director sixty calendar days prior to the implementation of fiscal sanctions. The first notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.12 (Sanctions) and the date the sanction will be implemented. The County Department shall have thirty calendar days after notification of fiscal sanctions to cure non-compliance with the Tier 2 Plan to avoid implementation of fiscal sanctions.

d. Second Notification of Fiscal Sanctions

The second notification of fiscal sanctions due to non-compliance on a Tier 2 Corrective Action Plan shall be sent to the County Department Director thirty calendar days prior to the implementation of fiscal sanctions. The second notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.12 (Sanctions) and the date the sanction will be implemented. The County Department shall have 15 calendar days to cure non-compliance with the Tier 2 Plan to avoid fiscal sanctions.

e. Third Notification of Fiscal Sanctions

The third notification of fiscal sanctions due to non-compliance on a Tier 2 Corrective Action Plan shall be sent to the County Department Director five (5) calendar days prior to the implementation of fiscal sanctions. The third notification shall include the dollar amount of fiscal sanctions, or any other sanction implemented per section 1.020.12 (Sanctions) and the date the sanction will be implemented. After receiving a third notification, the County Department will no longer be able to cure non-compliance with the Tier 2 Plan and fiscal sanctions will be implemented.

f. Non-Reversal of Fiscal Sanctions after Third Notification

Compliance with the Tier 2 Plan after fiscal sanctions have been implemented shall cure the non-compliance with the Tier 2 Plan but will not reverse fiscal sanctions implemented from non-compliance.

DO NOT PUBLISH THIS PAGE

g. Closure of an Accepted Plan

Upon completion of a Tier 2 Corrective Action Plan and verification of completion by the State Department, a closure letter will be sent to the County Department Director.

h. Appeals of Non-Compliance

The County Department shall appeal any first or second notification of non-compliance within the timeframe specified in section 1.20.11.6.b (Non-Compliance with Accepted Plan) by sending an electronic communication to the State Department at HCPF_CountyRelations@State.co.us. The basis for the appeal shall be limited to a factual error in the report or an incorrect interpretation of law, rule, or regulations. The County Department may submit documents or evidence with its appeal. The third notification of non-compliance is not subject to appeal by the County Department. Within 10 calendar days of receiving the appeal, the State Department shall issue a final decision in writing, which will be sent electronically to the County Department Director. The effective date of the final decision is the date it is signed.

1.020.12 Sanctions

If the County Department does not meet the requirements of 10 CCR 2505-10 sections 8.000, 8.100, 8.400, 8.500, 8.940 through 8.943, and 8.1000; 10 CCR 2505-5 section 1.010 and 1.020; or 10 CCR 2505-3 sections 100, 300, 400, and 600; or fails to comply with an approved Tier 2 Corrective Action Plan as described in section 1.020.11.3 (Improvement Action Plans and Corrective Action Plans), the State Department may impose the following sanctions:

1. Disallowance of State and federal funds for reimbursement of the salary of the County Department Director;
2. The State Department's undertaking of the administration of the Medical Assistance program for which the County Department has not met State and federal requirements or the requirements of a Tier 2 Corrective Action Plan; and
3. Any other action which may be necessary or desirable for carrying out the provisions of Title 25.5 of the Colorado Revised Statutes and its implementing regulations.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00387

Opinion of the Attorney General rendered in connection with the rules adopted by the

Executive Director of Health Care Policy and Financing

on 08/06/2021

10 CCR 2505-5

EXECUTIVE DIRECTOR OF HEALTH CARE POLICY AND FINANCING RULES

The above-referenced rules were submitted to this office on 08/12/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 25, 2021 14:36:29

A handwritten signature in blue ink, appearing to read "P. J. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

CCR number

12 CCR 2509-8

Rule title

12 CCR 2509-8 CHILD CARE FACILITY LICENSING 1 - eff 10/01/2021

Effective date

10/01/2021

7.705.200 REQUIREMENTS OF A QUALIFIED RESIDENTIAL TREATMENT PROGRAM

7.705.201 Licensing and Accreditation

- A. The program must maintain a license as a residential child care facility and be in compliance with the regulations in 7.701, 7.705, 7.714, and 7.719.
- B. The program must be accredited by one of the following organizations:
 - 1. The commission on accreditation of rehabilitation facilities (CARF); or,
 - 2. The joint commission on accreditation of healthcare organizations (JCAHO); or,
 - 3. The council on accreditation (COA); or,
 - 4. Any other independent, not-for-profit accrediting organization approved by the secretary of health and human services.

7.705.202 Trauma-Informed Treatment Model

- A. The program must have a trauma-informed treatment model in alignment with their mental health designation, submitted to and approved, by the Colorado department of human services (CDHS) Office of Behavioral Health.
- B. The trauma-informed treatment model must be implemented as approved by the CDHS Office of Behavioral health.
- C. Any changes to the trauma-informed model must be approved by the CDHS Office of Behavioral Health prior to implementation.

7.705.203 Quality Improvement Plan

- A. The program must develop and implement a quality or performance improvement plan that is designed to monitor and improve safety, quality of care, trauma-informed practices, and treatment outcomes and meets the following criteria:
 - 1. Utilizes a data driven approach to identify patterns and trends in the data, and
 - 2. Analyzes the data to determine what improvements and changes may be implemented; and,
 - 3. Is reviewed and/or modified no less than quarterly based on outcomes data.
- B. The plan and outcomes must be submitted to the CDHS Office of Behavioral Health when requesting approval for the trauma-informed treatment model.
- C. The program must document the initial quality improvement plan to include any expected outcomes and any changes to the plan and the plan must be submitted to the department for review on an annual basis, and the plan must be made available to the department upon request.

7.705.204 Professional Staff

- A. The program must have registered or licensed nursing staff and other licensed clinical staff who:
 - 1. Provide care within the scope of their practice as defined by state law, and

2. Are on-site according to the trauma-informed treatment model, as approved by the CDHS Office of Behavioral Health, and
 3. Are available twenty four (24) hours a day, seven (7) days a week.
- B. The program may utilize licensed physicians, licensed physician assistants, or licensed nurse practitioners in lieu of registered or licensed nursing staff, in accordance with the trauma-informed treatment model as approved by the CDHS Office of Behavioral Health.
 - C. The program may contract for the licensed nursing and licensed clinical services. Such signed contracts must list the duties of the licensed individual, the scope of services to be provided, and for the licensed nurse, there must be assurance of their services being available twenty four (24) hours a day, seven (7) days a week.

7.705.205 Family Engagement

- A. The program must, in the best interest of the child/youth and family, document efforts to include the family and other significant individuals in the child's/youth's treatment, unless clinically contraindicated or ordered by the court.
- B. The program must maintain the contact information for, and facilitate contact with, the child's/youth's family, to include family members with whom an on-going relationship is in the best interest of the child/youth, as determined by the family engagement and permanency team or the court. The program must document contact and outreach attempts to appropriate family members.
- C. The program must document efforts to maintain sibling connections unless clinically contraindicated or ordered by the court.

7.705.206 Initial Assessment And Stabilization Plan

- A. Within 72 business hours of admitting a child/youth into care, the program must assess and evaluate the child/youth and family in all of the following areas:
 1. Circumstances that led to placement;
 2. Presenting problem/issue;
 3. Current functioning;
 4. Required accommodations;
 5. Current needs;
 6. Risk and safety;
 7. Behavior;
 8. Physical condition and health, to include allergies, chronic conditions, and current medications;
 9. Mental and psychological health, to include emotional regulation, coping strategies, and current psychotropic medications;
 10. Current family relationships and dynamics;

11. Immediate supports available, to include cultural, relational, religious, spiritual, and emotional;
 12. Relevant substance use;
 13. Needs for short-term stabilization;
 14. Previously successful and unsuccessful interventions;
 15. Skills, assets, and strengths;
 16. History of trauma.
- B. Within seventy two (72) business hours of admitting a child/youth into care, the program must develop a stabilization plan that is individualized, as informed by the initial assessment and/or the independent assessment, if the program is in receipt of it.
 - C. The stabilization plan must include at least one (1) short term goal to support the child/youth in stabilizing. The short-term goal(s) of the independent assessment must be incorporated, if the program is in receipt of it.
 - D. The stabilization plan must be updated at least every seven (7) calendar days, in collaboration with the child/youth, and when possible, with the child's/youth's family engagement and permanency team, until the program is in receipt of the independent assessment.
 - E. At least one (1) new goal must be added to the stabilization plan when the previous goal is attained.
 - F. The stabilization plan may be incorporated into the individual child and family plan if needed or may be discontinued upon completion of the individual child and family plan.

7.705.207 Individual Child And Family Plan

- A. Within seven (7) calendar days of the receipt of the independent assessment, the program must complete the individual child and family plan as outlined in 7.714.4d.
- B. The individual child and family plan must incorporate the findings of the independent assessment, to include any goals as determined in the assessment.
- C. The family engagement and permanency team shall be included in the development of the individual child and family plan.
- D. The program must update the child and adolescent needs and strengths (cans) assessment seventy-five (75) calendar days from the initial date of the cans assessment. Subsequent cans assessments must be completed within ninety (90) calendar days from the date of the previous cans assessment.
- E. The individual child and family plan must include a family support goal addressing services and/or interventions to be provided by the program, as informed by the cans assessments.

7.705.208 Discharge And Aftercare Plan

- A. Within forty five (45) calendar days of admitting a child/youth into care, the program must develop a discharge and aftercare plan, in collaboration with the county department of human/social services or placing entity, the child/youth, and the family engagement and permanency team.

- B. The plan must describe the services and resources needed by the subsequent care provider to meet the needs of the child/youth and how those services and resources will be provided.
- C. The program must provide family-based aftercare support for at least six (6) months post-discharge as determined in the plan.
- D. The plan must be reviewed and/or modified no less than monthly during the child's/youth's placement and during aftercare services. Changes to the plan must be documented.
- E. The plan must be incorporated into the discharge summary as outlined at 7.714.932.e.
- F. The program must update the cans assessment no more than fourteen (14) days prior to the planned discharge date of the child/youth.
- G. The program may negotiate the terms of aftercare support and services with the placing entity of any child/youth not placed by a county department of human/social services or the division of youth services and must provide after-care support in accordance with the contract established with the placing entity.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00348

Opinion of the Attorney General rendered in connection with the rules adopted by the

Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)

on 08/06/2021

12 CCR 2509-8

CHILD CARE FACILITY LICENSING

The above-referenced rules were submitted to this office on 08/25/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 25, 2021 14:37:45

A handwritten signature in blue ink, appearing to read 'P. J. Weiser', is written over the printed name and title.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Permanent Rules Adopted

Department

Department of Human Services

Agency

Commission for the Deaf, Hard of Hearing, and DeafBlind (Volume 27)

CCR number

12 CCR 2516-1

Rule title

12 CCR 2516-1 RULE MANUAL 27, COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND 1 - eff 09/30/2021

Effective date

09/30/2021

27.500 CERTIFICATION/CERTIFICATE FOR SIGN LANGUAGE INTERPRETATION AND CUED LANGUAGE transliteration

In addition to section 6-1-707(1)(e)(I)(A), C.R.S. where it identifies the Registry of Interpreters for the Deaf certifications, the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind is authorized by section 6-1-707(1)(e)(I)(B), C.R.S. to review and validate certifications and certificate pertaining to the sign language interpretation and cued language transliteration to consumers who are deaf, hard of hearing, deafblind, and hearing.

27.510 DEFINITIONS

“Board for Evaluation of Interpreters” or “BEI” means the program operated by The Office of Deaf and Hard of Hearing under Texas Department of Health and Human Services which tests and certified individuals in sign language interpretation.

“Certification” or “Certificate” means an official document attesting to a status or level of achievement that is generally recognized and accepted by a profession and governed by an independent party.

“Certified Deaf Interpreter” (CDI) means an individual who is deaf or hard of hearing and who has been certified to provide an accurate interpretation between English and variants of sign language and other foreign sign languages by acting as an intermediary between the deaf, hard of hearing, or deafblind individual and the interpreter who can hear.

“Commission” means the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind.

“Intermediary” means effective communication between the sign language interpreter with the natural language of spoken English and the deaf, hard of hearing, or deafblind (DHDBB) consumer with the natural language of American Sign Language (ASL) is being facilitated by a deaf or hard of hearing person with a natural language of ASL when there is a disconnect between the natural language of the “hearing” interpreter and the natural language of the DHDBB consumer.

“Sign language interpretation” means the process of translating between a spoken Language and a signed language.

Testing, Evaluation, and Certification Unit” or “TECUnit” means the national certifying body for cued language transliterators and testing organization for cued language.

“Transliteration” means the process of moving messages between different forms of the same language, as occurs between spoken English and cued English.

“Trilingual” means a person who communicates in three languages fluently, e.g. Spanish, English, and American Sign Language.

27.520 CERTIFICATIONS AND CERTIFICATE

The Commission identified the following BEI certifications:

A. Basic,

- B. Advanced,
- C. Master,
- D. Court Interpreter,
- E. Trilingual Advanced,
- F. Trilingual Master,
- G. Medical Interpreter,
- H. Level III Intermediary,
- I. Level IV Intermediary,
- J. Level V Intermediary, or
- K. a successor certification, such as BEI CDI, and

TECUnit certificate:

- A. Transliteration Skills Certificate (TSC)

as valid and reliable.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00349

Opinion of the Attorney General rendered in connection with the rules adopted by the

Commission for the Deaf, Hard of Hearing, and DeafBlind (Volume 27)

on 08/06/2021

12 CCR 2516-1

RULE MANUAL 27, COMMISSION FOR THE DEAF, HARD OF HEARING, AND DEAFBLIND

The above-referenced rules were submitted to this office on 08/11/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 25, 2021 14:38:57

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Human Services

Agency

Behavioral Health

CCR number

2 CCR 502-1

Rule title

2 CCR 502-1 BEHAVIORAL HEALTH 1 - eff 08/06/2021

Effective date

08/06/2021

Expiration date

12/04/2021

(2 CCR 502-1)

21.000 BEHAVIORAL HEALTH

21.120.1 General Provisions

D. Based on compliance issues identified through application review and inspection, the agency may be issued a provisional or probationary license or designation.

21.120.22 Initial Licenses

B. An agency may be approved for licensure, granted provisional approval, or have its application denied. The applicant shall be advised of the decision in writing within sixty (60) business days of the initial inspection.

21.120.23 Provisional Licenses

C. During the term of the provisional license, reviews and inspections may be conducted to determine if the applicant is in compliance and meets the requirements for a license.

21.120.4 DESIGNATION PROCEDURE

D. Receipt of the application shall be acknowledged in writing and state what additional information or documents, if any, are required for review prior to an inspection.

e. for initial designation applications, the applicant shall be advised in writing within sixty (60) calendar days of initial inspection of the decision of the Department. The facility may be approved for designation, granted provisional approval, or the application may be denied.

21.120.42 Re-Designation

E. Facilities designated to provide care and treatment to persons with mental health disorders pursuant to Section 27-65-101, et seq., C.R.S., shall receive an annual review for compliance. All other designated facilities shall be reviewed on-site at least every two

(2) years.

21.240 DUI/DWAI, BUI, AND FUI EDUCATION AND TREATMENT

21.240.1 DEFINITIONS

“Face-to-Face”, for purposes of this section 21.240, means that the individual is physically in the same room as a professional person at an office of a behavioral health licensed or approved site or video technology is being utilized.

Title of Proposed Rule: Behavioral Health On-Site Services
CDHS Tracking #: 21-07-09-01
Office, Division, & Program: OBH, Community Behavioral Health
Rule Author: Ryan Templeton
Phone: 303-866-7405
E-Mail: ryan.templeton@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. ☒ Board ☐ Executive Director
 b. ☐ Regular ☒ Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

☐ AG Initial Review
 ☒ Initial Board Reading
 ☐ AG 2nd Review
 ☐ Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

Number	
6	Amended Rules
0	New Rules
0	Repealed Rules
16	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	August 2021
What date is being requested for this rule to be effective?	August 6, 2021
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board	8/6/2021	2nd Board		Effective Date	
		_____		_____		_____

Title of Proposed Rule: Behavioral Health On-Site Services		
CDHS Tracking #: 21-07-09-01		
Office, Division, & Program:	Rule Author: Ryan Templeton	Phone: 303-866-7405
OBH, Community Behavioral Health		E-Mail: ryan.templeton@state.co.us

STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

Some Office of Behavioral Health (OBH) rules limit the ability for agencies to provide behavioral health services via telehealth and require in-person or face-to-face contact. This emergency rule update allows behavioral health services to be delivered through video technology to ensure individuals throughout Colorado can continue to access needed behavioral health services. This emergency rule also removes the OBH on-site inspection requirements for agency license and designation reviews. This removal of the on-site requirements will allow OBH the discretion to determine how inspections are completed, as on-site inspections are not statutorily required nor applicable for most OBH regulated agencies, especially those agencies providing behavioral health services using only video technology.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | to comply with state/federal law and/or |
| <input checked="" type="checkbox"/> | to preserve public health, safety and welfare |

Justification for emergency:

On March 11, 2020, Governor Polis issued an Executive Order declaring a state of disaster emergency due to the presence of coronavirus disease 2019 (COVID-19). On July 8, 2021, Governor Polis ended Colorado's COVID-19 state of disaster emergency. With the disaster emergency declaration ended, OBH regulated providers are required to immediately resume in-person or face-to-face contact as video technology utilization is disaster or emergency specific. This immediate requirement of providers to resume in-person services will interrupt behavioral health services delivery and limit the ability for individuals to have access to their needed behavioral health services. Over the last 16 months during Colorado's COVID-19 State of Emergency, OBH regulated providers have demonstrated that video technology is an effective way of providing needed behavioral health services to individuals across Colorado. Compliance with State Administrative Procedure Act rule-making would be contrary to the public's interest because doing so would cause further delay to the resumption of health services through video technology, which, in turn, would delay reestablishing access to needed behavioral health services for individuals who cannot readily go to a facility for in-person treatment. In order to preserve public health, safety and welfare by not interrupting the already fragmented behavioral health delivery system, this rule update is needed immediately to ensure the people of Colorado have continued access to essential behavioral health services.

State Board Authority for Rule:

Code	Description
26-1-107(5), (6), C.R.S. (2020)	State Board to promulgate rules
26-1-111(2)(a), C.R.S. (2020)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.

Title of Proposed Rule: Behavioral Health On-Site Services

CDHS Tracking #: 21-07-09-01

Office, Division, & Program: Rule Author: Ryan Templeton
OBH, Community Behavioral Health

Phone: 303-866-7405

E-Mail:
ryan.templeton@state.co.us

Code	Description
27-65-128, C.R.S. (2020)	CDHS shall make rules that enforce the provisions of care and treatment for persons with mental health disorder.
27-66-102(2), C.R.S. (2020)	CDHS shall adopt rules to implement the purchase of community mental health services.
27-80-108(1), C.R.S. (2020)	CDHS rules to alcohol and substance use disorder programs and services.
27-81-106(1), C.R.S. (2020)	OBH shall establish standards for approved treatment facilities that receive public funds.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☐

Yes

☒

No

If yes, please explain.

n/a

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Individuals in need of or receiving behavioral health services and agencies licensed or designated by the Office of Behavioral to provide behavioral health services should benefit from this rule update.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

The Office of Behavioral Health (OBH) regulates approximately 750 sites that provide behavioral health services across Colorado. With the immediate passage of these emergency rules, OBH-regulated outpatient behavioral health providers may continue to provide needed behavioral health services using video technology. The ability to utilize video technology for the delivery of all behavioral health services will ensure the people of Colorado have access to essential services that support an individual's health, safety and well-being. Providers will also no longer be subject to required on-site licensing or designation visits. On-site licensing and designation visits will be utilized under the discretion of OBH, as on-site visits may not be warranted in all behavioral health program settings, such as programs that utilize only video technology.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because...."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

Title of Proposed Rule: Behavioral Health On-Site Services

CDHS Tracking #: 21-07-09-01

Office, Division, & Program: Rule Author: Ryan Templeton
OBH, Community Behavioral Health

Phone: 303-866-7405

E-Mail:
ryan.templeton@state.co.us

No impact because the proposed rule change does not have costs associated with the rule change. The rule change would be considered business as usual with increased access to care.

County Fiscal Impact

No impact because the proposed rule change does not affect counties, as OBH does not regulate county activities.

Federal Fiscal Impact

No impact because the proposed rule change does not have a federal fiscal component.

Other Fiscal Impact (such as providers, local governments, etc.)

This rule update will allow OBH regulated providers to continue to operate as they were during Colorado's COVID State of Emergency.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Over the last 16 months during Colorado's COVID-19 State of Emergency, OBH regulated providers have demonstrated that video technology is an effective way of providing needed behavioral health services to individuals across Colorado. In addition, OBH utilized direct feedback from regulated programs, complaints and critical incident information received during the COVID-19 Colorado State of Emergency and found limited concerns with video technology utilization. Recommendations by the Behavioral Health Task Force, Behavioral Health Planning and Advisory Council and the development of behavioral health safety-net services (SB 19-222), all agree that telehealth/video technology utilization is an important tool in the behavioral health delivery system, which allows more access to needed behavioral health services.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just "no alternative" answer should include "no alternative because..."

The Office of Behavioral Health pursued a rule waiver process for providers to be exempt from rules that limited access. It was advised that emergency rule-making would be the best course of action because the Department does not have authority to issue a blanket waiver nor the staff capacity to issue potentially hundreds of individual agency rule waivers.

Title of Proposed Rule:	Behavioral Health On-Site Services	
CDHS Tracking #:	21-07-09-01	
Office, Division, & Program:	Rule Author: Ryan Templeton	Phone: 303-866-7405
OBH, Community Behavioral Health		E-Mail: ryan.templeton@state.co.us

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
21.120.1	On-site licensing review	D. Based on compliance issues identified through application review and on-site inspection, the agency may be issued a provisional or probationary license or designation. If the Governor or local government declares a disaster or emergency the department has discretion to modify the requirement for on-site inspections. If the department modifies the requirement for on-site inspections, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.	D. Based on compliance issues identified through application review and inspection, the agency may be issued a provisional or probationary license or designation.	OBH will have the discretion to determine when on-site review is needed, as on-site licensing review is not needed for all programs.	n/a
21.120.22	On-site licensing review	B. An agency may be approved for licensure, granted provisional approval, or have its application denied. The applicant shall be advised of the decision in writing within sixty (60) business days of the initial on-site evaluation. If the Governor or local government declares a disaster or emergency the department has discretion to modify the requirement for on-site inspections. If the department modifies the requirement for on-site inspections, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.	B. An agency may be approved for licensure, granted provisional approval, or have its application denied. The applicant shall be advised of the decision in writing within sixty (60) business days of the initial inspection.	OBH will have the discretion to determine when on-site review is needed, as on-site licensing review is not needed for all programs.	n/a
21.120.23	On-site licensing review	C. During the term of the provisional license, reviews and on-site inspections may be conducted to determine if the applicant is in compliance and meets the requirements for a license. If the Governor or local government declares a disaster or emergency the department has discretion to modify the requirement for on-site inspections. If the department modifies the requirement for on-site inspections, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.	C. During the term of the provisional license, reviews and inspections may be conducted to determine if the applicant is in compliance and meets the requirements for a license.	OBH will have the discretion to determine when on-site review is needed, as on-site licensing review is not needed for all programs.	n/a
21.120.4	On-site designation review	D. Receipt of the application shall be acknowledged in writing and state what additional information or documents, if any, are required for review prior to an on-site evaluation. If the Governor or local government declares an emergency or disaster the department has discretion to modify the requirement for on-site evaluations. If the department modifies the requirement for on-site evaluations, the requirement shall only be	D. Receipt of the application shall be acknowledged in writing and state what additional information or documents, if any, are required for review prior to an inspection. E. For initial designation	OBH will have the discretion to determine when on-site review is needed, as on-site designation	n/a

Title of Proposed Rule:	Behavioral Health On-Site Services
CDHS Tracking #:	21-07-09-01
Office, Division, & Program:	Rule Author: Ryan Templeton
OBH, Community Behavioral Health	Phone: 303-866-7405
	E-Mail: ryan.templeton@state.co.us

		modified as necessary because of circumstances related to the disaster or emergency. E. For initial designation applications, the applicant shall be advised in writing within sixty (60) calendar days of initial on-site evaluation of the decision of the Department. The facility may be approved for designation, granted provisional approval, or the application may be denied. If the Governor or local government declares an emergency or disaster the department has discretion to modify the requirement for on-site evaluations. If the department modifies the requirement for on-site evaluations, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.	applications, the applicant shall be advised in writing within sixty (60) calendar days of initial inspection of the decision of the Department. The facility may be approved for designation, granted provisional approval, or the application may be denied.	review is not needed for all programs	
21.120.42	On-site designation review	E. Facilities designated to provide care and treatment to persons with mental health disorders pursuant to Section 27-65-101, et seq., C.R.S., shall receive an annual on-site review for compliance. All other designated facilities shall be reviewed on-site at least every two (2) years. If the Governor or local government declares an emergency or disaster the department has discretion to modify the requirement for on-site facility reviews. If the department modifies the requirement for on-site facility reviews, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.	E. Facilities designated to provide care and treatment to persons with mental health disorders pursuant to Section 27-65-101, et seq., C.R.S., shall receive an annual review for compliance. All other designated facilities shall be reviewed at least every two (2) years.	OBH will have the discretion to determine when on-site review is needed, as on-site designation review is not needed for all programs	n/a
21.240.1	DUI programs and ongoing video technology delivery.	"Face-to-Face", for purposes of this section 21.240, means that the individual is physically in the same room as a professional person at an office of a behavioral health licensed or approved site. If the Governor or local government declares an emergency or disaster, video technology may be used. Video technology shall only be used as necessary because of circumstances related to the disaster or emergency.	"Face-to-Face", for purposes of this section 21.240, means that the individual is physically in the same room as a professional person at an office of a behavioral health licensed or approved site or video technology is being utilized.	Allow DUI providers to continue to use video technology in delivering DUI services.	n/a

Title of Proposed Rule: Behavioral Health On-Site Services

CDHS Tracking #: 21-07-09-01

Office, Division, & Program: Rule Author: Ryan Templeton
OBH, Community Behavioral Health

Phone: 303-866-7405

E-Mail:
ryan.templeton@state.co.us

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

These rules were created in collaboration with the Division of Community Behavioral Health's Licensing and Designation Unit; Child, Youth, and Family Behavioral Health Unit; and the Office of Behavioral Health's Policy and Communications Unit.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Agencies licensed or designated by the Office of Behavioral Health will be informed of these emergency rules upon adoption.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

☐ Yes ☒ No

If yes, who was contacted and what was their input?

n/a

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☐ Yes ☒ No

Name of Sub-PAC	Not applicable		
Date presented	Not applicable		
What issues were raised?	Not applicable		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	n/a	n/a	n/a
If not presented, explain why.	There is not a Behavioral Health Sub-PAC		

PAC

Have these rules been approved by PAC?

☐ Yes ☒ No

Date presented	Not applicable		
What issues were raised?	Not applicable		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	n/a	n/a	n/a
If not presented, explain why.	Pursuant to PAC Bylaws, Office of Behavioral Health rules are not required to go through PAC.		

Other Comments

Title of Proposed Rule:	Behavioral Health On-Site Services	
CDHS Tracking #:	21-07-09-01	
Office, Division, & Program:	Rule Author: Ryan Templeton	Phone: 303-866-7405
OBH, Community Behavioral Health		E-Mail: ryan.templeton@state.co.us

Comments were received from stakeholders on the proposed rules:

☐ Yes ☒ No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

These emergency rule updates were not formally presented to stakeholders for review and comment.

(2 CCR 502-1)

21.000 BEHAVIORAL HEALTH

21.120.1 General Provisions

- D. Based on compliance issues identified through application review and on-site inspection, the agency may be issued a provisional or probationary license or designation. ~~If the Governor or local government declares a disaster or emergency the department has discretion to modify the requirement for on-site inspections. If the department modifies the requirement for on-site inspections, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.~~

21.120.2 Initial Licenses

- B. An agency may be approved for licensure, granted provisional approval, or have its application denied. The applicant shall be advised of the decision in writing within sixty (60) business days of the initial INSPECTION. ~~on-site evaluation. If the Governor or local government declares a disaster or emergency the department has discretion to modify the requirement for on-site inspections. If the department modifies the requirement for on-site inspections, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.~~

21.120.23 Provisional Licenses

- C. During the term of the provisional license, reviews and on-site inspections may be conducted to determine if the applicant is in compliance and meets the requirements for a license. ~~If the Governor or local government declares a disaster or emergency the department has discretion to modify the requirement for on-site inspections. If the department modifies the requirement for on-site inspections, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.~~

21.120.4 DESIGNATION PROCEDURE

- D. Receipt of the application shall be acknowledged in writing and state what additional information or documents, if any, are required for review prior to an INSPECTION. ~~on-site evaluation. If the Governor or local government declares an emergency or disaster the department has discretion to modify the requirement for on-site evaluations. If the~~

department modifies the requirement for on-site evaluations, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.

- E. For initial designation applications, the applicant shall be advised in writing within sixty (60) calendar days of initial INSPECTION ~~on-site evaluation~~ of the decision of the Department. The facility may be approved for designation, granted provisional approval, or the application may be denied. ~~If the Governor or local government declares an emergency or disaster the department has discretion to modify the requirement for on-site evaluations. If the department modifies the requirement for on-site evaluations, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.~~

21.120.42 Re-Designation

- E. Facilities designated to provide care and treatment to persons with mental health disorders pursuant to Section 27-65-101, et seq., C.R.S., shall receive an annual ~~on-site~~ review for compliance. All other designated facilities shall be reviewed ~~on-site~~ at least every two (2) years. ~~If the Governor or local government declares an emergency or disaster the department has discretion to modify the requirement for on-site facility reviews. If the department modifies the requirement for on-site facility reviews, the requirement shall only be modified as necessary because of circumstances related to the disaster or emergency.~~

21.240 DUI/DWAI, BUI, AND FUI EDUCATION AND TREATMENT

21.240.1 DEFINITIONS

“Face-to-Face”, for purposes of this section 21.240, means that the individual is physically in the same room as a professional person at an office of a behavioral health licensed or approved site ~~OR VIDEO TECHNOLOGY IS BEING UTILIZED. If the Governor or local government declares an emergency or disaster, video technology may be used. Video technology shall only be used as necessary because of circumstances related to the disaster or emergency.~~

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00497

Opinion of the Attorney General rendered in connection with the rules adopted by the

Behavioral Health

on 08/06/2021

2 CCR 502-1

BEHAVIORAL HEALTH

The above-referenced rules were submitted to this office on 08/11/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 25, 2021 14:40:58

A handwritten signature in blue ink, appearing to read 'P. J. Weiser'.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Transportation

Agency

Transportation Commission and Office of Transportation Safety

CCR number

2 CCR 601-3

Rule title

2 CCR 601-3 RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO 1 - eff
08/04/2021

Effective date

08/04/2021

Expiration date

12/02/2021

DEPARTMENT OF TRANSPORTATION

Executive Director

RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

2 CCR 601-3

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

...

1.00 Definitions

1.1 All definitions set forth in 23 C.F.R. 750.102, 23 C.F.R. 750.703, and § 43-1-403, C.R.S. shall apply to these Rules. If there is a conflict between the definitions in state and federal law and regulations and these Rules, the state and federal law definitions shall govern. Definitions are not listed in alphabetical order.

1.2 "Advertising Device" has the same meaning pursuant to §43-1-403(1), C.R.S.

...

1.6 Repealed.

...

1.8 "Comprehensive Development" has the same meaning pursuant to § 43-1-403 (1.5), C.R.S.

...

1.12 Repealed.

...

1.18 Repealed.

1.19 Repealed.

1.20 Repealed.

...

1.23 "Permit Number Identifier" means a series of numbers assigned by the Department that is unique to the Advertising Device.

...

1.25 Repealed.

...

1.34 "Compensation" has the same meaning pursuant to § 43-1-403 (1.3), C.R.S.

2.00 Permitting

2.1 Signs Requiring a CDOT Permit

- A. A permit from the Department shall be required for all Signs within the Control Area as provided for in § 43-1-407 and 408, C.R.S. A permit is required for all Signs, including:
1. Nonconforming Advertising Devices [§ 43-1-403(12), C.R.S.];
 2. Advertising Devices located in areas Zoned for Commercial or Industrial Uses by law [§ 43-1-404(1)(d) and (e), and § 43-1-407(1)(c), C.R.S.]; and
 3. Advertising on Bus Benches and Shelters. [§ 43-1-407(2)(a)(I) through (III), C.R.S.]
 4. Repealed.

2.2 Repealed.

2.3 Conditions that Prohibit CDOT from Issuing or Renewing a Permit [§ 43-1-411, and § 43-1-417(3)(a), C.R.S. and 23 C.F.R. 750.108]

- A. The Department is prohibited from issuing a Permit for any Advertising Device pursuant to § 43-1-411, C.R.S. and 23 C.F.R. 750.108 if the Sign:
1. Does not conform to size, lighting, and spacing standards as prescribed by these Rules where the Rules were adopted prior to the erection of the Advertising Device;
 2. Would encroach upon the right-of-way of a public highway absent prior written approval from the Department;
 3. Is within 500 feet of the center point of an intersection of a Controlled Route at grade with another highway or with a railroad so as to materially obstruct or reduce the existing view of traffic on the other highway or railway trains approaching the intersection;
 4. Is along a Controlled Route where it would reduce the existing view of traffic in either direction or of traffic control or official highway signs to less than 500 feet;

5. Includes more than two advertising panels on an Advertising Device facing the same direction;
6. Required a permit prior to July 1, 1981, and no permit was obtained;
7. Simulates any official, directional, or warning sign erected or maintained by the federal or state government or local governing body which involves light that simulates or resembles traffic signals or traffic control signs;
8. Is nailed, tacked, posted, or attached in any manner on trees, plants, fence posts, public utility poles, rocks or other natural objects; or
9. The Department is prohibited from issuing or renewing a Permit if the Sign becomes decayed, insecure, or in danger of falling or otherwise is unsafe or unsightly due to lack of maintenance or repair, or from any other cause.

...

2.11 Permit Denial, Revocation, or Denial of Renewal [23 C.F.R. 750.104; § 43-1-410, C.R.S.]

- A. The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:
 1. False or misleading information in the Permit application or renewal;
 2. Failure to maintain the Sign in good repair;
 3. Failure to comply with all Permit provisions;
 4. Increasing the permitted size of an Advertising Device; or
 5. Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.
- B. The Department will notify the Applicant or Permittee in writing stating the reasons for the denial of the application, the denial of the renewal of the Permit, or the revocation of the Permit along with the opportunity to request a hearing as set forth in Rule 5.00.

3.00 Notice of Noncompliance Pursuant to § 43-1-412, C.R.S.

3.1 Repealed.

3.2 Grounds for Noncompliance

- A. Sign lacking a CDOT Permit [§ 43-1-412(2)(a), C.R.S.]
 1. If a Permit has not been obtained for the Advertising Device, the Department shall give written Notice of Noncompliance by certified mail to the owner of the Property on which the Sign is located. Such notice will:
 - a. Inform the Property owner that the Advertising Device is illegal;

- b. Require the owner to remove the Sign within 60 days of receipt of the notice, execute an affidavit under the penalty of perjury as evidence that the device is not an Advertising Device, or obtain a permit; and
- c. Advise the Property owner of the right to request a hearing.

...

- C. Permit Revoked or Renewal Denied. § 43-1-412(2)(c), C.R.S.

...

5.00 Hearings

5.1 Request for Hearing

- A. A request for a hearing must be received by the Department no later than sixty (60) days after receipt of the notice. An Applicant who was denied a Permit may request an expedited hearing within thirty (30) days of the notice of denial pursuant to § 43-1-408(3), C.R.S.
- B. The request for hearing must be made in writing, by certified mail, addressed to and received by:

Colorado Department of Transportation
Outdoor Advertising Program
2829 W. Howard Place
Denver, Colorado, 80204
- C. All hearings and appeals will be conducted pursuant to §§ 24-4-105 and 106, C.R.S.

6.00 Signs Allowed in Control Areas

[§ 43-1-404, C.R.S., 23 USC 131, 23 C.F.R. 750.105; 23 C.F.R. 750.108]

6.01 Advertising Devices Allowed

- A. The following Signs may be allowed within the Control Area adjacent to the Controlled Route:
 - 1. Repealed;
 - 2. Advertising Devices, which include:
 - a. Signs in Areas Zoned for Commercial or Industrial Uses;
 - b. Nonconforming Signs;
 - c. Repealed;
 - d. Advertising Devices on Scenic Byways (See Rule 9.00);

- e. Repealed;
- f. Repealed;
- g. Repealed; and
- h. Changeable Electronic Variable Message Signs ("CEVMS").

6.02 Repealed.

6.03 Advertising Devices

6.03.1 General Requirements

- A. Signs include:
 - 1. Signs in Areas Zoned for Commercial or Industrial Uses;
 - 2. Nonconforming Signs;
 - 3. Repealed; and
 - 4. Advertising Devices on Scenic Byways.
 - 5. Repealed.
 - 6. Repealed.
- B. An Advertising Device shall comply with the requirements set forth in these Rules and 23 C.F.R. 750.108. All Signs shall not:
 - ...
 - 2. Interfere with a driver's clear and unobstructed view of official signs and approaching, intersecting or merging traffic; [23 C.F.R. 750.108(b)]
 - ...
- C. No new Advertising Device shall be erected adjacent to a Scenic Byway. [§ 43-1-419, C.R.S.]
- D. A Sign shall be considered abandoned if it meets the requirements of Rule 6.03.3(B).
- E. Measuring Distances between Signs [23 C.F.R. 750.103]

...

6.03.3 Sign Repairs [23 C.F.R. 750.707; § 43-1-413, C.R.S.]

• • •

- B. Abandoned, Discontinued or Obsolete Nonconforming Signs. [23 U.S.C. 131; 23 C.F.R. 750.707; § 43-1-413(2)(f), C.R.S.]

1. Abandoned or Discontinued Signs

- a. An abandoned or discontinued Sign is one that for one year or more years is without advertising matter, or is in need of substantial repair. Such Signs determined by the Department as abandoned or discontinued are subject to removal as Illegal Signs under § 43-1-412, C.R.S.

• • •

- C. Damage or Destruction of Nonconforming Signs. [23 C.F.R. 750.707(d)(6); § 43-1-413(2)(e), C.R.S.]

• • •

4. The Department shall determine whether a Sign has been damaged or destroyed to a degree that terminates the Nonconforming Sign's nonconforming status based on the schedule of compensation referenced in § 43-1-413(2)(e), C.R.S., as follows:

• • •

- d. The procedure under (1) through (5) below shall determine whether the damaged or destroyed Nonconforming Sign may be repaired or restored:

• • •

- (5) The Department shall make a determination whether the Sign may be repaired or restored based on (3) and

• • •

7.00 Signs in Areas Zoned by Law for Industrial or Commercial Uses

[23 C.F.R. 750.708; § 43-1-404(1)(e)(I); § 43-1-406(2)(b)(I) and (II), C.R.S.]

...

B. Size Requirements [§ 43-1-404(1), C.R.S.]

...

5. Repealed.

C. Lighting

1. Advertising Devices that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

...

D. Spacing of Signs

...

6. Signs that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

...

8.00 Repealed.

9.00 Advertising Devices on Scenic Byways

[§ 43-1-419, C.R.S.; 23 U.S.C. 131(s)]

...

- B. No new Advertising Device shall be erected along a Scenic Byway that is visible from the Controlled Route.

...

10.00 Repealed.

11.00 Repealed.

12.00 CEVMS Advertising Devices

- A. Authority. The Department has authority to control the brightness, intervals, spacing and location of CEVMS Advertising Devices along Controlled Routes for the purpose of ensuring safety to the travelling public. [23 USC 131 (c) (3) and (j); 23 C.F.R. 750.705; § 43-1-404(1)(f), and § 43-1-415(1), C.R.S.]
- B. Definitions

...

9. Repealed.

...

- C. General Requirements

...

2. Location

- a. No CEVMS may be placed within 1,000 feet of another CEVMS on the same side of a highway and facing the same direction of travel. [§ 43-1-404(1)(f)(I), C.R.S.]
- b. A CEVMS shall not prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

...

5. Operational Requirements Specific to CEVMS Advertising Devices

...



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

DEPARTMENT OF TRANSPORTATION EXECUTIVE DIRECTOR

RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

2 CCR 601-3

NOTICE OF ADOPTION OF EMERGENCY RULES

Pursuant to and in compliance with Title 43, Article 1 and Title 24, Article 4, C.R.S. as amended, notice is given of the adoption on an emergency basis for the rules governing outdoor advertising in Colorado.

- Section 1. Statement of Basis and Authority
- Section 2. Statement of Purpose
- Section 3. Applicability
- Section 4. Rules Governing Outdoor Advertising in Colorado
- Section 5. Effective Date

Section 1. Statement of Basis and Authority

The purpose of the rules is to carry out the provisions of § 43-1-401, C.R.S. *et seq.*, and the Highway Beautification Act of 1965, 23 U.S.C. 131, 23 C.F.R. 750.705(h) by establishing a statewide uniform program controlling the use of outdoor advertising devices (i.e., billboards and signs) in areas adjacent to the State Highway System. The intent of the rules is to protect and promote the health, safety, and welfare of the traveling public and the people of Colorado, and to promote the reasonable, orderly and effective display of outdoor advertising, while preserving and enhancing the natural and scenic beauty of Colorado.

Senate Bill 21-263 took effect in Colorado on June 30, 2021, changing the permitting and enforcement processes for the control of advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway to a compensation-based approach.

The statutory basis and authority for the emergency rules is granted under § 43-1-105(6), § 24-4-103(6)(a), § 43-1-414(4), and § 43-1-415, C.R.S.

Section 2. Statement of Purpose

Colorado requires owners of advertising devices to obtain a permit from the Colorado Department of Transportation ("CDOT"), and there are requirements on size, lighting, spacing and zoning for these devices.

Prior to Senate Bill 21-263, state law previously classified outdoor advertising devices into four categories to determine whether a CDOT permit was required. These four categories previously included:

- **On-Premise Sign:** A device that advertises services or products conducted on the premises upon which the sign is located (i.e., a fast-food restaurant sign visible from I-25).
- **Off-Premise Sign:** A device that advertises services or products not conducted on the premises upon which the sign is located (i.e., a billboard that advertises the Colorado Lottery).
- **Official Sign:** A device erected for a public purpose (i.e., the "Welcome to Colorful Colorado" sign).
- **Directional Sign:** A device that directs the traveling public to publicly or privately owned natural phenomena or to historic, cultural, scientific, educational and religious sites and areas of natural scenic beauty or outdoor recreation.

Previously, only Off-Premise and Directional Signs required a CDOT permit. However, On-Premise and Official Signs were allowed without a CDOT permit with certain restrictions.

For enforcement purposes, CDOT monitors interstates and state highways for outdoor advertising devices that needed permits. Under the old state law, to determine whether a sign needed a permit, CDOT arguably had to review the words and pictures of the sign to figure out the type of device it was. Recently, federal courts across the country have said this arguably content-based distinction may be a violation of free speech.

As a result, Senate Bill 21-263 removes the arguably content-based distinction from state law and establishes a new compensation-based approach for permitting and enforcement. Now, under the new state law only advertising devices visible from the roadway that generate compensation require a CDOT permit. Compensation means the exchange of anything of value, including but not limited to money, as further defined in the new state law.

The immediate adoption of emergency rules is necessary to align CDOT's processes for permitting and enforcement of advertising devices with the new state law under Senate Bill 21-263. The emergency rules support CDOT's control of advertising devices in areas near the interstate system and state highway system to protect and promote the health, safety, and welfare of the traveling public by reducing driver distractions and preserving the natural and scenic beauty of Colorado.

The specific purpose of the emergency rulemaking is to align CDOT's processes for permitting and enforcement of outdoor advertising devices with the new state law under Senate Bill 21-263. These emergency rules establish a new compensation-based approach for permitting and enforcement of outdoor advertising devices in areas near interstates and state highways and visible to the traveling public from the roadway. These emergency rules remove the previous categories of outdoor advertising devices (i.e., On-Premise Sign, Off-Premise Sign, Official Sign, and Directional Sign) from the rules, and they also redefine the definition of "Advertising Device" and add the definition of "Compensation." These emergency rules also modify the noncompliance requirements to give a property owner or sign

owner the option to execute an affidavit under the penalty of perjury in the event the property owner or sign owner does not believe their sign is an advertising device requiring a CDOT permit. These emergency rules streamline the hearing procedures and allow an Applicant who was denied a permit to request an expedited hearing within thirty days of the notice of denial. Additionally, these emergency rules clarify that Changeable Electronic Variable Message advertising devices may not be within 1000 feet of each other that are facing the same direction. Finally, these emergency rules make technical revisions to align the rules with the new state law under Senate Bill 21-263.

Section 3. Applicability

The emergency rules apply to all outdoor advertising devices in areas near the interstate system and state highway system that are visible to the traveling public from the roadway. These emergency rules do not apply to outdoor advertising devices on land in Colorado held by the federal government in trust for Indian tribes.

Section 4. RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

Please note the following formatting key:

Font Effect	Meaning
<u>Underline</u>	New Language
Strikethrough	Deletions
...	Omission of Unaffected Rules
[Blue Font Text]	Annotation

...

1.00 Definitions

- 1.1 All definitions set forth in 23 C.F.R. 750.102, 23 C.F.R. 750.703, and § 43-1-403, C.R.S. shall apply to these Rules. If there is a conflict between the definitions in state and federal law and regulations and these Rules, the state and federal law definitions shall govern. Definitions are not listed in alphabetical order.
- 1.2 “Advertising Device” ~~means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the main traveled way of any state highway, except any advertising device on a vehicle using the highway. The term “vehicle using the highway” does not include any~~

~~vehicle parked near said highway for advertising purposes has the same meaning pursuant to {§ 43-1-403(1), C.R.S.}~~

...

- 1.6 ~~“Commercial Advertising” means advertising of commercial interests which promotes or identifies goods and/or services as a result of the exposure of the business name rather than advocating a social or political cause~~ Repealed.

...

- 1.8 ~~“Comprehensive Development” shall include all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas. A Comprehensive Development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for On-Premise advertising has the same meaning pursuant to {§ 43-1-403 (1.5)(a), C.R.S.}~~

...

- 1.12 ~~“Directional Sign” shall have the same meaning as § 43-1-403(4), C.R.S. (i.e., shall include but not be limited to: Advertising devices containing directional information to facilitate emergency vehicle access to remote locations or about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public)~~ Repealed.

...

- 1.18 ~~“Off-Premise Sign” means an Advertising Device which advertises an activity, service or product not conducted on the Property upon which the Sign is located~~ Repealed.
- 1.19 ~~“Official Sign” shall have the same meaning as § 43-1-403(13), C.R.S. (Any advertising device erected for a public purpose authorized by law, but the term shall not include devices advertising any private business)~~ Repealed.
- 1.20 ~~“On-Premise Sign” means an Advertising Device: (1) advertising the sale or lease of a Property on which it is located; (2) or advertising activities on the Property on which it is located; or (3) located within a Comprehensive Development that advertises any activity conducted within the Comprehensive Development~~ Repealed.

...

- 1.23 “Permit Number Identifier” means a series of numbers assigned by the Department that is unique to the Advertising Device ~~and identifies it for purposes of oversight. The Permit Number Identifier for Advertising Devices is different from the number identifier used for Official Signs (that do not require a Permit).~~

...

- 1.25 ~~“Premises” means the central, actual physical location where an activity is routinely conducted. Premises include the primary structures, parking facilities and private roadway if they are necessary to the principal activity.~~Repealed.

...

- 1.34 “Compensation” has the same meaning pursuant to § 43-1-403 (1.3), C.R.S.

2.00 Permitting

2.1 Signs Requiring a CDOT Permit

- A. A permit from the Department shall be required for all Signs within the Control Area as provided for in § 43-1-407 and 408, C.R.S. A permit is required for all ~~Off-Premise~~ Signs, including:
1. Nonconforming Advertising Devices [§ 43-1-403(12), C.R.S.];
 2. Advertising Devices located in areas Zoned for Commercial or Industrial Uses by law: [§ 43-1-404(1)(d) and (e), and § 43-1-407(1)(~~II~~)(c), C.R.S.]; and
 3. Advertising on Bus Benches and Shelters. [§ 43-1-407(2)(a)(I) through (III), C.R.S.]
 4. ~~Directional Signs not excepted under § 43-1-407(1)(b)(I) through (III), C.R.S.~~Repealed.

2.2 ~~Signs Not Requiring a Permit from CDOT~~Repealed.

- ~~A. A Sign Permit is not required for:~~

- ~~1. On-Premise Signs;~~
- ~~2. Directional Signs that are:~~

- ~~a. No larger than 8 square feet and that advertises farms, ranches, nonprofit educational, veterans’, religious, charitable, or civic organizations. §43-1-407(1)(b)(II), C.R.S.;~~

b. ~~No larger than 32 square feet, the sole purpose of which is to provide direction to individual farms or ranches by way of individual Signs that are no larger than 8 square feet. [§43-1-407(1)(b)(II), C.R.S.];~~

c. ~~A Sign indicating a public utility and not advertising a product, including informational Signs, notices, or markers, erected and maintained by a public or private public utility company. [23 C.F.R. 750.153(o)]~~

3. ~~Official Signs. [§ 43-1-404(1)(a) and § 43-1-407, C.R.S.]~~

2.3 Conditions that Prohibit CDOT from Issuing or Renewing a Permit [§ 43-1-411, and § 43-1-417(3)(a), C.R.S. and 23 C.F.R. 750.108]

- A. The Department is prohibited from issuing ~~or renewing~~ a Permit for any Advertising Device pursuant to § 43-1-411, C.R.S. and 23 C.F.R. 750.108 if the Sign:
1. Does not conform to size, lighting, and spacing standards as prescribed by these Rules where the Rules were adopted prior to the erection of the Advertising Device;
 2. Would encroach upon the right-of-way of a public highway absent prior written approval from the Department;
 3. Is within 500 feet of the center point of an intersection of a Controlled Route at grade with another highway or with a railroad so as to materially obstruct or reduce the existing view of traffic on the other highway or railway trains approaching the intersection;
 4. Is along a Controlled Route where it would reduce the existing view of traffic in either direction or of traffic control or official highway ~~Signs-signs~~ to less than 500 feet;
 5. Includes more than two advertising panels on an Advertising Device facing the same direction;
 6. Required a permit prior to July 1, 1981, and no permit was obtained;
 7. Simulates any official, directional, or warning ~~Sign-sign~~ erected or maintained by the federal or state government or local governing body which involves light that simulates or resembles traffic signals or traffic control ~~Signssigns~~;
 8. Is nailed, tacked, posted, or attached in any manner on trees, plants, fence posts, public utility poles, rocks or other natural objects; or
 9. The Department is prohibited from issuing or renewing a Permit if the Sign becomes ~~Becomes~~ decayed, insecure, or in danger of falling or otherwise is unsafe or unsightly due to lack of maintenance or repair, or from any other cause.

...

[Note: Rule 2.11 will be repealed in its entirety and re-enacted as listed below.]

~~2.11 Permit Denial, Revocation or Denial of Renewal [23 C.F.R. 750.104; § 43-1-410, C.R.S.]~~

- ~~A. The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:~~
- ~~1. False or misleading information in the Permit application or Renewal;~~
 - ~~2. Advertisement of illegal activities;~~
 - ~~3. Failure to maintain the Sign in good repair;~~
 - ~~4. Failure to comply with all Permit provisions;~~
 - ~~5. Increasing the permitted size of an Advertising Device; or~~
 - ~~6. Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.~~
- ~~B. Pursuant to § 43-1-412(4), C.R.S., the applicant or permit holder shall have 60 days within which to provide CDOT with proof of compliance.~~

2.11 Permit Denial, Revocation, or Denial of Renewal [23 C.F.R. 750.104; § 43-1-410, C.R.S.]

- A. The Department may deny, revoke, or deny the renewal of a Permit for any violation of state or federal law or these Rules, including but not limited to:
1. False or misleading information in the Permit application or renewal;
 2. Failure to maintain the Sign in good repair;
 3. Failure to comply with all Permit provisions;
 4. Increasing the permitted size of an Advertising Device; or
 5. Any violation of federal law referenced herein, § 43-1-401, et seq., C.R.S. or these Rules.
- B. The Department will notify the Applicant or Permittee in writing stating the reasons for the denial of the application, the denial of the renewal of the Permit, or the revocation of the Permit along with the opportunity to request a hearing as set forth in Rule 5.00.

3.00 Notice of Noncompliance Pursuant to § 43-1-412, C.R.S.

3.1 ~~Issuance of Written Notice~~Repealed.

- ~~A. If the Department determines that an application for renewal should be denied, or that an existing Permit should be revoked, the Department shall give written notice by certified mail to the Applicant or Permittee.~~

- ~~B. If the Department revokes a Permit, the Department shall send a Notice of Noncompliance pursuant to Rule 3.00 to the Permittee.~~
- ~~C. In either case, the notice shall specify in what respect the Sign does not comply with relevant federal or state law and/or these Rules.~~
- ~~D. Pursuant to § 43-1-412(4), C.R.S., the applicant or permit holder shall have 60 within which to provide CDOT with proof of compliance.~~

3.2 Grounds for Noncompliance

- A. Sign ~~Lacking~~lacking a CDOT Permit [§ 43-1-412(2)(a), C.R.S.]
 - 1. If a Permit has not been obtained for the Advertising Device, the Department shall give written Notice of Noncompliance by certified mail to the owner of the Property on which the Sign is located. Such notice will:
 - a. Inform the Property owner that the Advertising Device is illegal;
 - b. Require the owner to remove the Sign within 60 days of receipt of the notice, execute an affidavit under the penalty of perjury as evidence that the device is not an Advertising Device, or obtain a permit; and
 - c. Advise the Property owner of the right to request a hearing.

...

- C. Permit ~~Application~~Revoked or Renewal Denied. § 43-1-412(2)(c), C.R.S.

...

[Note: Rule 5.00 will be repealed in its entirety and re-enacted as listed below.]

~~5.00 Request for Hearing~~

- ~~A. A request for a hearing must be received by the Department no later than 60 days after receipt of the notice. [§ 43-1-412(3), C.R.S.]~~
- ~~B. The request for hearing must be made in writing, by certified mail, addressed to and received by:

Outdoor Advertising Program

Colorado Dept. of Transportation

4201 East Arkansas Ave.

Denver, Colorado, 80222~~
- ~~C. Upon receipt of a request for a hearing, the Department shall arrange for and give written notice of the hearing.~~

- ~~D. At least 30 days prior to the hearing, the Department shall provide notice of the hearing either by personal service or certified mail to the last address furnished by the person requesting the hearing. The notice shall meet the requirements of § 24-4-105(2)(a), C.R.S.~~
- ~~E. Any person(s) given such notice shall file a written answer within 30 days after the service or mailing of such notice.~~
- ~~F. If such person fails to answer, the Department, upon motion, may enter a default. For good cause shown, the entry of default may be set aside within 10 days after the date of such entry. [§ 24-4-105(2)(b), C.R.S.]~~
- ~~G. A person who may be affected or aggrieved by the Department action shall be admitted as a party to the proceeding upon the person's filing with the Department a written request to be included, setting forth a brief statement of the facts which entitle the person to be admitted and the matters which should be decided. The Department may admit any person or agency as a party to the proceeding for limited purposes. [§ 24-4-105(2)(c), C.R.S.]~~
- ~~H. The hearing shall be presided over by an Administrative Law Judge pursuant to § 24-4-105(3), C.R.S.~~

5.00 Hearings

5.1 Request for Hearing

- ~~A. A request for a hearing must be received by the Department no later than sixty (60) days after receipt of the notice. An Applicant who was denied a Permit may request an expedited hearing within thirty (30) days of the notice of denial pursuant to § 43-1-408(3), C.R.S.~~
- ~~B. The request for hearing must be made in writing, by certified mail, addressed to and received by:~~
- ~~Colorado Department of Transportation
Outdoor Advertising Program
2829 W. Howard Place
Denver, Colorado, 80204~~
- ~~C. All hearings and appeals will be conducted pursuant to §§ 24-4-105 and 106, C.R.S.~~

6.00 Signs Allowed in Control Areas

[§ 43-1-404, C.R.S., 23 USC 131, 23 C.F.R. 750.105; 23 C.F.R. 750.108]

6.01 Advertising Devices Allowed

- A. The following Signs may be allowed within the Control Area adjacent to the Controlled Route:
1. ~~On-Premise Signs~~Repealed;

2. ~~Off-Premise Signs~~Advertising Devices, which include:
 - a. Signs in Areas Zoned for Commercial or Industrial Uses²;
 - b. Nonconforming Signs;
 - c. ~~Directional and Official Signs~~Repealed;
 - d. Advertising Devices on Scenic Byways (See Rule 9.00);
 - e. ~~Landmark Signs~~Repealed;
 - f. ~~Free Coffee Signs~~Repealed;
 - g. ~~Tourist-Oriented Directional Signs (TODS) and Specific Information Signs (LOGO). Rules Governing TODS and LOGO Signs are addressed in a separate set of rules, 2 CCR 601-7~~Repealed; and
 - h. Changeable Electronic Variable Message Signs ("CEVMS").

6.02 ~~On-Premise Signs~~Repealed.

~~[23 U.S.C. 131(c) and (j); 23 C.F.R. 750.704(a); 23 C.F.R. 750.105, 23 C.F.R. 750.108, and 23 C.F.R. 750.709(d)]~~

~~A. Authority. This section of the Rules pertains to On-Premise Signs located outside of 50 feet from the advertised or principal activity and Visible from the Main Travelled Way of the State Highway System.~~

~~1. Size~~

- ~~a. On-Premise Signs which are located outside of 50 feet from the advertised or principal activity shall not exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports. [23 C.F.R. 750.108(g)].~~
- ~~b. No Sign may attempt or appear to attempt to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device.~~
- ~~c. No Sign may prevent the driver of a vehicle from having a clear and unobstructed view of Official Signs and approaching or merging traffic.~~
- ~~d. No Sign may be erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~
- ~~e. No On-Premise Sign may be erected in an area across a public or private roadway from the Property where the business is conducted unless the purpose of the public or private roadway is for the exclusive use of a Comprehensive Development.~~

~~2. Lighting~~

- a. ~~On-Premise Signs shall comply with the lighting requirements of § 43-1-404(1)(f)(i), C.R.S.; however, for purposes of spacing, On-Premise Signs shall not be counted within the 1,000 foot limitation for Off-Premise Signs.~~
- b. ~~No Sign may contain, include, or be illuminated by any flashing, intermittent or moving light or lights.~~
- c. ~~No lighting may be used in any way in connection with any Sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the Main-Traveled-Way of the State Highway System or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.~~
- d. ~~No On-Premise Sign may move or have any animated or moving parts.~~
- B. ~~An On-Premise Sign must be located upon the same Property as the activity advertised. An On-Premise Sign may:~~
 - 1. ~~Advertise the principal or primary activities, goods or services available upon the premises;~~
 - 2. ~~Identify the property upon which the Sign is located;~~
 - 3. ~~Advertise the property upon which the Sign is located for sale or lease;~~
 - 4. ~~When located within a Comprehensive Development, advertise activities conducted within the Comprehensive Development;~~
 - 5. ~~Direct the traveling public to the closest entrance to the premises located upon the property;~~
 - 6. ~~Include non-Commercial Advertising devices (ex. religious, social or political commentaries) erected by the owner or lessee of property.~~
- C. ~~Where the Sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the Sign site shall not be considered part of the Premises on which the activity being advertised is conducted when the purpose is clearly to circumvent 23 U.S.C. 131(j). See 23 C.F.R. 750.709(3).~~
- D. ~~An On-Premise Sign does not include:~~
 - 1. ~~A Sign that advertises activities, goods, or services not available upon the property.~~
 - 2. ~~A Sign that consists principally of brand name or trade name advertising of a product or service which is only incidental to the principal activity conducted upon the premises.~~

3. ~~A Sign which brings in rental income to the premise/property and /or Sign owner. [23 C.F.R. 750.709]~~

~~E. On-Premise Signs that Identify the Property upon which They Are Located.~~

1. ~~An On-Premise Sign identifying the property upon which it is located shall contain only the:
 - a. ~~Name of the property,~~
 - b. ~~Type of property,~~
 - c. ~~Logo, and/or~~
 - d. ~~Name of the owner of the property.~~~~
2. ~~Such Signs may also direct the traveling public to the closest entrance to the premises.~~
3. ~~On-Premise Signs directing the travelling public to the closest entrance to the premises are limited to two Signs Visible to traffic proceeding in any one direction if the highway frontage of the property is less than one mile in length.~~
4. ~~If the highway frontage of the property is more than one mile in length, one Sign Visible to traffic proceeding in any one direction per mile is allowed.~~
5. ~~The purpose of such Signs shall not be to advertise specific goods or services available upon the premises.~~

~~F. On-Premise Signs that Advertise the Primary Activities, Goods or Services Conducted on the Premises which are located outside of 50 feet from the activity shall not exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports. [23 C.F.R. 750.108(g)]~~

~~G. On-Premise Signs that Advertise the Sale or Lease of the Property upon which the Sign is Located:~~

1. ~~An On-Premise Sign that advertises the sale or lease of the property may not contain any product or service other than the logo and/or name, type of real property, address, and contact information of the party offering the property for sale or lease.~~
2. ~~Real property offered for sale or lease must only be for the uses of record for zoned or platted areas.~~
3. ~~On-Premise Signs advertising the sale or lease of the property are limited to one Sign Visible to traffic proceeding in any one direction less than one mile apart.~~
4. ~~On-Premise Signs advertising the sale or lease of the property may be no larger than 96 square feet including border and trim, but excluding supports.~~

5. ~~Not more than one such Sign advertising the sale or lease of the same property may be allowed in such manner as to be visible to traffic proceeding in any one direction on any one Interstate Highway. [23 C.F.R. 750.105(a)].~~

H. ~~On-Premise Signs — Non-Commercial:~~

1. ~~Non-commercial Signs are limited to two Signs visible to traffic proceeding in any one direction if the highway frontage of the property upon which the premises is located is less than one mile in length.~~
 2. ~~If the highway frontage of the property upon which the premises is located is more than one mile in length, one non-commercial Sign visible to traffic proceeding in any one direction per mile is allowable.~~
- I. ~~A property owner who has an On-Premise Sign that was in existence upon the property on the effective date of these Rules and who could have reasonably believed such advertising device was on premise under prior rules shall be allowed one year from the effective date of the Rules to bring such advertising device into compliance with these Rules.~~

J. ~~Measurement of On-Premise Signs~~

1. ~~These Rules do not apply to On-Premise Signs located within 50 feet of the principal activity.~~
2. ~~When the advertised activity is a business, is commercial, or concerns industrial land use, the 50-foot distance shall be measured from the regularly used buildings, parking lots, storage or processing areas, or other structures which are essential and customary to the conduct of the business. The distance shall not be measured from driveways, fences, or similar facilities.~~
3. ~~When the advertised activity is a non-commercial or non-industrial land use such as a residence, farm, or orchard, the 50-foot distance shall be measured from the major structures on the Property.~~
4. ~~A Sign that is located within 50 feet of the premises and advertises the primary activities, goods and services available upon the premises is an On-Premise Sign unless the land upon which the Sign is located is used for, or devoted to, a separate purpose unrelated to the principal activity advertised. For example, land adjacent to or adjoining a service station, but devoted to raising of crops, residence, or farmstead uses or other commercial or industrial uses having no direct relationship to the service station activity is a separate purpose unrelated to the principal activity advertised.~~

K. ~~Obsolescence of On-Premise Signs~~

1. ~~Upon the termination or cessation for one consecutive year of the activities, services or products advertised by an On-Premise Sign, the Sign advertising the~~

~~activity shall no longer qualify as an On-Premise Sign and shall be deemed illegal and subject to removal by the Department at the expense of the Sign owner.~~

~~L. On-Premise Signs – Right-of-Way Encroachment~~

- ~~1. On-Premise Signs shall be allowed to extend over existing right-of-way and future rights-of-way of any State Highway if:
 - ~~a. The Sign is attached to and extends from a building and only advertises activities or services offered in that building;~~
 - ~~b. The building and attached Sign is adjacent to the State Highway within a city, city and county, or incorporated town having authority over the State Highway pursuant to § 43-2-135, C.R.S.;~~
 - ~~c. The Sign does not restrict pedestrian traffic and is not a safety hazard to the motoring public; and~~
 - ~~d. Before erecting the Sign, the owner has obtained written permission from the city, city and county or incorporated town. [§ 43-1-421, C.R.S.]~~~~
- ~~2. No On-Premise Sign may encroach over an Interstate right-of-way nor any portion of a roadway.~~

~~M. Comprehensive Development On-Premise Signs~~

- ~~1. On-Premise Signs for Comprehensive Developments shall adhere to the requirements of On-Premise Signs in Rule 6.02.~~
- ~~2. A Comprehensive Development includes all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas.~~
- ~~3. A Comprehensive Development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for On-Premise advertising.~~
- ~~4. A Comprehensive Development is a group of two or more lots or parcels of land used primarily for multiple separate commercial or industrial activities and must meet all of the following requirements pursuant to § 43-1-403 (1.5)(a) and (b), C.R.S.:
 - ~~a. Is located entirely on one side of a highway;~~
 - ~~b. Consists of lots or parcels that are contiguous except for public or private roadways or driveways that provide access to the development;~~
 - ~~c. Has been approved by the relevant local government as a development with a common identity and plan for public and private improvements;~~
 - ~~d. Has common areas such as parking, amenities, and landscaping; and~~~~

- e. ~~Has an approved plan of common ownership in which the owners have recorded irrevocable rights to use common areas and that provides for the management and maintenance of common areas.~~

6.03 ~~Off-Premise Signs~~Advertising Devices

6.03.1 General Requirements

- A. ~~Off-Premise~~ Signs include:
 - 1. Signs in Areas Zoned for Commercial or Industrial Uses;
 - 2. Nonconforming Signs;
 - 3. ~~Directional and Official Signs~~Repealed; and
 - 4. Advertising Devices on Scenic Byways;;
 - 5. ~~Landmark Signs, and~~Repealed.
 - 6. ~~Free Coffee Signs~~Repealed.
- B. An ~~Off-Premise Sign~~Advertising Device shall comply with the requirements set forth in these Rules and 23 C.F.R. 750.108. All Signs shall not:

...

- 2. Interfere with a driver's clear and unobstructed view of ~~Official Signs~~official signs and approaching, intersecting or merging traffic; [23 C.F.R. 750.108(b)]

...

- C. No ~~Off-Premise Sign~~new Advertising Device shall be erected adjacent to a Scenic Byway, ~~except for Directional and Official Signs~~. [§ 43-1-419, C.R.S.]
- D. ~~An Off-Premise~~A Sign shall be considered abandoned if it meets the requirements of Rule 6.03.3-~~(B)~~.
- E. Measuring Distances between ~~Off-Premise~~ Signs [23 C.F.R. 750.103]

...

6.03.3 Sign Repairs [23 C.F.R. 750.707; § 43-1-413, C.R.S.]

...

- B. Abandoned, Discontinued or Obsolete Nonconforming Signs. [23 U.S.C. 131; 23 C.F.R. 750.707; § 43-1-413(2)(f), C.R.S.]

1. Abandoned or Discontinued Signs

- a. An abandoned or discontinued Sign is one that for one year or more ~~years displays out-of-date advertising matter, or~~ is without advertising matter, or is in need of substantial repair. Such Signs determined by the Department as abandoned or discontinued are subject to removal as Illegal Signs under § 43-1-412, C.R.S.

...

- C. Damage or Destruction of Nonconforming Signs. [23 C.F.R. 750.707(d)(6); § 43-1-413(2)(e), C.R.S.]

...

4. The Department shall determine whether a Sign has been damaged or destroyed to a degree that terminates the Nonconforming Sign's nonconforming status based on the schedule of compensation referenced in § 43-1-413(2)(e), C.R.S., as follows:

...

- d. The procedure under (1) through (5) below shall determine whether the damaged or destroyed Nonconforming Sign may be repaired or restored:

...

- (5) The Department shall make a determination whether the ~~sign~~ Sign may be repaired or restored based on (3) and

...

7.00 Signs in Areas Zoned by Law for Industrial or Commercial Uses

[23 C.F.R. 750.708; § 43-1-404(1)(e)(I); § 43-1-406(2)(b)(I) and (II), C.R.S.]

...

B. Size Requirements [§ 43-1-404(1), C.R.S.]

...

5. ~~Requirements for Signs Erected After 1970 Advertising Necessary Goods and Services. Repealed.~~
 - a. ~~Advertising Devices located along non-interstate Controlled Routes shall be subject to the following requirements:~~
 - (1) ~~Only inform the traveling public of necessary goods or services available within a five-mile radius of the Advertising Device. Necessary goods and services shall be limited to those set forth in § 43-1-404(1)(c)(I)(c), C.R.S.~~
 - (2) ~~No person providing necessary goods or services shall be eligible for more than two Advertising Devices.~~
 - (3) ~~The Advertising Device shall predominately display the name and location of the necessary goods or services advertised.~~
 - (4) ~~If the necessary goods and services are not available 12 months out of the year, the Sign must clearly display the dates such goods and services are available.~~

C. Lighting

1. Advertising Devices that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, ~~except those giving public service information, such as time, date, temperature, weather, or similar information.~~

...

D. Spacing of Signs

...

6. Signs that are not lawfully maintained, ~~and Official and On-Premise Signs as defined in 23 U.S.C. 131(c) and these Rules,~~ shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

8.00 **Directional and Official Signs**~~Repealed.~~

~~{§ 43-1-403(4), C.R.S.; 23 U.S.C 131(c)(1); 23 C.F.R. 750.105; 23 C.F.R. 750.153}~~

~~A. CDOT's Jurisdiction over Directional and Official Signs.~~

- ~~1. Directional and Official Signs under CDOT control are located within 660 feet of the right-of-way and Directional and Official Signs located beyond 660 feet of the right-of-way outside of Urban Areas, Visible from the Main Traveled Way of the system, and erected with the purpose of their message being read from such Main Traveled Way.~~
- ~~2. Urban Area means an area as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by CDOT and local officials, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census. [23 C.F.R. 750.153(t)]~~

~~B. Definitions. The Definitions listed below are specific to this Rule on Directional and Official Signs.~~

- ~~1. "Directional Sign" includes, but is not limited to:~~
 - ~~a. Signs containing directional information to facilitate emergency vehicle access to remote locations;~~
 - ~~b. Signs referring to public places owned or operated by federal, state, or local governments or their agencies;~~
 - ~~c. Publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites;~~
 - ~~d. Areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. 23 C.F.R. 750.153(r); § 43-1-403 (4) C.R.S.; or~~
 - ~~e. Public utility signs, service club and religious notices, and public service signs. [23 C.F.R. 750.153(m)]~~
- ~~2. A "Notice" for purposes of this section of the Rules is a temporary sign providing the content as stated in the "Official Sign" or "Public Utility Sign" definitions but which is posted for a limited time.~~
- ~~3. "Official Sign" is a Sign erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction pursuant to federal, state~~

or local law and for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by CDOT or local government agencies or nonprofit historical societies may be considered Official Signs. [23 C.F.R. 750.153 (n)] Official Signs shall not include Signs advertising any private business. [§43-1-403(13), C.R.S.]

4. ~~“Public Service Sign” located on school bus stop shelters:~~

- a. ~~Identifies the donor, sponsor, or contributor of said shelters;~~
- b. ~~Contains public service messages, which shall occupy not less than 50% of the area of the Sign;~~
- c. ~~Contains no other message;~~
- d. ~~Is located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or the Department; and~~
- e. ~~May not exceed 32 square feet in area. Not more than one Sign on each shelter shall face in any one direction. [23 C.F.R. 750.153(q)]~~

5. ~~“Public Utility Sign” means a warning sign, informational sign, notice, or marker that is customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations. [23 C.F.R. 750.153(o)]~~

6. ~~“Service club” or “Religious” signs or notices mean a sign or notice whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs or notices do not exceed 8 square feet in area. [23 C.F.R. 750.153(p)]~~

C. ~~Criteria for Directional Signs [23 C.F.R. 170.154(f)]~~

1. ~~Prohibited Signs. The following Directional Sign conditions are prohibited:~~

- a. ~~Directional Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those Signs or at the location of those activities.~~
- b. ~~Directional Signs that obscure or otherwise interfere with the effectiveness of any official traffic sign, signal or device, or obstruct or interfere with the driver’s view of approaching, merging, or intersecting traffic.~~
- c. ~~Directional Signs erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~
- d. ~~Directional Signs that are:~~
 - (1) ~~Obsolete;~~

- ~~(2) — Structurally unsafe or in disrepair;~~
- ~~(3) — Move or have any animated or moving parts;~~
- ~~(4) — Located in Rest Areas, Parklands or Scenic Areas.~~

~~2. — Size of Directional Signs~~

- ~~a. — No Directional Sign shall exceed the following limits, including border and trim, but exclude supports:~~

~~Maximum area — 150 square feet;~~

~~Maximum height — 20 feet;~~

~~Maximum length — 20 feet.~~

~~3. — Lighting of Directional Signs~~

- ~~a. — The following lighting conditions are prohibited:~~

~~(1) — Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights.~~

~~(2) — Signs that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle.~~

~~(3) — Signs that are illuminated so as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.~~

~~4. — Spacing of Directional Signs~~

- ~~a. — Each location of a Directional Sign must be approved by the Department.~~

~~b. — No Directional Sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the Main Traveled Way).~~

~~c. — No Directional Sign may be located within 2,000 feet of a Rest Area, Parkland, or Scenic Area. A scenic area means any public park or area of particular scenic beauty or historical significance designated by or pursuant to state law as a scenic area.~~

- d. ~~No two Directional Signs facing the same direction of travel shall be spaced less than one (1) mile apart;~~
- e. ~~Not more than three Directional Signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;~~
- f. ~~Directional Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and~~
- g. ~~Directional Signs located on other than the interstate system, including adjacent to the primary system, shall be within 50 air miles of the activity.~~

5. ~~Message Content~~

- a. ~~The message on Directional Signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers.~~

~~Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.~~

D. ~~Directional Signs Pertaining to Privately-Owned Activities [23 C.F.R. 750.154]~~

- 1. ~~Privately owned activities or attractions eligible for Directional Signing must meet the requirements of these Rules and state and federal law, and must be nationally or regionally known, and of outstanding interest to the traveling public. "Outstanding interest to the travelling public" for purposes of these Rules means for edification and enjoyment of the travelling public and not specifically to generate income for the activity. [23 C.F.R. 750.154 (f)(1) and (2)]~~
- 2. ~~Privately owned activities or attractions eligible for Directional Signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites, and outdoor recreational areas.~~
- 3. ~~To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.~~

9.00 Advertising Devices on Scenic Byways

[§ 43-1-419, C.R.S.; 23 U.S.C. 131(s)]

...

- B. No new Advertising Device shall be erected along a Scenic Byway that is visible from the Controlled Route, ~~with the exception of:~~

- ~~1. Official Signs;~~
- ~~2. On-Premise Signs; and~~
- ~~3. Directional Signs.~~

...

10.00 ~~Landmark Signs~~ Repealed.

- A. ~~No Landmark Signs have been established in Colorado pursuant to 23 C.F.R. 750.710 (a) and (b).~~

11.00 ~~Free Coffee Signs~~ Repealed.

~~{23 U.S.C. 131(c)}~~

- A. ~~Signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on an interstate or primary system may be located within the Control Area. Free coffee shall include coffee for which a donation may be made but is not required.~~

12.00 ~~Off-Premise~~ CEVMS Advertising Devices

- A. Authority. The Department has authority to control the brightness, intervals, spacing and location of ~~Off-Premise~~ CEVMS Advertising Devices along Controlled Routes for the purpose of ensuring safety to the travelling public. [23 USC 131 (c) (3) and (j); 23 C.F.R. 750.705; § 43-1-404(1)(f), and § 43-1-415(1), C.R.S.]
- B. Definitions

...

9. ~~“Public Service Information” means a message on an electronic Sign which provides the time, date, temperature, weather, or information concerning civic or charitable activities~~ Repealed.

...

- C. General Requirements

...

2. Location

- a. No CEVMS may be placed within 1,000 feet of another CEVMS on the same side of a highway and facing the same direction of travel. ~~On-Premise Signs inside 50 feet of the advertised activity are not counted for purposes of this spacing requirement.~~ [§ 43-1-404(1)(f)(I), C.R.S.]
- b. A CEVMS shall not prevent the driver of a vehicle from having a clear and unobstructed view of ~~Official Signs~~ official signs and approaching or merging traffic.

...

5. Operational Requirements Specific to ~~Off-Premise~~ CEVMS Advertising Devices

...

Section 5. Effective Date

The emergency rules are effective August 04, 2021.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00488

Opinion of the Attorney General rendered in connection with the rules adopted by the

Executive Director

on 08/04/2021

2 CCR 601-3

RULES GOVERNING OUTDOOR ADVERTISING IN COLORADO

The above-referenced rules were submitted to this office on 08/04/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 23, 2021 14:23:06

A handwritten signature in blue ink, appearing to read "P. J. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Regulatory Agencies

Agency

Public Utilities Commission

CCR number

4 CCR 723-2

Rule title

4 CCR 723-2 RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES 1 - eff 07/29/2021

Effective date

07/29/2021

Expiration date

11/26/2021

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND

PROVIDERS OF TELECOMMUNICATIONS SERVICES

* * * *

[indicates omission of unaffected rules]

Basic Emergency Service

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; (6) explicitly recognize the potential for multiple BESPs in Colorado; and (7) prescribe the process for the establishment of the annual threshold, surcharge, and prepaid wireless 9-1-1 charge amounts.

The statutory authority for the promulgation of these rules is found at §§ 29-11-101.5; 29-11-102; 29-11-102.3; 29-11-102.5(2)(c); 29-11-102.7(2); 29-11-103; 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

* * * *

[indicates omission of unaffected rules]

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 access connection" means any communications service including wireline, wireless cellular, interconnected voice-over-internet-protocol, or satellite in which connections are enabled,

configured, or capable of making 9-1-1 calls. The term does not include facilities-based broadband services. The number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.

- (c) "9-1-1 call" means a request for emergency assistance from the public by dialing 9-1-1 or addressing the ESInet regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.
- (d) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (e) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (f) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (g) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.
- (h) "9-1-1 surcharge" or "state 9-1-1 surcharge" means the surcharge established pursuant to § 29-11-102.3, C.R.S.
- (i) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (j) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.
- (k) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (l) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.

- (m) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
- (I) the portion of a 9-1-1 call provided by an originating service provider;
 - (II) the services provided by an intermediary aggregation service provider;
 - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
 - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
 - (V) the delivery of text-to-9-1-1 via interim methods.
- (n) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (o) "Concurrent session" means a channel for an inbound simultaneous 9-1-1 call.
- (p) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.
- (q) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
- (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;
 - (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and
 - (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
 - (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (r) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.

- (s) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (t) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (u) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (v) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (w) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
 - (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (x) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (y) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (z) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (aa) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

* * * *

[indicates omission of unaffected rules]

2148. Process for the Establishment of Annual Emergency Telephone Charge Threshold, State 9-1-1 Surcharge Rate, Wireless Prepaid 9-1-1 Surcharge Rate, and Associated Fund Distribution Schedules.

- (a) On or before August 1 of each year, the Commission shall initiate a proceeding to be concluded on or before October 1 to establish the emergency telephone charge threshold, a statewide 9-1-1 surcharge, a wireless prepaid 9-1-1 charge, a distribution schedule for the funds raised by the state 9-1-1 surcharge, and a distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge for the following calendar year.
 - (I) The emergency telephone charge threshold:
 - (A) shall take into account inflation through the consideration of historical data and future projections; and
 - (B) shall take into account the needs of governing bodies through the consideration of historical data, inflation rates, the rate of increase of the average emergency telephone charge, comments provided under this rule, and other factors the Commission deems relevant.
 - (II) The 9-1-1 surcharge:
 - (A) shall not exceed fifty cents per month per 9-1-1 access connection;
 - (B) shall be calculated to meet the needs of governing bodies to operate the 9-1-1 system by considering historical data, costs to the 9-1-1 governing bodies of basic emergency service tariffs, comments provided under this rule, and other factors the Commission deems relevant; and
 - (C) shall be uniform, regardless of the technology used to provide the 9-1-1 access connection.
 - (III) The wireless prepaid 9-1-1 charge shall be calculated by determining the average of all local emergency telephone charges as they existed on July 1 of that year plus the amount of the statewide 9-1-1 surcharge established by the Commission for the upcoming year.
 - (IV) The distribution schedule for the funds raised by the state 9-1-1 surcharge shall be based on the number of concurrent sessions at all of the PSAPs associated with a governing body as a percentage of the total number of concurrent sessions statewide.
 - (V) The distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge shall be based on the wireless 9-1-1 call volume at all of the PSAPs associated with a governing body as a percentage of the total number of wireless 9-1-1 calls received by all PSAPs statewide.
- (b) The decision initiating this proceeding shall be accompanied by proposed amounts and distribution schedules as described in (a) (I) through (V) for comment.

- (c) The wireless prepaid 9-1-1 charge rate and wireless prepaid 9-1-1 distribution schedule shall be transmitted to the Colorado Department of Revenue on or before October 1.
- (d) The new rates and distribution schedules established by this proceeding shall take effect on the following January 1.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0364T

IN THE MATTER OF TEMPORARY RULES REGARDING THE PROCESS TO IMPLEMENT HOUSE BILL 20-1293 TO SET THE 2022 9-1-1 EMERGENCY TELEPHONE CHARGE THRESHOLD, 9-1-1 SURCHARGE, AND PREPAID WIRELESS 9-1-1 CHARGE, AND FORMULAS FOR DISTRIBUTION OF THE 9-1-1 SURCHARGE AND PREPAID WIRELESS 9-1-1 SURCHARGE.

DECISION ADOPTING TEMPORARY RULES

Mailed Date: July 29, 2021

Adopted Date: July 21, 2021

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission adopts temporary rules to comply with the additions of or amendments to §§ 24-33.5-2103, 25-3.5-903, 29-11-100 to -107, 39-21-113 and 119.5, and 40-2-131, C.R.S., pursuant to House Bill (HB) 20-1293. Among its requirements, §§ 29-11-100.2 through 102.5, C.R.S., include that the Commission, by October 1, 2020, and each October 1 thereafter, must establish: (1) the authorized threshold amount above which applications are required to increase the local Emergency Telephone Charge; (2) a statewide 9-1-1 surcharge; (3) a prepaid wireless 9-1-1 surcharge; and (4) formulas for the distribution of money from the statewide 9-1-1 surcharge and the wireless prepaid 9-1-1 charge. In order to comply with these statutory requirements by October 1, 2021, thereby protecting the public health, welfare, and safety by continuing required 9-1-1 service provision statewide, we find it imperatively necessary to adopt temporary rules.

2. These temporary rules set forth processes and procedures to allow the Commission to establish the items listed above, on or before October 1, 2021.¹ These temporary rules are effective for the earlier of 210 days from the effective date of this Decision, or until the Commission issues permanent rules to implement HB 20-1293. *See* § 40-2-108(2), C.R.S. For the reasons set forth in this Decision, we have the authority to adopt temporary rules under § 24-4-103(6), C.R.S.

3. The Commission is currently addressing permanent rules to implement HB 20-1293, including permanent rules for the Commission's determination of charges and formulas each year by October 1, through the rulemaking in Proceeding No. 21R-0099T opened March 3, 2021. However, permanent rules are not expected to be effective in time for the Commission to use permanent rules to establish the required charges and formulas by October 1, 2021.²

4. The Commission previously issued temporary rules to allow it to meet the statutory deadline of October 1, 2020. However, those rules have now expired, thus necessitating the need for a second set of temporary rules until the permanent rulemaking is complete.³

¹ Subsequent to the issuance of these temporary rules, the Commission will open a proceeding to establish the required threshold, the 9-1-1 surcharge rate, the prepaid wireless 9-1-1 surcharge rate, and the distribution formulas, consistent with the temporary rule processes adopted.

² See Proceeding No. 21R-0099T. While the permanent proposed rules are nearly complete, including a majority of provisions that were proposed through consensus stakeholder processes, Boulder Regional Emergency Telephone Service Authority (BRETSA) filed exceptions to the Recommended Decision No. R21-0297, issued May 20, 2021. The Commission addressed the exceptions through a separate order in Proceeding No. 21R-0099T. However, given the processes required in § 40-6-109, C.R.S. in conjunction with rulemaking processes in Title 24, the permanent rules are not yet final. BRETSA does not challenge the proposed rule processes to establish required findings by October 1, and no other participant filed exceptions.

³ See Decision No. C20-0599, Proceeding 20R-0335T issued August 17, 2020.

B. Background

5. On July 10, 2020, the Governor signed HB 20-1293, which requires the Commission to annually establish the authorized threshold amount above which applications are required to increase the local Emergency Telephone Charge, a statewide 9-1-1 surcharge, a prepaid wireless 9-1-1 charge, and formulas for distribution of money from the statewide 9-1-1 surcharge and prepaid wireless 9-1-1 charge to the governing bodies. HB 20-1293 also allows the Commission to promulgate rules to resolve disputes regarding the collection, payment, remittance, and audit of the Emergency Telephone Charge and the statewide 9-1-1 surcharge, and to impose penalties for noncompliance with certain statutory provisions and Commission rules. HB 20-1293 adds §§ 29-11-100.2, 29-11-101.5, 29-11-102.3, 29-11-107, 39-21-113, C.R.S., repeals §§ 29-11-100.5, 29-11-106, C.R.S., repeals and reenacts, with amendments, §§ 29-11-101, 29-11-102, 29-11-103, C.R.S., and amends §§ 24-33.5-2103, 25-3.5-903, 29-11-102.5 through 102.7, 29-11-104 through 105, 39-21-119.5, and 40-2-131, C.R.S. The statutory changes took effect immediately upon enactment but impose requirements by various dates.

6. A summary of the statutory changes to be implemented through the temporary rules adopted by this Decision are as follows:

- a) Governing bodies may pay for costs for the operation of emergency telephone service as described in § 29-11-104, C.R.S., by imposing an Emergency Telephone Charge on service users. Governing bodies must annually establish the amount of the Emergency Telephone Charge per month per 9-1-1 access connection, and if the amount is greater than the authorized threshold amount, the governing body must obtain prior Commission approval. Currently and through December 31, 2021, the authorized threshold amount is \$1.72 per month per 9-1-1 access connection.⁴ HB 20-1293 requires the Commission to establish the authorized threshold amount on or before October 1 of each year to be effective January 1 of the

⁴ See Decision No. C20-0690, Proceeding 20M-0337T issued September 29, 2020.

following year. The Commission must take into account inflation and the needs of the governing bodies in setting the authorized threshold amount. § 29-11-102, C.R.S.

- b) HB 20-1293 imposes a statewide 9-1-1 surcharge on service users in an amount to be established by the Commission on or before October 1 of each year to be effective January 1 of the following year. Currently and through December 31, 2021, the surcharge is set at \$0.10 per month per 9-1-1 access connection. The surcharge amount may not exceed \$0.50 per month per 9-1-1 access connection, and the amount must be reasonably calculated to meet the needs of the governing bodies to operate the 9-1-1 system. § 29-11-102.3, C.R.S.
- c) The Commission must establish a formula for distribution of money collected from the statewide 9-1-1 surcharge to the governing bodies by October 1 of each year to take effect on the following January 1. The formula must be based on the number of concurrent sessions maintained by the public safety answering points (PSAPs) of each governing body. § 29-11-102.3(3)(c)(III), C.R.S.
- d) Currently and through December 31, 2021, buyers in prepaid wireless telecommunications services retail transactions are assessed a \$1.38 per transaction wireless prepaid 9-1-1 charge. HB 20-1293 requires the Commission to establish the charge on or before October 1 of each year to be effective January 1 of the following year. The prepaid wireless 9-1-1 charge is to be calculated by adding the average of the local Emergency Telephone Charge amounts as of July 1 of that year and the amount of the statewide 9-1-1 surcharge amount established by the Commission for the following year. § 29-11-102.5, C.R.S.
- e) The Commission must establish a formula for the distribution of money collected from the prepaid wireless 9-1-1 charge to the governing bodies by October 1 of each year to take effect the following January 1. The formula must be based on the number of wireless 9-1-1 calls received by the PSAPs of each governing body. § 29-11-102.5(3)(e)(III), C.R.S.

C. Findings and Conclusions

7. The Commission, through the promulgation of rules, develops and implements processes and procedures to establish by October 1, 2021, the emergency telephone charge threshold, 9-1-1 surcharge rate, prepaid wireless 9-1-1 charge rate, and distribution formulas required by HB 20-1293. The processes and procedures set by this Decision are limited to those items that must be established by October 1, 2021. We recognize that statutory changes require

further Commission action and additional rules, and these are being addressed through a concurrent permanent rulemaking.

8. The Commission may adopt a temporary rule without engaging in the processes required by the Administrative Procedure Act for a permanent rule “only if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of [the section to complete a permanent rulemaking] would be contrary to the public interest and makes such a finding on the record.” § 24-4-103(6), C.R.S. For the reasons stated below, we find that immediate adoption of these temporary rules is imperatively necessary to comply with state law and to provide for the health, safety, and welfare of the public.

9. Section 29-11-100.2, C.R.S., states that “dialing 911 is the most effective and familiar way the public has of seeking emergency assistance,” that “[b]asic emergency service... is fundamentally a government concern and the exercise of police powers for the protection and betterment of the health, safety, security, and welfare of the public,” and that HB 20-1293 “is intended to provide funding mechanisms for the continued technological advancement of emergency telephone service for all users of the system.” In § 19 of HB 20-1293, the general assembly found that the act is “necessary for the immediate preservation of the public peace, health, or safety.”

10. The portions of HB 20-1293 relating to the Emergency Telephone Charge threshold amount, statewide 9-1-1 surcharge, prepaid wireless 9-1-1 charge, and distribution formulas require Commission action by October 1 of each year so that these items may be in effect by January 1 of the following year. Additionally, the telecommunications service providers and retailers responsible for collecting and remitting the emergency telephone charge,

9-1-1 surcharge, and prepaid wireless 9-1-1 charge require time to make modifications to their internal systems to comply with the changes in these rates. Awaiting completion of the permanent rulemaking already underway under Title 24 would delay the process beyond the October 1, 2021 deadlines, and would prevent timely implementation of any necessary changes to the funding mechanisms intended to support basic emergency services and the health, safety, security, and welfare of the public.

11. Through HB 20-1293, the General Assembly established the mechanisms by which appropriate and necessary funds needed to support the emergency telephone service may be generated. Adoption of temporary rules would allow the Commission to meet the deadlines imposed by the statute and will timely address the need for additional funds to support the emergency telephone service for the benefit of all users of the system.

12. We find that these matters require our immediate and continuing attention to comply with state law and to protect the health, safety, and welfare of the public, which uses the emergency telephone system “as the most effective and familiar way... of seeking emergency assistance.” We also find that the time that will transpire before completing a permanent rulemaking on these issues would prevent fulfillment of HB 20-1293’s October 1 deadlines and would risk the health, safety, and welfare of the public which depends on an adequately-funded emergency telephone system. Thus, we immediately adopt temporary rules addressing the establishment of certain funding mechanisms that are imperatively necessary to timely comply with state law and to preserve public health, safety, and welfare.

13. By this Decision, we adopt temporary rules that accomplish the following:

- a) set forth the processes and procedures by which the Commission will establish the authorized threshold amount;

- b) set forth the processes and procedures by which the Commission will establish the statewide 9-1-1 surcharge amount;
- c) set forth the processes and procedures by which the Commission will establish the prepaid wireless 9-1-1 charge; and
- d) set forth the processes and procedures by which the Commission will establish the formulas for distribution of money from the statewide 9-1-1 surcharge and the prepaid wireless 9-1-1 charge to the governing bodies.

14. The temporary rules shall be effective on the mailed date of this Decision and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

15. The temporary rules in legislative (strikeout and underline) format, Attachment A, and the temporary rules in final version format, Attachment B, and a copy of HB 20-1293 are available through the Commission's E-Filing system⁵ at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0364T

II. ORDER

A. The Commission Orders That:

1. The rules in final version format available in this proceeding through the Commission's E-Filings system are hereby adopted as temporary rules consistent with the above discussion.

2. The temporary rules shall be effective on the mailed date of this Decision.

⁵ From the Electronic Filings (E-Filings) system page (<https://www.dora.state.co.us/pls/efi/EFI.homepage>), the rules can also be accessed by selecting "Search" and entering this proceeding number, 21R-0364T, in the "Proceeding Number" box and then selecting "Search."

3. The 20-day period provided in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 21, 2021.**

(S E A L)



ATTES2T: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00447

Opinion of the Attorney General rendered in connection with the rules adopted by the

Public Utilities Commission

on 07/29/2021

4 CCR 723-2

**RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF
TELECOMMUNICATIONS SERVICES**

The above-referenced rules were submitted to this office on 07/29/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 18, 2021 11:00:08

A handwritten signature in blue ink, appearing to read 'P. J. Weiser'.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Regulatory Agencies

Agency

Public Utilities Commission

CCR number

4 CCR 723-2

Rule title

4 CCR 723-2 RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES 1 - eff 08/11/2021

Effective date

08/11/2021

Expiration date

12/09/2021

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

* * * *

[indicates omission of unaffected rules]

Basic Emergency Service

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; (6) explicitly recognize the potential for multiple BESPs in Colorado; (7) prescribe the processes for the establishment of the annual threshold, surcharge, and charge amounts; and (8) prescribe the process for the collection and distribution of state 9-1-1 surcharge funds.

The statutory authority for the promulgation of these rules is found at §§ 29-11-101.5; 29-11-102; 29-11-102(2)(b); 29-11-102.3; 29-11-102.5 (2)(c); 29-11-102.7(2); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

2130. Applicability.

- (a) Except as otherwise provided, rules 2130 through 2159 apply to BESPs.
- (b) Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.
- (c) Rules 2147 through 2151 are applicable to 9-1-1 governing bodies and telecommunications service providers.

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 access connection" means any communications service including wireline, wireless cellular, interconnected voice-over-internet-protocol, or satellite in which connections are enabled, configured, or capable of making 9-1-1 calls. The term does not include facilities-based broadband services. The number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.
- (c) "9-1-1 call" means a request for emergency assistance from the public by dialing 9-1-1 or addressing the ESInet regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.
- (d) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (e) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (f) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (g) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.
- (h) "9-1-1 surcharge" or "state 9-1-1 surcharge" means the surcharge established by § 29-11-102.3, C.R.S.
- (i) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (j) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.

- (k) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (l) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.
- (m) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
 - (I) the portion of a 9-1-1 call provided by an originating service provider;
 - (II) the services provided by an intermediary aggregation service provider;
 - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
 - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
 - (V) the delivery of text-to-9-1-1 via interim methods.
- (n) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (o) "Concurrent session" means a channel for an inbound simultaneous 9-1-1 call.
- (p) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.
- (q) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
 - (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;
 - (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and

- (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
- (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (r) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.
- (s) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (t) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (u) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (v) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (w) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
 - (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (x) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (y) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (z) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (aa) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location

subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

* * * *

[indicates omission of unaffected rules]

2150. Administration of the 9-1-1 Surcharge Trust Cash Fund.

- (a) This rule does not apply to 9-1-1 access connections provided via prepaid wireless telecommunications services or emergency telephone charges remitted to governing bodies pursuant to § 29-11-102, C.R.S. The 9-1-1 surcharge is a statewide surcharge applied to all 9-1-1 access connections in the state of Colorado, and is separate from the local emergency telephone charges that originating service providers are required to collect and remit pursuant to 29-11-102, C.R.S., the wireless prepaid 9-1-1 charge imposed upon retail transactions of prepaid wireless service pursuant to 29-11-102.5 C.R.S. and 1 CCR 201-5, Special Rule 43, the Colorado Telecommunications Relay Service (TRS) charge imposed pursuant to § 40-17-101 C.R.S., et seq., and 4 CCR 723-2-2827(b), and the prepaid wireless TRS charge imposed pursuant to § 29-11-102.7, C.R.S., and 201-5, Special Rule 43.
- (b) The Commission shall determine, and by appropriate order, impose a uniform 9-1-1 surcharge on each 9-1-1 access connection per month in a uniform amount. The surcharge amount will be available on the Commission's website at least 60 days prior to its effective date.
- (c) All originating service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado using the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge registration form. This form is available from the Commission and on its website, and shall be filed through the Commission's E-Filing System. Originating service providers shall provide an updated form within 15 days of any change of the information previously provided to the Commission including for any discontinuance of service. All TRS and 9-1-1 registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (d) 9-1-1 surcharge.
 - (I) Effective January 1, 2021, all originating service providers shall collect and remit the 9-1-1 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. The surcharge shall be assessed on each 9-1-1 access connection provided to that service user. Such surcharges shall be billed monthly and remitted as directed by the Commission using the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form, as discussed in paragraph (e).
 - (II) With respect to multi line telephone systems, the number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.

- (III) If the originating service provider lists fees separately on its bill to the customer, the 9-1-1 surcharge shall be listed separately as the "Colorado 911 Surcharge." The listing for this charge and the local emergency telephone charge authorized by § 29-11-102, C.R.S. may not be combined on the bill presented to the customer.
 - (IV) The 9-1-1 surcharge is the liability of the service user and not of the originating service provider; except that the originating service provider is liable to remit all emergency service charges that the originating service provider collects from service users. An originating service provider is liable only for the 9-1-1 surcharge collected until it is remitted to the Commission. The amount remitted by the originating service provider must reflect the Colorado 9-1-1 surcharges actually collected on the number of 9-1-1 access connections provided in Colorado by the originating service provider.
 - (V) Each originating service provider may retain from the total 9-1-1 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each originating service provider shall remit the amount the provider collects each month, less the applicable vendor fee, no later than the last day of the following month. If the last day of the month is a legal holiday, then the remittance shall be due the next business day.
 - (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (e) Combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form.
- (I) Each remittance shall be accompanied by a completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form that includes information for each month remitted. This form is available from the Commission or its website.
 - (A) The combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.
 - (B) Regardless of the method of payment, the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.
 - (C) Originating service providers shall submit all surcharge remittances to the custodial receiver directly.

- (D) If payments are made by physical check, the completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall also be enclosed with the check.

- (f) All remittances of 9-1-1 surcharges received by the Commission pursuant to this section shall be deposited in the 9-1-1 surcharge trust cash fund established pursuant to § 29-11-102.3(3)(I), C.R.S.

2151. Use and Distribution of 9-1-1 Surcharge Trust Cash Fund

- (a) The Commission may withdraw from the 9-1-1 surcharge trust cash fund an amount up to four percent of the total amount of the fund necessary for direct and indirect costs of administering the collection and remittance of the 9-1-1 surcharge, including costs related to conducting audits of service suppliers. Any funds withdrawn by the Commission for this purpose must be returned to the 9-1-1 trust cash fund if the Commission determines that the funds are not necessary.
- (b) Annually by October 1, the Commission shall calculate the percent of collected funds to be distributed to each governing body. This calculation shall be made by dividing the number of sessions to which a governing body subscribes by the total number of concurrent sessions statewide. The calculated percentages established on October 1 by the Commission shall be effective beginning on January 1 of the following calendar year.
- (c) Commission staff shall obtain the number of concurrent sessions for each governing body used in the calculation referenced in paragraph (b) from the BESP. Reductions in the number of concurrent sessions shall be reflected in the calculation. Increases in the number of concurrent sessions shall only be reflected in the calculation following an application process as described in paragraph (f).
- (d) On a monthly basis, the Commission shall distribute to each governing body the total funds received into the 9-1-1 surcharge trust cash fund, less the administrative retention fee authorized in paragraph (a), as percentages as determined by the method described in paragraph (b). These distributions shall be made via ACH bank transfer to each governing body.
- (e) For the purposes of paragraph (b), the number of concurrent sessions at each governing body may only be adjusted annually at the time that the Commission establishes the formula for distribution for the following calendar year.
- (f) A 9-1-1 governing body may file an application to adjust its number of concurrent sessions for the purposes of the distribution of funds under this section no more than once per year.
 - (I) Applications for adjustment of the number of concurrent sessions must be approved by the Commission by September 1 in order to be considered for in the distribution formula to be set on October 1. Applications approved after September 1 will be considered for the next distribution to be established in the following year.
 - (II) Applications for this purpose shall be filed with this Commission and processed in accordance with the Commission's Rules of Practice and Procedure and in accordance with rule 1204. The Commission may provide a form for this purpose, consistent with

these rules. In addition to the information required by paragraph (b) of rule 2002, applications must contain the following information:

- (A) the current number of concurrent sessions at each of the PSAP(s) associated with the governing body;
 - (B) the total volume of calls delivered to the PSAP(s) associated with the governing body via the existing concurrent sessions over the previous 12 months of operation;
 - (C) peak volume statistics relevant to the governing body's request to change its number of concurrent sessions; and
 - (D) any other information that the governing body deems relevant to its request to change its number of concurrent sessions.
- (III) No public notice shall be required in conjunction with this application.

* * * *

[indicates omission of unaffected rules]

2827. Administration of the Colorado Telephone Users with Disabilities Fund.

- (a) Fund administration. The Commission shall determine, and by appropriate order, impose a uniform charge on each commercial and residential access line in a uniform amount. In order to adjust the uniform charge the Commission requires certain information.
 - (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
 - (II) The monthly uniform charge, per telephone access line, as determined by the Commission, shall not exceed 15 cents.
 - (III) All voice service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado using the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge registration form. This form is available from the Commission or on its website, and shall be filed through the Commission's E-Filing System. Voice service providers shall provide an updated form within 15 days of any change in the information previously provided to the Commission including for any discontinuance of service. All TRS registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (b) Uniform charge.

- (I) All voice service providers shall collect and remit the TRS charge assessed on each telephone access line for which the primary service address, if known or billing address, if service address is unknown, is within the state of Colorado. Such charges shall be billed monthly and remitted as directed to the Commission using the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form, as discussed in paragraph (c).
 - (II) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed monthly to each access line provided by each voice service provider. Each multiline voice communication service that is capable of simultaneous outbound calling shall constitute a separate telephone access line; however, the number of telephone access lines for which a customer may be assessed a monthly charge cannot exceed the number of outbound voice calls that the voice service provider has enabled and activated to be made simultaneously.
 - (III) A seller of prepaid wireless service shall collect a prepaid wireless TRS charge from a consumer, pursuant to § 29-11-102.7, C.R.S. and remit the charge to the Department of Revenue. The Department of Revenue shall transmit the money collected to the State Treasurer for deposit into the Colorado Telephone Users with Disabilities Fund, created in § 40-17-104(1), C.R.S.
 - (IV) The TRS charge shall not be assessed or collected on any federally supported Lifeline service or customer. Each provider exempt from collecting the uniform charge on a Lifeline customer shall maintain complete documentation and shall make such documentation available to the Commission upon request.
 - (V) The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each voice service provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Surcharge."
 - (VI) Each voice service provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider.
 - (VII) Effective January 1, 2021, each voice service provider shall remit no later than the last day of the following month and as directed by the Commission, the amount the provider collected for the previous month, less the applicable vendor fee.
 - (VIII) Prior to January 1, 2021, each voice service provider shall remit no later than 30 days after the end of each quarter and as directed by the Commission, the amount collected for the three months in the prior quarter, less the applicable vendor fee.
 - (IX) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (c) Combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form.

- (I) Each remittance shall be accompanied by a completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form that includes information for each month remitted. This form is available from the Commission or its website.
 - (A) The combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.
 - (B) Regardless of the method of payment, the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.
 - (C) Voice service providers shall submit all surcharge remittances to the TRS custodial receiver directly.
 - (D) If payments are made by physical check, the completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall also be enclosed with the check.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0376T

IN THE MATTER OF TEMPORARY RULES REGARDING THE PROCESS TO
IMPLEMENT HOUSE BILL 20-1293 TO ESTABLISH PROCESSES FOR THE
REMITTANCE AND DISTRIBUTION OF STATE 9-1-1 SURCHARGE FUNDS.

DECISION ADOPTING TEMPORARY RULES

Mailed Date: August 11, 2021
Adopted Date: August 4, 2021

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Commission adopts temporary rules to comply with the additions of, or amendments to, §§ 24-33.5-2103, 25-3.5-903, 29-11-100 to -107, 39-21-113 and 119.5, and 40-2-131, C.R.S., pursuant to House Bill (HB) 20-1293. Among its requirements, § 29-11-100.2 through 102.5, C.R.S., include that: (1) the Commission, by January 1, 2021, be prepared to receive remittances from originating service providers from the state 9-1-1 surcharge, created by § 29-11-102.3, C.R.S.; (2) the Commission establish procedures for the distribution of those funds to the 9-1-1 governing bodies; and (3) the Commission promulgate rules concerning changes to the number of concurrent sessions for which a governing body is reimbursed.¹ In order to comply with these statutory requirements, thereby protecting the public health, welfare, and safety by continuing required 9-1-1 service provisions statewide, we find it imperatively necessary to adopt temporary rules.

¹ § 29-11-102.3(3)(c)(III), C.R.S.

2. These temporary rules set forth processes and procedures governing the continued remittances made to the Commission of state 9-1-1 surcharge funds, the continued distribution of such funds to 9-1-1 governing bodies, and applications for a 9-1-1 governing body to change the number of concurrent sessions for which it is reimbursed. These temporary rules are effective for 210 days from the effective date of this Decision, or until the Commission issues permanent rules to implement HB 20-1293. *See* § 40-2-108(2), C.R.S.

3. The Commission is currently addressing permanent rules to implement HB 20-1293, including permanent rules for the remittance and distribution of 9-1-1 surcharge funds and changes to the number of concurrent sessions, through the rulemaking in Proceeding No. 21R-0099T opened March 3, 2021.

4. The Commission previously issued temporary rules on the processes for remittance and distribution of state 9-1-1 surcharge funds, as well as the process governing an Application by a 9-1-1 governing body to increase the number of concurrent sessions to be considered in the distribution schedule for the state 9-1-1 funds.² However, those rules have now expired, thus necessitating a second set of temporary rules until the permanent rulemaking is complete.

B. Discussion, Findings, and Conclusions

5. On July 10, 2020, the Governor signed HB 20-1293, which, in addition to numerous other revisions related to the provision of emergency telephone service, required the Commission to set a new statewide 9-1-1 surcharge by October 1, 2020, to take effect on January 1, 2021. HB 20-1293 required that beginning on January 1, 2021, the 9-1-1 surcharge must be remitted to the Commission on a monthly basis in a manner established by the

² *See* Decision No. C20-0795, Proceeding No. 20R-0480T issued November 10, 2020.

Commission and distributed to 9-1-1 governing bodies according to a formula based on the number of concurrent sessions maintained by the public safety answering points of each governing body. Additionally, HB 20-1293 directed the Commission to promulgate rules concerning changes to the number of concurrent sessions for which a governing body is reimbursed.

6. In order to implement HB 20-1293 timely, temporary rules were implemented in Proceeding No. 20R-0335T to establish, by October 1, 2020, the process by which the Commission proposed and approved the threshold at which Applications are required for increasing Emergency Telephone Charges by a governing body; the rate of the state 9-1-1 surcharge; the wireless prepaid 9-1-1 charge; and a distribution schedule for the disbursement of state 9-1-1 surcharge funds to the 9-1-1 governing bodies.³ Temporary rules were implemented in Proceeding No. 20R-0480T to set forth the processes for remittance and distribution of state 9-1-1 surcharge funds, as well as the process governing an Application by a 9-1-1 governing body to increase the number of concurrent sessions to be considered in the distribution schedule for the state 9-1-1 funds.

7. Both sets of temporary rules expired. Through Proceeding No. 21R-0364T, the Commission adopted a second set of temporary rules to replace those initially adopted in Proceeding No. 20R-0335T. However, the Commission did not re-establish the remittance procedure, nor did it re-establish the procedure by which the Commission distributes those funds to the state's 9-1-1 governing bodies, nor the process by which 9-1-1 governing bodies may apply to change the number of concurrent sessions they have for the purposes of the distribution

³ See Decision Nos. C20-0599 issued on August 17, 2020 in Proceeding No. 20R-0335T and C20-0690 issued September 29, 2020 in Proceeding No. 20M-0337T.

schedule. For the continued implementation of HB 20-1293, these remittance and distribution processes must be in place. Through this proceeding, we adopt a second set of temporary rules to replace those initially adopted in Proceeding No. 20R-0480T. We recognize that statutory changes require further Commission action and additional rules, and these are being addressed through a concurrent permanent rulemaking.

8. The Commission may adopt a temporary rule without engaging in the processes required by the Administrative Procedure Act for a permanent rule “only if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of [the section to complete a permanent rulemaking] would be contrary to the public interest and makes such a finding on the record.” § 24-4-103(6)(a), C.R.S. For the reasons stated below, we find that immediate adoption of these temporary rules is imperatively necessary to comply with state law and to provide for the health, safety, and welfare of the public.

9. Section 29-11-100.2(1), C.R.S., states that “dialing 911 is the most effective and familiar way the public has of seeking emergency assistance,” that “[b]asic emergency service... is fundamentally a government concern and the exercise of police powers for the protection and betterment of the health, safety, security, and welfare of the public,” and that HB 20-1293 “is intended to provide funding mechanisms for the continued technological advancement of emergency telephone service for all users of the system.” In § 19 of HB 20-1293, the General Assembly found that the act is “necessary for the immediate preservation of the public peace, health, or safety.”

10. The portions of HB 20-1293 dealing with the implementation of the state 9-1-1 surcharge and the distribution of those funds, require that service suppliers remit state

9-1-1 surcharges to the 9-1-1 surcharge trust cash fund on a monthly basis, and that the Commission distribute those funds within 60 days of receipt of those funds. With the distribution of those funds, it is also necessary for the Commission to have a process in place by which a 9-1-1 governing body may request to change the number of concurrent sessions it is being credited for the purposes of the distribution schedule. Awaiting completion of a permanent rulemaking already underway under Title 24 would leave the Commission, service suppliers, and 9-1-1 governing bodies without effective rules to govern ongoing remittances and distributions and requests to change the number of concurrent sessions for which a governing body is reimbursed. This would prevent the continued implementation of a funding mechanism intended to support basic emergency services and the health, safety, security, and welfare of the public.

11. Through HB 20-1293, the General Assembly recognized that additional funds are needed to support the emergency telephone service beginning January 1, 2021, and among other remedies outlined in the bill, chose a statewide 9-1-1 surcharge as an appropriate funding mechanism. Adoption of temporary rules allows the Commission to continue to meet the deadlines imposed by the statute and timely address the need for additional funds to support the emergency telephone service for the benefit of all users of the system.

12. We find that these matters require our immediate and continuing attention to comply with state law and to protect the health, safety, and welfare of the public, which uses the emergency telephone system “as the most effective and familiar way... of seeking emergency assistance.” We also find that the time that will transpire before completing a permanent rulemaking on these issues would prevent fulfillment of HB 20-1293’s deadlines and would risk the health, safety, and welfare of the public which depends on an adequately-funded emergency telephone system. Thus, we immediately adopt temporary rules addressing the establishment of

certain funding mechanisms that are imperatively necessary for the continued compliance with state law and to preserve public health, safety, and welfare.

13. As we determined in Proceeding No. 20R-0480T, in implementing these provisions, we find modifications to the Commission's existing rules regarding the remittance of Telecommunications Relay Service surcharges are warranted in these temporary rules. The goal of these changes is to continue to permit originating service providers to register with the Commission for the remittance of both state 9-1-1 surcharge funds and TRS surcharge funds using combined forms for both surcharges.

14. By this Decision, we adopt temporary rules that accomplish the following:
- a. set forth the processes and procedures by which service suppliers, also referred to in the rules as originating service providers, will continue to remit state 9-1-1 surcharge funds to the 9-1-1 trust cash fund;⁴
 - b. set forth processes and procedures by which the Commission will continue to distribute funds remitted to the 9-1-1 trust cash fund, excepting funds retained for actual administrative costs of up to 4 percent, to the 9-1-1 governing bodies of the State of Colorado;⁵
 - c. set forth processes and procedures by which 9-1-1 governing bodies may continue to apply to increase the number of concurrent sessions for which they are credited as part of the distribution schedule for funds from the 9-1-1 trust cash fund;⁶ and
 - d. synchronizes and combines the processes for the remittance of state 9-1-1 surcharge funds and the telecommunications relay service surcharges.⁷

⁴ See § 29-11-102.3(3)(a), C.R.S.

⁵ See § 29-11-102.3(3)(c)(I), C.R.S.

⁶ See § 29-11-102.3(3)(c)(III), C.R.S.

⁷ With the adoption of temporary rules on November 10, 2020, requirements for TRS surcharge remittances were changed from quarterly to monthly beginning in January of 2021. These temporary rules continue this change. See Decision No. C20-0795, Proceeding No. 20R-0480T.

15. The temporary rules shall be effective on the mailed date of this Decision, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

16. The temporary rules in legislative (strikeout and underline) format, Attachment A, the temporary rules in final version format, Attachment B, and a copy of HB 20-1293 are available through the Commission's E-filing system⁸ at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0376T

II. ORDER

A. The Commission Orders That:

1. The rules in final version format available in this proceeding through the Commission's E-Filings system are hereby adopted as temporary rules consistent with the above discussion.

2. The temporary rules shall be effective on the mailed date of this Decision.

3. The 20-day period provided in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

⁸ From the Electronic Filings (E-Filings) system page (<https://www.dora.state.co.us/pls/efi/EFI.homepage>), the rules can also be accessed by selecting "Search" and entering this proceeding number, 21R-0376T, in the "Proceeding Number" box and then selecting "Search."

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 4, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00498

Opinion of the Attorney General rendered in connection with the rules adopted by the

Public Utilities Commission

on 08/11/2021

4 CCR 723-2

**RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF
TELECOMMUNICATIONS SERVICES**

The above-referenced rules were submitted to this office on 08/12/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 30, 2021 10:57:45

A handwritten signature in blue ink, appearing to read "P. J. Weiser", is written over the typed name and title.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Agriculture

Agency

Plant Industry Division

CCR number

8 CCR 1203-23

Rule title

8 CCR 1203-23 RULES PERTAINING TO THE ADMINISTRATION AND
ENFORCEMENT OF THE INDUSTRIAL HEMP REGULATORY PROGRAM ACT 1 - eff
08/10/2021

Effective date

08/10/2021

Expiration date

12/08/2021

DEPARTMENT OF AGRICULTURE

Plant Industry Division

RULES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE INDUSTRIAL HEMP REGULATORY PROGRAM ACT

8 CCR 1203-23

Part 4 INSPECTION AND SAMPLING PROGRAM

- 4.1 All Registrations are subject to routine inspection and sampling to verify that the total THC concentration of the Cannabis planted within a Registered Land Area does not exceed 0.3% on dry weight basis. For any registration issued pursuant to these Rules, the Commissioner must select 100% of the Registrants for sampling and must take samples within 30 days prior to the anticipated harvest. All lots grown on a Registered Land Area shall be sampled by the Department or Approved Sampler. The Commissioner shall send notification to each Registrant to inform the Registrant of the scope and process by which the inspection will be conducted and require the Registrant to contact the Department within 10 days to set a date and time for the inspection to occur. Failure to contact the Department as required may result in the initiation of disciplinary proceedings pursuant to Part 6 of these Rules against the Registration.

Part 9 STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

9.10. Emergency Rule Adopted August 10, 2021 – Effective August 10, 2021

Statutory Authority:

The Commissioner of Agriculture adopts these rules pursuant to §35-65-105(2) and § 35-61-113(2), C.R.S., and § 24-4-103(6), C.R.S.

Purpose:

This is a temporary emergency rule that will correct an error in Rule 4.1 which, as written, prevents the Commissioner of Agriculture from sampling Industrial Hemp in Registered Land Areas within 30 days of anticipated harvest.

Factual Policy and Issues:

This temporary emergency rule will permit the Commissioner of Agriculture to sample and test within 30 days of the anticipated harvest date. USDA's rule, 7 CFR 990.3(a)(2)(i) requires that samples must be collected within 30 days prior to the anticipated harvest. This rulemaking is imperatively necessary to comply with USDA's federal regulation and does not comply with the requirements of section 24-4-103, C.R.S. Compliance with section 24-4-103, C.R.S., at this time would contradict federal law and would jeopardize Colorado's State Plan for Regulation of Industrial Hemp. Immediate adoption is imperatively necessary to comply with federal law. Additionally, because the harvest of Industrial Hemp will begin in a few weeks, it is imperatively necessary to protect the public's health, safety, and welfare that the Commissioner be able to conduct sampling and testing for THC content within 30 days of anticipated harvest to protect the public from the possibility of levels of THC in Industrial Hemp that exceed the allowable limit.

DEPARTMENT OF AGRICULTURE

Plant Industry Division

RULES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE INDUSTRIAL HEMP REGULATORY PROGRAM ACT

8 CCR 1203-23

Part 4 INSPECTION AND SAMPLING PROGRAM

- 4.1 All Registrations are subject to routine inspection and sampling to verify that the total THC concentration of the Cannabis planted within a Registered Land Area does not exceed 0.3% on dry weight basis. For any registration issued pursuant to these Rules, the Commissioner must select 100% of the Registrants for sampling and must take samples within 30 days prior to the anticipated harvest. All lots grown on a Registered Land Area shall be sampled by the Department or Approved Sampler. The Commissioner shall send notification to each Registrant to inform the Registrant of the scope and process by which the inspection will be conducted and require the Registrant to contact the Department within 10 days to set a date and time for the inspection to occur. Failure to contact the Department as required may result in the initiation of disciplinary proceedings pursuant to Part 6 of these Rules against the Registration.

Part 9 STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

9.10. Emergency Rule Adopted August 10, 2021 – Effective August 10, 2021

Statutory Authority:

The Commissioner of Agriculture adopts these rules pursuant to §35-65-105(2) and § 35-61-113(2), C.R.S., and § 24-4-103(6), C.R.S.

Purpose:

This is a temporary emergency rule that will correct an error in Rule 4.1 which, as written, prevents the Commissioner of Agriculture from sampling Industrial Hemp in Registered Land Areas within 30 days of anticipated harvest.

Factual Policy and Issues:

This temporary emergency rule will permit the Commissioner of Agriculture to sample and test within 30 days of the anticipated harvest date. USDA's rule, 7 CFR 990.3(a)(2)(i) requires that samples must be collected within 30 days prior to the anticipated harvest. This rulemaking is imperatively necessary to comply with USDA's federal regulation and does not comply with the requirements of section 24-4-103, C.R.S. Compliance with section 24-4-103, C.R.S., at this time would contradict federal law and would jeopardize Colorado's State Plan for Regulation of Industrial Hemp. Immediate adoption is imperatively necessary to comply with federal law. Additionally, because the harvest of Industrial Hemp will begin in a few weeks, it is imperatively necessary to protect the public's health, safety, and welfare that the Commissioner be able to conduct sampling and testing for THC content within 30 days of anticipated harvest to protect the public from the possibility of levels of THC in Industrial Hemp that exceed the allowable limit.

PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00492

Opinion of the Attorney General rendered in connection with the rules adopted by the

Commissioner of Agriculture

on 08/10/2021

8 CCR 1203-23

**RULES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE INDUSTRIAL
HEMP REGULATORY PROGRAM ACT**

The above-referenced rules were submitted to this office on 08/10/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 30, 2021 10:54:59

A handwritten signature in blue ink, appearing to read "P. J. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-3

Rule title

10 CCR 2505-3 FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH
PLAN 1 - eff 08/09/2021

Effective date

08/09/2021

Expiration date

11/27/2021

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Child Health Plan
Plus program rule updates, Sections 110,140, 310 and 320
Rule Number: CHP 21-06-29-B
Division / Contact / Phone: Office of Medicaid Operations / Ana Bordallo / 3558

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: CHP 21-06-29-B, Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 110,140, 310 and 320, Colorado Department of Health Care Policy and Financing, Child Health Plan *Plus* (10 CCR 2505-3).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 08/09/2021
Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Replace the current text with the proposed text beginning at Section 50 through the end of Section 610. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320

Rule Number: CHP 21-06-29-B

Division / Contact / Phone: Office of Medicaid Operations / Ana Bordallo / 3558

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule change will amend 10 CCR 2505-3 sections 110,140,310 and 320 based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act(ACA), which includes the Maintenance of Effort (MOE) provision. All policy revisions will align with federal regulations for the state to be in compliance during this Coronavirus (COVID-19) Public Health Emergency. These changes will impact all Medical Assistance categories which includes the Child Health Plan Plus (CHP+) category. These policy changes will stay in place until the end of the Coronavirus (COVID-19) Public Health Emergency. The following policy changes are: Members who were evacuated from or unable to return to Colorado and are temporarily absent will maintain enrollment in the CHP+ program. Enrollment fees will be waived for members who are being redetermined and eligible for CHP+. required through the Federal CARES Act for the Maintenance of Effort(MOE), the Department will continue eligibility for all the CHP+ categories regardless of changes made for a redetermination or additional documentation for current CHP+ enrollee and allow them to continue eligibility through the end of the Public Health Emergency. At the end of emergency, the Department will process the redetermination and /or changes for all members whose eligibility was maintained during the emergency period.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

Due to the Coronavirus (COVIS-19) public health emergency rules need to be updated for the state to be in compliance with federal regulations.

3. Federal authority for the Rule, if any:

Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127 and Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136. The Affordable Care Act(ACA), which includes the Maintenance of Effort (MOE) provision.

Initial Review

Proposed Effective Date

8/09/2021

Final Adoption

Emergency Adoption

7/9/2021

DOCUMENT #15

DO NOT PUBLISH THIS PAGE

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2021);
25.5-8-107.(b)

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Child Health Plan
Plus program rule updates, Sections 110,140, 310 and 320

Rule Number: CHP 21-06-29-B

Division / Contact / Phone: Office of Medicaid Operations / Ana Bordallo / 3558

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rules will impact members enrolled in the CHP+ programs. The rule updates will benefit members enrolled in CHP+ by remaining eligible during this Coronavirus (COVIS-19) Public Health Emergency.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed rule will help to determine eligibility correctly by applying regulations appropriately to help members remain eligible for the CHP+ programs during this Coronavirus (COVID-19) Public Health Emergency.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department expects that eligibility could potentially increase as members who are outside the state for the duration of the emergency will not be disenrolled. This will lead to an increase in expenditure for the Department as the member will be included in the monthly capitation payment. The Department also assumes that the waiving of enrollment fees for the CHP+ program will reduce revenues to the Department which will result in the increase of expenditures to the CHP+ Trust fund, Healthcare Affordability and Sustainability Fee (HAS) Cash Fund, and federal funds in order to fill the gap in revenue lost from the premiums. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The Department expects that inaction to the proposal to allow CHP+ member to retain eligibility outside the state will result in lack of care to those members who are outside the state during the emergency period who will need those services. The Department sees no benefit to inaction.

DO NOT PUBLISH THIS PAGE

In addition, the Department expects that inaction to the proposal to waive enrollment fees will cause potential members to not qualify because they are unable to pay the premiums due to the severity of the economic shock. The Department also sees no benefit to inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are currently no less costly measures to the Department that will allow the Department to service members more effectively during the emergency period.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for the proposed rule that were considered

50 DEFINITIONS

- 50.1 "Applicant" shall mean a person applying or re-applying for benefits on behalf of a child and/or themselves.
- 50.2 "CBMS" shall mean Colorado Benefits Management System is the computer system that determines an applicant's eligibility for public assistance in the state of Colorado.
- 50.3 "Child" means a person who is less than nineteen years of age.
- 50.4 "Cost sharing" shall mean payments, such as copayments or enrollment fees that are due on behalf of the enrollee.
- 50.5 "Department" shall mean the Colorado Department of Health Care Policy and Financing which is responsible for administering the Colorado Medical Assistance Program and Children's Basic Health Plan as well as other State-funded health care programs.
- 50.6 "Dependent child" shall mean a child who lives with a parent, legal guardian, caretaker relative or foster parent and is under the age of 18, or, is age 18 and a full-time student, and expected to graduate by age 19
- 50.7 "Effective Date" shall mean the first day of eligibility which is the date the application is received and date-stamped by the Eligibility site or the date the application was received and date-stamped by an Application Assistance site or Presumptive Eligibility site. In the absence of a date-stamp, the application date is the date that the application was signed by the client.
- 50.8 "Eligibility Site" shall mean a location outside of the Department that has been deemed by the Department as eligible to accept applications and determine eligibility for applicants.
- 50.9 "Enrollee" shall mean an eligible person who is enrolled in the Children's Basic Health Plan.
- 50.10 "Essential Community Provider" means a healthcare provider that:
- A. Has historically served medically needy or medically indigent patients and demonstrates a commitment to serve low-income and medically indigent populations who make up a significant portion of its patient population, or in the case of a sole community provider, serves medically indigent patients within its medical capability; and
 - B. Waives charges or charges for services on a sliding scale based on income and does not restrict access or services because of a client's financial limitations.
- 50.11 "Evidence of Coverage" or "EOC" shall mean any certificate, agreement, or contract issued to an enrollee from time-to-time by a Managed Care Organization (MCO) setting out the coverage to which the enrollee is or was entitled under the Children's Basic Health Plan.
- 50.12 "Grievance Committee" shall mean a conference with the Department or its Designee in which a contested decision regarding an applicant or enrollee is reexamined.
- 50.13 "Household" shall be determined by relationships to the tax filer as declared on the Single Streamlined Application and as required in 10 CCR 2505-10-8.100.4.E.
- 50.14 "Income" shall be any compensation from participation in a business, including wages, salary, tips, commissions and bonuses. The Modified Adjusted Gross Income is a methodology used to determine eligibility as required in 10 CCR 2505-10-8.100.4.C.

50.15 "Managed Care Organization" or "MCO" shall mean:

- A. A carrier which meets the definition in §10-16-102 (8), C.R.S. with which the Department contracts to provide health care or dental services covered by the Children's Basic Health Plan; or,
- B. Essential community providers and other health care and dental service providers with whom the Department contracted to provide health care services under the Children's Basic Health Plan using a managed care model.

50.16 "Presumptive Eligibility" shall mean children and pregnant women who have applied and appear to be eligible for the Children's Basic Health Plan shall be presumed eligible and may receive immediate temporary medical coverage.

50.17 "Unearned Income" shall be the gross amount received in cash or kind that is not earned from employment or self-employment.

50.18 "Woman" shall mean a female who is 19 years in age or older.

100 ELIGIBILITY

110 INDIVIDUALS ASSISTED UNDER THE PROGRAM

110.1 To be eligible for the Children's Basic Health Plan, an eligible person shall:

- A.
 - 1. Be less than 19 years of age; or
 - 2. Be a pregnant woman
- B. Fall into one of the following categories:
 - 1. Be a citizen or national of the United States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, or Swain's Island; or
 - 2. Be a lawfully admitted non-citizen who entered the United States prior to August 22, 1996, or
 - 3. Be a non-citizen who entered the United States on or after August 22, 1996 and is applying for Medical Assistance who falls into one of the following categories:
 - a. Lawfully admitted for permanent residence under the U.S. Immigration and Nationality Act (hereafter referred to as the "INA"); or
 - b. Paroled into the United States for at least one year under 8 U.S.C § 1182(d)(5); or
 - c. Granted conditional entry under Section 203(a)(7) of the INA, as in effect prior to April 1, 1980; or
 - d. determined by the Eligibility site, in accordance with guidelines issued by the U.S. Attorney General, to be a spouse, child, parent of a child, or child of a parent who, in circumstances specifically described in 8 U.S.C.

§1641(c), has been battered or subjected to extreme cruelty which necessitates the provision of Medical Assistance (Children's Basic Health Plan); or

4. Be a non-citizen who arrived in the United States on any date, who falls into one of the following categories:
 - a. Lawfully residing in Colorado and is an honorably discharged military veteran; or
 1. A spouse of such military veteran; or
 2. An unremarried surviving spouse of such military veteran; or
 3. An unmarried dependent child of such military veteran.⁷
 - b. Lawfully residing in Colorado and is on active duty in the United States Armed Forces, excluding military training; or
 1. A spouse of such individual; or
 2. An unremarried surviving spouse of such individual; or
 3. An unmarried dependent child of such individual.
 - c. Granted asylum under Section 208 of the INA; or
 - d. Refugee under Section 207 of the INA; or
 - e. An individual with deportation withheld:
 1. Under Section 243(h) of the INA, as in effect prior to September 30, 1996; or
 2. Under Section 241(b)(3), as amended by P.L. 104-208 of the INA.
 - f. A Cuban or Haitian entrant, as defined under Section 501(e) of the U.S. Refugee Education Assistance Act of 1980; or
 - g. An individual who:
 1. Was born in Canada and possesses at least 50 percent American Indian blood; or
 2. Is a member of an Indian tribe, as defined in 25 U.S.C. Section 450(b)e.
 - h. Admitted into the United States as an Amerasian immigrant under Section 584 of the U.S. Foreign Operations, Export Financing, and Related Programs Appropriation Act of 1988, as amended by P.L. 100-461; or
 - i. A lawfully admitted, permanent resident, who is a Hmong or Highland Lao veteran of the Vietnam conflict; or

- j. An alien who was admitted in the United States on or after December 26, 2007 who is an Iraqi Special Immigrant under section 101(a)(27) of the INA; or
 - k. An alien who was admitted in the United States on or after December 26, 2007 who is an Afghan Special Immigrant under section 101(a)(27) of the INA; and
5. Be a lawfully admitted non-citizen in the United States who falls into one of the categories:
- a. granted temporary resident status in accordance with section 8 U.S.C. 1160 or 1255a; or
 - b. granted Temporary Protected Status (TPS) in accordance with section 8 U.S.C 1254a and pending applicants for TPS granted employment authorization;
 - c. granted employment authorization under section 8 CFR 274a.12(c); or
 - d. Family Unity beneficiary in accordance with section 301 of Pub. L. 101-649, as amended.
 - e. Deferred Enforced Departure (DED), pursuant to a decision made by the President
 - f. Granted Deferred Action status (excluding Deferred Action for Childhood Arrivals (DACA)) as described in the Secretary of Homeland Security's June 15, 2012 memorandum;
 - g. Granted an administrative stay of removal under section 8 CFR 241; or
 - h. Beneficiary of approved visa petition who has a pending application for adjustment of status.
 - i. Pending an application for asylum under section 8 U.S.C. 1158, or for withholding of removal under section 8 U.S.C. 1231, or under the Convention Against Torture who-
 - 1. as been granted employment authorization; or
 - 2. Is under the age of 14 and has had an application pending for at least 180 days.
 - j. Granted withholding of removal under the Convention Against Torture;
 - k. Citizens of Micronesia, the Marshall Islands, and Palau; or
 - l. Is lawfully present American Samoa under the immigration of laws of American Samoa.
 - m. A non-citizen in a valid nonimmigrant status, as defined in section 8 U.S.C. 1101(a)(15) or under section 8 U.S.C. 1101(a)(17); or

- n. A non-citizen who has been paroled into the United States for less than one year under section U.S.C. 1182(d)(5), except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings; or
 - o. A child who has a pending application for Special Immigrant Juvenile status under 8 U.S.C 1101(a)(27)(J).
- C. For determinations of eligibility for the Children's Basic Health Plan, legal immigration status must be verified. This requirement applies to a non-citizen individual who meets the criteria of any category defined at 110.1.B and has declared that he or she has a legal immigration status.
 - 1. The Verify Lawful Presence (VLP) interface will be used to verify immigration status as required in 10 CCR 2505-10-8.100.3.G.2
 - 2. If the state cannot verify immigration status the individual will receive a Reasonable Opportunity Period as required in 10 CCR 2505-10-8.100.3.H.9
- D. Be a resident of Colorado; and residence shall be retained until abandoned. A person temporarily absent from the state, inside or outside the United States, retains Colorado residence. Temporarily absent means that at the time he/she leaves, the person intends to return.
- E. Have a household income greater than 133% but not exceeding 250% of the Federal Poverty Level (MAGI-equivalent), adjusted for household size for children under the age of 19; or
- F. Have a household income greater than 185% but not exceeding 250% of the Federal Poverty Level (MAGI-equivalent), adjusted for household size for pregnant women.
- G. Failure to complete an application or to provide required documentation in Section 130 will result in the denial of the incomplete application or individual applicant (s).

120 INSUFFICIENT ACCESS TO OTHER HEALTH COVERAGE

- 120.1 To be eligible for the Children's Basic Health Plan, an eligible person shall not:
 - A. Be covered under a group health plan or under health insurance coverage excluding Consolidated Omnibus Budget Reconciliation Act (COBRA); or
 - B. Be eligible to receive assistance under Title XIX of the Social Security Act; or
 - C. Be an inmate of a public institution or a patient in an institution for mental diseases.
- 120.2 The Department shall not require that applicants be uninsured for any period of time prior to becoming eligible for the Children's Basic Health Plan.

130 VERIFICATION REQUIREMENTS

- 130.1 To be eligible for the Children's Basic Health Plan, an applicant shall provide minimal verification as required in 10 CCR 2505-10-8.100.4.B.

140 REDETERMINATION

140.1 A redetermination of eligibility shall mean a case review and necessary verification to determine whether the client continues to be eligible to receive Medical Assistance. Eligibility shall be redetermined twelve (12) months since the last eligibility determination. An Eligibility site may redetermine eligibility through telephone, mail, or electronic means. The use of telephone or electronic redeterminations should be noted in the case record and in CBMS case comments.

A. A redetermination form is not required to be sent to the client if all current eligibility requirements can be verified by reviewing information from another assistance program or if this information can be verified through an electronic data source. When applicable, the eligibility site shall redetermine eligibility based solely on information already available. If verification or information is available for any of the three months prior to redetermination month, no request shall be made of the client and a notice of the outcome will go to the client. If not all verification or information is available, the eligibility site shall only request the additional minimum verification from the client. This procedure is referenced as Ex Parte Review.

B. A redetermination form, approved by the Department, shall be mailed to the client at least 30 days prior to the first of the month in which completion of eligibility redetermination is due. The redetermination form shall be used to inform the client of the redetermination and verification needed. The client shall not be required to return the form to the eligibility site. The only verification that may be required at redetermination is the minimum verification needed to complete a redetermination of eligibility.

The redetermination form shall direct clients to review current information and to take no action if there are no changes to report in the household. Eligibility sites and CBMS shall view the absence of reported changes from the client at this redetermination period as confirmation that there have been no changes in the household. This procedure is referenced as automatic reenrollment.

C. Due to the Coronavirus COVID-19 Public Health Emergency, required through the Federal CARES Act for the Maintenance of Effort (MOE), the Department will continue eligibility for all Medical Assistance categories regardless of changes made for a redetermination or additional documentation for current CHP+ enrollee and allow them to continue eligibility through the emergency declaration. Once the emergency declaration has concluded, the Department will process the redetermination and /or changes for all members whose eligibility was maintained during the emergency declaration.

150 CALCULATION OF HOUSEHOLD INCOME

150.1 Calculation of income for the Children's Basic Health Plan shall be determined as required in 10 CCR 2505-10-8.100.4.C

150.2 Income disregards for the Children's Basic Health Plan shall be determined as required in 10 CCR 2505-10-8.100.4.D

160 [Repealed eff. 12/30/2012]

170 PRESUMPTIVE ELIGIBILITY

170.1 A pregnant applicant or a child under the age of 19 may apply for presumptive eligibility for immediate temporary medical services through designated presumptive eligibility sites.

A. To qualify for presumptive eligibility, a child under the age of 19 shall have a declared household income that shall be greater than 133% but not exceed 250% of Federal Poverty Level (MAGI-equivalent); or

- B. To qualify for presumptive eligibility, a pregnant women shall have an attested pregnancy, declare that her household's income shall be greater than 185% but not exceed 250% of the Federal Poverty Level (MAGI-equivalent); and
 - C. He/she shall be a United States citizen or a documented immigrant as defined in Section 110.
- 170.2 Presumptive eligibility sites shall be certified by the Department of Health Care Policy and Financing to make presumptive eligibility determinations. Sites shall be re-certified by the Department of Health Care Policy and Financing every 2 years to remain approved presumptive eligibility sites.
- A. The presumptive eligibility site shall forward the application to the county within five business days of the received date.
- 170.3 The presumptive eligibility period begins on the date the applicant is determined eligible and ends with the earlier of:
- A. The day an eligibility determination for Medical Assistance is made for the applicant(s); or
 - B. The last day of the month following the month in which a determination for presumptive eligibility was made.
- 170.4 The county or Medical Assistance site shall make an eligibility determination within 45 days from the date of application.
- A. Presumptively eligible clients may appeal the county or Medical Assistance site's failure to act on an application within 45 days from date of application or the denial of an application. Appeal procedures are outlined in Section 600.
 - B. A presumptively eligible client may not appeal the end of a presumptive eligibility period.

180 Express Lane Eligibility

Express Lane Eligibility shall allow for automatic initiation of Medical Assistance enrollment by using available data and findings from other programs as listed below.

180.1 Free/Reduced Lunch Program

- A. Recipients of the Free/Reduced Lunch Program who have submitted a Free/Reduced Lunch application at a participating school district
 - 1. Families will be given the option to opt into Medical Assistance coverage for their potentially eligible child.
 - 2. Children who meet all necessary eligibility requirements as outlined in this volume will be automatically enrolled.
 - 3. Children who meet all necessary eligibility requirements except verification of U.S. citizenship and identity will receive 90 days of eligibility while awaiting this verification.
 - 4. Any additionally required verification will be requested from the client through CBMS prior to being automatically enrolled.

5. Eligibility is based on income declared on the Free/Reduced Lunch application as well as eligibility requirements outlined in section 150.
 6. If it would be found that a child does not satisfy an eligibility requirement for Medical Assistance, the child's eligibility will be evaluated using the application for Medical Assistance.
- B. Recipients of the Free/Reduced Lunch Program who were not required to submit a Free/Reduced Lunch application at a participating school district
1. Families who are automatically enrolled Free/Reduced Lunch recipient children will not be forwarded to the Department for Express Lane Eligibility in compliance USDA confidentiality guidelines.
 2. These families must apply for Medical Assistance in order to give consent for request of benefits.

180.2 Direct Certification

- A. When an application for Food Stamps or Colorado Works has been submitted, families will be given the option to opt into Medical Assistance coverage for their potentially eligible children.
1. Children who meet all necessary eligibility requirements as outlined throughout sections 100 through 180 will be automatically enrolled,
 2. Children who are only missing verification of U.S. citizenship and identity will receive 90 days of coverage while waiting for this verification.
 3. Any additionally required verification will be requested from the client through CBMS prior to being automatically enrolled.
 4. Eligibility is determined based on income declared on the Food Stamp or Colorado Works application as well as eligibility requirements outlined throughout this volume.
 5. If it would be found that a child does not satisfy an eligibility requirement for Medical Assistance, the child's eligibility will be evaluated using the Single Streamlined application for Medical Assistance.
 6. Individuals whose eligibility is not determined through Express Lane Eligibility may also submit a separate Single Streamlined Application for Medical Assistance to determine eligibility.

200 BENEFITS PACKAGE

210 The following are covered benefits including any applicable limitations:

- A. Emergency Care and Urgent/After Hours Care;
- B. Emergency Transport/Ambulance Services;
- C. Hospital/Other Facility Services Including:
 1. Inpatient;

2. Physician;
 3. Outpatient/Ambulatory;
- D. Medical Office Visits Including:
1. Physician;
 2. Mid-Level Practitioner;
 3. Specialist;
- E. Diagnostic Services;
- F. Preventative, Routine and Family Planning Services Including:
1. Immunizations;
 2. Well-child visits;
 3. Health maintenance visits;
- G. Maternity Care Including:
1. Prenatal;
 2. Delivery and inpatient well-baby care;
 3. Postpartum care
- H. Mental Illness Treatments such as:
1. Neurobiologically-based mental illness including:
 - a. Schizophrenia;
 - b. Schizoaffective disorder;
 - c. Bipolar affective disorder;
 - d. Major depressive disorder;
 - e. Specific obsessive compulsive disorder;
 - f. Panic disorder;
 2. Mental disorders including:
 - a. Post traumatic stress disorder
 - b. Drug and alcohol disorders
 - c. Dysthymia

- d. Cyclothymia
 - e. Social phobia
 - f. Agoraphobia with panic disorder
 - g. General anxiety
 - h. Anorexia Nervosa exclusive of residential treatment
 - i. Bulimia exclusive of residential treatment
- 3. All other mental illness;
 - a. Inpatient coverage;
 - b. Outpatient coverage;
- I. Physical Therapy, Speech Therapy and Occupational Therapy shall be limited to 30 visits per diagnosis per year. Effective November 1, 2007, Physical, Speech and Occupational Therapy services shall be unlimited for children from birth up to the child's third birthday.
- J. Durable Medical Equipment shall be limited to the lesser of the purchase price or rental price for medically necessary durable medical equipment that shall not exceed two thousand dollars per year.
- K. Transplants must be medically necessary and are limited to:
 - 1. Liver;
 - 2. Heart;
 - 3. Heart/lung;
 - 4. Cornea;
 - 5. Kidney;
 - 6. Bone marrow which shall be limited to the following conditions:
 - a. Aplastic anemia;
 - b. Leukemia;
 - c. Immunodeficiency disease;
 - d. Neuroblastoma;
 - e. Lymphoma;
 - f. High risk stage ii and iii breast cancer;
 - g. Wiskott aldrich syndrome;
 - 7. Peripheral stem cell support which shall be limited to the following conditions:

- a. Aplastic anemia;
 - b. Leukemia;
 - c. Immunodeficiency disease;
 - d. Neuroblastoma;
 - e. Lymphoma;
 - f. High risk stage II and III breast cancer;
 - g. Wiskott aldrich syndrome;
- L. Home health care;
- M. Hospice care;
- N. Prescription medication;
- O. Kidney dialysis shall be excluded only if the member is also eligible for Medicare;
- P. Skilled nursing facility care must be provided only when there is a reasonable expectation of measurable improvement in the members' health status.
- Q. Vision services shall be limited to:
 - 1. Vision screenings for age appropriate preventative care;
 - 2. Referral required for refraction services;
 - 3. Minimum fifty dollar benefit for eyeglasses;
- R. Audiology services shall be limited to:
 - 1. Hearing screenings for age appropriate preventative care;
 - 2. Hearing aids without financial limitation for enrollees age 18 and under no more than once every five years unless medically necessary including:
 - a. A new hearing aid when alterations to the existing hearing aid cannot adequately meet the needs of the child
 - b. Services and supplies including, but not limited to, the initial assessment, fitting, adjustments, and auditory training that is provided according to accepted professional standards.
- S. Intractable pain;
- T. Autism;
- U. Case management is covered only when medically necessary;
- V. Dietary counseling/nutritional services shall be limited to:

1. Formula for metabolic disorders;
2. Total parenteral nutrition;
3. Enterals and nutrition products;
4. Formulas for gastrostomy tubes;

W. Dental services are limited to:

1. Those dental services described in the Children's Basic Health Plan dental Evidence of Coverage booklet provided to enrollees, who are less than nineteen years of age. Beginning October 1, 2019, the dental services listed below are covered benefits for enrolled pregnant women of any age, excepting Limited Orthodontic services under Section 210.W.1.h for pregnant women age nineteen and above. Children's Basic Health Plan dental services are provided by the dental MCO (or its designee) with which the Department has contracted for the applicable plan year to provide the following dental services;
 - a. Diagnostic
 - b. Preventive
 - c. Restorative
 - d. Endodontic
 - e. Periodontic
 - f. Prosthodontic
 - g. Oral and Maxillofacial Surgery
 - h. Limited Orthodontic, excepting pregnant women age nineteen and above.
 - i. Adjunctive General Services
2. Orthodontic and prosthodontic treatment for cleft lip or cleft palate in newborns (covered as a medical service in accordance with section 10-16-104, C.R.S.); and
3. Treatment of teeth or periodontium required due to accidental injury to naturally sound teeth (covered as a medical service in accordance with section 10-16-104, C.R.S.). A physician or legally licensed dentist must perform treatment within 72 hours of the accident.

X. Therapies covered shall include:

1. Chemotherapy;
2. Radiation;

Y. The following are not covered benefits:

1. Acupuncture;
2. Artificial conception;
3. Biofeedback;
4. Storage Costs for umbilical blood;
5. Chiropractic care;
6. Convalescent care or rest cures;
7. Cosmetic surgery;
8. Custodial care;
9. Domiciliary care;
10. Duplicate coverage;
11. Government institution or facility services;
12. Hair loss treatments;
13. Hypnosis;
14. Infertility services;
15. Maintenance therapy;
16. Nutritional therapy unless specified otherwise;
17. Elective termination of pregnancy, unless the elective termination is to save the life of the mother or if the pregnancy is the result of an act of rape or incest;
18. Personal comfort items;
19. Physical exams for employment or insurance;
20. Private duty nursing services;
21. Routine foot care;
22. Sex change operations;
23. Sexual disorder treatments;
24. Taxes;
25. Temporomandibular joint (TMJ) treatment, unless it has a medical basis;
26. Other therapies and treatments which are not medically necessary;
27. Vision services unless specified otherwise;

- 28. Vision therapy;
- 29. War-related conditions;
- 30. Weight-loss programs;
- 31. Work-related conditions;

300 ENROLLMENT FEES AND COPAYMENTS

310 ANNUAL ENROLLMENT FEES AND DUE DATE

- 310.1 For eligible children, the following annual enrollment fees shall be due prior to enrollment in the Children's Basic Health Plan:
 - A. For families with income, at the time of eligibility determination, less than 151% of the Federal Poverty Level, the annual enrollment fee shall be waived.
 - B. For families with income, at the time of eligibility determination, between 151% and 205% of the Federal Poverty Level (MAGI-equivalent), the annual enrollment fee shall be:
 - 1. \$25.00 for a single eligible child; and
 - 2. \$35.00 for two or more eligible children.
 - 3. Waived for families who include an eligible pregnant woman.
 - C. For families with income, at the time of eligibility determination, greater than 205% and up to 250% of the Federal Poverty Level, the annual enrollment fee shall be:
 - 1. \$75.00 for a single eligible child; and
 - 2. \$105.00 for two or more eligible children.
 - 3. Waived for families who include an eligible pregnant woman
- 310.2 If the required enrollment fee is not received with the application for the Children's Basic Health Plan, the Department or its designee shall notify the applicant:
 - A. That applicable enrollment fees are a requirement for enrollment;
 - B. That fees shall be due within thirty (30) days of the date of notification;
 - C. Of effective date of enrollment if payment is received; and
 - D. That the application shall be denied if payment is not received by the due date indicated.
- 310.3 The application shall be denied if payment is not received by the due date indicated on the notification.
- 310.5 Once enrollment has occurred, the annual enrollment fee is non-refundable.
- 310.6 Due to the Coronavirus COVID-19 Public Health Emergency, an eligible applicant will be charged an enrollment fee. Existing members who are being re-enrolled will not be charged enrollment fees until after the Public Health Emergency has ended.

320 COPAYMENTS

320.1 The following copayments shall be due for enrollees at the time of service:

- A. For families with income, at the time of eligibility determination, less than 101% of the Federal Poverty Level (MAGI-equivalent), all copayments shall be waived, except for emergency and care, which shall be \$3.00 per use and urgent/after hours care, which shall be \$1.00 per use.
- B. For families with income, at the time of eligibility determination, between 101% and 150% of the Federal Poverty Level (MAGI-equivalent), the copayment shall be:
 - 1. Effective until June 30, 2012:
 - a. \$2.00 per office visit;
 - b. \$2.00 per outpatient mental health or substance abuse visit;
 - c. \$1.00 per generic or brand name prescription;
 - d. \$2.00 per physical therapy, occupational therapy or speech therapy visit;
 - e. \$2.00 per vision visit;
 - f. \$3.00 per use of emergency care and urgent/after hours care;
 - 2. Effective July 1, 2012:
 - a. \$2.00 per office visit;
 - b. \$2.00 per outpatient mental health or substance abuse visit;
 - c. \$1.00 per generic or brand name prescription;
 - d. \$2.00 per physical therapy, occupational therapy or speech therapy visit;
 - e. \$2.00 per vision visit;
 - f. \$3.00 per use of emergency care (co-payment is waived if client is admitted to the hospital);
 - g. \$1.00 per use of urgent/after hours care;
 - h. \$2.00 per trip for emergency transport/ambulance services;
 - i. \$2.00 per inpatient hospital visit;
 - j. \$2.00 per inpatient hospital visit for physician services in the hospital;
 - k. \$2.00 per outpatient hospital or ambulatory surgery center visit.
- C. For families with income, at the time of eligibility determination, between 151% and 200% of Federal Poverty Level (MAGI-equivalent), the copayment shall be:
 - 1. Effective until June 30, 2012:

- a. \$5.00 per office visit;
- b. \$5.00 per outpatient mental health or substance abuse visit;
- c. \$3.00 per generic prescription;
- d. \$5.00 per brand name prescription;
- e. \$5.00 per physical therapy, occupational therapy or speech therapy visit;
- f. \$5.00 per vision visit;
- g. \$15.00 per use of emergency care and urgent/after hours care

2. Effective July 1, 2012:

- a. \$5.00 per office visit;
- b. \$5.00 per outpatient mental health or substance abuse visit;
- c. \$3.00 per generic prescription;
- d. \$10.00 per brand name prescription;
- e. \$5.00 per physical therapy, occupational therapy or speech therapy visit;
- f. \$5.00 per vision visit;
- g. \$30.00 per use of emergency care ((co-payment is waived if client is admitted to the hospital)
- h. \$20.00 per use of urgent/after hours care;
- i. \$5.00 per date of service for laboratory and radiology/imaging services
- j. \$15.00 per trip for emergency transport/ambulance services;
- k. \$20.00 per inpatient hospital visit;
- l. \$5.00 per inpatient hospital visit for physician services;
- m. \$5.00 per outpatient hospital or ambulatory surgery center visit.

3. Due to the Coronavirus COVID-19 Public Health Emergency, members who are eligible for Children's Basic Health Plan will have waived laboratory copayments, specifically as it relates to laboratory copayments associated with COVID-19 testing.

D. For families with income, at the time of eligibility determination, between 201% and 250% of Federal Poverty Level (MAGI-equivalent), the copayment shall be:

1. Effective until June 30, 2012:

- a. \$10.00 per office visit;

- b. \$10.00 per outpatient mental health or substance abuse visit;
- c. \$5.00 per generic prescription;
- d. \$10.00 per brand name prescription;
- e. \$10.00 per physical therapy, occupational therapy or speech therapy visit;
- f. \$10.00 per vision visit;
- g. \$20.00 per use of emergency care and urgent/after hours care.

2. Effective July 1, 2012:

- a. \$10.00 per office visit;
- b. \$10.00 per outpatient mental health or substance abuse visit;
- c. \$5.00 per generic prescription;
- d. \$15.00 per brand name prescription;
- e. \$10.00 per physical therapy, occupational therapy or speech therapy visit;
- f. \$10.00 per vision visit;
- g. \$50.00 per use of emergency care (co-payment is waived if client is admitted to the hospital);
- h. \$30.00 per use of urgent/after hours care;
- i. \$10.00 per date of service for laboratory and radiology/imaging services
- j. \$25.00 per trip for emergency transport/ambulance services;
- k. \$50.00 per inpatient hospital visit;
- l. \$10.00 per inpatient hospital visit for physician services;
- m. \$10.00 per outpatient hospital or ambulatory surgery center visit.

3, Due to the Coronavirus COVID-19 Public Health Emergency, members who are eligible for Children's Basic Health Plan will have waived laboratory copayments, specifically as it relates to laboratory copayments associated with COVID-19 testing.330 COST SHARING LIMITATIONS

330.1 American Indians and Alaskan Natives shall be exempt from cost sharing requirements. American Indian shall mean a member of a federally recognized Indian tribe, band, or group, or a descendant in the first or second degree of any such member. Alaskan Native shall mean an Eskimo or Aleut or other Alaska Native enrolled by the Secretary of the Interior.

330.2 The maximum yearly cost sharing requirements for families of enrollees shall be 5% of income.

330.3 No copayments shall apply to preventive services. For the purpose of this section, preventive services shall mean:

- A. All healthy newborn and newborn inpatient visits, including routine screening whether provided on an inpatient or outpatient basis;
- B. Routine examinations;
- C. Immunizations and related office visits; and
- D. Routine preventive and diagnostic dental services.

330.4 Prenatal Care Program clients shall be exempt from cost sharing requirements.

400 ENROLLMENT

400.1 An applicant found eligible for Children's Basic Health Plan can elect to be enrolled the Children's Basic Health Plan.

410 SELECTION OF A MANAGED CARE ORGANIZATION

410.1

- A. Once eligibility has been determined, an eligible person shall have the opportunity to select a participating MCO in the county of the eligible person's residence. If there is only one participating MCO available in the county of the eligible person's residence, the eligible person shall be enrolled in that MCO.
- B. In the event the Department contracts with an MCO to provide dental services to Children's Basic Health Plan enrollees, an enrollee automatically will be enrolled with such MCO. No separate MCO election will be required.

410.2 MCO SELECTION

- A. Upon determination of eligibility for the Children's Basic Health Plan program, if the eligible person has notified the Department or its designee of his/her chosen MCO prior to the last business day of the month in which eligibility was determined, the Department or its designee shall enroll the eligible person in that MCO.
- B. Upon determination of eligibility for the Children's Basic Health Plan program, if the eligible person has not chosen an MCO, the Department or its designee shall enroll the eligible person in an MCO selected by the Department or its designee. In areas of the state where there is only one participating MCO available, the Department or its designee shall select that MCO and enroll the eligible person.
- C. The Department or its designee shall notify the enrollee of the MCO selected. If the enrollee wants to change MCOs, the enrollee shall contact the Department or its designee within 90 days from the effective date of the MCO enrollment. An enrollee may also change a pending MCO enrollment before the effective date.
- D. For renewal applications, the Department or its designee shall reassign the eligible person to the participating MCO the applicant approved for the previous enrollment period. If the eligible person wishes to change MCO enrollment, he/she shall notify the Department or its designee within his/her re-enrollment period.

- 410.3 In counties in which a participating MCO as defined in section 50.14.A is not available, the eligible person shall be enrolled in an MCO as defined in section 50.14.B.
- 410.4 Once an enrollee has selected an MCO or upon expiration of the timeframe to change, the enrollee shall remain enrolled in that MCO for the remainder of his/her eligibility period, unless the eligible person meets any of the disenrollment criteria set forth in section 440.
- 410.5 An eligible person shall have an opportunity to change to a different MCO serving the eligible person's geographic region, if one is available, during the applicant's annual redetermination period.

420 ENROLLMENT OF ALL ELIGIBLE PERSONS IN A FAMILY

- 420.1 If one eligible child from a family is enrolled in the Children's Basic Health Plan, all eligible children in that family must be enrolled in the Children's Basic Health Plan.
- 420.2 All eligible children in a family must be enrolled in the same MCO.

430 ENROLLMENT DATE

- 430.1 Eligibility for the Children's Basic Health Plan shall be effective on the latter of:
- A. The first day of the month of application for Medical Assistance; or
 - B. The first day of the month the person becomes eligible for the Children's Basic Health Plan program.
- 430.2 Upon being enrolled in the Children's Basic Health Plan, continuous eligibility applies to children under the age of 19, who through an eligibility determination, reassessment or redetermination are found eligible for the Children's Basic Health Plan program. The continuous eligibility period may last for up to 12 months and will begin on the month of application or from the authorization date.
- A. The continuous eligibility period applies without regard to changes in income or other factors that would otherwise cause the child to be ineligible.
 - i) A 14-day no fault period shall begin on the date the child is determined eligible for Medical Assistance. During the 14-day period, updates or corrections may be made to the child's case. Any changes to the child's case made during the 14-day no fault period may impact his or her eligibility for Medical Assistance.
 - B. A child's continuous eligibility period will end effective the earliest possible month, if any of the following occur:
 - i) Child is deceased
 - ii) Becomes an inmate of a public institution
 - iii) The child states that she/he has moved out of the household permanently
 - iv) Is no longer a Colorado resident
 - v) Is unable to be located based on evidence or reasonable assumption
 - vi) Requests to be withdrawn from continuous eligibility

- vii) Fails to provide documentation during a reasonable opportunity period as specified in section 8.100.3.H.9
- viii) Fails to provide a reasonable explanation or paper documentation when self-attested income is not reasonably compatible with income information from an electronic data source, by the end of the 90-day reasonable opportunity period. This exception only applies the first-time income is verified following an initial eligibility determination or an annual redetermination.
- ix) An eligible person shall not be enrolled in other health insurance coverage

430.3. If determined eligible, the enrollment date of a pregnant woman shall be effective as of the first of the month of the date of application or the first day of the month the pregnant woman becomes eligible. The enrollment span shall end at the end of the month following 60 days after the birth of the child or termination of the pregnancy. Once eligibility has been approved, coverage must be provided regardless of changes in the woman's financial circumstances, once the income verification requirements are met.

- A. A pregnant women's eligibility period will end effective the earliest possible month, if any of the following occur:
 - i) Fails to provide a reasonable explanation or paper documentation when self-attested income is not reasonably compatible with income information from an electronic data source, by the end of the 90-day reasonable opportunity period. This exception only applies the first-time income is verified following an initial eligibility determination or an annual redetermination.

430.4 An eligible person's enrollment date in the selected MCO shall be no later than:

- A. The first of the month following eligibility determination and MCO selection if eligibility is determined before the 17th of the month.
- B. The first of the second month following eligibility determination and MCO selection if eligibility is determined on or after the 17th of the month.

430.5 A child born to a mother who is enrolled in the Children's Basic Health Plan at the time of the child's birth is guaranteed coverage for one year.

- A. To receive Medical Assistance under the Children's Basic Health Plan, the birth must be reported verbally or in writing to the County Department of Human Services or Eligibility site. Information provided shall include the baby's name, date of birth, and mother's name or Medical Assistance number. A newborn can be reported at any time by any person. Once reported, a newborn meeting the above criteria shall be added to the mother's Medical Assistance case, or his or her own case if the newborn does not reside with the mother, according to timelines defined by the Department. If adopted, the newborn's agent does not need to file an application or provide a Social Security Number or proof of application for a Social Security Number for the newborn.

440 DISENROLLMENT

440.1 An enrollee shall be disenrolled from an MCO for the following reasons:

- A. Administrative error on the part of the Department, the Department's designee, or the MCO, including but not limited to enrollment of a person who does not reside in the MCO's service area; or,

- B. A change in the enrollee's residence to an area not in the MCO's service area; or,
 - C. When an enrollee's coverage is terminated as described in section 440.1A.
- 440.2 If an enrollee is disenrolled from an MCO for any of the reasons stated in section 440.1 and there is another participating MCO available in the enrollee's county of residence, the enrollee shall be allowed to select a new MCO.
- 440.3 If the enrollee is enrolled in a MCO as defined in section 50.15B and a MCO as defined in section 50.15A becomes available in the child's county of residence, the enrollee will be disenrolled from the MCO as defined in section 50.15 B and enrolled in the MCO as defined in section 50.15A.
- 440.4 An enrollee may be disenrolled from both an MCO and/or the Children's Basic Health Plan for the following reasons:
- A. Fraud or intentional misconduct, including but not limited to knowing misuse of covered services, knowing misrepresentation of membership status; or,
 - B. An enrollee's receipt of other health care coverage; or,
 - C. The admission of an enrollee into any federal, state, or county institution for the treatment of mental illness, narcoticism, or alcoholism, or into any correctional facility; or,
 - D. Ineligibility for the program, based on the guidelines set forth in the Children's Basic Health Plan eligibility rules; or,
 - E. Failure to comply with cost sharing requirements (annual enrollment fees and copayments) set forth in the Children's Basic Health Plan cost sharing rules; or,
 - F. There is not another participating MCO as defined in section 50.14 available in the enrollee's county of residence.
- 440.5 If an eligible person or an eligible person's family displays an ongoing pattern of behavior that is abusive to provider(s), staff or other patients; or, disruptive to the extent that the provider's ability to furnish services to the child or other patients is impaired, the eligible person may be disenrolled from his/her managed care organization. If there is another participating MCO available in the eligible person's county of residence, the Department may allow the eligible person to select a new MCO. If there is not another MCO available in the eligible person's county, the eligible person may be disenrolled from the Children's Basic Health Plan.

500 FINANCIAL MANAGEMENT

The Children's Basic Health Plan, being a non-entitlement program, must manage to its legislative appropriation. The Department shall track expenditures, caseload, and other financial information to make informed decisions on spending its appropriation. Expenditures may exceed State appropriations with approval of the Governor, but any General Fund over expenditure shall be limited to \$250,000.

- 510** The Department shall make quarterly assessments of projected expenditures. If it appears the program may overspend its appropriation due to changes in enrollment, health care costs, funding, legislation, or other factors, the Department shall consider if adjustments to the program are necessary. The program may use, but is not limited to, any of the following financial management tools: waiting lists, adjustments of eligibility criteria and/or levels, instituting open enrollment periods, or temporary closure of the program.

600 APPEALS PROCESS

- 600.1 Applicants shall be notified of any action regarding the eligibility and enrollment status and cost sharing requirements for the enrollees' participation in the Children's Basic Health Plan and appeal rights regarding those actions by the Department or its designee.
- 600.2 The Department or its designee shall notify the applicant within ten (10) business days of a decision regarding eligibility, enrollment and cost sharing. The notice shall:
- A. Be in writing;
 - B. Be in his/her primary language, to the extent practicable;
 - C. Describe to the applicant the reasons for the decision;
 - D. Document the authority for the decision (e.g. rule citation); and
 - E. Inform the applicant of his/her rights and responsibilities regarding the decision.
- 600.3 An applicant who disagrees with a denial regarding eligibility, enrollment, or cost sharing requirements may appeal in writing to the Children's Basic Health Plan Eligibility Vendor within thirty (30) calendar days of the date of the notification of denial of eligibility, enrollment, or cost sharing. The appeal shall be reviewed and processed within thirty (30) calendar days of receipt and the results of the appeal shall be communicated to the applicant within ten (10) business days of the review. The following guidelines shall apply to the appeal process:
- A. The Children's Basic Health Plan Eligibility Vendor will coordinate the appeals process with the county or Eligibility site that determined the initial eligibility, enrollment, or cost sharing decision within ten (10) business days after receipt of the appeal.
 - B. The county or Eligibility site that determined the initial eligibility, enrollment, or cost sharing decision shall:
 - 1. Review the data entry of the application in the Department's eligibility system for accuracy and completeness within ten (10) business days after receipt of the appeal from the Children's Basic Health Plan Eligibility Vendor;
 - 2. Correct or complete information in the Department's eligibility system if it is found to be incomplete or incorrect and re-run eligibility;
 - 3. Maintain the original denial, if the information in the Department's eligibility system is complete and correct; and
 - 4. Notify the applicant and the Children's Basic Health Plan Eligibility Vendor in writing once the review is complete with the results of the data entry review and the option of forwarding the appeal to the Grievance Committee.
- 600.4 If the applicant disagrees with the results of the appeal, the applicant may have their appeal reviewed by the Grievance Committee. The Grievance Committee's decision shall be final.
- A. The Grievance Committee shall be conducted by an independent panel appointed by the Executive Director of the Department. The panel shall include at least three people from the Department or its designee not previously involved with the grievance. A person previously involved with the grievance may be present at the conference and appear before the panel to present information and answer questions, but shall not have a vote. The Department shall ensure that those appointed to the panel have sufficient experience to make an informed decision regarding the grievance under review.

- B. The applicant may attend the Grievance Committee in person or by telephone.
- C. The applicant may be represented by the person of the applicant's choice (i.e. legal counsel, friend, family member, etc.) during the Grievance Committee.
- D. The applicant may have access to documents that were used by the Department or its designee in making the decision under appeal.

600.5 An enrollee who disagrees with a denial of benefits shall submit an appeal to the MCO he/she is enrolled in and shall follow the MCO's appeal process.

610 [Repealed eff.12/30/2012]

Editor's Notes

History

Entire rule eff. 07/30/2007.

Rule 210 emer. rule eff. 11/01/2007.

Rule 210 eff. 12/30/2007.

Rules 50.17-50.21, 100-110.1E, 150.3-150.3E, 170-170.2 emer. rules eff. 01/01/2008.

Rules 50.17-50.21; 100-110.1E; 150.3-150.3E; 170-170.2 eff. 03/30/2008.

Rules 500-510 eff. 11/30/2008.

Rule 210 eff. 12/30/2008.

Rule 110 eff. 03/30/2009.

Rule 150 emer. rule eff. 04/10/2009.

Rule 150 eff. 06/30/2009.

Rules 110.1 B 4-5, 150.1 Q-R eff. 11/30/2009.

Rule 130.1 B emer. rule eff. 01/01/2010; expired 03/11/2010.

Rule 130.1 B eff. 03/30/2010.

Rules 110.1 D, 150.3, 170.1, 310.1 B, 320.1 D emer. rules eff. 05/01/2010. Rule 110.1 D expired 08/07/2010.

Rule 140.1 emer. rule eff. 06/11/2010.

Rules 150.3, 170.1, 310.1 B, 320.1 D eff. 06/30/2010.

Rules 110.1 D, 140.1 eff. 08/30/2010.

Rules 110.1 B 4-5 eff. 10/30/2010.

Rules 130.1 A, 150.2 eff. 12/30/2010.

Rule 140.1 B emer. rule eff. 09/09/2011.

Rule 180 emer. rule eff. 10/14/2011.

Rule 140 1B eff. 11/30/2011.

Rules 180, 430 eff. 12/30/2011.

Rules 300-330 eff. 01/01/2012.

Rules 430.1-430.2 emer. rules eff. 01/13/2012.

Rules 170, 430 eff. 04/01/2012.

Rules 410.1 A, 410.2-410.4 eff. 11/30/2012.

Rules 50.9, 50.15-50.16, 120, 150.1 O-Q, 400.1 eff. 12/30/2012. Rules 160, 220, 340, 450, 610 repealed eff. 12/30/2012.

Rules 170.5, 330.4 eff. 01/30/2013.
Rules 180.1 A.1, 180.1 A.6, 180.2 eff. 04/30/2013.
Rule 120 emer. rule eff. 05/10/2013.
Rule 120 eff. 07/30/2013.
Rules 50, 110.1.D-110.1.F, 130, 150, 170.1, 430 eff. 10/01/2013.
Rules 430.2-430.5 eff. 04/30/2014.
Rules 110.1 B.2, 170.1 C eff. 07/01/2015.
Rules 50-600.5 eff. 03/02/2017.
Rule 110 eff. 09/30/2017.
Rule 430.4 eff. 10/30/2017.
Rules 430.2-430.3 eff. 10/30/2018.
Rule 210 W emer. rule eff. 10/01/2019.
Rule 210 W eff. 12/30/2019.

Annotations

Rule 170.5 (adopted 12/14/2012) was repealed by Senate Bill 13-079 effective 05/15/2013.



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

JULY 2021 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE JULY 30, 2021 EMERGENCY MEDICAL SERVICES BOARD MEETING

CHP 21-06-29-B - Revision to the Medical Assistance Rule concerning Child Health Plan Plus program rule updates, Sections 110,140, 310 and 320

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Due to the Coronavirus (COVID-19) public health emergency this rule needs to be updated for the State to be in compliance with federal regulations and is imperatively necessary for the preservation of public health, safety, and welfare.



PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00456

Opinion of the Attorney General rendered in connection with the rules adopted by the

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 07/30/2021

10 CCR 2505-3

FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN

The above-referenced rules were submitted to this office on 07/30/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 19, 2021 10:17:05

A handwritten signature in blue ink, appearing to read "P. J. Weiser", is written over the typed name.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND
PURPOSE AND RULE HISTORY 1 - eff 07/30/2021

Effective date

07/30/2021

Expiration date

11/27/2021

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Rule Number: MSB 21-07-21-A

Division / Contact / Phone: Special Financing / Chandra Vital / 303-866-5506

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-07-21-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, 10 CCR 2505-10, Section 8.960.
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 7/30/2021
Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace the current text at Appendix A with the proposed text beginning at Appendix A through the end of Appendix A. This rule is effective July 30, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

Rule Number: MSB 21-07-21-A

Division / Contact / Phone: Special Financing / Chandra Vital / 303-866-5506

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

Current rule states that no procedures under the Dental Health Care Program for Low-Income Seniors may be below the Health First Colorado dental payment. Health First Colorado increased the dental rates effective July 1, 2021, and 43 procedures of the Dental Health Care Program for Low-Income Seniors fell below the Health First Colorado dental payment. This rule change will increase the 43 procedures in Appendix A to match the current rate being paid by Health First Colorado.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

The program's statute requires that rates for dental procedures for the Dental Health Care Program for Low-Income Seniors are at least as much as Medicaid's dental rates. Rule changes are necessary to revise rates to meet the statutory requirement.

3. Federal authority for the Rule, if any:

45 C.F.R. 162-1002(a)(4)

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);
Sections 25.5-3-404(4), C.R.S. (2021)

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to Medical Assistance Special Financing rule
concerning the Colorado Dental Health Care Program for Low-
Income Seniors, Section 8.960

Rule Number: MSB 21-07-21-A

Division / Contact / Phone: Special Financing / Chandra Vital / 303-866-5506

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Revising rates for the 43 dental procedures in Appendix A will have no negative impacts on eligible seniors and the grantees of the Dental Health Care Program for Low-Income Seniors will receive the accurate payment according to rule.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

There is no change in the cost or economic impact on eligible seniors.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Dental Health Care Program for Low-Income Seniors has a fixed appropriation and the changing of the program rates for the 43 procedures in Appendix A will not increase the Department's administrative costs for the program.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Revising the rates for the 43 procedures in Appendix A will ensure the Department is following the statutory requirements and the grantees of the program will receive the correct payment amount.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

This rule change is necessary to ensure that the Department is following state statute which requires the program's rates are at least as much as Medicaid's dental rates.

DO NOT PUBLISH THIS PAGE

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

This rule change is necessary to follow statute and no alternatives are available.

DO NOT PUBLISH THIS PAGE

8.960 COLORADO DENTAL HEALTH CARE PROGRAM FOR LOW-INCOME SENIORS

8.960.1 Definitions

Arrange For or Arranging For means demonstrating established relations with Qualified Providers for any of the Covered Dental Care Services not directly provided by the applicant.

Covered Dental Care Services include Diagnostic Imaging, Emergency Services, Endodontic Services, Evaluation, Oral and Maxillofacial Surgery, Palliative Treatment, Periodontal Treatment, Preventive Services, Prophylaxis, Removable Prosthesis, and Restorative Services as listed by alphanumeric procedure code in Appendix A.

C.R.S. means the Colorado Revised Statutes.

Dental Health Professional Shortage Area or Dental HPSA means a geographic area, population group, or facility so designated by the Health Resources and Services Administration of the U.S. Department of Health and Human Services.

Dental Prosthesis means any device or appliance replacing one or more missing teeth and associated structures if required.

Department means the Colorado Department of Health Care Policy and Financing established pursuant to title 25.5, C.R.S. (2020).

Diagnostic Imaging means a visual display of structural or functional patterns for the purpose of diagnostic evaluation.

Economically Disadvantaged means a person whose Income is at or below 250% of the most recently published federal poverty level for a household of that size.

Eligible Senior or Client means an adult who is 60 years of age or older, who is Economically Disadvantaged, who is able to demonstrate lawful presence in the country, who is not eligible for dental services under Medicaid or the Old Age Pension Health and Medical Care Program, and who does not have private dental insurance. An Eligible Senior or client is not ineligible solely because he/she is receiving dental benefits under Medicare or Medicare Advantage Plans. An Eligible Senior shall be considered lawfully present in the country if they produce a document or waiver in accordance with 1 CCR 204-30 Rule 5 (effective August 30, 2016), which is hereby incorporated by reference. This incorporation of 1 CCR 204-30 Rule 5 excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103 (12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203. Certified copies of incorporated materials are provided at cost upon request.

Emergency Services means the need for immediate intervention by a Qualified Provider to stabilize an oral cavity condition.

Endodontic Services means services which are concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues, including pulpectomy.

Evaluation means an assessment that may include gathering of information through interview, observation, examination, and use of specific tests that allows a dentist to diagnose existing conditions.

Federally Qualified Health Center means a federally funded nonprofit health center or clinic that serves medically underserved areas and populations as defined in 42 U.S.C. section 1395x (aa)(4).

DO NOT PUBLISH THIS PAGE

Income means any cash, payments, wages, in-kind receipt, inheritance, gift, prize, rents, dividends, or interest that are received by an individual or family. Income may be self-declared. Resources are not included in Income.

Max Allowable Fee means the total reimbursement listed by procedure for Covered Dental Care Services under the Colorado Dental Health Care Program for Low-Income Seniors in Appendix A. The Max Allowable Fee is the sum of the Program Payment and the Max Client Co-Pay.

Max Client Co-Pay means the maximum amount that a Qualified Provider may collect from an Eligible Senior listed by procedure in Appendix A for Covered Dental Services under the Colorado Dental Health Care Program for Low-Income Seniors.

Medicaid means the Colorado medical assistance program as defined in article 4 of title 25.5, C.R.S. (2020).

Medicare means the federal health insurance program for people who are 65 or older; certain younger people with disabilities; or people with End-Stage Renal Disease.

Medicare Advantage Plans mean the plans offered by Medicare-approved private companies that must follow rules set by Medicare and may provide benefits for services Medicare does not, such as vision, hearing, and dental care.

Old Age Pension Health and Medical Care Program means the program described at 10 CCR 2505-10, section 8.940 et. seq. and as defined in sections 25.5-2-101 and 26-2-111(2), C.R.S. (2020).

Oral and Maxillofacial Surgery means the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

Palliative Treatment for dental pain means emergency treatment to relieve the client of pain; it is not a mechanism for addressing chronic pain.

Periodontal Treatment means the therapeutic plan intended to stop or slow periodontal disease progression.

Preventive Services means services concerned with promoting good oral health and function by preventing or reducing the onset and/or development of oral diseases or deformities and the occurrence of oro-facial injuries.

Program Payment means the maximum amount by procedure listed in Appendix A for Covered Dental Care Services for which a Qualified Grantee may invoice the Department under the Colorado Dental Health Care Program for Low-Income Seniors. Program Payment must not be less than the reimbursement schedule for fee-for-service dental fees under the medical assistance program established in Articles 4, 5, and 6 of 10 CCR 2505-10.

Prophylaxis means the removal of dental plaque and calculus from teeth, in order to prevent dental caries, gingivitis and periodontitis.

Qualified Grantee means an entity that can demonstrate that it can provide or Arrange For the provision of Covered Dental Care Services and may include but is not limited to:

1. An Area Agency on Aging, as defined in section 26-11-201, C.R.S. (2020);
2. A community-based organization or foundation;

DO NOT PUBLISH THIS PAGE

3. A Federally Qualified Health Center, safety-net clinic, or health district;
4. A local public health agency; or
5. A private dental practice.

Qualified Provider means a licensed dentist or dental hygienist in good standing in Colorado or a person who employs a licensed dentist or dental hygienist in good standing in Colorado and who is willing to accept reimbursement for Covered Dental Services. A Qualified Provider may also be a Qualified Grantee if the person meets the qualifications of a Qualified Grantee.

Removable Prosthesis means complete or partial Dental Prosthesis, which after an initial fitting by a dentist, can be removed and reinserted by the eligible senior.

Restorative Services means services rendered for the purpose of rehabilitation of dentition to functional or aesthetic needs of the client.

Senior Dental Advisory Committee means the advisory committee established pursuant to section 25.5-3-406, C.R.S. (2020).

8.960.2 Legal Basis

The Colorado Dental Health Care Program for Low-Income Seniors is authorized by state law at part 4 of article 3 of title 25.5, C.R.S. (2020).

8.960.3 Request of Grant Proposals and Grant Award Procedures

8.960.3.A Request for Grant Proposals

Grant awards shall be made through an application process. The request for grant proposals form shall be issued by the Department and posted for public access on the Department's website at <https://www.colorado.gov/hcpf/research-data-and-grants> at least 30 days prior to the due date.

8.960.3.B Evaluation of Grant Proposals

Proposals submitted for the Colorado Dental Health Care Program for Low-Income Seniors will be evaluated by a review panel in accordance with the following criteria developed under the advice of the Senior Dental Advisory Committee.

1. The review panel will be comprised of individuals who are deemed qualified by reason of training and/or experience and who have no personal or financial interest in the selection of any particular applicant.
2. The sole objective of the review panel is to recommend to the Department's executive director those proposals which most accurately and effectively meet the goals of the program within the available funding.
3. Preference will be given to grant proposals that clearly demonstrate the applicant's ability to:
 - a. Outreach to and identify Eligible Seniors;
 - b. Collaborate with community-based organizations; and

DO NOT PUBLISH THIS PAGE

- c. Serve a greater number of Eligible Seniors or serve Eligible Seniors who reside in a geographic area designated as a Dental HPSA.
4. The review panel shall consider the distribution of funds across the state in recommending grant proposals for awards. The distribution of funds should be based on the estimated percentage of Eligible Seniors in the state by Area Agency on Aging region as provided by the Department.

8.960.3.C Grant Awards

The Department's executive director, or his or her designee, shall make the final grant awards to selected Qualified Grantees for the Colorado Dental Health Care Program for Low-Income Seniors.

8.960.3.D Qualified Grantee Responsibilities

A Qualified Grantee that is awarded a grant under the Colorado Dental Health Care Program for Low-Income Seniors is required to:

1. Identify and outreach to Eligible Seniors and Qualified Providers;
2. Demonstrate collaboration with community-based organizations;
3. Ensure that Eligible Seniors receive Covered Dental Care Services efficiently without duplication of services;
4. Maintain records of Eligible Seniors serviced, Covered Dental Care Services provided, and moneys spent for a minimum of six (6) years;
5. For Eligible Seniors with dental coverage through a Medicare Advantage Plan, bill the Medicare Advantage Plan for dental procedures covered by the Medicare Advantage Plan prior to seeking payment from the Department. The Colorado Dental Health Care Program is secondary to the Medicare Advantage Plan dental coverage;
6. Distribute grant funds to Qualified Providers in its service area or directly provide Covered Dental Care Services to Eligible Seniors;
7. Expend no more than seven (7) percent of the amount of its grant award for administrative purposes; and
8. Submit an annual report as specified under section 8.960.3.F.

8.960.3.E Invoicing

A Qualified Grantee that is awarded a grant under the Colorado Dental Health Care Program for Low-Income Seniors shall submit invoices on a form and schedule specified by the Department. Covered Dental Care Services shall be provided before a Qualified Grantee may submit an invoice to the Department.

1. Invoices shall include the number of Eligible Seniors served, the alphanumeric code and procedure description as listed in Appendix A, and any other information required by the Department.
2. The Department will pay no more than the established Program Payment per procedure rendered, as listed in Appendix A.

DO NOT PUBLISH THIS PAGE

3. Eligible Seniors shall not be charged more than the Max Client Co-Pay as listed in Appendix A.
4. Qualified Grantees shall not bill the Department for any procedures covered by Medicare Advantage Plans that have been billed and paid by the Medicare Advantage Plans;
5. Qualified Grantees shall indicate on the invoice if the Eligible Senior has dental coverage through a Medicare Advantage Plan and any claim to the Medicare Advantage Plan was adjudicated prior to billing the Department;
6. Qualified Grantees may invoice for no more than seven (7) percent of the Program Payment for administrative costs.

8.960.3.F Annual Report

On or before September 1, 2016, and each September 1 thereafter, each Qualified Grantee receiving funds from the Colorado Dental Health Care Program for Low-Income Seniors shall submit a report to the Department following the state fiscal year contract period.

The annual report shall be completed in a format specified by the Department and shall include:

1. The number of Eligible Seniors served;
2. The types of Covered Dental Care Services provided;
3. An itemization of administrative expenditures;
4. The procedures and amounts billed to Medicare Advantage Plans for Eligible Seniors;
and
5. Any other information deemed relevant by the Department.

DO NOT PUBLISH THIS PAGE

10 CCR 2505-10 § 8.960 APPENDIX A: COLORADO DENTAL HEALTH CARE PROGRAM FOR LOW-INCOME SENIORS COVERED SERVICES AND PROCEDURE CODES

Capitalized terms within this appendix shall have the meaning specified in the Definitions section.

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Periodic oral evaluation - established client	D0120	\$46.00	\$46.00	\$0.00	Evaluation performed on a client of record to determine any changes in the client's dental and medical health status since a previous comprehensive or periodic evaluation. This may include an oral cancer evaluation and periodontal evaluation, diagnosis, treatment planning. Frequency: One time per 6 month period per client.
Limited oral evaluation - problem focused	D0140	\$62.00	\$52.00	\$10.00	Evaluation limited to a specific oral health problem or complaint. This code must be used in association with a specific oral health problem or complaint and is not to be used to address situations that arise during multi-visit treatments covered by a single fee, such as, endodontic or post-operative visits related to treatments including prosthesis. Specific problems may include dental emergencies, trauma, acute infections, etc. Cannot be used for adjustments made to prosthesis provided within previous 6 months. Cannot be used as an encounter fee.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Comprehensive oral evaluation - new or established client	D0150	\$81.00	\$81.00	\$0.00	Evaluation used by general dentist or a specialist when evaluating a client comprehensively. Applicable to new clients; established clients with significant health changes or other unusual circumstances; or established clients who have been absent from active treatment for three or more years. It is a thorough evaluation and recording of the extraoral and intraoral hard and soft tissues, and an evaluation and recording of the client's dental and medical history and general health assessment. A periodontal evaluation, oral cancer evaluation, diagnosis and treatment planning should be included. Frequency: 1 per 3 years per client. Cannot be charged on the same date as D0180.
Comprehensive periodontal evaluation - new or established client	D0180	\$88.00	\$88.00	\$0.00	Evaluation for clients presenting signs & symptoms of periodontal disease & clients with risk factors such as smoking or diabetes. It includes evaluation of periodontal conditions, probing and charting, evaluation and recording of the client's dental and medical history and general health assessment. It may include the evaluation and recording of dental caries, missing or unerupted teeth, restorations, occlusal relationships and oral cancer evaluation. Frequency: 1 per 3 years per client. Cannot be charged on the same date as D0150.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Intraoral - complete series of radiographic images	D0210	\$125.00	\$125.00	\$0.00	Radiographic survey of whole mouth, usually consisting of 14-22 periapical & posterior bitewing images intended to display the crowns & roots of all teeth, periapical areas of alveolar bone. Panoramic radiographic image & bitewing radiographic images taken on the same date of service shall not be billed as a D0210. Payment for additional periapical radiographs within 60 days of a full month series or a panoramic film is not covered unless there is evidence of trauma. Frequency: 1 per 5 years per client. Any combination of x-rays taken on the same date of service that equals or exceeds the max allowable fee for D0210 must be billed and reimbursed as D0210. Should not be charged in addition to panoramic film D0330. Either D0330 or D0210 per 5 year period.
Intraoral - periapical first radiographic image	D0220	\$25.00	\$25.00	\$0.00	D0220 one (1) per day per client. Report additional radiographs as D0230. Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210. D0210 will only be reimbursed every 5 years.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Intraoral - periapical each additional radiographic image	D0230	\$23.00	\$23.00	\$0.00	D0230 must be utilized for additional films taken beyond D0220. Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210. D0210 will only be reimbursed every 5 years.
Bitewing - single radiographic image	D0270	\$26.00	\$26.00	\$0.00	Frequency: 1 in a 12 month period. Report more than 1 radiographic image as: D0272 two (2); D0273 three (3); D0274 four (4). Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210.
Bitewings - two radiographic images	D0272	\$42.00	\$42.00	\$0.00	Frequency: 1 time in a 12 month period. Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210.
Bitewings - three radiographic images	D0273	\$52.00	\$52.00	\$0.00	Frequency: 1 time in a 12 month period. Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Bitewings - four radiographic images	D0274	\$60.00	\$60.00	\$0.00	Frequency: 1 time in a 12 month period. Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210.
Vertical bitewings – seven to eight radiographic images	D0277	\$68.32	\$68.32	\$0.00	Frequency: 1 time in a 12-month period. This does not constitute a full mouth intraoral radiographic series. Any combination of D0220, D0230, D0270, D0272, D0273, D0274, or D0277 taken on the same date of service that exceeds the max allowed fee for D0210 is reimbursed at the same fee as D0210.
Panoramic radiographic image	D0330	\$63.00	\$63.00	\$0.00	Frequency: 1 per 5 years per client. Cannot be charged in addition to full mouth series D0210. Either D0330 or D0210 per 5 years.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Prophylaxis - adult	D1110	\$88.00	\$88.00	\$0.00	<p>Removal of plaque, calculus and stains from the tooth structures with intent to control local irritational factors. Frequency:</p> <ul style="list-style-type: none"> • 1 time per 6 calendar months; 2 week window accepted. • May be billed for routine prophylaxis. • D1110 may be billed with D4341 and D4342 one time during initial periodontal therapy for prophylaxis of areas of the mouth not receiving nonsurgical periodontal therapy. When this option is used, individual should still be placed on D4910 for maintenance of periodontal disease. D1110 can only be charged once, not per quadrant, and represents areas of the mouth not included in the D4341 or D4342 being reimbursed. • May be alternated with D4910 for maintenance of periodontally-involved individuals. • D1110 cannot be billed on the same day as D4346 • Cannot be used as 1 month re-evaluation following nonsurgical periodontal therapy.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Topical application of fluoride varnish	D1206	\$52.00	\$52.00	\$0.00	Topical fluoride application is to be used in conjunction with prophylaxis or preventive appointment. Should be applied to whole mouth. Frequency: up to four (4) times per 12 calendar months. Cannot be used with D1208.
Topical application of fluoride - excluding varnish	D1208	\$52.00	\$52.00	\$0.00	Any fluoride application, including swishing, trays or paint on variety, to be used in conjunction with prophylaxis or preventive appointment. Frequency: one (1) time per 12 calendar months. Cannot be used with D1206. D1206 varnish should be utilized in lieu of D1208 whenever possible.
Interim caries arresting medicament application – per tooth	D1354	\$5.60	\$5.60	\$0.00	Two of D1354 per 12 months per patient per tooth for primary and permanent teeth. Not to exceed 4 times per tooth in a lifetime. Cannot be billed on the same day as D1355 or any D2000 series code (D2140–D2954). Must Report both tooth number and surface(s).
Caries preventive medicament application – per tooth	D1355	\$5.47	\$5.47	\$0.00	For primary prevention or remineralization. Medicaments applied do not include topical fluorides. Medicaments that may be applied during the delivery of D1355 procedure include Silver Diamine Fluoride (SDF), Silver Nitrate (SN), thymol-CHX varnish, and topical povidone iodine (PVP-I). Cannot be billed on the same day as: D1206, D1208, D1354, D0140, D9110, or any restoration codes on the same day or within 12 months of D2140 thru D2954. Maximum of four D1355 per tooth per lifetime. Must report both tooth number and surface(s).

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Amalgam - one surface, primary or permanent	D2140	\$112.67	\$102.67	\$10.00	Includes tooth preparation, all adhesives, liners, polishing, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Amalgam - two surfaces, primary or permanent	D2150	\$141.20	\$131.20	\$10.00	Includes tooth preparation, all adhesives, liners, polishing, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Amalgam - three surfaces, primary or permanent	D2160	\$170.88	\$160.88	\$10.00	Includes tooth preparation, all adhesives, liners, polishing, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Amalgam - four or more surfaces, primary or permanent	D2161	\$204.96	\$194.96	\$10.00	Includes tooth preparation, all adhesives, liners, polishing, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite - one surface, anterior	D2330	\$115.00	\$105.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite - two surfaces, anterior	D2331	\$146.00	\$136.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite - three surfaces, anterior	D2332	\$179.00	\$169.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Resin-based composite - four or more surfaces or involving incisal angle (anterior)	D2335	\$212.00	\$202.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite - one surface, posterior	D2391	\$134.00	\$124.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite -two surfaces, posterior	D2392	\$176.00	\$166.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite - three surfaces, posterior	D2393	\$218.00	\$208.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Resin-based composite - four or more surfaces, posterior	D2394	\$268.00	\$258.00	\$10.00	Includes tooth preparation, all adhesives, liners, etching, and bases. Adjustments are included. Frequency: 36 months for the same restoration. See Explanation of Restorations.
Crown - porcelain/ceramic	D2740	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Crown - porcelain fused to high noble metal	D2750	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - porcelain fused to predominantly base metal	D2751	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - porcelain fused to noble metal	D2752	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - 3/4 cast predominantly base metal	D2781	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Crown - 3/4 cast noble metal	D2782	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - 3/4 porcelain/ceramic	D2783	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - full cast high noble metal	D2790	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - full cast predominantly base metal	D2791	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Crown - full cast noble metal	D2792	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Crown - titanium	D2794	\$780.00	\$730.00	\$50.00	Only one of the following will be reimbursed each 84 months per client per tooth: D2740, D2750, D2751, D2752, D2781, D2782, D2783, D2790, D2791, D2792, or D2794. Second molars are only covered if it is necessary to support a partial denture or to maintain eight posterior teeth in occlusion.
Re-cement or re-bond inlay, onlay, veneer or partial coverage restoration	D2910	\$87.00	\$77.00	\$10.00	Not allowed within 6 months of placement.
Re-cement or re-bond crown	D2920	\$89.00	\$79.00	\$10.00	Not allowed within 6 months of placement.
Core buildup, including any pins when required	D2950	\$225.00	\$200.00	\$25.00	Only one of the following will be reimbursed per 84 months per client per tooth. D2950, D2952, or D2954. Refers to building up of coronal structure when there is insufficient retention for a separate extracoronar restorative procedure. A core buildup is not a filler to eliminate any undercut, box form, or concave irregularity in a preparation. Not payable on the same tooth and same day as D2951.
Pin retention per tooth	D2951	\$50.00	\$40.00	\$10.00	Pins placed to aid in retention of restoration. Can only be used in combination with a multi-surface amalgam.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Cast post and core in addition to crown	D2952	\$332.00	\$307.00	\$25.00	Only one of the following will be reimbursed per 84 months per client per tooth. D2950, D2952, or D2954. Refers to building up of anatomical crown when restorative crown will be placed. Not payable on the same tooth and same day as D2951.
Prefabricated post and core in addition to crown	D2954	\$269.00	\$244.00	\$25.00	Only one of the following will be reimbursed per 84 months per client per tooth. D2950, D2952, or D2954. Core is built around a prefabricated post. This procedure includes the core material and refers to building up of anatomical crown when restorative crown will be placed. Not payable on the same tooth and same day as D2951.
Endodontic therapy, anterior tooth (excluding final restoration)	D3310	\$566.40	\$516.40	\$50.00	Complete root canal therapy; Includes all appointments necessary to complete treatment; also includes intra-operative radiographs. Does not include diagnostic evaluation and necessary radiographs/diagnostic images. Teeth covered: 6-11 and 22-27.
Endodontic therapy, premolar tooth (excluding final restoration)	D3320	\$661.65	\$611.65	\$50.00	Complete root canal therapy; Includes all appointments necessary to complete treatment; also includes intra-operative radiographs. Does not include diagnostic evaluation and necessary radiographs/diagnostic images. Teeth covered: 4, 5, 12, 13, 20, 21, 28, and 29.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Endodontic therapy, molar tooth (excluding final restoration)	D3330	\$786.31	\$736.31	\$50.00	Complete root canal therapy; Includes all appointments necessary to complete treatment; also includes intra-operative radiographs. Does not include diagnostic evaluation and necessary radiographs/diagnostic images. Teeth covered: 2, 3, 14, 15, 18, 19, 30, and 31.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Periodontal scaling & root planing - four or more teeth per quadrant	D4341	\$177.00	\$167.00	\$10.00	<p>Involves instrumentation of the crown and root surfaces of the teeth to remove plaque and calculus from these surfaces. For clients with periodontal disease and is therapeutic, not prophylactic. D4341 and D1110 can be reported on same service date when D1110 is utilized for areas of the mouth that are not affected by periodontal disease. D1110 can only be charged once, not per quadrant; A diagnosis of periodontitis with clinical attachment loss (CAL) included. Diagnosis and classification of the periodontology case type must be in accordance with documentation as currently established by the American Academy of Periodontology. Current periodontal charting must be present in client chart documenting active periodontal disease. Frequency:</p> <ul style="list-style-type: none"> • 1 time per quadrant per 36 month interval. • No more than 2 quadrants may be considered in a single visit in a non-hospital setting. Documentation of other treatment provided at same time will be requested. • Cannot be charged on same date as D4346. • Any follow-up and re-evaluation are included in the initial reimbursement.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Periodontal scaling & root planing - one to three teeth per quadrant	D4342	\$128.00	\$128.00	\$0.00	<p>Involves instrumentation of the crown and root surfaces of the teeth to remove plaque and calculus from these surfaces. For clients with periodontal disease and is therapeutic, not prophylactic. D4342 and D1110 can be reported on same service date when date when D1110 is utilized for areas of the mouth that are not affected by periodontal disease. D1110 can only be charged once, not per quadrant; A diagnosis of periodontitis with clinical attachment loss (CAL) included. Current periodontal charting must be present in client chart documenting active periodontal disease. Frequency:</p> <ul style="list-style-type: none"> • 1 time per quadrant per 36 month interval. • No more than 2 quadrants may be considered in a single visit in a non-hospital setting.. Documentation of other treatment provided at same time will be requested. • Cannot be charged on same date as D4346. • Any follow-up and re-evaluation are included in the initial reimbursement.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Scaling in presence of generalized moderate or severe gingival inflammation – full mouth, after oral evaluation	D4346	\$102.00	\$92.00	\$10.00	<p>The removal of plaque, calculus, and stains from supra- and sub-gingival tooth surfaces when there is generalized moderate or severe gingival inflammation in the absence of periodontitis. It is indicated for patients who have swollen, inflamed gingiva, generalized suprabony pockets, and moderate to severe bleeding on probing. Should not be reported in conjunction with prophylaxis, scaling and root planing, or debridement procedures. Frequency: once in a lifetime.</p> <ul style="list-style-type: none"> Any follow-up and re-evaluation are included in the initial reimbursement. Cannot be charged on the same date as D1110, D4341, D4342, or D4910.
Full mouth debridement to enable a comprehensive evaluation and diagnosis on a subsequent visit	D4355	\$94.02	\$84.02	\$10.00	<p>One of (D4335) per 3 year(s) per patient. Prophylaxis D1110 is not reimbursable when provided on the same day of service as D4355. D4355 is not reimbursable if patient record indicates D1110 or D4910 have been provided in the previous 12 month period. Other D4000 series codes are not reimbursable when provided on the same date of service as D4355.</p>

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Periodontal maintenance procedures	D4910	\$136.00	\$136.00	\$0.00	<p>Procedure following periodontal therapy D4341 or D4342. This procedure includes removal of the bacterial plaque and calculus from supragingival and subgingival regions, site specific scaling and root planing where indicated and polishing the teeth. Frequency:</p> <ul style="list-style-type: none"> Up to four times per fiscal year per client. Cannot be charged on the same date as D4346. Cannot be charged within the first three months following active periodontal treatment.
Complete denture - maxillary	D5110	\$874.52	\$794.52	\$80.00	<p>Reimbursement made upon delivery of a complete maxillary denture to the client. D5110 or D5120 cannot be used to report an immediate denture, D5130 or D5140. Routine follow-up adjustments/relines within 6 months are to be anticipated and are included in the initial reimbursement. A complete denture is made after teeth have been removed and the gum and bone tissues have healed - or to replace an existing denture. Complete dentures are provided once adequate healing has taken place following extractions. This can vary greatly depending upon client, oral health, overall health, and other confounding factors. Frequency: Program will only pay for one per every five years - documentation that existing prosthesis cannot be made serviceable must be maintained.</p>

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Complete denture - mandibular	D5120	\$875.94	\$795.94	\$80.00	Reimbursement made upon delivery of a complete mandibular denture to the client. D5110 or D5120 cannot be used to report an immediate denture, D5130, D5140. Routine follow-up adjustments/relines within 6 months are to be anticipated and are included in the initial reimbursement. A complete denture is made after teeth have been removed and the gum and bone tissues have healed - or to replace an existing denture. Complete dentures are provided once adequate healing has taken place following extractions. This can vary greatly depending upon client, oral health, overall health, and other confounding factors. Frequency: Program will only pay for one per every five years - documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Immediate denture – maxillary	D5130	\$874.52	\$794.52	\$80.00	Reimbursement made upon delivery of an immediate maxillary denture to the client. Routine follow-up adjustments/soft tissue condition relines within 6 months are to be anticipated and are included in the initial reimbursement. An immediate denture is made prior to teeth being extracted and is inserted same day of extraction of remaining natural teeth. Frequency: D5130 can be reimbursed only once per lifetime per client. Complete denture, D5110, may be considered 5 years after immediate denture was reimbursed. Documentation that existing prosthesis cannot be made serviceable must be maintained.
Immediate denture – mandibular	D5140	\$875.94	\$795.94	\$80.00	Reimbursement made upon delivery of an immediate mandibular denture to the client. Routine follow-up adjustments/soft tissue condition relines within 6 months are to be anticipated and are included in the initial reimbursement. An immediate denture is made prior to teeth being extracted and is inserted same day of extraction of remaining natural teeth. Frequency: D5140 can be reimbursed only once per lifetime per client. Complete dentures, D5120, may be considered 5 years after immediate denture was reimbursed – documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Maxillary partial denture - resin base (including retentive/clasping materials, rests, and teeth)	D5211	\$700.00	\$640.00	\$60.00	Reimbursement made upon delivery of a complete partial maxillary denture to the client. D5211 and D5212 are considered definitive treatments. Routine follow-up adjustments or relines within 6 months are to be anticipated and are included in the initial reimbursement. A partial resin base denture can be made right <u>after</u> having teeth extracted (healing from only a few teeth is not as extensive as healing from multiple). A partial resin base denture can also be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and "try-in" appointments may be necessary and are included in the cost. Frequency: Program will only pay for one resin maxillary per every 3 years - documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Mandibular partial denture - resin base (including retentive/clasping rests, and teeth)	D5212	\$778.00	\$718.00	\$60.00	<p>Reimbursement made upon delivery of a complete partial mandibular denture to the client. D5211 and D5212 are considered definitive treatment. Routine follow-up adjustments/relines within 6 months are to be anticipated and are included in the initial reimbursement. A partial resin base denture can be made right <u>after</u> having teeth extracted (healing from only a few teeth is not as extensive as healing from multiple). A partial resin base denture can also be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and "try-in" appointments may be necessary and are included in the cost. Frequency: Program will only pay for one resin mandibular per every 3 years - documentation that existing prosthesis cannot be made serviceable must be maintained.</p>

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Maxillary partial denture – cast metal framework with resin denture bases (including any conventional clasps, rests and teeth)	D5213	\$844.31	\$784.31	\$60.00	Reimbursement made upon delivery of a complete partial maxillary denture to the client. D5213 and D5214 are considered definitive treatment. Routine follow-up adjustments or relines within 6 months are to be anticipated and are included in the initial reimbursement. A partial cast metal base can also be made right after having teeth extracted (healing from only a few teeth is not as extensive as healing from multiple). A partial cast metal base denture can be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and “try-in” appointments may be necessary and are included in the cost. Frequency: Program will only pay for one maxillary per every five years - documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Mandibular partial denture – cast metal framework with resin denture bases (including any conventional clasps, rests and teeth)	D5214	\$844.31	\$784.31	\$60.00	Reimbursement made upon delivery of a complete partial mandibular denture to the client. D5213 and D5214 are considered definitive treatment. Routine follow-up adjustments or relines within 6 months are to be anticipated and are included in the initial reimbursement. A partial cast metal base can be made right after having teeth extracted (healing from only a few teeth is not as extensive as healing from multiple). A partial cast metal base denture can also be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and “try-in” appointments may be necessary and are included in the cost. Frequency: Program will only pay for one mandibular per every five years - documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Immediate maxillary partial denture – resin base (including any conventional clasps, rests and teeth)	D5221	\$607.61	\$547.61	\$60.00	Reimbursement made upon delivery of an immediate partial maxillary denture to the client. D5221 can be reimbursed only once per lifetime per client and must be on the same date of service as the extraction. Routine follow-up adjustments or relines within 6 months is to be anticipated and are included in the initial reimbursement. An immediate partial resin base denture can be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and “try-in” appointments may be necessary and are included in the cost. Frequency: A maxillary partial denture may be considered 3 years after immediate partial denture was reimbursed. Documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Immediate mandibular partial denture – resin base (including any conventional clasps, rests and teeth)	D5222	\$607.61	\$547.61	\$60.00	Reimbursement made upon delivery of an immediate partial mandibular denture to the client. D5222 can be reimbursed only once per lifetime per client and must be on the same date of service as the extraction. Routine follow-up adjustments or relines within 6 months is to be anticipated and are included in the initial reimbursement. An immediate partial resin base denture can be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and “try-in” appointments may be necessary and are included in the cost. Frequency: A mandibular partial denture may be considered 3 years after immediate partial denture was reimbursed. Documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Immediate maxillary partial denture – cast metal framework with resin denture bases (including any conventional clasps, rests and teeth)	D5223	\$844.31	\$784.31	\$60.00	Reimbursement made upon delivery of an immediate partial maxillary denture to the client. D5223 can be reimbursed only once per lifetime per client and must be on the same date of service as the extraction. Routine follow-up adjustments or relines within 6 months is to be anticipated and are included in the initial reimbursement. An immediate partial cast metal framework with resin base denture can be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and “try-in” appointments may be necessary and are included in the cost. Frequency: A maxillary partial denture may be considered 5 years after immediate partial denture was reimbursed. Documentation that existing prosthesis cannot be made serviceable must be maintained.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Immediate mandibular partial denture – cast metal framework with resin denture bases (including any conventional clasps, rests and teeth)	D5224	\$844.31	\$784.31	\$60.00	Reimbursement made upon delivery of an immediate partial mandibular denture to the client. D5224 can be reimbursed only once per lifetime per client and must be on the same date of service as the extraction. Routine follow-up adjustments or relines within 6 months are to be anticipated and are included in the initial reimbursement. An immediate partial cast metal framework with resin base denture can be made before having teeth extracted if the teeth being removed are in the front or necessary healing will be minimal. Several impressions and “try-in” appointments may be necessary and are included in the cost. Frequency: A mandibular partial denture may be considered 5 years after immediate partial denture was reimbursed. Documentation that existing prosthesis cannot be made serviceable must be maintained.
Repair broken complete denture base, mandibular	D5511	\$123.70	\$113.70	\$10.00	Repair broken complete denture base, mandibular
Repair broken complete denture base, maxillary	D5512	\$123.70	\$113.70	\$10.00	Repair broken complete denture base, maxillary
Replace missing or broken teeth - complete denture (each tooth)	D5520	\$92.91	\$82.91	\$10.00	Replacement/repair of missing or broken teeth.
Repair resin partial denture base, mandibular	D5611	\$95.00	\$85.00	\$10.00	Repair resin partial denture base, mandibular
Repair resin partial denture base, maxillary	D5612	\$95.00	\$85.00	\$10.00	Repair resin partial denture base, maxillary
Repair cast partial framework, mandibular	D5621	\$121.29	\$111.29	\$10.00	Repair cast partial framework, mandibular
Repair cast partial framework, maxillary	D5622	\$121.29	\$111.29	\$10.00	Repair cast partial framework, maxillary
Repair or replace broken retentive/clasping materials – per tooth	D5630	\$131.00	\$121.00	\$10.00	Repair of broken clasp on partial denture base – per tooth.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Replace broken teeth-per tooth	D5640	\$94.02	\$84.02	\$10.00	Repair/replacement of missing tooth.
Add tooth to existing partial denture	D5650	\$109.00	\$99.00	\$10.00	Adding tooth to partial denture base. Documentation may be requested when charged on partial delivered in last 12 months.
Add clasp to existing partial denture	D5660	\$136.05	\$126.05	\$10.00	Adding clasp to partial denture base – per tooth. Documentation may be requested when charged on partial delivered in last 12 months.
Rebase complete maxillary denture	D5710	\$322.00	\$297.00	\$25.00	Rebasing the denture base material due to alveolar ridge resorption. Frequency: one (1) time per 12 months. Completed at laboratory. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a reline in a 12 month period.
Rebase complete mandibular denture	D5711	\$322.00	\$297.00	\$25.00	Rebasing the denture base material due to alveolar ridge resorption. Frequency: one (1) time per 12 months. Completed at laboratory. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a reline in a 12 month period.
Rebase maxillary partial denture	D5720	\$304.00	\$279.00	\$25.00	Rebasing the partial denture base material due to alveolar ridge resorption. Frequency: one (1) time per 12 months. Completed at laboratory. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a reline in a 12 month period.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Rebase mandibular partial denture	D5721	\$304.00	\$279.00	\$25.00	Rebasing the partial denture base material due to alveolar ridge resorption. Frequency: one (1) time per 12 months. Completed at laboratory. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a reline in a 12 month period.
Reline complete maxillary denture (chairside)	D5730	\$182.00	\$172.00	\$10.00	Chair side reline that resurfaces without processing denture base. Frequency: One (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Reline complete mandibular denture (chairside)	D5731	\$182.00	\$172.00	\$10.00	Chair side reline that resurfaces without processing denture base. Frequency: One (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Reline maxillary partial denture (chairside)	D5740	\$175.82	\$165.82	\$10.00	Chair side reline that resurfaces without processing partial denture base. Frequency: one (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Reline mandibular partial denture (chairside)	D5741	\$177.49	\$167.49	\$10.00	Chair side reline that resurfaces without processing partial denture base. Frequency: one (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Reline complete maxillary denture (laboratory)	D5750	\$243.00	\$218.00	\$25.00	Laboratory reline that resurfaces with processing denture base. Frequency: one (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Reline complete mandibular denture (laboratory)	D5751	\$243.00	\$218.00	\$25.00	Laboratory reline that resurfaces with processing denture base. Frequency: one (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Reline maxillary partial denture (laboratory)	D5760	\$239.00	\$214.00	\$25.00	Laboratory reline that resurfaces with processing partial denture base. Frequency: one (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Reline mandibular partial denture (laboratory)	D5761	\$239.00	\$214.00	\$25.00	Laboratory reline that resurfaces with processing partial denture base. Frequency: one (1) time per 12 months. Cannot be charged on denture provided in the last 6 months. Cannot be charged in addition to a rebase in a 12 month period.
Extraction, erupted tooth or exposed root (elevation and/or forceps removal)	D7140	\$111.78	\$101.78	\$10.00	Routine removal of tooth structure, including minor smoothing of socket bone, and closure as necessary. Treatment notes must include documentation that an extraction was done per tooth.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Surgical removal of erupted tooth requiring removal of bone and/or sectioning of tooth, and including elevation of mucoperiosteal flap if indicated	D7210	\$172.88	\$162.88	\$10.00	Includes removal of bone, and/or sectioning of erupted tooth, smoothing of socket bone and closure as necessary. Treatment notes must include documentation that a surgical extraction was done per tooth.
Removal of impacted tooth-soft tissue	D7220	\$207.25	\$187.25	\$20.00	Occlusal surface of tooth covered by soft tissue; requires mucoperiosteal flap elevation. Teeth 1-32 One of D7220 per 1 lifetime per patient per tooth
Removal of impacted tooth-partially bony	D7230	\$255.53	\$235.53	\$20.00	Part of crown covered by bone; requires mucoperiosteal flap elevation and bone removal. Teeth 1-32 One of D7230 per 1 lifetime per patient per tooth
Removal of impacted tooth-completely bony	D7240	\$296.38	\$276.38	\$20.00	Most or all of crown covered by bone; requires mucoperiosteal flap elevation and bone removal. Teeth 1-32 One of D7240 per 1 lifetime per patient per tooth.
Removal of impacted tooth-completely bony, with unusual surgical complications	D7241	\$389.20	\$369.20	\$20.00	Most or all of crown covered by bone; unusually difficult or complicated due to factors such as nerve dissection required, separate closure of maxillary sinus required or aberrant tooth position. Teeth 1-32 One of D7241 per lifetime per patient per tooth.
Surgical removal of residual tooth roots (cutting procedure)	D7250	\$182.30	\$172.30	\$10.00	Includes removal of bone, and/or sectioning of residual tooth roots, smoothing of socket bone and closure as necessary. Treatment notes must include documentation that a surgical extraction was done per tooth. Can only be charged once per tooth. Cannot be charged for removal of broken off roots for recently extracted tooth.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Incisional biopsy of oral tissue-soft	D7286	\$381.00	\$381.00	\$0.00	Removing tissue for histologic evaluation. Treatment notes must include documentation and proof that biopsy was sent for evaluation.
Alveoloplasty in conjunction with extractions - four or more teeth or tooth spaces, per quadrant	D7310	\$150.00	\$140.00	\$10.00	Substantially reshaping the bone after an extraction procedure, much more than minor smoothing of the bone. Reported per quadrant.
Alveoloplasty in conjunction with extractions - one to three teeth or tooth spaces, per quadrant	D7311	\$139.42	\$129.42	\$10.00	Substantially reshaping the bone after an extraction procedure, much more than minor smoothing of the bone. Reported per quadrant.
Alveoloplasty not in conjunction with extractions - four or more teeth or tooth spaces, per quadrant	D7320	\$200.47	\$190.47	\$10.00	Substantially reshaping the bone after an extraction procedure, correcting anatomical irregularities. Reported per quadrant.
Alveoloplasty not in conjunction with extractions - one to three teeth or tooth spaces, per quadrant	D7321	\$200.47	\$190.47	\$10.00	Substantially reshaping the bone after an extraction procedure, correcting anatomical irregularities. Reported per quadrant.
Removal of lateral exostosis (maxilla or mandible)	D7471	\$290.11	\$280.11	\$10.00	Removal of a benign bony outgrowth (bone spur) for proper prosthesis fabrication. Reported per arch.
Removal of torus palatinus	D7472	\$341.08	\$331.08	\$10.00	To remove a malformation of bone for proper prosthesis fabrication.
Removal of torus mandibularis	D7473	\$332.69	\$322.69	\$10.00	To remove a malformation of bone for proper prosthesis fabrication.
Incision & drainage of abscess - intraoral soft tissue	D7510	\$193.00	\$183.00	\$10.00	Incision through mucosa, including periodontal origins.

DO NOT PUBLISH THIS PAGE

Procedure Description	Alpha-numeric Code	Max Allowable Fee	Program Payment	Max Client Co-Pay	PROGRAM GUIDELINES
Palliative (emergency) treatment of dental pain - minor procedure	D9110	\$78.23	\$53.23	\$25.00	Emergency treatment to alleviate pain/discomfort. This code cannot be used for filing claims or writing or calling in a prescription to the pharmacy or to address situations that arise during multi-visit treatments covered by a single fee such as surgical or endodontic treatment. Report per visit, no procedure. Frequency: Limit 1 time per year. Maintain documentation that specifies problem and treatment.
Evaluation for moderate sedation, deep sedation or general anesthesia	D9219	\$40.90	\$40.90	\$0.00	One of D9219 or D9310 per 12 month(s) per provider or location
Deep sedation/general anesthesia-each 15 minute increment	D9223	\$103.40	\$93.40	\$10.00	Ten of D9223 per 1 day per patient. Not allowed with D9243
Intravenous moderate (conscious) sedation/analgesia-each 15 minute increment	D9243	\$103.40	\$93.40	\$10.00	Fourteen of D9243 per 1 day per patient. Not allowed with D9223

EXPLANATION OF RESTORATIONS		
Location	Number of Surfaces	Characteristics
Anterior	1	Placed on one of the following five surface classifications – Mesial, Distal, Incisal, Lingual, or Labial.
	2	Placed, without interruption, on two of the five surface classifications – e.g., Mesial–Lingual.
	3	Placed, without interruption, on three of the five surface classifications – e.g., Lingual–Mesial–Labial.
	4 or more	Placed, without interruption, on four or more of the five surface classifications – e.g., Mesial-Incisor-Lingual-Labial.
Posterior	1	Placed on one of the following five surface classifications – Mesial, Distal, Occlusal, Lingual, or Buccal.
	2	Placed, without interruption, on two of the five surface classifications – e.g., Mesial-Occlusal.
	3	Placed, without interruption, on three of the five surface classifications – e.g., Lingual-Occlusal-Distal.
	4 or more	Placed, without interruption, on four or more of the five surface classifications – e.g., Mesial-Occlusal-Lingual-Distal.

NOTE: Tooth surfaces are reported using the letters in the following table.

DO NOT PUBLISH THIS PAGE

Surface	Code
Buccal	B
Distal	D
Facial (or Labial)	F
Incisal	I
Lingual	L
Mesial	M
Occlusal	O



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

JULY 2021 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE JULY 30, 2021 EMERGENCY MEDICAL SERVICES BOARD MEETING

MSB 21-06-25-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The temporary changes to regulatory requirements in order to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-25-B, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The purpose of this emergency rule is to temporarily change regulatory requirements for Department of Health Care Policy and Financing rules to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic. The temporary changes to regulatory requirements in order to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-26-A, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Under the Department's current rule, ambulance trips may only be taken to a limited set of medical facilities, the "closest, most appropriate Facility." CMS recently issued an expanded list of allowable destinations for ambulance trips that qualify for Medicare reimbursement during the COVID-19 public health



emergency. This rule will align the Department with that new CMS Medicare guidance by expanding our definition of Facility. The goal is to allow EMT providers to take members to a wider range of medical facilities that are appropriate to the member's condition but that are not necessarily hospitals. This will help prevent hospital overcrowding while also getting members the most appropriate medical care, and will allow utilization of temporary and alternative care sites.

The second change relates to interfacility transportation, which is ambulance transportation from one facility to another, provided the member requires basic or advanced life support en route. This revision suspends the life support requirement. This will allow for members to be moved from one facility to another if they need continued COVID-19-related care, but do not require life support en route. This is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-26-B, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Permitting NEMT trips to non-covered places of service will prevent hospital overcrowding while ensuring that members receive treatment for COVID-19. The change allows flexibility and takes advantage of newly established alternative care sites that may be temporary in nature and thus not enrolled in the Colorado Medical Assistance Program. If members with COVID-19 can only receive care at covered places of service, those sites may become overcrowded and may see a shortage of available beds.

Suspending multi-loading will ensure compliance with social distancing guidelines by limiting a vehicle's occupants. It is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-27-A, Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This revision is necessary to comply with section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. This provision requires the Department to be able to reimburse for administration of the COVID-19 vaccine currently being developed. It is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-27-B, Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This rule revision will allow the Department to reimburse pharmacies for administration of the COVID-19 vaccine in Long-term Care Facilities through the Centers for Disease Control and Prevention's (CDC's) Pharmacy



Partnership for Long-term Care Program or other partnership between an LTC and a pharmacy. These revisions are required to facilitate administration of the forthcoming COVID-19 vaccine to nursing home facility residents and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-28-A, Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. These revisions are required to bring Department regulations in line with current practice. The Department otherwise risks deferral or disallowance from CMS for being out of compliance. A deferral or disallowance would impact the Department's ability to provide adequate services to members. This rule change is necessary for the preservation of public health, safety, and welfare.

MSB 21-06-28-B, Revision to the Medical Assistance Act Rule concerning Subacute Care, Sections 8.300.3 & 8.300.5

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Addition of subacute care to the list of the covered services for inpatient hospitals, and associated alternate care facilities, increases access to such care for the duration of the COVID-19 public health emergency and is imperatively necessary for the preservation of public health, safety, and welfare.

MSB 21-06-29-A, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The proposed rule change will amend 10 CCR 2505-10 sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6 based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision. All policy revisions will align with federal regulations for the state to be in compliance during the federal Coronavirus (COVID-19) Public Health Emergency. These changes will impact all Medical Assistance categories and these policy changes will stay in place until the end of the federal Coronavirus (COVID-19) Public Health Emergency. The following policy changes are: Self-attestation for most verifications will be acceptable to be in compliance with the Maintenance of Effort (MOE) provision to ensure the continuance of health coverage for all eligible members. When a member is not reasonable compatible based off income a member self-attests, documentation will not be required, and the member will remain eligible for Medical Assistance. Self-attestation of resources will be acceptable for Non-MAGI programs. Premiums for the Buy-In program will be waived. Required through the Federal CARES Act for the Maintenance of Effort (MOE), members who had a loss of employment will remain in the Buy-In program. Newly enrolled members will still need to meet the work requirements. For applicants who are not eligible for Medical Assistance but have been



exposed or who are potentially infected by the COVID-19, will be eligible for Medical Assistance for related COVID testing. The economic stimulus relief package designed to provide direct assistance to individuals to help offset the financial impacts of the COVID-19 Public Health Emergency will be exempt for MAGI and Non-MAGI eligibility determinations. The economic stimulus will not be a countable resource for 12 months for any Non-MAGI financial eligibility determinations that include a resource test. Lastly, the Federal Pandemic Unemployment Compensation (FPUC) program which provides an extra \$600.00 a week is not countable unearned income for Medical Assistance categories. This rule change is crucial for the preservation of public health, safety, and welfare.

MSB 21-07-20-A, Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The Consolidated Appropriations Act of 2021 has been in effect since December 27, 2020. CMS recently provided guidance for rule and system updates that are required as soon as possible, as the Department is currently out of compliance with federal law. The Colorado Benefit Management System (CBMS) will be updated at next available system build on August 7, 2021, so rule must be updated to ensure systematic and regulatory alignment and is imperatively necessary for the preservation of public health, safety, and welfare.

MSB 21-07-21-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The program's statute requires that rates for dental procedures for the Dental Health Care Program for Low-Income Seniors are at least as much as Medicaid's dental rates. Rule changes are necessary to revise rates to meet the statutory requirement and is imperatively necessary for the preservation of public health, safety, and welfare.



PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00455

Opinion of the Attorney General rendered in connection with the rules adopted by the

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 07/30/2021

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY

The above-referenced rules were submitted to this office on 08/03/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 19, 2021 10:00:16

A handwritten signature in blue ink, appearing to read 'P. J. Weiser', is positioned above the typed name and title.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Emergency Rules Adopted

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

CCR number

10 CCR 2505-10

Rule title

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND
PURPOSE AND RULE HISTORY 1 - eff 08/09/2021

Effective date

08/09/2021

Expiration date

11/27/2021

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Novel Coronavirus Disease (COVID-19) Rules, Section 8.6000

Rule Number: MSB 20-06-25-A

Division / Contact / Phone: Office of Community Living / Colin Laughlin / 303-866-2549

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-06-25-A, Novel Coronavirus Disease (COVID-19) Rules
3. This action is an new rules adoption of:
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.6000, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: August 09, 2021

Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Insert the newly proposed text at 8.6000. This rule is effective August 09, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Novel Coronavirus Disease (COVID-19) Rules, Section 8.6000

Rule Number: MSB 21-06-25-A

Division / Contact / Phone: Office of Community Living / Colin Laughlin / 303-866-2549

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The purpose of this emergency rule is to temporarily change regulatory requirements for Department of Health Care Policy and Financing rules to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic

2. An emergency rule-making is imperatively necessary

☐
☒

to comply with state or federal law or federal regulation and/or
for the preservation of public health, safety and welfare.

Explain:

The temporary changes to regulatory requirements in order to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic is imperatively necessary for the preservation of public health safety, and welfare.

3. Federal authority for the Rule, if any:

Social Security Act Section 1135, Social Security Act 1115 (Pending), and Social Security Act 1915(c), Appendix K.

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2019); 25.5 Article 6, C.R.S.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Novel Coronavirus Disease (COVID-19) Rules, Section 8.6000

Rule Number: MSB 21-06-25-A

Division / Contact / Phone: Office of Community Living / Colin Laughlin / 303-866-2549

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Individual's receiving services in community-based settings, provider-owned community-based residential settings, provider-owned facility settings, and case management will all be benefitting from an increase in available funding to respond to the COVID-19 crisis.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Those rendering services in facilities, the community, or even remotely from their office or home may receive additional payment to do so during this critical time. Those receiving services are likely to continue with more likely to experience uninterrupted services as direct care workers/direct support professionals will be incentivized to continue to provide these services.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Many of the changes the Department is asking for are cost neutral. Additionally, the Department has sought, and in some cases, received approval from the Centers for Medicare and Medicaid to increase payments or rates. However, the Department also must work with its partners at the Office for State Planning and Budget as well as prioritize the many different areas of Medicaid that are impacted by COVID-19. Accordingly, the Department continues to estimate potential costs.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The comparison between direct cost and cost of inaction is hard to quantify. However, it is highly likely that the cost of doing nothing could

DO NOT PUBLISH THIS PAGE

be higher costs associated with more costly forms of care, significant impact to member's quality of life, and, in some cases – the loss of life or limb.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

At this time, the Department is also pursuing additional alternatives to ensure health, safety, and welfare but a key component of this effort is to ensure providers, agencies, and direct support professionals have the money they need to continue to go out in a time of crisis and provide services.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

As mentioned above, the Department is also partnering with community organizations, non-profits, advocacy organizations, other executive agencies, and the governor's office to work towards prioritizing Colorado's most vulnerable citizens receiving long-term care health, safety, and welfare.

MEDICAL ASSISTANCE – SECTION 8.6000 Novel Coronavirus Disease (COVID-19) Rules

10 CCR 2505-10 8.6000

8.6000 COVID-19 EMERGENCY RULES

PURPOSE: To temporarily change regulatory requirements for Department of Health Care Policy and Financing rules to provide enhanced flexibility, reduced programmatic limitations, and alignment with existing federal guidance related to the COVID-19 pandemic.

8.6001 REGULATORY CHANGES

The following regulations require, as applicable, that funds be made available for payment, federal approval is received, and any conflicting state statutory requirements are suspended by Executive Order. Each regulation below is effective once the applicable prerequisites are satisfied and shall continue to be in effect as long as those prerequisites continue to be satisfied.

8.6001.1 Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID)

Section 8.420

Temporarily waive the requirement that payments for ICF-IID are only allowed for facilities licensed by the Colorado Department of Public Health and Environment (CDPHE) to allow for potential inclusion of existing HCBS Group Homes.

Sections 8.404.3; 8.404.1; 8.405.2.22; 8.405.2.23; 8.405.2.24; 8.405.2.25.

Temporarily allow emergency placement of eligible individuals into an ICF-IID. Individual would still need to be fully eligible in meeting placement requirements but would allow for Department to expedite process through existing layers of review.

Sections 8.443.16.A; 8.443.1.C-D.

Temporarily allow payment beyond current limitation not to exceed COVID-19 emergency supplement payments.

8.6001.2 Nursing Facilities

Sections 8.443.10.B; 8.443.10.a; 8.443.11.A

Temporarily allow Nursing Facilities to receive a supplemental payment for COVID-19 related activities, provided the Nursing Facility organization follows Departmental guidance and benchmarks for the assurance of the member's health, safety, and welfare and adherence to published guidelines for safety.

Section 8.443.12.B – Inclusion of the Following Language:

COVID-19 Mitigation Emergency Supplemental Payment

Subject to available non-provider fee funding and Upper Payment Limit restrictions, the Department shall pay an additional supplemental payment to nursing facilities increasing measures to protect residents during the COVID-19 public health emergency.

1. In order to be eligible for this payment facilities must be:

- a. Compliant with all emergency related reported measures required by CMS, HCPF, CDPHE or the State Emergency Operations Center.
 - b. Implementing enhanced operational guidelines required by CMS, HCPF, CDPHE or the State Emergency Operations Center.
 - c. Cooperative with State or National efforts to mitigate the emergency
2. The Department will use historical Medicaid patient data to calculate and issue supplemental payments.
3. All payments issued as an emergency supplemental payment due to COVID-19 must be reported as a revenue in the cost reporting period in which it is received.

Section 8.443.1.B Addition of the Following Language

In addition to the MMIS claims reimbursement and provider fee funded supplemental payments, the Department may issue additional supplemental payments necessary to protect the health, safety and welfare of nursing facility residents when additional state or federal funding is available.

Establishment of Section 8.430.6 – Temporary Medicaid Nursing Facility Expansion

1. 8.430.6.A The Department may issue temporary enrollments for the purposes of increasing bed capacity during a public health emergency.
2. Facilities seeking temporary enrollments must submit plans to discharge residents within 60 days of the emergency end date.
3. Facilities with temporary Medicaid beds will be reimbursed statewide average rate for nursing facilities.
4. The enrollment will be effective until 60 days after the COVID-19 emergency is lifted.
5. After the 60 days has expired, the facility will receive no further reimbursement.

8.6001.3 Case Management

Sections 8.763.C; 8.761.46

Authorize providers of targeted case management services to increase, supplement, exceed, or provide additional authorization of units and correlating payments to all long-term care case management entities including transitional services for individuals needing community-placement due to COVID-19.

8.6001.4 Level of Care Assessment

Sections 8.393.2.c.5.a; 8.393.2.D.3.a; 8.393.3.A.1.c.i.3; 8.401.183.B; 8.497; 8.401; 8.491.2.B.2; 8.500.1; 8.500.90; 8.503; 8.504.1; 8.504.5.D; 8.506.3; 8.506.4.e.ii; 8.508.20; 8.515.5.B.1; 8.517.5.A.2; 8.519.1;

Remove the Professional Medical Information Page (PMIP) from the level of care determination for HCBS waivers, Long-Term Care-Home Health, PACE, NF, and ICF/IID programs to enable additional capacity and expedite enrollment.

Sections 8.390.3.A.2; 8.393.1.M.1.C; 8.393.2.C.5.; 8.393.2.D.1-3; 8.401.11 through 8.401.15; 8.485.61.B; 8.485.71.C; 8.486.201; 8.603.5.D; 8.500.18.B.3; 8.500.108.B.1; 8.503.70.3; 8.503.80.A; 8.506.3;

8.506.4.B; 8.509.14; 8.508.121; 8.503.70.A.1; 8.503.80.A.4; 8.506.4.B; 8.506.12.F; 8.508.20; 8.509.14; 8.509.31.A; 8.515.6.A.3; 8.517.7.A.3; 8.603.5.D; 8.503.30.A; 8.503.30.A.8; 8.508.121.A

Modify the requirements for initial and continued stay review assessments. For initial assessments, the level of care assessment will be limited to the Activities of Daily living which determines the functional eligibility/LOC for the member. Members pursuing a Home and Community Based Services (HCBS) waiver enrollment will be issued a start date based on the date of referral to the Case Management Agency, with the Level of Care to be completed with the member thereafter via telephonic or virtual modality. Changes to transfers from nursing facility to nursing facility by not requiring an entirely new assessment be conducted. For yearly re-assessments, the members existing eligibility will continue through the duration of 1135. Then the yearly re-assessment set to occur within six (6) months following the conclusion of the Section 1135 Waiver.

8.6001.5 Termination from Waiver Eligibility - Adverse Action

Sections 8.393.3.A.1.a through 8.393.A.1.d; 8.485.61.A through 8.485.61.D.3.b; 8.500.16.A.1 through 8.500.16.A.4; 8.500.16.E.1 and E.2; 8.503.160.A.1 through 8.500.160.A.4; 8.503.160.E.1 through 8.503.160.E.9; 8.508.190.A.1-4; 8.508.190.E.1 and E.2 ; 8.508.190.H.1-4; 8.508.190.I.3 and I.4; 8.509.15.A.1 through 8.509.15.A.4.c.1; 8.555.5.D.2

Remove requirement to involuntarily terminate a member from their selected HCBS waiver program

8.6001.6 Preadmission Screening and Resident Review (PASRR)

Section 8.401.18.181.A

PASRR Level I Screening and Level II Evaluations will be suspended for 30 days in accordance with Section 1919(e)(7) for new admissions.

8.6001.7 Personal Care

Sections 8.485.61.D.2-3; 8.489.10.11; 8.510.4.A

Temporarily waive the restriction of personal care services provided in Hospital, Nursing Facility, or other acute-like setting.

Sections 8.510.18; 8.552.1.B

Temporarily allow legally responsible person to provide services using participant directed models (Consumer Directed Attendant Support Services (CDASS) and In-Home Support Services (IHSS)).

8.6001.8 Guidelines for Institutions for Mental Diseases (IMDs)

Section 8.401.4

Temporarily waive the IMD requirements for nursing facilities that exceed 50% of patient-census with a primary diagnosis of major mental illness.

8.6001.9 Retainer Payments

Sections 8.515.80.F; 8.500.14.B.3

Temporarily allow specified Brain Injury waiver providers to bill retainer payments for services not rendered.

MEDICAL ASSISTANCE – SECTION 8.6000 Novel Coronavirus Disease (COVID-19) Rules

10 CCR 2505-10 8.6000

8.6000 COVID-19 EMERGENCY RULES

PURPOSE: To temporarily change regulatory requirements for Department of Health Care Policy and Financing rules to provide enhanced flexibility, reduced programmatic limitations, and alignment with existing federal guidance related to the COVID-19 pandemic.

8.6001 REGULATORY CHANGES

The following regulations require, as applicable, that funds be made available for payment, federal approval is received, and any conflicting state statutory requirements are suspended by Executive Order. Each regulation below is effective once the applicable prerequisites are satisfied and shall continue to be in effect as long as those prerequisites continue to be satisfied.

8.6001.1 Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID)

Section 8.420

Temporarily waive the requirement that payments for ICF-IID are only allowed for facilities licensed by the Colorado Department of Public Health and Environment (CDPHE) to allow for potential inclusion of existing HCBS Group Homes.

Sections 8.404.3; 8.404.1; 8.405.2.22; 8.405.2.23; 8.405.2.24; 8.405.2.25.

Temporarily allow emergency placement of eligible individuals into an ICF-IID. Individual would still need to be fully eligible in meeting placement requirements but would allow for Department to expedite process through existing layers of review.

Sections 8.443.16.A; 8.443.1.C-D.

Temporarily allow payment beyond current limitation not to exceed COVID-19 emergency supplement payments.

8.6001.2 Nursing Facilities

Sections 8.443.10.B; 8.443.10.a; 8.443.11.A

Temporarily allow Nursing Facilities to receive a supplemental payment for COVID-19 related activities, provided the Nursing Facility organization follows Departmental guidance and benchmarks for the assurance of the member's health, safety, and welfare and adherence to published guidelines for safety.

Section 8.443.12.B – Inclusion of the Following Language:

COVID-19 Mitigation Emergency Supplemental Payment

Subject to available non-provider fee funding and Upper Payment Limit restrictions, the Department shall pay an additional supplemental payment to nursing facilities increasing measures to protect residents during the COVID-19 public health emergency.

4. In order to be eligible for this payment facilities must be:

- d. Compliant with all emergency related reported measures required by CMS, HCPF, CDPHE or the State Emergency Operations Center.
 - e. Implementing enhanced operational guidelines required by CMS, HCPF, CDPHE or the State Emergency Operations Center.
 - f. Cooperative with State or National efforts to mitigate the emergency
- 5. The Department will use historical Medicaid patient data to calculate and issue supplemental payments.
 - 6. All payments issued as an emergency supplemental payment due to COVID-19 must be reported as a revenue in the cost reporting period in which it is received.

Section 8.443.1.B Addition of the Following Language

In addition to the MMIS claims reimbursement and provider fee funded supplemental payments, the Department may issue additional supplemental payments necessary to protect the health, safety and welfare of nursing facility residents when additional state or federal funding is available.

Establishment of Section 8.430.6 – Temporary Medicaid Nursing Facility Expansion

- 6. 8.430.6.A The Department may issue temporary enrollments for the purposes of increasing bed capacity during a public health emergency.
- 7. Facilities seeking temporary enrollments must submit plans to discharge residents within 60 days of the emergency end date.
- 8. Facilities with temporary Medicaid beds will be reimbursed statewide average rate for nursing facilities.
- 9. The enrollment will be effective until 60 days after the COVID-19 emergency is lifted.
- 10. After the 60 days has expired, the facility will receive no further reimbursement.

8.6001.3 Case Management

Sections 8.763.C; 8.761.46

Authorize providers of targeted case management services to increase, supplement, exceed, or provide additional authorization of units and correlating payments to all long-term care case management entities including transitional services for individuals needing community-placement due to COVID-19.

8.6001.4 Level of Care Assessment

Sections 8.393.2.c.5.a; 8.393.2.D.3.a; 8.393.3.A.1.c.i.3; 8.401.183.B; 8.497; 8.401; 8.491.2.B.2; 8.500.1; 8.500.90; 8.503; 8.504.1; 8.504.5.D; 8.506.3; 8.506.4.e.ii; 8.508.20; 8.515.5.B.1; 8.517.5.A.2; 8.519.1;

Remove the Professional Medical Information Page (PMIP) from the level of care determination for HCBS waivers, Long-Term Care-Home Health, PACE, NF, and ICF/IID programs to enable additional capacity and expedite enrollment.

Sections 8.390.3.A.2; 8.393.1.M.1.C; 8.393.2.C.5.; 8.393.2.D.1-3; 8.401.11 through 8.401.15; 8.485.61.B; 8.485.71.C; 8.486.201; 8.603.5.D; 8.500.18.B.3; 8.500.108.B.1; 8.503.70.3; 8.503.80.A; 8.506.3;

8.506.4.B; 8.509.14; 8.508.121; 8.503.70.A.1; 8.503.80.A.4; 8.506.4.B; 8.506.12.F; 8.508.20; 8.509.14; 8.509.31.A; 8.515.6.A.3; 8.517.7.A.3; 8.603.5.D; 8.503.30.A; 8.503.30.A.8; 8.508.121.A

Modify the requirements for initial and continued stay review assessments. For initial assessments, the level of care assessment will be limited to the Activities of Daily living which determines the functional eligibility/LOC for the member. Members pursuing a Home and Community Based Services (HCBS) waiver enrollment will be issued a start date based on the date of referral to the Case Management Agency, with the Level of Care to be completed with the member thereafter via telephonic or virtual modality. Changes to transfers from nursing facility to nursing facility by not requiring an entirely new assessment be conducted. For yearly re-assessments, the members existing eligibility will continue through the duration of 1135. Then the yearly re-assessment set to occur within six (6) months following the conclusion of the Section 1135 Waiver.

8.6001.5 Termination from Waiver Eligibility - Adverse Action

Sections 8.393.3.A.1.a through 8.393.A.1.d; 8.485.61.A through 8.485.61.D.3.b; 8.500.16.A.1 through 8.500.16.A.4; 8.500.16.E.1 and E.2; 8.503.160.A.1 through 8.500.160.A.4; 8.503.160.E.1 through 8.503.160.E.9; 8.508.190.A.1-4; 8.508.190.E.1 and E.2 ; 8.508.190.H.1-4; 8.508.190.I.3 and I.4; 8.509.15.A.1 through 8.509.15.A.4.c.1; 8.555.5.D.2

Remove requirement to involuntarily terminate a member from their selected HCBS waiver program

8.6001.6 Preadmission Screening and Resident Review (PASRR)

Section 8.401.18.181.A

PASRR Level I Screening and Level II Evaluations will be suspended for 30 days in accordance with Section 1919(e)(7) for new admissions.

8.6001.7 Personal Care

Sections 8.485.61.D.2-3; 8.489.10.11; 8.510.4.A

Temporarily waive the restriction of personal care services provided in Hospital, Nursing Facility, or other acute-like setting.

Sections 8.510.18; 8.552.1.B

Temporarily allow legally responsible person to provide services using participant directed models (Consumer Directed Attendant Support Services (CDASS) and In-Home Support Services (IHSS)).

8.6001.8 Guidelines for Institutions for Mental Diseases (IMDs)

Section 8.401.4

Temporarily waive the IMD requirements for nursing facilities that exceed 50% of patient-census with a primary diagnosis of major mental illness.

8.6001.9 Retainer Payments

Sections 8.515.80.F; 8.500.14.B.3

Temporarily allow specified Brain Injury waiver providers to bill retainer payments for services not rendered.

DRAFT

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13 and 8.126.1

Rule Number: MSB 20-06-25-B

Division / Contact / Phone: Medicaid Operations Office / Clint Eatmon / 720-819-6409

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-06-25-B, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13 and 8.126.1
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.125.11, 8.125.12, 8.125.13 and 8.126.1, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 08/09/2021
Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Remove the current text beginning at 8.125.11 through the end of 8.125.13. Replace the current text at 8.126.1 with the proposed text beginning at 8.126.1 through the end of 8.126.1. This rule is effective August 09, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13 and 8.126.1

Rule Number: MSB 21-06-25-B

Division / Contact / Phone: Medicaid Operations Office / Clint Eatmon / 720-819-6409

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This rule revision will temporarily remove current requirements for providers to comply with: Fingerprint Criminal Background Checks (10 CCR 2505-10 8.125.12), Site-Visits (10 CCR 2505-10 8.125.11) and payment of Application Fee's (10 CCR 2505-10 8.125.13), during the provider enrollment process. Alleviating these requirements will expedite the processing of provider-enrollment applications.

These proposed changes bring Colorado regulations into alignment with the approved 1135 waiver which was granted by CMS, temporarily waiving these requirements at the Federal Level. If passed, the rule will become effective on the date the board adopts it and it will expire after 120 days. However, the Department has the option to bring the rule to MSB a second time within the 120 days to reinstate or further extend the timeframe, depending on prevailing conditions and current guidance at that time.

The rule revision at 8.126.1 (10 CCR 2505-10 8.126.1), will allow providers enrolled as a Mass Immunizer with Medicare to temporarily enroll in Colorado to provide administration of COVID-19 vaccinations.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or
☒ for the preservation of public health, safety and welfare.

Explain:

Removing these requirements will expedite the processing of provider enrollment applications during the COVID-19 pandemic, thereby increasing the number of approved providers during this emergency period.

Allowing Mass Immunizers to enroll and administer COVID-19 vaccinations will increase the availability and administration of these critical vaccines.

Initial Review

Final Adoption

Proposed Effective Date **8/09/2021** Emergency Adoption

7/9/2021

DOCUMENT #07

DO NOT PUBLISH THIS PAGE

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);

Initial Review

Proposed Effective Date

7/9/2021

Final Adoption

8/09/2021 Emergency Adoption

DOCUMENT #07

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13 and 8.126.1

Rule Number: MSB 21-06-25-B

Division / Contact / Phone: Medicaid Operations Office / Clint Eatmon / 720-819-6409

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Those seeking to be approved Medicaid providers and our member population will benefit from this proposed rule.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Those seeking to become approved providers will benefit from a streamlined provider enrollment process. Members will benefit from increased access to care as more providers are enrolled and available to offer treatment and services, including COVID-19 vaccinations.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There are no costs to the Department or to an other agency to implement and enforce the proposed rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

There are no probable costs to providers.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

DO NOT PUBLISH THIS PAGE

There are no alternative methods for achieving the purpose of the proposed rule.

8.125 PROVIDER SCREENING

8.126 COLORADO NPI RULE

8.126.1 Definitions

- A. Billing Provider Field means the data field on a Claim that reflects the Health Care Provider to which the payer issues payment.
- B. Campus means the physical area immediately adjacent to the Hospital's main buildings, other areas and structures that are not strictly contiguous to the main buildings but are located within 250 yards of the main buildings, and any other areas determined on an individual case basis by the Centers of Medicare and Medicaid Services to be part of the provider's campus.
- C. Claim means a request for payment for the delivery of medical care, services, or goods authorized under the Medical Assistance Program, submitted to the Department through its fiscal agent by a Health Care Provider. Claim includes the transmission of encounter information for the purpose of reporting the delivery of medical care, services, or goods.
- D. Health Care Provider means any person or organization that furnishes, bills for, or is paid for medical care, services, or goods to one or more Medical Assistance Program members.
 - 1. A Health Care Provider includes an Organization Health Care Provider, Subpart of an Organization Health Care Provider, Off Campus Location, and a Site of an Organization Health Care Provider.
 - 2. Unless specified otherwise in Subsection 8.126.1, a Health Care Provider may include a Health Care Provider located outside the state of Colorado (out-of-state provider) that is licensed and/or certified pursuant to their state laws.
- E. Hospital means an Organization Health Care Provider that is enrolled in the Medical Assistance Program under the Provider Type of "Hospital - General" as defined in this Subsection 8.126.1.
- F. Medical Assistance Program means the programs authorized under Articles 4, 5, 6, 8, and 10 of Title 25.5.
- G. National Provider Identifier (NPI) means the standard, unique health identifier for Health Care Providers or Organization Health Care Providers that is used by the National Plan and Provider Enumeration System (NPPES) in accordance with 45 C.F.R. pt. 162.
- H. Off-Campus Location means a facility that:
 - 1. Has operations that are directly or indirectly owned or controlled by, in whole or in part, or affiliated with, a Hospital, regardless of whether the operations are under the same governing body as the Hospital;

2. Is not on the Hospital's Campus;
 3. Provides services that are organizationally and functionally integrated with the Hospital;
 4. Is an outpatient facility providing preventive, diagnostic, treatment, or emergency services; and
 5. Is identified on the Hospital's State License Addendum issued by the Colorado Department of Public Health and Environment or, for Hospitals licensed outside of Colorado, documentation demonstrating direct or indirect ownership or control of the Off-Campus Location.
- I. Organization Health Care Provider means a Health Care Provider that is not an individual.
- J. Provider Type means a classification of Health Care Provider or Organization Health Care Provider to which the payer issues payment for services provided to individuals enrolled in the Medical Assistance Program, according to the Provider Type license, accreditation, certification, and/or service provided. The Provider Types recognized by the Department are as follows:
1. Administrative Services Organization (ASO) is an entity that has entered into a valid, active contract to provide ASO services with the Colorado Department of Health Care Policy and Financing.
 2. Ambulatory Surgical Center (ASC) means a health care entity that is:
 - a. Licensed by the Colorado Department of Public Health and Environment as an Ambulatory Surgical Center; and
 - b. Certified by the Centers for Medicare and Medicaid Services to participate in the Medicare program as an Ambulatory Surgical Center.
 3. Audiologist means an individual licensed as an audiologist by the Division of Professions and Occupations within the Colorado Department of Regulatory Agencies.
 4. Behavioral Therapy Clinic means any group practice that has at least one affiliated Behavioral Therapy Individual. The affiliated Behavioral Therapy Individual must be enrolled in the Colorado Medical Assistance Program.
 5. Behavioral Therapy Individual means an individual that:
 - a. Is nationally certified as a Board-Certified Behavioral Analyst (BCBA); or
 - b. Meets one of the following:
 - (1) Has a doctoral degree with a specialty in psychiatry, medicine, or clinical psychology and is actively licensed by the State Board of Examiners; and has completed 400 hours of training; and/or has direct supervised experience in behavioral therapies that are consistent with best practice and research on effectiveness for people with autism or other developmental disabilities; or
 - (2) Has a doctoral degree in one of the behavioral or health sciences; and has completed 800 hours of specific training; and/or has experience in behavioral therapies that are consistent with best practice and research

on effectiveness for people with autism or other developmental disabilities; or

- (3) Is nationally certified as a BCBA; or
 - (4) Has a master's degree or higher in behavioral or health sciences; and is a licensed teacher with an endorsement of school psychologist; or is a licensed teacher with an endorsement of special education or early childhood special education; or is credentialed as a related services provider (Physical Therapist, Occupational Therapist, or Speech Therapist); and has completed 1,000 hours of direct supervised training or has experience in behavioral therapies that are consistent with best practice and research on effectiveness for people with autism or other developmental disabilities.
- 6. Birthing Center means a health care entity licensed as a Birth Center by the Colorado Department of Public Health and Environment. Out-of-state providers are not eligible for enrollment.
- 7. Case Management Agency (CMA) means a public or private not-for-profit or for-profit agency that meets all applicable state and federal requirements and is certified by the Department to provide case management services for Home and Community Based Services waivers.
- 8. Certified Registered Nurse Anesthetist (CRNA) means an individual who is:
 - a. Licensed as a registered nurse by the State Board of Nursing within the Colorado Department of Regulatory Agencies; and
 - b. Included within the advanced practice registry as a CRNA.
- 9. Clinic – Dental means any group practice that has at least one affiliated, licensed dentist or dental hygienist.
 - a. The affiliated dentist or dental hygienist must be enrolled in the Colorado Medical Assistance Program; and
 - b. A dental practice or clinic must be owned by a licensed dentist except if the dental practice or clinic is a non-profit organization defined as a community health center (also known as an FQHC) or having 50% or more patients determined as low income, or a political subdivision (i.e. city, county, state, etc.); and
 - c. A dental hygiene practice or clinic must be owned by a licensed dentist or licensed dental hygienist except if the dental hygiene practice or clinic is a non-profit organization defined as a community health center (also known as an FQHC) or having 50% or more patients determined as low income, or a political subdivision (i.e. city, county, state, etc.)
- 10. Clinic – Practitioner means any group practice that has at least one affiliated, licensed physician, osteopath, or podiatrist. The affiliated practitioner must be enrolled in the Colorado Medical Assistance Program.
- 11. Community Clinic means a health care entity that is:

- a. Licensed as a Community Clinic or Community Clinic and Emergency Center (CCEC) by the Colorado Department of Public Health and Environment;
 - b. Certified by the Centers for Medicare and Medicaid Services to participate in the Medicare program; and
 - c. Owned by a Medicare participating hospital.
12. Community Mental Health Center (CMHC) means a health care entity that:
- a. Is licensed as a Community Mental Health Center by the Colorado Department of Public Health and Environment;
 - b. Has program approval to operate as a CMHC from the Colorado Department of Human Services; and
 - c. If the CMHC delivers substance use disorder services, shall have Substance Use Disorder program approval from Colorado Department of Human Services.
13. Dental Hygienist means an individual who is licensed as a Dental Hygienist by the Colorado Dental Board within the Colorado Department of Regulatory Agencies.
14. Dentist means an individual who is licensed as a Dentist by the Colorado Dental Board within the Colorado Department of Regulatory Agencies.
15. Dialysis Treatment Clinic [Formerly Known as Dialysis Center] means a health care entity that is:
- a. Licensed as a Dialysis Treatment Clinic by the Colorado Department of Public Health and Environment; and
 - b. Certified by Centers for Medicare and Medicaid Services to participate in the Medicare program as an End-Stage Renal Dialysis Facility (ESRD).
16. Federally Qualified Health Center (FQHC) means a health care entity that has been awarded a Section 330 Grant from the Health Resources and Services Administration. A health care entity that has been designated as a “look-alike” is also eligible to be enrolled as an FQHC.
17. Foreign Teaching Physician means an individual who is licensed as a distinguished foreign teaching physician by the Colorado Medical Board within the Colorado Department of Regulatory Agencies.
18. Home and Community Based Services (HCBS) means Health First Colorado (Colorado's Medicaid Program)'s community-based care alternatives to institutional, Long-Term care. Providers enrolling as an HCBS provider shall meet all applicable state and federal requirements to provide HCBS by waiver and specialty type.
19. Home Health Agency means a health care entity that:
- a. Has a Class A Home Care Agency license from the Colorado Department of Public Health and Environment; and
 - b. Is certified by the Centers for Medicare and Medicaid Services to participate in the Medicare program as Home Health Agency.

20. Hospice means a health care entity that is:
- a. Licensed as a Hospice by the Colorado Department of Public Health and Environment; and
 - b. Certified by the Centers for Medicare and Medicaid Services to participate in the Medicare program as a Hospice.
21. Hospital – General means a health care entity that is:
- a. Licensed as a General Hospital by the Colorado Department of Public Health and Environment; and
 - b. Certified by the Centers for Medicare and Medicaid Services to participate in the Medicare program as a Hospital.
22. Hospital – Psychiatric [Formerly Known as Hospital - Mental] means a health care entity that is:
- a. Licensed as a Psychiatric Hospital by the Colorado Department of Public Health and Environment; and
 - b. Certified by the Centers for Medicare and Medicaid Services to participate in the Medicare program as a Psychiatric Hospital.
23. Independent Laboratory means a laboratory that:
- a. Has a current and valid Clinical Laboratory Improvement Amendments (CLIA) certification; and
 - b. Is certified through the Centers for Medicare and Medicaid Services as a laboratory.
24. Indian Health Service – Federally Qualified Health Center (FQHC) means a health care entity that:
- a. Is treated by the Centers for Medicare and Medicaid Services as a comprehensive Federally funded health center; and
 - b. Includes an outpatient health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act or by an urban Indian organization receiving funds under Title V of the Indian Health Care Improvement Act for the provision of primary health services.
25. Indian Health Service – Pharmacy means a health care entity that has evidence of participation in the Indian Health Service.
26. Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) [Formerly Known as Nursing Facility – ICF/IID] means a health care entity that is:
- a. Licensed as an Intermediate Care Facility for Individuals with Intellectual Disabilities through the Colorado Department of Public Health and Environment; and

- b. Certified by the Centers for Medicare and Medicaid Services or the Colorado Department of Health Care Policy and Financing to participate in the Medicaid program as an ICF/IID.
- 27. Licensed Behavioral Health Clinician means an individual that is licensed by the Colorado Department of Regulatory Agencies as either:
 - a. A Licensed Clinical Social Worker;
 - b. A Licensed Professional Counselor;
 - c. A Licensed Marriage and Family Therapist; or
 - d. A Licensed Addiction Counselor.
- 28. Licensed Psychologist means an individual who is licensed as a psychologist by the State Board of Psychologist Examiners within the Colorado Department of Regulatory Agencies.
- 29. Managed Care Entity [Formerly Known as Health Maintenance Organization (HMO)] means an entity that has a valid and comprehensive or all-inclusive risk contract with the Colorado Department of Health Care Policy and Financing.
- 30. Non-Physician Practitioner Group means any group practice consisting of any of the following:
 - a. Licensed Nurse Practitioners;
 - b. Licensed Audiologists;
 - c. Licensed Occupational Therapists;
 - d. Licensed Behavioral Health Clinicians;
 - e. Licensed Psychologists;
 - f. Licensed Speech Therapists; and/or
 - g. Licensed Physical Therapists.
 - h. Beginning on the effective date of this amended rule, and for the remainder of the COVID-19 Public Health Emergency (PHE), providers that have enrolled as a Mass Immunizer Roster Biller (provider specialty type 73) with Medicare may temporarily enroll in the medical assistance program as a Non-Physician Practitioner Group for the purpose of billing for the administration of COVID-19 vaccinations for medical assistance clients.
- 31. Non-Physician Practitioner Individual means a registered nurse, which means an individual licensed as a Registered Nurse by the State Board of Nursing within the Colorado Department of Regulatory Agencies.
- 32. Nurse Midwife means an individual who is:
 - a. Licensed as a registered nurse by the State Board of Nursing within the Colorado Department of Regulatory Agencies; and

- b. Included within the advanced practice registry as a Nurse Midwife.
33. Nurse Practitioner means an individual who is:
- a. Licensed as a registered nurse by the State Board of Nursing within the Colorado Department of Regulatory Agencies; and
 - b. Included within the advanced practice registry as a Nurse Practitioner.
34. Nursing Facility means a health care entity that is:
- a. Licensed as a Nursing Care Facility through the Colorado Department of Public Health and Environment; and
 - b. Certified by the Centers for Medicare and Medicaid Services or the Colorado Department of Health Care Policy and Financing to participate in the Medicaid program as a Skilled Nursing Care Facility.
35. Occupational Therapist means an individual who is licensed as an Occupational Therapist by the Director of the Division of Professions and Occupations within the Colorado Department of Regulatory Agencies.
36. Optical Outlet means a health care supplier that is qualified to make and supply eyeglasses and contact lenses for the correction of vision. If, in the performance of its duties, the Optical Outlet requires laboratory services, the laboratory is required to have a current and valid CLIA certification.
37. Optometrist means an individual who is licensed as an Optometrist by the State Board of Optometry within the Colorado Department of Regulatory Agencies.
38. Osteopath means an individual who holds a degree of "doctor of osteopathy," and who is licensed as a physician by the Colorado Medical Board within the Colorado Department of Regulatory Agencies.
39. Personal Care Agency means a health care entity that has a Class A or Class B Home Care Agency license from the Colorado Department of Public Health and Environment.
40. Pharmacist means an individual who is licensed as a Pharmacist by the State Board of Pharmacy within the Colorado Department of Regulatory Agencies.
41. Pharmacy means a pharmacy, pharmacy outlet, or prescription drug outlet registered by the Board of Pharmacy within the Colorado Department of Regulatory Agencies.
42. Physical Therapist means an individual who is licensed as a Physical Therapist by the Physical Therapy Board within the Colorado Department of Regulatory Agencies.
43. Physician means an individual who is licensed as a physician by the Colorado Medical Board within the Colorado Department of Regulatory Agencies.
44. Physician Assistant means an individual who is licensed as a physician assistant by the Colorado Medical Board within the Colorado Department of Regulatory Agencies.
45. Podiatrist means an individual licensed as a podiatrist by the Colorado Podiatry Board within the Colorado Department of Regulatory Agencies.

46. Psychiatric Residential Treatment Facility (PRTF) means a health care entity that:
- a. Is licensed by the Colorado Department of Human Services as a Residential Child Care Facility and a PRTF; and
 - b. Is certified as a qualified residential provider by the Department of Public Health and Environment; and
 - c. Is accredited by the Joint Commission, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation of Services for Families and Children; and
 - d. Has provided an attestation to the Department that the PRTF is in compliance with the conditions of participation as required by Colorado Department of Human Services and the Centers for Medicare and Medicaid Services.
47. Qualified Medicare Beneficiary (QMB) Benefits Only means the provider type designation used for Chiropractors who participate under the QMB Program. Chiropractor means an individual licensed as a chiropractor by the Board of Chiropractic Examiners within the Colorado Department of Regulatory Agencies. QMB Benefits Only providers must also be certified as QMB Benefits Only providers through the Centers for Medicare and Medicaid Services.
48. Regional Accountable Entity (RAE) means an entity that has entered into a valid, existing contract with the Colorado Department of Health Care Policy and Financing to be a Regional Accountable Entity.
49. Rehabilitation Agency means a group practice that requires at least one affiliated and licensed professional enrolled in the Colorado Medical Assistance Program.
50. Residential Child Care Facility (RCCF) means a health care entity that is:
- a. Designated by the Colorado Department of Human Services to provide Medicaid-reimbursable mental health services as an RCCF; and
 - b. Licensed by Colorado Department of Human Services as an RCCF.
51. Rural Health Clinic (RHC) means a clinic that is certified by the Centers for Medicare and Medicaid Services as a Rural Health Clinic.
52. School Health Services means a school district or Board of Cooperative Educational Services that has a valid, active contract with the Colorado Department of Health Care Policy and Financing to participate in the Colorado School Health Services Program.
- a. The Site at which an Organization Health Care Provider delivers medical care, services, or goods authorized under the Medical Assistance Program enrolled under the Provider Type of School Health Services is a school district.
53. Speech Therapist is an individual certified as a Speech Language Pathologist by the Director of the Divisions of Professions and Occupations within the Colorado Department of Regulatory Agencies.
54. Substance Use Disorder (SUD) – Clinic means a health care entity that:
- a. Is licensed as a SUD Provider by the Colorado Department of Human Services;

- b. Has program approval to operate as a SUD – Clinic from Colorado Department of Human Services; and
 - c. Has at least one affiliated advanced practice nurse, physician/psychiatrist, physician assistant, or behavioral health clinician who is certified in addiction medicine.
- 55. Supply means a Durable Medical Equipment, Prosthetic, Orthotic and Supplies (DMEPOS) provider that meets one or both of the following definitions:
 - a. Complex Rehabilitation Technology (CRT) Supplier means a health care supplier that meets all the requirements of Section 8.590.5.D, and that:
 - (1) Has a Sales Tax Certificate or Tax-Exempt Certificate;
 - (2) Has CRT Professional Certification; and
 - (3) Is accredited by the Centers for Medicare and Medicaid Services to provide DMEPOS and CRT.
 - b. Durable Medical Equipment (DME) means a health care supplier that meets the requirements of Sections 8.590.5.A and B, and that:
 - (1) Has a Sales Tax Certificate or Tax-Exempt Certificate; and
 - (2) Is accredited by the Centers for Medicare and Medicaid Services to provide DMEPOS.
- 56. Transportation means a provider that meets one or both of the following definitions:
 - a. Emergency Medical Transportation (EMT) [Formerly Known as Emergency Medical Transportation and Air Ambulance] means providers that:
 - (1) Meet all provider screening requirements in Section 8.125.
 - (2) Comply with commercial liability insurance requirements.
 - (3) Maintain the appropriate licensure for:
 - (a) Ground ambulance license as required by Colorado Department of Public Health and Environment; and
 - (b) Air ambulance license as required by Colorado Department of Public Health and Environment.
 - (4) License, operate, and equip ground and air ambulances in accordance with federal and state regulations.
 - b. Non-Emergent Medical Transportation (NEMT) means a provider that:
 - (1) Has a Public Utilities Commission (PUC) common carrier certificate as a taxicab; or
 - (2) Has a PUC Medicaid Client Transport (MCT) Permit as required by the PUC; or

- (3) Has a ground ambulance license as required by Department of Public Health and Environment; or
- (4) Has an Air Ambulance license as required by Colorado Department of Public Health and Environment; or
- (5) Is exempt from licensure requirements in accordance with the PUC.

57. X-Ray Facility means an imaging center that:

- a. Has an X-Ray Facility and Machine Registration Report certified by the Colorado Department of Public Health and Environment; and
- b. Is certified by the Centers for Medicare and Medicaid Services to participate in Medicare as an X-Ray facility.

K. Service Facility Location Field means the physical location specifically where services were rendered as identified on the Claim.

L. Site means the physical location by street address, including suite number, where goods and/or services are provided. The term Site when involving a Health Care Provider that voluntarily contracts with a RAE as a Primary Care Medical Provider (PCMP) to participate in the Department's Accountable Care Collaborative (ACC) as a medical home, also includes the following requirements:

- 1. PCMP services must be identifiable from other goods and/or services, including services provided by specialists provided by the Health Care Provider in the same physical location through a separate and unique NPI.
- 2. PCMP services provided at a Campus or Off-Campus Location must be identifiable from other goods and/or services, including services provided by specialists, provided by the Health Care Provider on the same Campus or Off-Campus Location through a separate and unique NPI.

M. Subpart means a component or separate physical location of an Organization Health Care Provider that may be separately licensed or certified. This definition is intended to be consistent with the use of the term "Subpart" as defined in 45 C.F.R. pt. 162.

N. The definitions in Subsection 8.126.1 apply only to Section 8.126.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Emergency Medical Transportation, Sections 8.018.1.F. and
8.018.4.D.1

Rule Number: MSB 21-06-26-A

Division / Contact / Phone: Health Programs Office / Ryan Dwyer / 303-866-
6163

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-06-26-A, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.018.1.F and 8.018.4.D.1, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 8/09/2021
Is rule to be made permanent? (If yes, please attach notice of No
hearing).

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.018 with the proposed text beginning at 8.018.1 through the end of 8.018.4. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Emergency Medical Transportation, Sections 8.018.1.F. and
8.018.4.D.1

Rule Number: MSB 21-06-26-A

Division / Contact / Phone: Health Programs Office / Ryan Dwyer / 303-866-
6163

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This rule revision expands the definition of Facility in the existing EMT rule. The expanded definition will allow for ambulance transports to a wider range of care locations during the COVID-19 public health emergency, including alternative hospital sites and temporary facilities. The rule also allows for transports between facilities without requiring basic or advanced life support services.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal law or federal regulation and/or
☒ for the preservation of public health, safety and welfare.

Explain:

Under the Department's current rule, ambulance trips may only be taken to a limited set of medical facilities, the "closest, most appropriate Facility." CMS recently issued an expanded list of allowable destinations for ambulance trips that qualify for Medicare reimbursement during the COVID-19 public health emergency. This rule will align the Department with that new CMS Medicare guidance by expanding our definition of Facility. The goal is to allow EMT providers to take members to a wider range of medical facilities that are appropriate to the member's condition but that are not necessarily hospitals. This will help prevent hospital overcrowding while also getting members the most appropriate medical care, and will allow utilization of temporary and alternative care sites.

The second change relates to interfacility transportation, which is ambulance transportation from one facility to another, provided the member requires basic or advanced life support en route. This revision suspends the life support requirement. This will allow for members to be moved from one facility to another if they need continued COVID-19-related care, but do not require life support en route.

DO NOT PUBLISH THIS PAGE

3. Federal authority for the Rule, if any:
4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020);

Title of Rule: Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

Rule Number: MSB 21-06-26-A

Division / Contact / Phone: Health Programs Office / Ryan Dwyer / 303-866-6163

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Members utilizing or eligible for EMT services (nearly all members are eligible), EMT providers, and facilities treating COVID-19 patients will all benefit from the proposed revisions.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Affected members will benefit from increased access to care, and transportation providers will benefit from greater flexibility in their ability to transport patients. Medical providers and facilities will benefit from an increased ability to transport patients to prevent any one facility from becoming overloaded.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There are no costs to the Department or to any other agency to implement and enforce the proposed rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The probable benefits of implementation are greater flexibility for EMT providers and the avoidance of overcrowding at hospitals. The benefit to members is that they can receive care in the most appropriate setting. The potential costs are an increase in EMT trips, however EMT trips occur as they are needed. The costs of inaction are potential overcrowding at hospitals and a reduction in willing EMT providers.

DO NOT PUBLISH THIS PAGE

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose for the proposed rule.

8.018 EMERGENCY MEDICAL TRANSPORTATION

8.018.1. DEFINITIONS

- 8.018.1.A. Air Ambulance means a Fixed-Wing or Rotor-Wing Air Ambulance equipped with medically necessary supplies to provide Emergency Medical Transportation.
- 8.018.1.B. Client means a person enrolled in the Medical Assistance Program.
- 8.018.1.C. Emergency Medical Services (EMS) Provider means an individual who has a current and valid emergency medical service provider certificate issued by the Department of Public Health and Environment (CDPHE) and includes Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), Emergency Medical Technician Intermediate (EMT-I), and Paramedic, in accordance with the Rules Pertaining to EMS Practice and Medical Director Oversight at 6 CCR 1015-3, Chapter Two.
- 8.018.1.D. Emergency Medical Technician (EMT) means an individual who has a current and valid EMT certificate issued by CDPHE and who is authorized to provide basic emergency medical care in accordance with the Rules Pertaining to EMS Practice and Medical Director Oversight at 6 CCR 1015-3, Chapter Two.
- 8.018.1.E. Emergency Medical Transportation means Ground Ambulance or Air Ambulance transportation during which Clients who are ill, injured, or otherwise mentally or physically incapacitated receive needed emergency medical services en route.
- 8.018.1.F. Facility means a general hospital, hospital unit, psychiatric hospital, rehabilitation hospital, Acute Treatment Unit (ATU), or Crisis Stabilization Unit (CSU), as well as any location that is an alternative site determined to be part of a hospital, Critical Access Hospital (CAH) or Skilled Nursing Facility (SNF), community mental health centers, federally qualified health centers (FQHCs), physician's offices, urgent care facilities, ambulatory surgery centers (ASCs), any other location furnishing dialysis services outside of the End Stage Renal Disease (ESRD) facility, and the beneficiary's home..
- 8.018.1.G. Fixed-Wing Air Ambulance means a fixed-wing aircraft that is certified as a Fixed-Wing Air Ambulance by the Federal Aviation Administration.
- 8.018.1.H. Ground Ambulance means a ground vehicle, including a water ambulance, equipped with medically necessary supplies to provide Emergency Medical Transportation.
- 8.018.1.I. Interfacility Transportation means transportation of a Client from one Facility to another Facility.
- 8.018.1.J. Life-Sustaining Supplies means oxygen and oxygen supplies required for life-sustaining treatment during transport via ambulance.
- 8.018.1.K. Mileage means the number of miles the Client is transported in the ambulance.
- 8.018.1.L. Non-Emergent Medical Transportation (NEMT) means transportation to or from medically necessary non-emergency treatment that is covered by the Colorado Medical Assistance Program under Section 8.014. Non-emergency care may be scheduled or unscheduled. This may include urgent care transportation and hospital discharge transportation.
- 8.018.1.M. Paramedic means an individual who has a current and valid Paramedic certificate issued by CDPHE and who is authorized to provide acts of advanced emergency medical care in

accordance with the Rules Pertaining to EMS Practice and Medical Director Oversight at 6 CCR 1015-3, Chapter Two. For the purposes of these rules, Paramedic includes the historic Emergency Medical Service Provider level of EMT-Paramedic (EMT-P).

8.018.1.N. Paramedic with Critical Care Endorsement means an individual who has a current and valid Paramedic certificate issued by CDPHE and who has met the requirements in CDPHE rule to obtain a critical care endorsement from CDPHE and is authorized to provide acts in accordance with the Rules Pertaining to EMS Practice and Medical Director Oversight relating to critical care, as set forth in C.R.S. § 25-3.5-206.

8.018.1.O. Rotor-Wing Air Ambulance means a helicopter that is certified as an ambulance by the Federal Aviation Administration.

8.018.1.P. Specialty Care Transport (SCT) means interfacility Ground Ambulance transportation of a critically injured or ill Client from a stabilizing hospital to a hospital with full capabilities to treat the Client's case. SCT is necessary when a Client's condition requires ongoing care during transport at a level of service beyond the scope of the EMT, that must be furnished by one or more health professionals in an appropriate specialty area including, but not limited to, nursing, emergency medicine, respiratory care, cardiovascular care, or a Paramedic with Critical Care Endorsement.

8.018.2. CLIENT ELIGIBILITY

8.018.2.A. Emergency Medical Transportation is a benefit for all Colorado Medical Assistance Program Clients who are ill, injured, or otherwise mentally or physically incapacitated and in need of immediate medical attention to prevent permanent injury or loss of life.

8.018.3. PROVIDER ELIGIBILITY

8.018.3.A. Providers must enroll with the Colorado Medical Assistance Program as an Emergency Medical Transportation provider to be eligible for reimbursement. Enrolled Emergency Medical Transportation providers must:

1. Meet all provider screening requirements in Section 8.125.
2. Comply with commercial liability insurance requirements.
3. Maintain and comply with the appropriate licensure:
 - a. Ground Ambulance license as required by CDPHE statute at C.R.S. § 25-3.5-301 and 6 CCR 1015-3, Chapter Four.
 - b. Air Ambulance license as required by CDPHE statute at C.R.S. § 25-3.5-307 and 6 CCR 1015-3, Chapter Five.
4. License, operate, and equip Ground and Air Ambulances in accordance with federal and state regulations.

8.018.4. COVERED SERVICES

8.018.4.A. Emergency Medical Transportation is a covered service when medically necessary, as defined in Section 8.076.1.8., and in accordance with this Section 8.018.4.

8.018.4.B. Ground Ambulance

1. The following Ground Ambulance Emergency Medical Transportation services are covered:
 - a. Transportation to the closest, most appropriate Facility.
 - b. Basic life support (BLS) or advanced life support (ALS) required to maintain life during transport from the Client's pickup point to the treating Facility.
 - i. BLS includes:
 1. Cardiopulmonary resuscitation, without cardiac/hemodynamic monitoring or other invasive techniques;
 2. Suctioning en route (not deep suctioning); and
 3. Airway control/positioning.
 - ii. ALS includes ALS Levels 1 and 2 in accordance with 42 CFR § 414.605 (2019), which is hereby incorporated by reference. This incorporation by reference excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5), the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO, 80203. Certified copies of incorporated materials are provided at cost upon request.
 1. ALS Level 1 includes the provision of at least one ALS intervention required to be furnished by ALS personnel.
 2. ALS Level 2 includes:
 - a. Administration of at least three medications by intravenous push/bolus or by continuous infusion, excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate); or
 - b. The provision of at least one of the following ALS procedures:
 - i. Manual defibrillation/cardioversion.
 - ii. Endotracheal intubation.
 - iii. Central venous line.
 - iv. Cardiac pacing.
 - v. Chest decompression.
 - vi. Surgical airway.
 - vii. Intraosseous line.

- c. Specialty Care Transport when medically necessary to reach the closest, most appropriate Facility.
- d. Department-approved supplies used during Emergency Medical Transportation, including Life-Sustaining Supplies, are separately reimbursable when medically necessary.

8.018.4.C. Air Ambulance

- 1. Air Ambulance Emergency Medical Transportation services are covered when:
 - a. They meet the criteria at Section 8.018.4.B.1.a.-b.; and
 - b. The point of pick up is inaccessible by a Ground Ambulance, or great distances or other obstacles prohibit transporting the Client by land to the nearest appropriate medical Facility.

8.018.4.D. Interfacility Transportation

- 1. Interfacility Transportation is covered when:
 - a. The Client requires a transfer from one Facility to another.
- 2. Interfacility Transportation can be provided via Ground or Air Ambulance.

8.018.5. NON-COVERED SERVICES AND GENERAL LIMITATIONS

8.018.5.A. The following services are not covered or reimbursable to Emergency Medical Transportation providers as part of an Emergency Medical Transportation service:

- 1. Waiting time and cancellations.
- 2. Transportation of additional passengers.
- 3. Response calls when determined no transportation is needed or approved.
- 4. Charges when the Client is not in the vehicle.
- 5. Non-benefit services (e.g., first aid) provided at the scene when transportation is not necessary.
- 6. Transportation which is covered by another entity.
- 7. Transportation to local treatment programs not enrolled in Colorado Medical Assistance Program.
- 8. Transportation of a Client who is deceased prior to transport.
- 9. Pick up or delivery of prescriptions or supplies.
- 10. Transportation arranged for a Client's convenience when there is no reasonable risk of permanent injury or loss of life.
- 11. Transportation to non-emergency medical appointments or services. See Section 8.014 for NEMT services.

8.018.6. PRIOR AUTHORIZATION

8.018.6.A. Prior Authorization is not required for Emergency Medical Transportation.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

Rule Number: MSB 21-06-26-B

Division / Contact / Phone: Health Programs Office / Ryan Dwyer / 303-866-6163

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 08/09/2021
Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.014 with the proposed text beginning at 8.014 through the end of 8.014.8. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

Rule Number: MSB 21-06-26-B

Division / Contact / Phone: Health Programs Office / Ryan Dwyer / 303-866-6163

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This rule revision permits NEMT services for covered Medicaid services to locations that are not enrolled with the Colorado Medical Assistance Program. The purpose of this rule is to expand the list of allowable NEMT destinations to include alternative care sites (e.g., the Colorado Convention Center) that are not covered places of service. By temporarily waiving the covered place of service requirement, members can receive treatment for COVID-19 at a wider range of locations. This will potentially increase hospital capacity by shifting patients to sites that are not enrolled with the Colorado Medical Assistance Program.

In addition, the revision suspends the ability for NEMT providers to transport more than one member at a time, unless the additional passenger is an approved Escort.

2. An emergency rule-making is imperatively necessary

☐

to comply with state or federal law or federal regulation and/or

☒

for the preservation of public health, safety and welfare.

Explain:

Permitting NEMT trips to non-covered places of service will prevent hospital overcrowding while ensuring that members receive treatment for COVID-19. The change allows flexibility and takes advantage of newly established alternative care sites that may be temporary in nature and thus not enrolled in the Colorado Medical Assistance Program. If members with COVID-19 can only receive care at covered places of service, those sites may become overcrowded and may see a shortage of available beds.

Suspending multi-loading will ensure compliance with social distancing guidelines by limiting a vehicle's occupants.

3. Federal authority for the Rule, if any:

42 CFR 440.170 (2020)

DO NOT PUBLISH THIS PAGE

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020);
25.5-5-324, C.R.S. (2019)

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

Rule Number: MSB 21-06-26-B

Division / Contact / Phone: Health Programs Office / Ryan Dwyer / 303-866-6163

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Members utilizing or eligible for NEMT services (nearly all members with State Plan/Title XIX are eligible), NEMT providers, and facilities treating COVID-19 patients will all benefit from the proposed revisions.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Affected members will benefit from increased access to care, and transportation providers will benefit from a slight uptick in utilization when trip volumes have fallen. Medical providers and facilities will benefit from an increased ability to transport patients to prevent any one facility from becoming overloaded.

For the multi-loading revision, members and drivers will benefit from a reduction in potential exposure to COVID-19. Drivers will not see a reduction in trip volume because the Department previously issued guidance that suspended multi-loading during the public health emergency. This rule simply formalizes that guidance.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There are no costs to the Department or to any other agency to implement and enforce the proposed rule.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

For the covered place of service requirement, the probable cost of the proposed rule is a potential minimal increase in utilization, which is more

DO NOT PUBLISH THIS PAGE

than offset by the reduction in NEMT utilization during the stay at home order. The benefits of the proposed rule are increased access to care and the ability to move members to different sites as they recover, which frees up hospital beds.

The cost of inaction is that members in a hospital for COVID-19 will continue to tie up beds if they cannot be moved to an alternate location as they recover. This will potentially strain hospital resources.

For multi-loading, the cost of the revision is a small increase in claims. One driver will have to take one patient at a time rather than multiple patients on the same route. As a result, the Department will need to dispatch more drivers. The cost will be offset by the substantial reduction in NEMT utilization for March and April. The benefit to implementation is that drivers and passengers will maintain social distancing standards and reduce the spread of COVID-19.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose for the proposed rule.

8.014 NON-EMERGENT MEDICAL TRANSPORTATION

8.014.1. DEFINITIONS

- 8.014.1.A. Access means the ability to make use of.
- 8.014.1.B. Air Ambulance means a Fixed-Wing or Rotor-Wing Air Ambulance equipped with medically necessary supplies to provide Emergency Medical Transportation.
- 8.014.1.C. Ambulatory Vehicle means a passenger-carrying vehicle available for those clients able to walk and who do not rely on wheelchairs or other mobility devices, during boarding or transportation, which would necessitate a vehicle with a lift or other accommodations.
- 8.014.1.D. Ancillary Services mean services incurred indirectly when a client authorized to receive NEMT also requires the assistance of an Escort or financial assistance for meals or lodging.
- 8.014.1.E. At-Risk Adult means an adult who is unable to make personal or medical determinations, provide necessary self-care, or travel independently.
- 8.014.1.F. Child means a minor under the age of 18.
- 8.014.1.G. Day Treatment means facility-based services designed for Children with complex medical needs. Services include educational or day care services when the school or day care system is unable to provide skilled care in a school setting, or when the Child's medical needs put them at risk when around other Children.
- 8.014.1.H. Emergency Medical Transportation means Ground Ambulance or Air Ambulance transportation under Section 8.018 during which clients who are ill, injured, or otherwise mentally or physically incapacitated receive needed emergency medical services en route
- 8.014.1.I. Escort means a person who accompanies an At-Risk Adult or minor client.
- 8.014.1.J. Fixed-Wing Air Ambulance means a fixed wing aircraft that is certified as a Fixed-Wing Air Ambulance by the Federal Aviation Administration.
- 8.014.1.K. Ground Ambulance means a ground vehicle, including a water ambulance, equipped with medically necessary supplies to provide Emergency Medical Transportation.
- 8.014.1.L. Medicaid Client Transport (MCT) Permit means a permit issued by the Colorado Department of Regulatory Agencies Public Utilities Commission (PUC) in accordance with the PUC statute at Section 40-10.1-302, C.R.S.
- 8.014.1.M. Mode means the method of transportation.
- 8.014.1.N. Non-Emergent Medical Transportation (NEMT) means transportation to or from medically necessary non-emergency treatment. Non-emergency care may be scheduled or unscheduled. This may include Urgent Care transportation and hospital discharge transportation.
- 8.014.1.O. Program of All Inclusive Care for the Elderly (PACE) is a capitated rate benefit which provides all-inclusive long-term care to certain individuals as defined in Section 8.497.
- 8.014.1.P. Rotor-Wing Air Ambulance means a helicopter that is certified as an ambulance by the Federal Aviation Administration.

- 8.014.1.Q. State Designated Entity (SDE) means the organization responsible for administering NEMT. For the purposes of this rule, the responsible SDE is determined by the client's county of residence.
- 8.014.1.R. Stretcher Van means a vehicle that can legally transport a client in a prone or supine position when the client does not require medical attention en route. This may be by stretcher, board, gurney, or another appropriate device.
- 8.014.1.S. Taxicab means a motor vehicle operating in Taxicab Service, as defined in 4 CCR 723-6, § 6001(yyy) (2019), which is hereby incorporated by reference.
- 8.014.1.T. Taxicab Service has the same meaning as defined in 4 CCR 723-6, § 6001(yyy) (2019), which is hereby incorporated by reference.
- 8.014.1.U. Trip means one-way transportation from the point of origin to the point of destination.
- 8.014.1.V. Urgent Care means an appointment for a covered medical service with verification from an attending physician or facility that the client must be seen or picked up from a discharged appointment within 48 hours.
- 8.014.1.W. Wheelchair Vehicle means a motor vehicle designed and used for the non-emergent transportation of individuals with disabilities who use a wheelchair. These vehicles include vans modified for wheelchair Access or wheelchair accessible minivans.

8.014.2. CLIENT ELIGIBILITY AND RESPONSIBILITIES

- 8.014.2.A. All Colorado Medical Assistance Program clients are eligible for NEMT services unless the client falls within the following eligibility groups on the date of the Trip:
1. Qualified Medicaid Beneficiary (QMB) Only
 2. Special Low Income Medicare Beneficiary (SLMB) Only
 3. Medicare Qualifying Individual-1 (QI-1) Only
 4. Old Age Pension- State Only (OAP-state only)
- 8.014.2.B. Child Health Plan Plus clients are not eligible for NEMT.
- 8.014.2.C. PACE clients receive transportation provided by their PACE organization and are not eligible for NEMT.
- 8.014.2.D. NEMT services may be denied if clients do not observe the following responsibilities:
1. Comply with applicable state, local, and federal laws during transport.
 2. Comply with the rules, procedures and policies of the SDE.
 3. Obtain authorization from their SDE.
 4. Clients must not engage in violent or illegal conduct while utilizing NEMT services.
 5. Clients must not pose a direct threat to the health or safety of themselves or others, including drivers.

6. Clients must cancel their previously scheduled NEMT Trip if the ride is no longer needed, except in emergency situations or when the client is otherwise unable to cancel.

8.014.3. PROVIDER ELIGIBILITY AND RESPONSIBILITIES

8.014.3.A. Providers must enroll with the Colorado Medical Assistance Program as an NEMT provider.

8.014.3.B. Enrolled NEMT providers must:

1. Meet all provider screening requirements in Section 8.125;
2. Comply with commercial liability insurance requirements and, if applicable, PUC financial responsibility requirements established in the PUC statute at C.R.S. § 40-10.1-107;
3. Refrain from attempting to solicit clients known to have already established NEMT service with another provider;
4. Maintain and comply with the following appropriate licensure, or exemption from licensure, requirements:
 - a. PUC common carrier certificate as a Taxicab;
 - b. PUC MCT Permit as required by the PUC statute at C.R.S. § 40-10.1-302;
 - c. Ground Ambulance license as required by Department of Public Health and Environment (CDPHE) rule at 6 CCR 1015-3, Chapter Four;
 - d. Air Ambulance license as required by CDPHE rule at 6 CCR 1015-3, Chapter Five; or
 - e. Exemption from licensure requirements in accordance with PUC statute at C.R.S. § 40-10.1-105.
5. Only provide NEMT services appropriate to their current licensure(s) and within the geographic limitations applicable to the licensure; and
6. Ensure that all vehicles and auxiliary equipment used to transport clients meet federal, state, and local safety inspection and maintenance requirements.

PUC statute at C.R.S. §§ 40-10.1-105, 40-10.1-107 and 40-10.1-302 (2019) and CDPHE rule at 6 CCR 1015-3, Chapters Four and Five (2019), are hereby incorporated by reference.

8.014.3.C. NEMT transportation providers must maintain a Trip report for each NEMT Trip provided and must, at a minimum, include:

1. The pick-up address;
2. The destination address;
3. Date and time of the Trip;
4. Client's name or identifier;
5. Confirmation that the driver verified the client's identity;

6. Confirmation by the client, Escort, or medical facility that the Trip occurred;
7. The actual pick-up and drop off time;
8. The driver's name; and
9. Identification of the vehicle in which the Trip was provided.

8.014.3.D. Multiple Loading

1. NEMT providers may not transport more than one client at the same time, unless the additional passenger is an Escort.

8.014.3.E. The Section 8.014.3 requirements do not apply to client reimbursement or bus or rail systems.

8.014.4. COVERED PLACES OF SERVICE

8.014.4.A. NEMT must be provided to the closest provider available qualified to provide the service the client is traveling to receive. The closest provider is defined as a provider within a 25-mile radius of the client's residence, or the nearest provider if one is not practicing within a 25-mile radius of the client's residence. Exceptions may be made by the SDE in the following circumstances:

1. If the closest provider is not willing to accept the client, the client may use NEMT to access the next closest qualified provider.
2. If the client has complex medical conditions that restrict the closest medical provider from accepting the patient, the SDE may authorize NEMT to be used to travel to the next closest qualified provider. The treating medical provider must send the SDE written documentation indicating why the client cannot be treated by the closest provider.
3. If a client has moved within the three (3) months preceding an NEMT transport, the client may use NEMT to their established medical provider seen in their previous locale. During these three (3) months, the client and medical provider must transfer care to the closest provider as defined at Section 8.014.4.B. or determine transportation options other than NEMT.

8.014.5. COVERED SERVICES

8.014.5.A. Transportation Modes

1. Covered Modes of transportation include:
 - a. Bus and public rail systems
 - i. Transit passes may be issued by the SDE when the cumulative cost of bus tickets exceeds the cost of a pass.
 - b. Personal vehicle mileage reimbursement
 - c. Ambulatory Vehicles
 - d. Wheelchair Vehicles

- e. Taxicab Service
- f. Stretcher Van
- g. Ground Ambulance
- h. Air Ambulance
- i. Commercial plane
- j. Train

8.014.5.B. NEMT Services

1. NEMT is a covered service when:
 - a. The client does not have Access to other means of transportation, including free transportation;
 - b. Transportation is required to obtain a non-emergency service(s) that is medically necessary, as defined in Section 8.076.1.8.; and
 - c. The client is receiving a service covered by the Colorado Medical Assistance Program.
2. NEMT services may be covered for clients even if the medical procedure is paid for by an entity other than the Colorado Medical Assistance Program.
3. Non-emergent ambulance service (Ground and Air Ambulance), from the client's pickup point to the treating facility, is covered when:
 - a. Transportation by any other means would endanger the client's life; or
 - b. The client requires basic life support (BLS) or advanced life support (ALS) to maintain life and to be transported safely.
 - i. BLS includes:
 1. Cardiopulmonary resuscitation, without cardiac/hemodynamic monitoring or other invasive techniques;
 2. Suctioning en route (not deep suctioning); and
 3. Airway control/positioning.
 - ii. ALS includes ALS Levels 1 and 2 in accordance with 42 CFR § 414.605 (2019), which is hereby incorporated by reference.
 1. ALS Level 1 includes the provision of at least one ALS intervention required to be furnished by ALS personnel.
 2. ALS Level 2 includes:
 - a. Administration of at least three medications by intravenous push/bolus or by continuous infusion,

excluding crystalloid, hypotonic, isotonic, and hypertonic solutions (Dextrose, Normal Saline, Ringer's Lactate); or

- b. The provision of at least one of the following ALS procedures:
 - i. Manual defibrillation/cardioversion.
 - ii. Endotracheal intubation.
 - iii. Central venous line.
 - iv. Cardiac pacing.
 - v. Chest decompression.
 - vi. Surgical airway.
 - vii. Intraosseous line.
- 4. NEMT may be provided to an Urgent Care appointment under the following circumstances:
 - a. A provider is available;
 - b. The appointment is for a covered medical service with verification from an attending physician that the client must be seen within 48 hours; and
 - c. The client is transported to an Urgent Care facility, which may include a trauma center if it is the nearest and most appropriate facility.

8.014.5.C. Personal Vehicle Mileage Reimbursement

- 1. Personal vehicle mileage reimbursement is covered for a privately owned, non-commercial vehicle when used to provide NEMT services in accordance with Section 8.014.5.B and owned by:
 - a. A client, a client's relative, or an acquaintance; or
 - b. A volunteer or organization with no vested interest in the client.
- 2. Personal vehicle mileage reimbursement will only be made for the shortest Trip length in miles as determined by an internet-based map, Trip planner, or other Global Positioning System (GPS).
 - a. Exceptions can be made by the SDE if the shortest distance is impassable due to:
 - i. Severe weather;
 - ii. Road closure; or
 - iii. Other unforeseen circumstances outside of the client's control that severely limit using the shortest route.

- b. If an exception is made under Section 8.014.5.C.2.a., the SDE must document the reason and pay mileage for the actual route traveled.
- 3. To be reimbursed for personal vehicle mileage, the client must provide the following information to the SDE within forty-five (45) calendar days of the final leg of the Trip:
 - a. Name and address of vehicle owner and driver (if different from owner);
 - b. Name of the insurance company and policy number for the vehicle; and
 - c. Driver's license number and expiration date.

8.014.5.D. Ancillary Services

1. Escort

- a. The Colorado Medical Assistance Program may cover the cost of transporting one Escort when the client is:
 - i. A Child.
 - 1. An Escort is required to accompany a client if the client is under thirteen (13) years old, unless the Child:
 - a. Is traveling to a Day Treatment program (Children are not eligible for NEMT travel to and from school-funded day treatment programs);
 - b. The parent or guardian signs a written release;
 - c. An adult will be present to receive the Child at the destination and return location; and
 - d. The Day Treatment program and the parents approve of the NEMT provider used.
 - 2. Clients who are at least thirteen (13) years old, but younger than eighteen (18) years old, may travel without an Escort if:
 - a. The parent or guardian signs a written release; and An adult will be present to receive the Child at the destination and return location.
 - ii. An At-Risk Adult unable to make personal or medical determinations, or to provide necessary self-care, as certified in writing by the client's attending Colorado Medical Assistance Program enrolled NEMT provider.
- b. The Escort must be physically and cognitively capable of providing the needed services for the client.
 - i. If a client's primary caregiver has a disability that precludes the caregiver from providing all of the client's needs during transport or extended stay, a second Escort may be covered under Section 8.014.5.D.1.c.ii.

- c. The Colorado Medical Assistance Program may cover the cost of transporting a second Escort for the client, if prior authorized under Section 8.014.7. A second Escort will only be approved if:
 - i. The client has a behavioral or medical condition which may cause the client to be a threat to self or to others if only one Escort is provided; or
 - ii. The client's primary caregiver Escort has a disability that precludes the caregiver from providing all of the client's needs during transport or extended stay.

2. Meals and Lodging

- a. Meals and lodging for in-state treatment may be reimbursed when:
 - i. Travel cannot be completed in one calendar day; or
 - ii. The client requires ongoing, continuous treatment and:
 - 1. The cost of meals and lodging is less than or equal to the cost of traveling to and from the treatment facility and the client's residence; or
 - 2. The client's treating medical professional determines that traveling to and from the client's residence would put the client's health at risk.
- b. Meals and lodging may be covered for the Escort(s) when the client is a Child or an At-Risk Adult who requires the Escort's continued stay under Section 8.014.5.D.1.
- c. Reimbursement will only be made for meals and lodging for which clients and Escorts are actually charged, up to the per diem rate established by the Colorado Medical Assistance Program.
- d. Meals and lodging will not be paid or reimbursed when those services are included as part of an inpatient stay.

8.014.6. NON-COVERED NEMT SERVICES AND GENERAL LIMITATIONS

- 8.014.6.A. The following services are not covered or reimbursable to NEMT providers as part of a NEMT service:
- 1. Services provided only as a convenience to the client.
 - 2. Charges incurred while client is not in the vehicle, except for lodging and meals in accordance with Section 8.014.5.D.2.
 - 3. Transportation to or from non-covered medical services, including services that do not qualify due to coverage limitations..
 - 4. Waiting time.
 - 5. Cancellations.

6. Transportation which is covered by another entity.
7. Metered taxi services.
8. Charges for additional passengers, including siblings or Children, not receiving a medical service, except when acting as an Escort under Section 8.014.5.D.1.
9. Transportation for nursing facility or group home residents to medical or rehabilitative services required in the facility's program, unless the facility does not have an available vehicle.
10. Transportation to emergency departments to receive emergency services. See Section 8.018 for Emergency Medical Transportation services.
11. Providing Escorts or the Escort's wages.
12. Trips to receive Home and Community Based Services
 - a. Non-medical transportation should be utilized if other transportation options are not available to the client.

8.014.6.B. General Limitations

1. The SDE is responsible for ensuring that the client utilizes the least costly Mode of transportation available that is suitable to the client's condition.

8.014.7. AUTHORIZATION

8.014.7.A. All NEMT services must be authorized as required by the SDE.

1. Authorization requests submitted more than three months after an NEMT service is rendered will be denied.
2. NEMT services may be denied if proper documentation is not provided to the SDE.

8.014.7.B. If a client requests transportation via Wheelchair Vehicle, Stretcher Van, or ambulance, the SDE must verify the service is medically necessary with the client's medical provider

1. Medical or safety requirements must be the basis for transporting a client in the prone or supine position.

8.014.7.C. Out-of-State NEMT

1. NEMT to receive out of state treatment is permissible only if treatment is not available in the state of Colorado.
2. The following border towns are not considered out of state for the purposes of NEMT prior authorization:
 - a. Arizona: Flagstaff and Teec Nos Pos.
 - b. Kansas: Elkhart, Goodland, Johnson, Sharon Springs, St. Francis, Syracuse, Tribune.

- c. Nebraska: Benkelman, Cambridge, Chappell, Grant, Imperial, Kimball, Ogallala, and Sidney.
- d. New Mexico: Aztec, Chama, Farmington, Raton, and Shiprock.
- e. Oklahoma: Boise City.
- f. Utah: Monticello and Vernal.
- g. Wyoming: Cheyenne and Laramie.

8.014.7.D. Prior Authorization

- 1. The following services require prior authorization by Colorado Medical Assistance Program:
 - a. Out-of-state travel, except to the border towns identified at section 8.014.7.C.2.
 - b. Air travel, both commercial air and Air Ambulance.
 - c. Train travel via commercial railway.
 - d. Second Escort.
- 2. Prior authorization requests require the following information:
 - a. NEMT prior authorization request form completed by SDE and member's physician and submitted to Colorado Medical Assistance Program according to form instructions.
 - i. The Colorado Medical Assistance Program will return requests completed by non-physicians and incomplete requests to the SDE.
 - ii. The Colorado Medical Assistance Program's determination will be communicated to the SDE. If additional information is requested, the SDE must obtain the information and submit to the Colorado Medical Assistance Program. If the request is denied, the SDE must send the client a denial notice.

8.014.8. INCORPORATIONS BY REFERENCE

The incorporation by reference of materials throughout section 8.014 excludes later amendments to, or editions of, the referenced materials. Pursuant to C.R.S. § 24-4-103(12.5), the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours, at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Immunization Services, Section 8.815.
Rule Number: MSB 21-06-27-A
Division / Contact / Phone: Health Program Office / Christina Winship / 303-
866-5578

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-06-27-A, Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815.
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.815, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 08/09/2021
Is rule to be made permanent? (If yes, please attach notice of hearing). No<Select One>

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.815 with the proposed text beginning at 8.815.1 through the end of 8.815.1. Replace the current text at 8.815.3 with the proposed text beginning at 8.815.3.A through the end of 8.815.3.A. Replace the current text at 8.815.4 beginning at 8.815.4.A through the end of 8.815.4.C. Replace the current text at 8.815.6 with the proposed text beginning at 8.815.6 through the end of 8.815.6. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815.

Rule Number: MSB 21-06-27-A

Division / Contact / Phone: Health Program Office / Christina Winship / 303-866-5578

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This rule revision is required for the Department to comply with section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. Specifically, the Department must reimburse providers for COVID-19 testing services and treatments, including vaccines and the administration of such vaccines, provided to Medicaid enrollees. The Department will otherwise no longer qualify for the temporary 6.2 percentage point increase to the Federal Medical Assistance Percentage (FMAP) (the federal government's contribution toward Colorado's Medicaid expenditure) and will be subject to clawback. Current Department policy limits reimbursement for vaccine administration to members 18 and under exclusively through the Vaccines for Children (VFC) program. This revision will allow the Department to reimburse providers for pediatric administration of any and all vaccines provided free of cost by the federal government.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

This revision is necessary to comply with section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. This provision requires the Department to be able to reimburse for administration of the COVID-19 vaccine currently being developed.

3. Federal authority for the Rule, if any:

Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136

Title of Rule: Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815.

Rule Number: MSB 21-03-26-A

DO NOT PUBLISH THIS PAGE

Division / Contact / Phone: Health Program Office / Whitney McOwen/303-866-4441 / Christina Winship/303-866-5578

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2020);

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815.

Rule Number: MSB 21-06-27-A

Division / Contact / Phone: Health Program Office / Christina Winship / 303-866-5578

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Health First Colorado members aged 18 and under, and providers licensed to administer vaccines, will benefit from the flexibility provided by this rule revision for providers to administer the COVID-19 vaccine regardless of whether it's distributed specifically through the Vaccines for Children (VFC) program. Current policy limits reimbursement to pediatric vaccines provided through VFC. There are no actual costs anticipated due to this change to members, providers, or the Department.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The impact to the Department is the avoidance of federal noncompliance and clawback of the increased FMAP percentage. For members aged 18 and under, this revision ensures timely access to the COVID-19 vaccine. This will also expand the number of providers eligible for reimbursement for administration of the COVID-19 vaccine.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There are no associated costs to the Department or any other agency for the implementation and enforcement of the proposed rule. This revision is anticipated to be budget neutral.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The benefit of the proposed rule is federal compliance and expansion of COVID-19 vaccine administration to the pediatric population. The cost of inaction would be exposure to the risk of clawback of the enhanced FMAP claimed by the Department during the Public Health Emergency and a

DO NOT PUBLISH THIS PAGE

smaller pool of providers eligible to administer the COVID-19 vaccine to the pediatric population.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or intrusive methods to achieve the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose of the proposed rule because the current rule language is explicit in restricting eligible providers for the pediatric population to those participating in the VFC program.

8.815 IMMUNIZATION SERVICES

8.815.1 Definitions

- 8.815.1.A. Advisory Committee on Immunization Practices (ACIP) means the group of medical and public health experts that develops recommendations on how to use vaccines to control diseases in the United States. ACIP was established under Section 222 of the Public Health Service Act (42 U.S.C. § 217a).
- 8.815.1.B. Immunization means the process whereby a person is made immune or resistant to an infectious disease, typically by the administration of a vaccine.
- 8.815.1.C. School District means any board of cooperative services established pursuant to article 5 of title 22, C.R.S., any state educational institution that serves students in kindergarten through twelfth grade including, but not limited to, the Colorado School for the Deaf and Blind, created in article 80 of title 22, C.R.S., and any public School District organized under the laws of Colorado except a junior college district.
- 8.815.1.D. Vaccine means a biological preparation that improves immunity to a particular disease.
- 8.815.1.E. Vaccine Administration Services means the provision of an injection, nasal absorption, or oral administration of a vaccine product.
- 8.815.1.F. Vaccines for Children (VFC) means the federally funded program administered through the Centers for Disease Control for the purchase and distribution of pediatric vaccines to program-registered providers for the Immunization of vaccine-eligible children 18 years of age and younger.

8.815.2 Client Eligibility

- 8.815.2.A. All Colorado Medicaid clients are eligible for Immunization and Vaccine Administration Services.

8.815.3 Provider Eligibility

- 8.815.3.A. Rendering Providers
1. Colorado Medicaid enrolled providers are eligible to administer Vaccines and Vaccine Administration Services as follows:
 - a. If it is within the scope of the provider's practice;
 - b. In accordance with the requirements at 10 CCR 2505-10, Section 8.200.2.; and
 - c. If the provider is administering Vaccines and Vaccine Administration Services to a client 18 years of age or younger, the provider is using Vaccines provided free of cost by the federal government, including through the VFC program.
- 8.815.3.B. Prescribing Providers
1. Colorado Medicaid enrolled providers are eligible to prescribe Vaccines and Vaccine Administration Services in accordance with Section 8.815.3.A.1.a.-b.

8.815.4 Covered Services

8.815.4.A. Vaccines identified in the ACIP Vaccine Recommendations and Guidelines are updated routinely and are covered as follows:

1. For clients 18 years of age and younger, Vaccines are either provided through the VFC program or are otherwise provided without cost by the federal government.
2. For clients 19 years of age and older, Vaccines are covered by Colorado Medicaid.

8.815.4.B. Administration of Vaccines identified in the ACIP Vaccine Recommendations and Guidelines is a covered service for all clients.

8.815.4.C. Immunization and Vaccine Administration Services that are provided by home health agencies, physicians, or other non-physician practitioners to clients at nursing facilities, group homes, or residential treatment centers are covered only as follows:

1. Immunization services for clients who are residents of nursing facilities and clients receiving home health services are covered only if ordered by their physician. The skilled nursing component for Immunization administration provided at a nursing facility is included in the facility's rate or part of a regularly scheduled home health service for clients receiving home health services.
2. Clients who are residents of an Alternative Care Facility, as defined at Section 8.495.1, may receive Immunization services from their own physician. They may also receive Immunization services as part of a home health service in accordance with Section 8.815.4.C.1.

8.815.5 Prior Authorization Requirements

8.815.5.A. Prior authorization is not required for this benefit.

8.815.6 Non-covered Services

8.815.6.A. The following services are not covered by Colorado Medicaid:

1. For clients 18 years of age and younger, Vaccines that have been obtained from a source other than the federal government;
2. Immunization and Vaccine Administration Services provided by a School District provider; and
3. Travel-related Immunization and Vaccine Administration Services.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Nursing Facility Immunization Administration, Sections 8.815
and 8.443

Rule Number: MSB 21-06-27-B

Division / Contact / Phone: Health Program Office / Christina Winship/303-866-
5578

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical
Services Board

2. Title of Rule: MSB 21-06-27-B, Revision to the Medical Assistance Act
Rule concerning Nursing Facility Immunization Administration, Sections 8.815
and 8.443

3. This action is an adoption of: an amendment

4. Rule sections affected in this action (if existing rule, also give Code of
Regulations number and page numbers affected):

Sections(s) 8.815, Colorado Department of Health Care Policy and Financing,
Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).

5. Does this action involve any temporary or emergency rule(s)?	Yes
If yes, state effective date:	08/09/2021
Is rule to be made permanent? (If yes, please attach notice of hearing).	No<Select One>

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.815 with the proposed text beginning at 8.815.1 through the end of 8.815.1. Replace the current text at 8.815.3 with the proposed text beginning at 8.815.3.A through the end of 8.815.3.A. Replace the current text at 8.815.4 beginning at 8.815.4.A through the end of 8.815.4.C. Replace the current text at 8.815.6 with the proposed text beginning at 8.815.6 through the end of 8.815.6. Replace the current text at

DO NOT PUBLISH THIS PAGE

8.443 with the proposed text beginning at 8.443.7.A.5 through the end of 8.443.7.A.5. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.815 and 8.443

Rule Number: MSB 21-06-27-B

Division / Contact / Phone: Health Program Office / Christina Winship/303-866-5578

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This rule revision will allow the Department to reimburse pharmacies for administration of the COVID-19 vaccine in Long-term Care Facilities through the Centers for Disease Control and Prevention's (CDC's) Pharmacy Partnership for Long-term Care Program or other partnership between an LTC and a pharmacy.

2. An emergency rule-making is imperatively necessary

☒ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

These revisions are required to facilitate administration of the forthcoming COVID-19 vaccine to nursing home facility residents.

3. Federal authority for the Rule, if any:

Section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning
Nursing Facility Immunization Administration, Sections 8.815
and 8.443

Rule Number: MSB 21-06-27-B

Division / Contact / Phone: Health Program Office / Christina Winship/303-866-
5578

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Health First Colorado members residing in nursing facilities and pharmacy providers licensed to administer vaccines will benefit from the flexibility provided by this rule revision. Current policy limits reimbursement to vaccines ordered by the resident's own physician and administration is either included in the facility's rate or part of a regularly scheduled home health service.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

This revision will help expedite administration of the COVID-19 vaccine to Health First Colorado members residing in nursing facilities. The rule will also allow nursing facility providers to utilize existing partnerships with pharmacies to administer the vaccine.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department expects this change to cost approximately \$60,000 in total funds, which will be incorporated through the regular budget process.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

DO NOT PUBLISH THIS PAGE

The proposed rule will facilitate the expeditious administration of the COVID-19 vaccine to this population.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or intrusive methods to achieve the purpose of the proposed rule.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose of the proposed rule.

8.815 IMMUNIZATION SERVICES

8.815.1 Definitions

- 8.815.1.A. Advisory Committee on Immunization Practices (ACIP) means the group of medical and public health experts that develops recommendations on how to use vaccines to control diseases in the United States. ACIP was established under Section 222 of the Public Health Service Act (42 U.S.C. § 217a).
- 8.815.1.B. Immunization means the process whereby a person is made immune or resistant to an infectious disease, typically by the administration of a vaccine.
- 8.815.1.C. School District means any board of cooperative services established pursuant to article 5 of title 22, C.R.S., any state educational institution that serves students in kindergarten through twelfth grade including, but not limited to, the Colorado School for the Deaf and Blind, created in article 80 of title 22, C.R.S., and any public School District organized under the laws of Colorado except a junior college district.
- 8.815.1.D. Vaccine means a biological preparation that improves immunity to a particular disease.
- 8.815.1.E. Vaccine Administration Services means the provision of an injection, nasal absorption, or oral administration of a vaccine product.
- 8.815.1.F. Vaccines for Children (VFC) means the federally funded program administered through the Centers for Disease Control for the purchase and distribution of pediatric vaccines to program-registered providers for the Immunization of vaccine-eligible children 18 years of age and younger.

8.815.2 Client Eligibility

- 8.815.2.A. All Colorado Medicaid clients are eligible for Immunization and Vaccine Administration Services.

8.815.3 Provider Eligibility

- 8.815.3.A. Rendering Providers
1. Colorado Medicaid enrolled providers are eligible to administer Vaccines and Vaccine Administration Services as follows:
 - a. If it is within the scope of the provider's practice;
 - b. In accordance with the requirements at 10 CCR 2505-10, Section 8.200.2.; and
 - c. If the provider is administering Vaccines and Vaccine Administration Services to a client 18 years of age or younger, the provider is using Vaccines provided free of cost by the federal government, including through the VFC program.
- 8.815.3.B. Prescribing Providers
1. Colorado Medicaid enrolled providers are eligible to prescribe Vaccines and Vaccine Administration Services in accordance with Section 8.815.3.A.1.a.-b.

8.815.4 Covered Services

8.815.4.A. Vaccines identified in the ACIP Vaccine Recommendations and Guidelines are updated routinely and are covered as follows:

1. For clients 18 years of age and younger, Vaccines are either provided through the VFC program or are otherwise provided without cost by the federal government.
2. For clients 19 years of age and older, Vaccines are covered by Colorado Medicaid.

8.815.4.B. Administration of Vaccines identified in the ACIP Vaccine Recommendations and Guidelines is a covered service for all clients.

8.815.4.C. Immunization and Vaccine Administration Services that are provided by home health agencies, physicians, or other non-physician practitioners to clients at nursing facilities, group homes, or residential treatment centers are covered only as follows:

1. Immunization services for clients who are residents of nursing facilities and clients receiving home health services are covered only if ordered by their physician. The skilled nursing component for Immunization administration provided at a nursing facility is included in the facility's rate or part of a regularly scheduled home health service for clients receiving home health services.
2. Clients who are residents of an Alternative Care Facility, as defined at Section 8.495.1, may receive Immunization services from their own physician. They may also receive Immunization services as part of a home health service in accordance with Section 8.815.4.C.1.

8.815.5 Prior Authorization Requirements

8.815.5.A. Prior authorization is not required for this benefit.

8.815.6 Non-covered Services

8.815.6.A. The following services are not covered by Colorado Medicaid:

1. For clients 18 years of age and younger, Vaccines that have been obtained from a source other than the federal government;
2. Immunization and Vaccine Administration Services provided by a School District provider; and
3. Travel-related Immunization and Vaccine Administration Services.

8.443 NURSING FACILITY REIMBURSEMENT

8.443.7 HEALTH CARE REIMBURSEMENT RATE CALCULATION

8.443.7.A Health Care Services Defined: Health Care Services means the categories of reasonable, necessary and patient-related support services listed below. No service shall be considered a health care service unless it is listed below:

1. The salaries, payroll taxes, worker compensation payments, training and other employee benefits of registered nurses, licensed practical nurses, restorative aides, nurse aides, feeding assistants, registered dietician, MDS coordinators, nursing staff development personnel, nursing administration (not clerical) case manager, patient care coordinator, quality improvement, clinical director. These personnel shall be appropriately licensed and/or certified, although nurse aides may work in any facility for up to four months before becoming certified.

If a facility employee or a management company/home office employee or owner has dual health care and administrative duties, the provider must keep contemporaneous time records or perform time studies to verify hours worked performing health care related duties. If no contemporaneous time records are kept or time studies performed, total salaries, payroll taxes and benefits of personnel performing health care and administrative functions will be classified as administrative and general. Licenses are not required unless otherwise specified. Periodic time studies in lieu of contemporaneous time records may be used for the allocation. Time studies used must meet the following criteria:

- a. A minimally acceptable time study must encompass at least one full week per month of the cost reporting period.
 - b. Each week selected must be a full work week (Monday to Friday, Monday to Saturday, or Sunday to Saturday).
 - c. The weeks selected must be equally distributed among the months in the cost reporting period, e.g., for a 12 month period, 3 of the 12 weeks in the study must be the first week beginning in the month, 3 weeks the 2nd week beginning in the month, 3 weeks the 3rd, and 3 weeks the fourth.
 - d. No two consecutive months may use the same week for the study, e.g., if the second week beginning in April is the study week for April, the weeks selected for March and May may not be the second week beginning in those months.
 - e. The time study must be contemporaneous with the costs to be allocated. Thus, a time study conducted in the current cost reporting year may not be used to allocate the costs of prior or subsequent cost reporting years.
 - f. The time study must be provider specific. Thus, chain organizations may not use a time study from one provider to allocate the costs of another provider or a time study of a sample group of providers to allocate the costs of all providers within the chain.
2. The salaries, payroll taxes, workers compensation payments, training and other employee benefits of medical records librarians, social workers, central or medical supplies personnel and activity personnel.

Health Information Managers (Medical Records Librarians): Must work directly with the maintenance and organization of medical records.

Social Workers: Includes social workers, life enhancement specialists and admissions coordinators.

Central or Medical Supply personnel: Includes duties associated with stocking and ordering medical and/or central supplies.

Activity personnel: Personnel classified as “activities” must have a direct relationship (i.e., providing entertainment, games, and social opportunities) to residents. For instance, security guards and hall monitors do not qualify as activities personnel. Costs associated with security guards and hall monitors are classified as administrative and general.

3. If the provider’s chart of accounts directly identifies payroll taxes and benefits associated with health care versus administrative and general cost centers, the amounts directly identified will be appropriately allowed as either health care or administrative and general. If these costs are comingled in the chart of accounts, payroll taxes and benefits shall be allocated to the cost centers (health care and administrative and general) based on total employee wages reported in those cost centers. The reporting method for payroll taxes and benefits by cost center is required to be consistent from year to year. When a provider wishes to change its reporting method because it believes the change will result in more appropriate and a more accurate allocation, the provider must make a written request to the Department for approval of the change ninety (90) days prior to the end of that cost reporting period. The Department has sixty (60) days from receipt of the request to make a decision or the change is automatically accepted. The provider must include with the request all supporting documentation to establish that the new method is more accurate. If the Department approves the provider’s request, the change must be applied to the cost reporting period for which the request was made and to all subsequent cost reporting periods. The approval will be for a minimum three year period. The provider cannot change methods until the three year period has expired.
4. Personnel licensed to perform patient care duties shall be reported in the administrative and general cost center if the duties performed by these personnel are administrative in nature.
5. Non-prescription drugs ordered by a physician that are included in the per diem rate, including costs associated with vaccinations.
 - a. Pharmacies are eligible for reimbursement for administration of the COVID-19 vaccine
6. Consultant fees for nursing, medical records, registered dieticians, patient activities, social workers, pharmacies, physicians and therapies. Consultants shall be appropriately licensed and/or certified, as applicable and professionally qualified in the field for which they are consulting. The guidance provided in (1) above for employees also applies to consultants.
7. Purchases, rental, depreciation, interest and repair expenses of health care equipment and medical supplies used for health care services such as nursing care, medical records, social services, therapies and activities. Purchases, lease expenses or fees associated with computers and software (including the associated training and upgrades) used in departments within the facility that provide direct or indirect health care services to residents. Dual purpose software that includes both a health care and administrative and general component will be considered a health care service.
8. Purchase or rental of motor vehicles and related expenses, including salary and benefits associated with the van driver(s), for operating or maintaining the vehicles to the extent that they are used to transport residents to activities or medical appointments. Such use shall be documented by contemporaneous logs if there is dual purpose. An example of the dual purpose vehicle is one used for both resident transport and maintenance activities.

9. Copier lease expense.
10. Salaries, fees, or other expenses related to health care duties performed by a facility owner or manager who has a medical or nursing credential. Note that costs associated with the Nursing Home Administrator are an administrative and general cost.

11. Related Party Management Fees and Home Office Costs

Related party management fees and home office costs shall be classified as administrative and general. However, costs incurred by the facility as a direct charge from the related party which are listed in this section, may be included in the health care cost center equal to the actual costs incurred by the related party. Documentation supporting the cost and health care licenses must be maintained. Only salaries, payroll taxes and employee benefits associated with health care personnel will be considered as allowable in the health care cost center. No overhead expenses will be included. The amount allowable in the health care cost category will be calculated in one of two ways:

- a. Keeping contemporaneous time logs in 15 minute increments supporting the number of hours worked at each facility.
- b. Distributing the cost evenly across all facilities as follows: the amount allowable in each health care facility's health care costs shall be equal to the total salary, payroll taxes and benefits of the health care personnel divided by the number of facilities where the health care personnel worked during the year. For example, if a nurse's total salary, payroll taxes, and benefits total \$80,000, and the nurse worked on five facilities during the year, \$16,000 is allowable in each of the facility's health care costs.

Auditable documentation supporting the number of facilities worked on during the year must be maintained. Even if a related party exception is granted in accordance with 10 CCR 2505-10 section 8.441.5.I.4, no mark-up or profit will be allowed in the health care cost center, only supported actual costs.

Non-Related Party Management Fees

Non-related party management fees shall be classified as administrative and general. However, costs incurred by the facility as a direct charge from the management company which are listed in this section, may be included in the health care cost center. Management contracts which specify percentages related to health care services will not be considered a direct charge from the management company.

12. Professional liability insurance, whether self-insurance or purchased, loss settlements, claims paid and insurance deductibles.
13. Medical director fees.
14. Therapies and services provided by an individual qualified to provide these services under Federal Medicare/Medicaid regulations including:

Utilization review
Dental care, when required by federal law
Audiology
Psychology and mental health services
Physical therapy
Recreational therapy

Occupational therapy
Speech therapy

15. Nursing licenses and permits, disposal costs associated with infectious material (medical or hazardous waste), background checks and flu or hepatitis shots and uniforms for personnel listed in (1) above.
16. Food Costs. Food costs means the cost of raw food, and shall not include the costs of property, staff, preparation or other items related to the food program.

8.443.7.B CLASS I HEALTH CARE STATE-WIDE MAXIMUM ALLOWABLE PER DIEM
REIMBURSEMENT RATES (LIMIT)

For the purpose of reimbursing Medicaid-certified nursing facility providers a per diem rate for direct and indirect health care services and raw food, the state department shall establish an annual maximum allowable rate (limit). In computing the health care per diem limit, each nursing facility provider shall annually submit cost reports, and actual days of care shall be counted, not occupancy-imputed days of care. The health care limit will be calculated as follows:

1. Determination of the health care limit beginning on July 1 each year shall utilize the most current MED-13 cost report filed, in accordance with these regulations, by each facility on or before December 31 of the preceding year.
2. The MED-13 cost report shall be deemed filed if actually received by the Department's designee or postmarked by the U.S. Postal Service on or before December 31.
3. If, in the judgment of the Department, the MED-13 contains errors, whether willful or accidental, that would impair the accurate calculation of the limit, the Department may:
 - a. Exclude part, or all, of a provider's MED-13.
 - b. Replace part, or all, of a provider's MED-13 with the MED-13 the provider submitted in its most recent audited cost report adjusted by the percentage change in the Skilled Nursing Facility Market Basket (without capital) published by Global Insight, Inc. measured from the midpoint of the reporting period to the midpoint of the payment-setting period.
4. The health care limit and the data used in that computation shall be subject to administrative appeal only on or before the expiration of the thirty (30) day period following the date the information is made available.
5. The health care limit shall not exceed one hundred twenty-five percent (125%) of the median costs of direct and indirect health care services and raw food as determined by an array of all class I facility providers; except that, for state veteran nursing homes, the health care limit will be one hundred thirty percent (130%) of the median cost.
 - a. In determining the median cost, the cost of direct health care shall be case-mix neutral.
 - b. Actual days of care shall be counted, not occupancy-imputed days of care, for purposes of calculating the health care limit.
 - c. Amounts contained in cost reports used to determine the health care limit shall be adjusted by the percentage change in the Skilled Nursing Facility Market Basket (without capital) inflation indexes published by Global Insight, Inc.

measured from the midpoint of the reporting period of each cost report to the midpoint of the payment-setting period.

- i). The percentage change shall be rounded at least to the fifth decimal point.
 - ii). The latest available publication prior to July 1 rate setting shall be used to determine the inflation indexes.
6. Annually, the state department shall redetermine the median per diem cost based upon the most recent cost reports filed during the period ending December 31 of the prior year.
 7. The health care limit for health care reimbursement shall be changed effective July 1 of each year and individual facility rates shall be adjusted accordingly.

8.443.7.C. CLASS I HEALTH CARE PER DIEM LIMITATION ON HEALTH CARE GROWTH

For the fiscal year beginning July 1, 2009, and for each fiscal year thereafter, any increase in the direct and indirect health care services and raw food costs shall not exceed eight percent (8%) per year. The calculation of the eight percent per year limitation for rates effective on July 1, 2009, shall be based on the direct and indirect health care services and raw food costs in the as-filed facility's cost reports up to and including June 30, 2009. For the purposes of calculating the eight percent limitation for rates effective after July 1, 2009, the limitation shall be determined and indexed from the direct and indirect health care services and raw food costs as reported and audited for the rates effective July 1, 2009.

8.443.7.D. CLASS I HEALTH CARE PER DIEM REIMBURSEMENT RATES AND MEDICAID CASE MIX INDEX (CMI):

For the purpose of reimbursing a Medicaid-certified class I nursing facility provider a per diem rate for the cost of direct and indirect health care services and raw food, the State Department shall establish an annually readjusted schedule to pay each nursing facility provider the actual amount of the costs. This payment shall not exceed the health care limit described at 10 CCR 2505-10 section 8.443.7B. The health care per diem reimbursement rate is the lesser of the provider's acuity adjusted health care limit or the provider's acuity adjusted actual allowable health care costs.

The state department shall adjust the per diem rate to the nursing facility provider for the cost of direct health care services based upon the acuity or case-mix of the nursing facility provider's residents in order to adjust for the resource utilization of its residents. The state department shall determine this adjustment in accordance with each resident's status as identified and reported by the nursing facility provider on its federal Medicare and Medicaid minimum data set assessment. The state department shall establish a case-mix index for each nursing facility provider according to the resource utilization groups system, using only nursing weights. The state department shall calculate nursing weights based upon standard nursing time studies and weighted by facility population distribution and Colorado-specific nursing salary ratios. The state department shall determine an average case-mix index for each nursing facility provider's Medicaid residents on a quarterly basis

1. Acuity information used in the calculation of the health care reimbursement rate shall be determined as follows:
 - a. A facility's cost report period resident acuity case mix index shall be the average of quarterly resident acuity case mix indices, carried to four decimal places, using the facility wide resident acuity case mix indices. The quarters used in this

average shall be the quarters that most closely coincide with the cost reporting period.

- b. The facility's Medicaid resident acuity case mix index shall be a two quarter average, carried to four decimal places, of the Medicaid resident acuity average case mix indices. The two quarter average used in the July 1 rate calculation shall be the same two quarter average used in the rate calculation for the rate effective date prior to July 1.
 - c. The statewide average case mix index shall be a simple average, carried to four decimal places, of the cost report period case mix indices for all Medicaid facilities calculated effective each July 1.
 - d. The normalization ratio shall be determined by dividing the statewide average case mix index by the facility's cost report period case mix index.
 - e. The facility Medicaid acuity ratio shall be determined by dividing the facility's Medicaid resident acuity case mix index by the facility cost report period case mix index.
 - f. The facility overall resident acuity ratio shall be determined by dividing the facility cost report period case mix index by the statewide average case mix acuity index.
2. The annual facility specific direct health care maximum reimbursement rate shall be determined as follows:
- a. The percentage of the normalized per diem case mix adjusted nursing cost to total health care cost shall be determined by dividing the normalized per diem case mix adjusted nursing cost by the sum of the normalized per diem case mix adjusted nursing cost and other health care per diem cost.
 - b. The statewide health care maximum allowable reimbursement rate (calculated at 10 CCR 2505-10 section 8.443.7B) shall be multiplied by the percentage established in the preceding paragraph to determine the amount of the statewide health care maximum allowable reimbursement rate that is attributable to the case mix reimbursement rate component.
 - c. The facility specific maximum reimbursement rate for case mix adjusted nursing costs shall be determined by multiplying the facility specific overall acuity ratio by the amount of the statewide health care maximum allowable reimbursement rate that is attributable to the case mix reimbursement rate component as established in the preceding paragraph.
3. The annual facility specific indirect health care maximum allowable reimbursement shall be determined as follows:
- a. The percentage of the indirect health care per diem cost to total health care cost shall be determined by dividing the indirect health care per diem cost by the sum of the normalized per diem case mix adjusted nursing cost and other health care per diem cost.
 - b. The facility specific in direct health care maximum reimbursement rate shall be determined by multiplying the statewide health care maximum allowable reimbursement rate by the percentage established in the preceding paragraph.

4. The case mix reimbursement rate component shall be determined as follows:
 - a. The case mix reimbursement rate component shall be established using the facility Medicaid resident acuity ratio.
 - b. This ratio shall be multiplied by the lesser of the facility's allowable case mix adjusted nursing cost or the facility specific maximum reimbursement rate for case mix adjusted nursing costs. The resulting calculation shall be the case mix reimbursement rate component.
5. The indirect health care reimbursement rate shall be the lesser of the facility's allowable other health care cost or the facility specific other health care maximum reimbursement rate.

8.443.7.E DETERMINATION OF THE HEALTH CARE SERVICES MAXIMUM ALLOWABLE RATE (LIMIT) FOR CLASS II AND IV FACILITIES

1. For class II facilities, one hundred twenty-five percent (125%) of the median actual costs of all class II facilities;
2. For non-state administered class IV facilities, one hundred twenty-five percent (125%) of the median actual costs of all class IV facilities.
3. State-administered class IV facilities shall not be subject to the health care limit. The Med-13s of the state-administered class IV facilities shall be included in the health care limit calculation for other class IV facilities.
4. The determination of the reasonable cost of services shall be made every 12 months.
5. Determination of the health care limit beginning on July 1 each year shall utilize the most current MED-13 cost report filed in accordance with these regulations, by each facility on or before May 2.
6. The MED-13 cost report shall be deemed submitted if actually received by the Department's designee or postmarked by the U.S. Postal Service on or before May 2nd.
7. If, in the judgment of the Department, the MED-13 contains errors, whether willful or accidental, that would impair the accurate calculation of reasonable costs for the class, the Department may:
 - a. Exclude part, or all, of a provider's MED-13; or
 - b. Replace part, or all, of a provider's MED-13 with the MED-13 the provider submitted in its most recent audited cost report adjusted by the change in the "medical care" component of the Consumer Price Index published for all urban consumers (CPI-U) by the United States Department of Labor, Bureau of Labor Statistics over the time period from the provider's most recent audited cost report.
8. State-administered class IV facilities shall not be subject to the maximum reasonable rate ceiling. The Med-13s of the state-administered class IV facilities shall be included in the maximum rate calculation for other class IV facilities.

9. The maximum reasonable rate and the data used in that computation shall be subject to administrative appeal only on or before the expiration of the thirty (30) day period following the date the information is made available.
10. The maximum rate for reimbursement shall be changed effective July 1 of each year and individual facility rates shall be adjusted accordingly.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540.

Rule Number: MSB 21-06-28-A

Division / Contact / Phone: Health Programs Office / Rachel Entrican/303-866-3026 / Matt Colussi/303-866-5118 /

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-06-28-A, Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540.
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) 8.520.8.C.1. and 8.540.2.A., Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 8/9/2021
Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.520 with the proposed text beginning at 8.520.8.C.1 through the end of 8.520.8.C.1. Replace the current text at 8.540 with the proposed text beginning at 8.540.2.A through the end of 8.540.2.A. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540.

Rule Number: MSB 21-06-28-A

Division / Contact / Phone: Health Programs Office / Rachel Entrican/303-866-3026 / Matt Colussi/303-866-5118 /

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

This rule revision will remove the prior authorization requirement for Private Duty Nursing and Long-Term Home Health Services currently codified at 10 CCR 2505-10 Sections 8.520.8.C.1. and 8.540.2.A. This will bring the rule in line with current Department practice.

2. An emergency rule-making is imperatively necessary

☐
☒

to comply with state or federal law or federal regulation and/or
for the preservation of public health, safety and welfare.

Explain:

These revisions are required to bring Department regulations in line with current practice. The Department otherwise risks deferral or disallowance from CMS for being out of compliance. A deferral or disallowance would impact the Department's ability to provide adequate services to members.

3. Federal authority for the Rule, if any:

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540.

Rule Number: MSB 21-06-28-A

Division / Contact / Phone: Health Programs Office / Rachel Entrican/303-866-3026 / Matt Colussi/303-866-5118 /

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Members in need of, and providers providing, PDN and LTHH services will benefit from the proposed rule as it will make Department regulations consistent with current practice and alleviate any confusion caused by the inconsistency.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

As the temporary policy change being codified with this rule is already in practice, the impact of the rulemaking is minimal, but will add clarity for members and providers.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There are no anticipated costs to the Department and to any other agency due to the implementation and enforcement of the proposed rule as it is codifying existing practice.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The probable cost of inaction is risk of deferral and disallowance of PDN and LTHH claims due to the inconsistency between Department regulations and current practice regarding PAR requirements. The probable cost of implementing the rule is maintaining current utilization trends for these programs, which may be higher than historical trends when PARs were required. The probable benefit of the proposed rule is aligning Department regulations with current practice; there is no probable benefit of inaction.

DO NOT PUBLISH THIS PAGE

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or intrusive methods to achieve the purpose of the proposed rule as the current rule explicitly notes that prior authorization is required for these services.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for achieving the purpose of the proposed rule.

8.520 HOME HEALTH SERVICES

8.520.8 Prior Authorization

8.520.8.A. General Requirements

1. Approval of the PAR does not guarantee payment by Medicaid.
2. The client and the HHA shall meet all applicable eligibility requirements at the time services are rendered and services shall be delivered in accordance with all applicable service limitations.
3. Medicaid is always the payer of last resort and the presence of an approved or partially approved PAR does not release the agency from the requirement to only bill for Medicaid approved services to Medicare or other third party insurance prior to billing Medicaid.
 - a. Exceptions to this include Early Intervention Services documented on a child's Individualized Family Service Plan (IFSP) and the following services that are not a skilled Medicare benefit (CNA services only, OT services only, Med-box pre-pouring and routine lab draws).

8.520.8.B. Acute Home Health

1. Acute Home Health Services do not require prior authorization. This includes episodes of acute home health for long-term home health clients.
2. If a client receiving long-term Home Health Services experiences an acute care event that necessitates moving the client to an acute home health episode, the agency shall notify the Department or its Designee that the client is moving from long-term home health to acute Home Health Services.
3. If the client's acute home health needs resolve prior to 60 calendar days, the Home Health Agency shall discharge the client, or submit a PAR for long-term Home Health Services if the client is eligible.
 - a. If an acute home health client experiences a change in status (e.g. an inpatient admission), that totals 9 calendar days or less, the Home Health Agency shall resume the client's care under the current acute home health Plan of Care.
 - b. If an acute home health client experiences a change in status (e.g. an inpatient admission), that totals 10 calendar days or more, the Home Health Agency may start a new Acute Home Health episode when the client returns to the Home Health Agency.
 - c. The Home Health Agency shall inform the SEP case manager or the Medicaid fiscal agent within 10 working days of the beginning and within 10 working days of the end of the acute care episode.

8.520.8.C. Long-Term Home Health

1. Long-term Home Health Services do not require prior authorization under Section 8.017.E.

2. When an agency accepts an HCBS waiver client to long-term Home Health Services, the Home Health Agency shall contact the client's case management agency to inform the case manager of the client's need for Home Health Services.
3. The complete formal written PAR shall include:
 - a. A completed Department-prescribed Prior Authorization Request Form, see Section 8.058;
 - b. A home health Plan of Care, which includes all clinical assessments and current clinical summaries or updates of the client. The Plan of Care shall be on the CMS-485 form, or a form that is identical in content to the CMS-485, and all sections of the form shall be completed. For clients 20 years of age or younger, all therapy services requested shall be included in the Plan of Care or addendum, which lists the specific procedures and modalities to be used and the amount, duration, frequency and goals. If extended aide units, as described in 8.520.9.B. are requested, there shall be sufficient information about services on each visit to justify the extended units. Documentation to support any PRN visits shall also be provided. If there are no nursing needs, the Plan of Care and assessments may be completed by a therapist if the client is 20 years of age or younger and is receiving home health therapy services;
 - c. Written documentation of the results of the EPSDT medical screening, or other equivalent examination results provided by the client's third-party insurance;
 - d. Any other medical information which will document the medical necessity for the Home Health Services;
 - e. If applicable, written instructions from the therapist or other medical professional to support a current need when range of motion or other therapeutic exercise is the only skilled service performed on a CNA visit;
 - f. When the PAR includes a request for nursing visits solely for the purpose of pre-pouring medications, evidence that the client's pharmacy was contacted, and advised the Home Health Agency that the pharmacy will not provide medication set-ups, shall be documented; and
 - g. When a PAR includes a request for reimbursement for two aides at the same time to perform two-person transfers, documentation supporting the current need for two-person transfers, and the reason adaptive equipment cannot be used instead, shall be provided.
 - h. Long Term Home Health Services for clients 20 years of age or younger require prior authorization by the Department or its Designee using the approved utilization management tool.
4. Authorization time frames:
 - a. PARs shall be submitted for, and may be approved for up to a one year period.
 - b. The Department or its Designee may initiate PAR revisions if the Plans of Care indicate significantly decreased services.
 - c. PAR revisions for increases initiated by Home Health Agencies shall be submitted and processed according to the same requirements as for new PARs,

except that current written assessment information pertaining to the increase in care may be submitted in lieu of the CMS-485.

5. The PAR shall not be backdated to a date prior to the 'from' date of the CMS-485.
6. The Department or its Designee shall approve or deny according to the following guidelines for safeguarding clients:
 - a. PAR Approval: If services requested are in compliance with Medicaid rules are medically necessary and appropriate for the diagnosis and treatment plan, the services are approved retroactively to the start date on the PAR form. Services may be approved retroactively for no more than 10 days prior to the PAR submission date.
 - b. PAR Denial:
 - i) The Department or its Designee shall notify Home Health Agencies in writing of denials that result from non-compliance with Medicaid rules or failure to establish medical necessity (e.g, the PAR is not consistent with the client's documented medical needs and functional capacity). Denials based on medical necessity shall be determined by a registered nurse or physician.
 - ii) When denied, services shall be approved for 15 additional days after the date on which the notice of denial is mailed to the client. Services may be approved retroactively for no more than 10 days prior to the PAR submission date.
 - c. Interim Services: Services provided during the period between the provider's submission of the PAR form to the Department or its Designee, to the final approval or denial by the Department may be approved for payment. Payment may be made retroactive to the start date on the PAR form, or up to 30 working days, whichever is shorter.

8.540 PRIVATE DUTY NURSING SERVICES

8.540.1 DEFINITIONS

Family/In-Home Caregiver means an unpaid individual who assumes a portion of the client's Private Duty Nursing care in the home, when Home Health Agency staff is not present. A Family/In-Home Caregiver may either live in the client's home or go to the client's home to provide care.

Home Health Agency means a public agency or private organization or part of such an agency or organization which is certified for participation as a Medicare Home Health provider under Title XVIII of the Social Security Act.

Plan of Care means a care plan developed by the Home Health Agency in consultation with the client, that has been ordered by the attending physician for provision of services to a client at his/her residence,

and periodically reviewed and signed by the physician in accordance with Medicare requirements at 42 C.F.R. 484.18.

Private Duty Nursing (PDN) means face-to-face Skilled Nursing that is more individualized and continuous than the nursing care that is available under the home health benefit or routinely provided in a hospital or nursing facility.

Re-Hospitalization means any hospital admission that occurs after the initial hospitalization for the same condition.

Skilled Nursing means services provided under the licensure, scope and standards of the Colorado Nurse Practice Act, Title 12 Article 38 of the Colorado Revised Statutes, performed by a registered nurse (RN) under the direction of a physician, or a licensed practical nurse (LPN) under the supervision of a RN and the direction of a physician.

Technology Dependent means a client who:

- a. Is dependent at least part of each day on a mechanical ventilator; or
- b. Requires prolonged intravenous administration of nutritional substances or drugs; or
- c. Is dependent daily on other respiratory or nutritional support, including tracheostomy tube care, suctioning, oxygen support or tube feedings when they are not intermittent.

8.540.2 BENEFITS

8.540.2.A. PDN services do not require prior authorization.

8.540.2.B. A pediatric client may be approved for up to 24 hours per day of PDN services if the client meets the URC medical necessity criteria. PDN for pediatric clients is limited to the hours determined medically necessary by the URC pursuant to Section 8.540.4.A, as applicable.

1. The URC shall determine the number of appropriate pediatric PDN hours by considering age, stability, need for frequent suctioning and the ability to manage the tracheostomy.
2. The URC shall consult with the Home Health Agency and the attending physician or primary care physician, to provide medical case management with the goal of resolving the problem that precipitated the need for extended PDN care of more than 16 hours.
3. The URC shall consider combinations of technologies and co-morbidities when making medical criteria determinations.

8.540.2.C. Twenty-four hour care may be approved for pediatric clients during periods when the family caregiver is unavailable due to illness, injury or absence periodically for up to 21 days in a calendar year.

8.540.2.D. Adult clients may be approved for up to 16 hours of PDN per day.

8.540.2.E. A client who is eligible and authorized to receive PDN services in the home may receive care outside the home during those hours when the client's activities of daily living take him or her away from the home. The total hours authorized shall not exceed the hours that would have been authorized if the client received all care in the home.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300
Rule Number: MSB 21-06-28-B
Division / Contact / Phone: Health Programs Office / Russ Zigler / 303-866-5927

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board
2. Title of Rule: MSB 21-06-28-B, Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300
3. This action is an adoption of: an amendment
4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):
Sections(s) Sections 8.300.3 and 8.300.5, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)?
If yes, state effective date: Yes August 9, 2021
Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.300 with the proposed text beginning at 8.300.3.A through the end of 8.300.5. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300
Rule Number: MSB 21-06-28-B
Division / Contact / Phone: Health Programs Office / Russ Zigler / 303-866-5927

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

During the Coronavirus Disease 2019 (COVID-19) public health emergency, subacute care may be administered by an enrolled hospital in its inpatient hospital or alternate care facilities. Subacute care in a hospital setting shall be equivalent to the level of care administered by a skilled nursing facility for skilled nursing and intermediate care services as defined in 10 CCR 2505-10, Sections 8.406 and 8.409. Patients may be admitted to subacute care after an inpatient admission, or directly from an emergency department, observation status, or primary care referral to the administering hospital. Subacute care will be paid at the rate equal to the estimated adjusted State-wide average rate per patient-day paid for services provided in skilled nursing facilities under the State Plan. Adding subacute care to the covered hospital services in an inpatient hospital, or an associated alternate care facility, increases access to such services for the duration of the COVID-19 public health emergency.

2. An emergency rule-making is imperatively necessary

☐ to comply with state or federal law or federal regulation and/or
☒ for the preservation of public health, safety and welfare.

Explain:

Addition of subacute care to the list of the covered services for inpatient hospitals, and associated alternate care facilities, increases access to such care for the duration of the COVID-19 public health emergency and is imperatively necessary for the preservation of public health, safety, and welfare.

3. Federal authority for the Rule, if any:

42 CFR §447, Subpart C (2020)

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);
C.R.S. 25.5-5-102(1)(a) (2019)

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Act Rule concerning Subacute Care, Section 8.300
Rule Number: MSB 21-06-28-B
Division / Contact / Phone: Health Programs Office / Russ Zigler / 303-866-5927

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Inpatient hospitals, and associated alternate care facilities (AFC), will be affected by, and benefit from, the proposed rule with the addition of subacute care as a covered treatment modality for the duration of the COVID-19 public health emergency. Clients receiving subacute care in an inpatient hospital, or in an AFC, for the duration of the COVID-19 public health emergency will also be affected by, and benefit from, the proposed rule. The Department will bear the cost of reimbursement for subacute care services authorized under the proposed rule.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The qualitative impact of the proposed rule is adding the subacute care treatment modality to the inpatient hospital, and associated AFC, covered services for the duration of the COVID-19 public health emergency. The proposed rule increases access to such services during the COVID-19 public health emergency by allowing hospitals to treat clients that would normally be discharged from the hospital in order to receive a lower level of care. It may be difficult for hospitals to discharge and place such clients in a skilled nursing facility during the COVID-19 public health emergency due to COVID-19 positive or presumptive status. The proposed rule allows hospitals to treat such clients on-site and be reimbursed for such care. Because the clients are being treated at an inpatient hospital or alternate care facility for the same care they would have otherwise received at a skilled nursing facility, the proposed rule is budget neutral.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Because the clients treated at an inpatient hospital or alternate care facility for the subacute care under the authority of this rule would have otherwise received such care at a skilled nursing facility, the proposed rule is budget neutral. There are no probable implementation or enforcement costs to the Department or to any other agency. There is no anticipated effect on state revenues.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The probable cost of the proposed rule is reimbursement for subacute care at inpatient hospitals and associated AFCs. The probable benefit of the proposed rule is increased access to subacute care for the duration of the COVID-19 public health emergency. There are no benefits to inaction. Diminished access to subacute care, as described in question two above, for the duration of the COVID-19 public health emergency could be a cost of inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

DO NOT PUBLISH THIS PAGE

There are no less costly or less intrusive methods for adding subacute care to the covered services for inpatient hospitals and associated AFCs for the duration of the COVID-19 public health emergency.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for adding subacute care to the covered services for inpatient hospitals and associated AFCs for the duration of the COVID-19 public health emergency.

8.300 HOSPITAL SERVICES

8.300.3 Covered Hospital Services

8.300.3.A Covered Hospital Services - Inpatient

Inpatient Hospital Services are a Medicaid benefit, when provided by or under the direction of a physician, for as many days as determined Medically Necessary.

1. Inpatient Hospital services include:
 - a. bed and board, including special dietary service, in a semi-private room to the extent available;
 - b. professional services of hospital staff;
 - c. laboratory services, therapeutic or Diagnostic Services involving use of radiology & radioactive isotopes;
 - d. emergency room services;
 - e. drugs, blood products;
 - f. medical supplies, equipment and appliances as related to care and treatment; and
 - g. associated services provided in a 24-hour period immediately prior to the Hospital admission, during the Hospital stay and 24 hours immediately after discharge. Such services can include, but are not limited to laboratory, radiology and supply services provided on an outpatient basis.
2. Medical treatment for the acute effects and complications of substance abuse toxicity is a covered benefit.
3. Medicaid payments on behalf of a newborn are included in reimbursement for the period of the mother's hospitalization for the delivery. If there is a Medical Necessity requiring that the infant remain hospitalized following the mother's discharge, services are reimbursed under the newborn's identification number, and separate from the payment for the mother's hospitalization.
4. Psychiatric Hospital Services

Inpatient Hospital psychiatric care is a Medicaid benefit for individuals age 20 and under when provided as a service of an in-network Hospital.

 - a. Inpatient care in a Psychiatric Hospital is limited to forty-five (45) days per state fiscal year, unless additional services are prior-authorized as medically necessary by the Department's utilization review vendor or other Department representative, and includes physician services, as well as all services identified in 8.300.3.A.1, above.

- b. Inpatient psychiatric care in Psychiatric Hospitals is a Medicaid benefit only when:
 - i. services involve active treatment which a team has determined is necessary on an Inpatient basis and can reasonably be expected to improve the condition or prevent further regression so that the services shall no longer be needed; the team must consist of physicians and other personnel qualified to make determinations with respect to mental health conditions and the treatment thereof; and
 - ii. services are provided prior to the date the individual attains age 21 or, in the case of an individual who was receiving such services in the period immediately preceding the date on which he/she attained age 21, the date such individual no longer requires such services or, if earlier, the date such individual attains age 22.
- c. Medicaid clients obtain access to inpatient psychiatric care through the Community Mental Health Services Program defined in 10 CCR 2505-10, Section 8.212.

5. Inpatient Hospital Dialysis

Inpatient Hospital dialysis treatment is a Medicaid benefit at in-network DRG Hospitals for eligible recipients who are Inpatients only in those cases where hospitalization is required for:

- a. an acute medical condition for which dialysis treatments are required; or
- b. any other medical condition for which the Medicaid Program provides payment when the eligible recipient receives regular maintenance treatment in an Outpatient dialysis program; or
- c. placement or repair of the dialysis route ("shunt", "cannula").

6. Inpatient Subacute Care

Administration of subacute care by an enrolled hospital in its inpatient hospital or alternate care facilities is covered for the duration of the Coronavirus Disease 2019 (COVID-19) public health emergency. Subacute care in a hospital setting shall be equivalent to the level of care administered by a skilled nursing facility for skilled nursing and intermediate care services as defined in 10 CCR 2505-10, Sections 8.406 and 8.409. Members may be admitted to subacute care after an inpatient admission, or directly from an emergency department, observation status, or primary care referral to the administering hospital.

8.300.4 Non-Covered Services

The following services are not covered benefits:

- 1. Inpatient Hospital Services defined as experimental by the United States Food and Drug Administration.
- 2. Inpatient Hospital Services which are not a covered Medicare benefit.

3. Court-ordered psychiatric Inpatient care which does not meet the Medical Necessity criteria established for such care by the Department's utilization review vendor or other Department representative.
4. Substance abuse rehabilitation treatment is not covered unless individuals are aged 20 and under. Services must be provided by facilities which attest to having in place rehabilitation components required by the Department. These facilities must be approved by the Department to receive reimbursement.

8.300.5 Payment for Inpatient Hospital Services

8.300.5.F Payment for Inpatient Subacute Care

Inpatient Subacute Care days shall be paid at a rate equal to the estimated adjusted State-wide average rate per patient-day paid for services provided in skilled nursing facilities under the State plan approved by the Centers for Medicare and Medicaid Services (CMS), for the State in which such hospital is located.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

Rule Number: MSB 21-06-29-A

Division / Contact / Phone: Eligibility / Ana Bordallo / 3558

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board

a

2. Title of Rule: MSB 21-06-29-A, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

3. This action is an adoption of: an amendment

4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).

5. Does this action involve any temporary or emergency rule(s)? Yes
If yes, state effective date: 8/09/21
Is rule to be made permanent? (If yes, please attach notice of hearing). No

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.100 with the proposed text beginning at 8.100.3.D through the end of 8.100.3.D. Replace the current text at 8.100.3.F with the proposed text beginning at 8.100.3.F through the end of 8.100.3.F. Replace the current text at 8.100.3.I with the proposed text beginning at 8.100.3.I through the end of 8.100.3.I. Replace the current text at 8.100.3.K with the proposed text beginning at 8.100.3.K through the end of 8.100.3.K. Replace the current text at 8.100.3.L with the proposed text beginning at 8.100.3.L. Replace the current text at 8.100.3.P with the proposed text

DO NOT PUBLISH THIS PAGE

beginning at 8.100.3.P through the end of 8.100.3.P. Replace the current text at 8.100.4.B with the proposed beginning at 8.100.4.B through the end of 8.100.4.B. Replace the current text at 8.100.4.C with the proposed text beginning at 8.100.4.C through the end of 8.100.4.C. Replace the current text at 8.100.4.G with the proposed text beginning at 8.100.4.G through the end of 8.100.4.G. Replace the current text at 8.100.5.A with the proposed text beginning at 8.100.5.A through the end of 8.100.5.A. Replace the current text at 8.100.5.B with the proposed text beginning at 8.100.5.B through the end of 8.100.5.B. Replace the current text at 8.100.6.P with the proposed text beginning at 8.100.6.P through the end of 8.100.6.P. Replace the current text at 8.100.6.Q with the proposed text beginning at 8.100.6.Q through the end of 8.100.6.Q. This rule is effective August 9, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

Rule Number: MSB 21-06-29-A

Division / Contact / Phone: Eligibility / Ana Bordallo / 3558

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule change will amend 10 CCR 2505-10 sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6 based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision. All policy revisions will align with federal regulations for the state to be in compliance during the federal Coronavirus (COVID-19) Public Health Emergency. These changes will impact all Medical Assistance categories and these policy changes will stay in place until the end of the federal Coronavirus (COVID-19) Public Health Emergency. The following policy changes are: Self-attestation for most verifications will be acceptable to be in compliance with the Maintenance of Effort (MOE) provision to ensure the continuance of health coverage for all eligible members. When a member is not reasonably compatible based off income a member self-attests, documentation will not be required, and the member will remain eligible for Medical Assistance. Self-attestation of resources will be acceptable for Non-MAGI programs. Premiums for the Buy-In program will be waived. Required through the Federal CARES Act for the Maintenance of Effort (MOE), members who had a loss of employment will remain in the Buy-In program. Newly enrolled members will still need to meet the work requirements. For applicants who are not eligible for Medical Assistance but have been exposed or who are potentially infected by the COVID-19, will be eligible for Medical Assistance for related COVID testing. The economic stimulus relief package designed to provide direct assistance to individuals to help offset the financial impacts of the COVID-19 Public Health Emergency will be exempt for MAGI and Non-MAGI eligibility determinations. The economic stimulus will *not* be a countable resource for 12 months for any Non-MAGI financial eligibility determinations that include a resource test. Lastly, the Federal Pandemic Unemployment Compensation (FPUC) program which provides an extra \$600.00 a week is not countable unearned income for Medical Assistance categories.

2. An emergency rule-making is imperatively necessary

☒
☐

to comply with state or federal law or federal regulation and/or
for the preservation of public health, safety and welfare.

DO NOT PUBLISH THIS PAGE

Explain:

Due to the Coronavirus (COVID-19) Public Health Emergency the state rules need to be updated to comply with federal regulations.

3. Federal authority for the Rule, if any:

Families First Coronavirus Response Act (FFCRA), Public Law No. 116-127 and Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law No. 116-136 and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision.

4. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2019);
25.5-4-205(3)(II)(b)(A), 25.5-5-105, 25.5-5-206(1)(II)(B), 25.5-6-1404(1)(b) and(3)
(a)(b), 25.5-6-1405(1),25.5.-6-1405(2)

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

Rule Number: MSB 21-06-29-A

Division / Contact / Phone: Eligibility / Ana Bordallo / 3558

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rules will impact applicants and members who are applying or enrolled in a MAGI and Non-MAGI Medical Assistance program. The rule updates will benefit both an applicant and member who becomes eligible for Medical Assistance by remaining eligible during this Coronavirus (COVID-19) Public Health Emergency.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed rule will help to determine eligibility correctly by applying regulations based on the CARES Act to help applicants and members remain eligible for MAGI and Non-MAGI Medical Assistance programs during this Coronavirus (COVID-19) Public Health Emergency.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

Self-attestation of all eligibility requirements, including resources, is likely to increase the number of individuals who will be eligible to enroll in Medicaid, therefore the Department expects its expenditures to increase as a result of this policy change. The Department expects that the waiving of premiums for the Disabled Buy-In program will reduce the revenues to the Department, which will result in an increase in expenditures from the Healthcare Affordability and Sustainability Fee (HAS) Cash Fund and federal funds, in order to fill the gap in revenue lost from the premiums.

The Department expects that the provision of COVID testing to applicants will increase expenditures to the Department, but these expenditures will

DO NOT PUBLISH THIS PAGE

be covered with 100% federal funds and will not impact expenditures from state fund sources.

The exemptions to counting the economic relief provided to individuals from the federal government towards eligibility for Medical Assistance is likely to not affect eligibility, and therefore not impact costs to the Department.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The allowance of self-attestation of eligibility criteria is mandated by the Families First Coronavirus Response Act in order for states to qualify for an enhanced FMAP of 6.2%. If the Department does not act in accordance with this policy, the costs to the Department will increase beyond what is necessary. The benefit of implementing this policy will allow the Department to secure a higher FMAP, which will allow the Department to operate with less administrative burden and serve more members during the emergency period. With respect to the proposal to waive the premiums for the Disabled Buy-In program, the Department expects that inaction will cause potential members to not qualify for buy-in because they will be unable to pay the premiums due to the severity of the economic shock. Therefore, the Department sees no benefit to inaction of the rule changes.

In addition, the Families First Coronavirus Response Act allows state Medicaid and CHP+ programs to fund the cost of COVID-19 diagnostic testing for residents who do not qualify for Medical Assistance through 100% federal funds. Thus, inaction will lead to less testing of individual during the emergency and more uncertainty of the status of the emergency in Colorado. Again, the Department sees no benefit to inaction as the costs will be covered by federal funds.

The exemptions to counting the economic relief provided to individuals from the federal government towards eligibility for Medical Assistance are mandated by the Coronavirus Aid, Relief, and Economic Security (CARES) Act. If the Department does not act it will be in violation of the law.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods available to the Department to comply with the Families First Coronavirus Response Act and the CARES Act. The purposes of the proposed rule changes are to allow the Department to better serve Medicaid members and the people of Colorado during this

DO NOT PUBLISH THIS PAGE

emergency period and the Department sees no other method to accomplish this goal.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

There are no alternative methods for the proposed rule that were considered

8.100 MEDICAL ASSISTANCE ELIGIBILITY

8.100.1 Definitions

300% Institutionalized Special Income Group is a Medical Assistance category that provides Long-Term Care Services to aged or disabled individuals.

1619b is section 1619b of the Social Security Act which allows individuals who are eligible for Supplemental Security Income (SSI) to continue to be eligible for Medical Assistance coverage after they return to work.

AB - Aid to the Blind is a program which provides financial assistance to low-income blind persons.

ABD - Aged, Blind and Disabled Medical Assistance is a group of Medical Assistance categories for individuals that have been deemed to be aged, blind, or disabled by the Social Security Administration or the Department.

Achieving a Better Life Experience (ABLE) accounts – Special savings accounts that are set up by (or for) certain individuals with disabilities in a qualified ABLE program that are exempt for eligibility. They can be established by any state's qualified ABLE Program. Colorado's ABLE program is administered by the Department of Higher Education.

Adjusted Gross Income (AGI)-means" gross income", as defined in federal tax rules, minus certain adjustments prescribed in the federal tax rules to derive the "Adjusted Gross Income" line on the tax return. These adjustments from gross income are taken before the taxpayer takes his or her Schedule A deductions or Standard Deduction.

Adult MAGI Medical Assistance Group provides Medical Assistance to eligible adults from the age of 19 through the end of the month that the individual turns 65, who do not receive or who are ineligible for Medicare.

AND - Aid to Needy Disabled is a program which provides financial assistance to low-income persons over age 18 who have a total disability which is expected to last six months or longer and prevents them from working.

AFDC - Aid to Families with Dependent Children is the Title IV federal assistance program in effect from 1935 to 1997 which was administered by the United States Department of Health and Human Services. This program provided financial assistance to children whose families had low or no income.

AP-5615 is the form used to determine the patient payment for clients in nursing facilities receiving Long Term Care.

Alien is a person who was not born in the United States and who is not a naturalized citizen.

Ambulatory Services is any medical care delivered on an outpatient basis.

Annuity is an investment vehicle whereby an individual establishes a right to receive fixed periodic payments, either for life or a term of years.

Applicant is an individual who is seeking an eligibility determination for Medical Assistance through the submission of an application.

Application Date is the date the application is received and date-stamped by the eligibility site or the date the application was received and date-stamped by an Application Assistance site or Presumptive Eligibility

site. In the absence of a date-stamp, the application date is the date that the application was signed by the client.

Application for Public Assistance is the designated application used to determine eligibility for financial assistance. It can also be used to determine eligibility for Medical Assistance.

Blindness is defined in this volume as the total lack of vision or vision in the better eye of 20/200 or less with the use of a correcting lens and/or tunnel vision to the extent that the field of vision is no greater than 20 degrees.

Burial Spaces are burial plots, gravesites, crypts, mausoleums, urns, niches and other customary and traditional repositories for the deceased's bodily remains provided such spaces are owned by the individual or are held for his or her use, including necessary and reasonable improvements or additions to or upon such burial spaces such as: vaults, headstones, markers, plaques, or burial containers and arrangements for opening and closing the gravesite for burial of the deceased.

Burial Trusts are irrevocable pre-need funeral agreements with a funeral director or other entity to meet the expenses associated with burial for Medical Assistance applicants/recipients. The agreement can include burial spaces as well as the services of the funeral director.

Caretaker Relative is a person who is related to the dependent child or any adult with whom the dependent child is living and who assumes responsibility for the dependent child's care.

Case Management Services are services provided by community mental health centers, clinics, community centered boards, and EPSDT case managers to assist in providing services to Medical Assistance clients in gaining access to needed medical, social, educational and other services.

Cash Surrender Value is the amount the insurer will pay to the owner upon cancellation of the policy before the death of the insured or before maturity of the policy.

Categorically Eligible means persons who are eligible for Medical Assistance due to their eligibility for one or more Federal categories of public assistance.

CBMS - Colorado Benefits Management System is the computer system that determines an applicant's eligibility for public assistance in the state of Colorado.

CDHS -Colorado Department of Human Services is the state department responsible for administering the social service and financial assistance programs for Colorado.

Children MAGI Medical Assistance group provides Medical Assistance coverage to tax dependents or otherwise eligible applicants through the end of the month that the individual turns 19 years old.

Child Support Services is a CDHS program that assures that all children receive financial and medical support from each parent. This is accomplished by locating each parent, establishing paternity and support obligations, and enforcing those obligations.

Citizen is a person who was born in the United States or who has been naturalized.

Client is a person who is eligible for the Medical Assistance Program. "Client" is used interchangeably with "recipient" when the person is eligible for the program.

CMS - Centers for Medicare and Medicaid Services is the Federal agency within the US Department of Health and Human Services that partners with the states to administer Medicaid and CHP+ via State Plans in effect for each State. Colorado is in Region VIII.

CHP+ - Child Health Plan Plus is low-cost health insurance for Colorado's uninsured children and pregnant women. CHP+ is public health insurance for children and pregnant women who earn too much to qualify for The Medical Assistance Program, but cannot afford private health insurance.

COLA - Cost of Living Adjustment is an annual increase in the dollar value of benefits made automatically by the United States Department of Health and Human Services or the state in OASDI, SSI and OAP cases to account for rises in the cost of living due to inflation.

Colorado State Plan is a written statement which describes the purpose, nature, and scope of the Colorado's Medical Assistance Program. The Plan is submitted to the CMS and assures that the program is administered consistently within specific requirements set forth in both the Social Security Act and the Code of Federal Regulations (CFR) in order for a state to be eligible for Federal Financial Participation (FFP).

Common Law Marriage is legally recognized as a marriage in the State of Colorado under certain circumstances even though no legally recognized marriage ceremony is performed or civil marriage contract is executed. Individuals declaring or publicly holding themselves out as a married couple through verbal or written methods may be recognized as legally married under state law. C.R.S. § 14-2-104(3).

Community Centered Boards are private non-profit organizations designated in statute as the single entry point into the long-term service and support system for persons with developmental disabilities.

Community Spouse is the spouse of an institutionalized spouse.

Community Spouse Resource Allowance is the amount of resources that the Medical Assistance regulations permit the spouse staying at home to retain.

Complete Application means an application in which all questions have been answered, which is signed, and for which all required verifications have been submitted. The Department is defined in this volume as the Colorado Department of Health Care Policy and Financing which is responsible for administering the Colorado Medical Assistance Program and Child Health Plan Plus programs as well as other State-funded health care programs.

Dependent Child is a child who lives with a parent, legal guardian, caretaker relative or foster parent and is under the age of 18, or, is age 18 and a full-time student, and expected to graduate by age 19.

Dependent Relative for purposes of this rule is defined as one who is claimed as a dependent by an applicant for federal income tax purposes.

Difficulty of Care Payments is a payment to an applicant or member as compensation for providing live-in home care to an individual who qualifies for foster care or Home and Community Based Services (HCBS) waiver program and lives in the home of the care recipient. This additional care must be required due to a physical, mental, or emotional handicap.

Disability means the inability to do any substantial gainful activity (or, in the case of a child, having marked and severe functional limitations) by reason of a medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of 12 months or more.

Dual Eligible clients are Medicare beneficiaries who are also eligible for Medical Assistance.

Earned Income is defined for purposes of this volume as any compensation from participation in a business, including wages, salary, tips, commissions and bonuses.

Earned Income Disregards are the allowable deductions and exclusions subtracted from the gross earnings. Income disregards vary in amount and type, depending on the category of assistance.

Electronic Data Source is an interface established with a federal or state agency, commercial entity, or other data sources obtained through data sharing agreements to verify data used in determining eligibility. The active interfaces are identified in the Department's verification plan submitted to CMS.

Eligibility Site is defined in this volume as a location outside of the Department that has been deemed by the Department as eligible to accept applications and determine eligibility for applicants.

Employed means that an individual has earned income and is working part time, full time or is self-employed, and has proof of employment. Volunteer or in-kind work is not considered employment.

EPSDT- Early Periodic Screening, Diagnosis and Treatment is the child health component of the Medical Assistance Program. It is required in every state and is designed to improve the health of low-income children by financing appropriate, medically necessary services and providing outreach and case management services for all eligible individuals.

Equity Value is the fair market value of land or other asset less any encumbrances.

Ex Parte Review is an administrative review of eligibility during a redetermination period in lieu of performing a redetermination from the client. This administrative review is performed by verifying current information obtained from another current aid program.

Face Value of a Life Insurance Policy is the basic death benefit of the policy exclusive of dividend additions or additional amounts payable because of accidental death or other special provisions.

Fair Market Value is the average price a similar property will sell for on the open market to a private individual in the particular geographic area involved. Also, the price at which the property would change hands between a willing buyer and a willing seller, neither being under any pressure to buy or to sell and both having reasonable knowledge of relevant facts.

FBR - The Federal Benefit Rate is the monthly Supplemental Security Income payment amount for a single individual or a couple. The FBR is used by the Aged, Blind and Disabled Medical Assistance Programs as the eligibility income limits.

FFP - Federal Financial Participation as defined in this volume is the amount or percentage of funds provided by the Federal Government to administer the Colorado Medical Assistance Program.

FPL - Federal Poverty Level is a simplified version of the federal poverty thresholds used to determine financial eligibility for assistance programs. The thresholds are issued each year in the Federal Register by the Department of Health and Human Services (HHS).

Good Cause is the client's justification for needing additional time due to extenuating circumstances, usually used when extending deadlines for submittal of required documentation.

Good Cause for Child Support is the specific process and criteria that can be applied when a client is refusing to cooperate in the establishment of paternity or establishment and enforcement of a child support order due to extenuating circumstances.

HCBS are Home and Community Based Services are also referred to as "waiver programs". HCBS provides services beyond those covered by the Medical Assistance Program that enable individuals to remain in a community setting rather than being admitted to a Long-Term Care institution.

In-Kind Income is income a person receives in a form other than money. It may be received in exchange for work or service (earned income) or a non-cash gift or contribution (unearned income).

Inpatient is an individual who has been admitted to a medical institution on recommendation of a physician or dentist and who receives room, board and professional services for 24 hours or longer, or is expected to receive these services for 24 hours or longer.

Institution is an establishment that furnishes, in single or multiple facilities, food, shelter and some treatment or services to four or more persons unrelated to the proprietor.

Institutionalization is the commitment of a patient to a health care facility for treatment.

Institutionalized Individual is a person who is institutionalized in a medical facility, a Long-Term Care institution, or applying for or receiving Home and Community Based Services (HCBS) or the Program of All Inclusive Care for the Elderly (PACE).

Institutionalized Spouse is a Medicaid eligible client who begins a stay in a medical institution or nursing facility on or after September 30, 1989, or is first enrolled as a Medical Assistance client in the Program of All Inclusive Care for the Elderly (PACE) on or after October 10, 1997, or receives Home and Community Based Services (HCBS) on or after July 1, 1999; and is married to a spouse who is not in a medical institution or nursing facility. An institutionalized spouse does not include any such individual who is not likely to be in a medical institution or nursing facility or to receive HCBS or PACE for at least 30 consecutive days. Irrevocable means that the contract, trust, or other arrangement cannot be terminated, and that the funds cannot be used for any purpose other than outlined in the document.

Insurance Affordability Program (IAP) refers to Medicaid, Child Health Plan *Plus* (CHP+), and premium and cost-sharing assistance for purchasing private health insurance through state insurance marketplace.

Legal Immigrant is an individual who is not a citizen or national and has been permitted to remain in the United States by the United States Citizenship and Immigration Services (USCIS) either temporarily or as an actual or prospective permanent resident or whose extended physical presence in the United States is known to and allowed by USCIS.

Legal Immigrant Prenatal is a medical program that provides medical coverage for pregnant legal immigrants who have been legal immigrants for less than five years.

Limited Disability for the Medicaid Buy-In Program for Working Adults with Disabilities means that an individual has a disability that would meet the definition of disability under SSA without regard to Substantial Gainful Activity (SGA).

Long-Term Care is Medical Assistance services that provides nursing-home care, home-health care, personal or adult day care for individuals aged at least 65 years or with a chronic or disabling condition.

Long-Term Care Institution means class I nursing facilities, intermediate care facilities for the mentally retarded (ICF/MR) and swing bed facilities. Long-Term Care institutions can include hospitals.

Managed care system is a system for providing health care services which integrates both the delivery and the financing of health care services in an attempt to provide access to medical services while containing the cost and use of medical care.

Medical Assistance is defined as all medical programs administered by the Department of Health Care Policy and Financing. Medical Assistance/Medicaid is the joint state/federal health benefits program for individuals and families with low income and resources. It is an entitlement program that is jointly funded by the states and federal government and administered by the state. This program provides for payment of all or part of the cost of care for medical services.

Medical Assistance Required Household is defined for purposes of this volume as all parents or caretaker relatives, spouses, and dependent children residing in the same home.

Minimal Verification is defined in this volume as the minimum amount of information needed to process an application for benefits. No other verification can be requested from clients unless the information provided is questionable or inconsistent.

Minimum Essential Coverage is the type of coverage one must maintain to be in compliance with the Affordable Care Act in order to avoid paying a penalty for being uninsured. Minimum essential coverage may include but not limited to: Medicaid; CHP+; private health plans through Connect for Health Colorado; Medicare; job-based insurance, and certain other coverage.

MMMNA - Minimum Monthly Maintenance Needs Allowance is the calculation used to determine the amount of institutionalized spouse's income that the community spouse is allowed to retain to meet their monthly living needs.

MAGI - Modified Adjusted Gross Income refers to the methodology by which income and household composition are determined for the MAGI Medical Assistance groups under the Affordable Care Act. These MAGI groups include Parents and Caretaker Relatives, Pregnant Women, Children, and Adults. For a more complete description of the MAGI categories and pursuant rules, please refer to section 8.100.4.

MAGI-Equivalent is the resulting standard identified through a process that converts a state's net-income standard to equivalent MAGI standards.

MIA - Monthly Income Allowance is the amount of institutionalized spouse's income that the community spouse is allowed to retain to meet their monthly living needs.

MSP - Medicare Savings Program is a Medical Assistance Program to assist in the payment of Medicare premium, coinsurance and deductible amounts. There are four groups that are eligible for payment or part-payment of Medicare premiums, coinsurance and deductibles: Qualified Medicare Beneficiaries (QMBs), Specified Low-Income Medicare Beneficiaries (SLIMBs), Qualified Disabled and Working Individuals (QDWIs), and Qualifying Individuals – 1 (QI-1s).

Non-Filer is an individual who neither files a tax return nor is claimed as a tax dependent. For a more complete description of how household composition is determined for the MAGI Medical Assistance groups, please refer to the MAGI household composition section at 8.100.4.E.

Nursing Facility is a facility or distinct part of a facility which is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis.

OAP - Old Age Pension is a financial assistance program for low income adults age 60 or older.

OASDI - Old Age, Survivors and Disability Insurance is the official term Social Security uses for Social Security Act Title II benefits including retirement, survivors, and disability. This does not include SSI payments.

Outpatient is a patient who is not hospitalized overnight but who visits a hospital, clinic, or associated facility for diagnosis or treatment. Is a patient who does not require admittance to a facility to receive medical services.

PACE - Program of All-inclusive Care for the Elderly is a unique, capitated managed care benefit for the frail elderly provided by a not-for-profit or public entity. The PACE program features a comprehensive

medical and social service delivery system using an interdisciplinary team approach in an adult day health center that is supplemented by in-home and referral services in accordance with participants' needs.

Parent and Caretaker Relative is a MAGI Medical Assistance group that provides Medical Assistance to adults who are parents or Caretaker Relatives of dependent children.

Patient is an individual who is receiving needed professional services that are directed by a licensed practitioner of the healing arts toward maintenance, improvement, or protection of health, or lessening of illness, disability, or pain.

PEAK – the Colorado Program Eligibility and Application Kit is a web-based portal used to apply for public assistance benefits in the State of Colorado, including Medical Assistance.

PNA - Personal Needs Allowance means moneys received by any person admitted to a nursing care facility or Long-Term Care Institution which are received by said person to purchase necessary clothing, incidentals, or other personal needs items which are not reimbursed by a Federal or state program.

Pregnant Women is a MAGI Medical Assistance group that provides Medical Assistance coverage to pregnant women whose MAGI-based income calculation is less than 185% FPL, including women who are 60 days post-partum.

Premium means the monthly amount an individual pays to participate in a Medicaid Buy-In Program.

Provider is any person, public or private institution, agency, or business concern enrolled under the state Medical Assistance program to provide medical care, services, or goods and holding a current valid license or certificate to provide such services or to dispense such goods.

Psychiatric Facility is a facility that is licensed as a residential care facility or hospital and that provides inpatient psychiatric services for individuals under the direction of a licensed physician.

Public Institution means an institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control.

Questionable is defined as inconsistent or contradictory tangible information, statements, documents, or file records.

Reasonable Compatibility refers to an allowable difference or discrepancy between the income an applicant self attests and the amount of income reported by an electronic data source. For a more complete description of how reasonable compatibility is used to determine an applicant's financial eligibility for Medical Assistance, please refer to the MAGI Income section at 8.100.4.C

Reasonable Explanation refers to the opportunity afforded an applicant to explain a discrepancy between self-attested income and income as reported by an electronic data source, when the difference is above the threshold percentage for reasonable compatibility.

Recipient is any person who has been determined eligible to receive benefits.

Resident is any individual who is living within the state and considers the state as their place of residence. Residents include any unemancipated child whose parent or other person exercising custody lives within the state.

RRB - Railroad Retirement Benefits is a benefit program under Federal law 45 U.S.C. § 231 et seq that became effective in 1935. It provides retirement benefits to retired railroad workers and families from a special fund, which is separate from the Social Security fund.

Secondary School is a school or educational program that provides instruction or training towards a high school diploma or an equivalent degree such as a High School Equivalency Diploma (HSED).

SGA – Substantial Gainful Activity is defined by the Social Security Administration. SGA is the term used to describe a level of work activity and earnings. Work is “substantial” if it involves performance of significant physical or mental activities or a combination of both, which are productive in nature. For work activity to be substantial, it does not need to be performed on a full-time basis. Work activity performed on a part-time basis may also be substantial gainful activity. “Gainful” work activity is work performed for pay or profit; or work of a nature generally performed for pay or profit; or work intended for profit, whether or not a profit is realized.

Single Entry Point Agency means the organization selected to provide case management functions for persons in need of Long-Term Care services within a Single Entry Point District.

Single Streamlined Application or “SSAp” is the general application for health assistance benefits through which applicants will be screened for Medical Assistance programs including Medicaid, CHP+, or premium and cost-sharing assistance for purchasing private health insurance through a state insurance marketplace.

SISC- Supplemental Income Status Codes are system codes used to distinguish the different types of state supplementary benefits (such as OAP) a recipient may receive. Supplemental Income Status Codes determine the FFP for benefits paid on behalf of groups covered under the Medical Assistance program.

SSA - Social Security Administration is an agency of the United States federal government that administers Social Security, a social insurance program consisting of retirement, disability, and survivors' benefits.

SSI - Supplemental Security Income is a Federal income supplement program funded by general tax revenues (not Social Security taxes) that provides income to aged, blind or disabled individuals with little or no income and resources.

SSI Eligible means an individual who is eligible to receive Supplemental Security Income under Title XVI of the Social Security Act, and may or may not be receiving the monetary payment.

TANF - Temporary Assistance to Needy Families is the Federal assistance program which provides supportive services and federal benefits to families with little or no income or resources. It is the Block Grant that was established under the Personal Responsibility and Work Opportunity Reconciliation Act in Title IV of the Social Security Act.

Tax Dependent is anyone expected to be claimed as a dependent by a Tax-Filer.

Tax-Filer is an individual, head of household or married couple who is required to and who files a personal income tax return.

Third Party is an individual, institution, corporation, or public or private agency which is or may be liable to pay all or any part of the medical cost of an injury, a disease, or the disability of an applicant for or recipient of Medical Assistance.

Title XIX is the portion of the federal Social Security Act which authorizes a joint federal/state Medicaid program. Title XIX contains federal regulations governing the Medicaid program.

TMA - Transitional Medical Assistance is a Medical Assistance category for families that lost Medical Assistance coverage due to increased earned income or loss of earned income disregards.

ULTC 100.2 is an assessment tool used to determine level of functional limitation and eligibility for Long-Term Care services in Colorado.

Unearned Income is the gross amount received in cash or kind that is not earned from employment or self-employment.

VA - Veterans Affairs is The Department of Veterans Affairs which provides patient care and Federal benefits to veterans and their dependents.

8.100.2 Legal Basis

Constitution of Colorado, Article XXIV, Old Age Pensions, section 7, established a health and medical care fund for persons who qualify to receive old age pensions.

Colorado Revised Statutes, Title 25.5, Article 4, Colorado Medical Assistance Act, section 102, provides for a program of Medical Assistance for individuals and families, whose income and resources are insufficient to meet the costs of necessary medical care and services, to be administered in cooperation with the federal government.

The Social Security Act, Title XIX, Grants to States for Medical Assistance Programs, and the consequent Federal regulations, Title 42, CFR (Code of Federal Regulations), Chapter IV, Subchapter C, set forth the conditions for states to obtain Federal Financial Participation in Medical Assistance expenditures.

Under the Colorado Medical Assistance Program, the Medicaid program provides coverage of certain groups specified in Title XIX of the Social Security Act. The OAP State Only Medical Assistance Program provides coverage to certain old age pension clients entitled to health and medical care under the Colorado Constitution.

The Department of Health Care Policy and Financing is the single State agency designated to administer the Colorado Medical Assistance Program under Title XIX of the Social Security Act and Colorado statutes. The Office of Medical Assistance of the Department is delegated the duties and responsibilities for administration of the Colorado Medical Assistance Program.

8.100.3. Medical Assistance General Eligibility Requirements

8.100.3.A. Application Requirements

1. The eligibility site shall advise individuals concerning the benefits of the Medical Assistance Program and determine or redetermine eligibility for Medical Assistance in accordance with rules and regulations of the Department. A person who is applying for the Medical Assistance Program or a client who is determined ineligible for the Medical Assistance Program in one category shall be evaluated under all other categories of eligibility. There is no time limit for Medical Assistance coverage as long as the client remains categorically eligible.
2. If the applicant applied for Medical Assistance on the Single Streamlined Application and was found ineligible, this application shall be reviewed for all other Medical Assistance eligibility programs, the Child Health Plan Plus (CHP+) program and premium and cost-sharing assistance for purchasing private health insurance through the state insurance marketplace.
 - a. The application data and verifications shall be automatically transferred to the state insurance marketplace through a system interface when applicants are found ineligible for Medical Assistance eligibility programs. If an individual is pending for a Non-MAGI Medical Assistance eligibility program but has been found financially ineligible for MAGI

Medical Assistance eligibility programs, the application data and verifications shall be transferred to the state insurance marketplace.

3. Persons applying for assistance need complete only one application form to apply for both Medical Assistance and Financial Assistance under the Federal or State Financial Assistance Programs administered in the county. The application will be the Application for Public Assistance.
4. If an applicant is found to be ineligible for a particular program, the Application for Public Assistance shall be reviewed and processed for other financial programs the household has requested on the Application for Public Assistance and all other Medical Assistance Programs. Referrals to other community agencies and organizations shall be made for the applicant whenever available or requested.
5. The applicant must sign the application form, give declaration in lieu of a signature by telephone, or may opt to use an electronic signature in order to receive Medical Assistance.
6. A family member, adult in the applicant's Medical Assistance Required Household or authorized representative may submit an application and request assistance on behalf of an applicant.
7. If the applicant is not able to participate in the completion of the application forms because they are a minor (as defined in C.R.S. § 13-22-101) or due to physical or mental incapacity, the spouse, other relative, friend, or representative acting responsibly on behalf of the applicant may complete the forms. When no such person is available to assist in these situations, the eligibility site shall assist the applicant in the completion of the necessary forms. This type of situation should be identified clearly in the case record.
8. For the purpose of Medical Assistance, when an applicant is incompetent or incapacitated and unable to sign an application, or in case of death of the applicant, the application shall be signed, under penalty of perjury, by someone acting responsibly on behalf of the applicant either:
 - a. A parent, or other specified relative, or legally appointed guardian or conservator, or
 - b. For a person in a medical institution for whom none of the above in 8.a. are available, an authorized official of the institution may sign the application.
9. Application interviews or requested visits to the eligibility site for Medical Assistance shall not be required. All correspondence may occur by mail, email or telephone.
10. During normal business hours, eligibility sites shall not restrict the hours in which applicants may file an application. The eligibility site must afford any individual wishing to do so the opportunity to apply for Medical Assistance without delay.
11. The applicant has the right to withdraw his or her application at any time.

8.100.3.B. Residency Requirements

1. Individuals shall make application in the county in which they live. Individuals who reside in a county but who do not reside in a permanent dwelling nor have a fixed mailing address shall be considered eligible for the Medical Assistance Program, provided all other eligibility requirements are met. In no instance shall there be a durational residency requirement imposed upon the applicant, nor shall there be a requirement for the applicant to reside in a permanent dwelling or have a fixed mailing address. If an individual without a permanent dwelling or fixed mailing address is hospitalized, the county where the hospital is located shall be responsible for processing the application to completion. If the individual moves prior to completion of the

eligibility determination the origination eligibility site completes the determination and transfers the case as applicable.

- a. For applicants in Long Term Care institutions - The county of domicile for all Long Term Care clients is the county in which they are physically located and receiving services.
2. A resident of Colorado is defined as a person that is living within the state of Colorado and considers Colorado to be their place of residence at the time of application. For institutionalized individuals who are incapable of indicating intent as to their state of residence, the state of residence shall be where the institution is located unless that state determines that the individual is a resident of another state, by applying the following criteria:
 - a. for any institutionalized individual who is under age 21 or who is age 21 or older and incapable of indicating intent before age 21, the state of residence is that of the individual's parent(s) or legally appointed guardian at the time of placement;
 - b. for any institutionalized individual who became incapable of indicating intent at or after age 21, (1) the state of residence is the state in which the person was living when he or she became incapable of indicating intent, or (2) if this cannot be determined, the state of residence is the state in which the person was living when he or she was first determined to be incapable of indicating intent;
 - c. upon placement in another state, the new state is the state of residence unless the current state of residence is involved in the placement. If a current state arranged for an individual to be placed in an institution located in another state, the current state shall be the individual's state of residence, irrespective of the individual's indicated intent or ability to indicate intent;
 - d. in the case of conflicting opinions between states, the state of residence is the state where the individual is physically located.
3. For purposes of this section on establishing an individual's state of residence, an individual is considered incapable of indicating intent if:
 - a. the person has an I.Q. of 49 or less or has a mental age of 7 or less, based on standardized tests as specified in the persons in medical facilities section of this volume;
 - b. the person is judged legally incompetent; or
 - c. medical documentation, or other documentation acceptable to the eligibility site, supports a finding that the person is incapable of indicating intent.
4. Residence shall be retained until abandoned. A person temporarily absent from the state, inside or outside the United States, retains Colorado residence. Temporarily absent means that at the time he/she leaves, the person intends to return.
5. A non-resident shall mean a person who considers his/her place of residence to be other than Colorado. Any person who enters the state to receive Medical Assistance or for any other reason is a non-resident, so long as they consider their permanent place of residence to be outside of the state of Colorado.

8.100.3.C. Transferring Requirements

1. When a family or individual moves from one county to another within Colorado, the client shall report the change of address to the eligibility site responsible for the current active Medical

Assistance Program case(s). If a household applies in the county in which they live and then moves out of that county during the application determination process, the originating eligibility site shall complete the processing of that application before transferring the case. The originating eligibility site shall electronically transfer the case to the new county of residence in CBMS.

2. The originating eligibility site must notify the receiving eligibility site of the client's transfer of Medical Assistance. The originating eligibility site may notify the receiving eligibility site by telephone that a client has moved to the receiving county. If the family or individual wishes to apply for other types of assistance, they shall submit a new application to the receiving eligibility site.
3. If the household is transferring the current Medical Assistance case, the receiving eligibility site cannot mandate a new application, verification, or an office visit to authorize the transfer. The receiving eligibility site can request copies of specific case documents to be forwarded from the originating eligibility site to verify the data contained in CBMS.
4. If the originating eligibility site closes a case for the discontinuation reason of "unable to locate," the applicant shall reapply at the receiving eligibility site for the Medical Assistance Program.
5. If a case is closed for any other discontinuation reason than "unable to locate" and the client provides appropriate information to overturn the discontinuation with the originating eligibility site, then, upon transfer, the receiving eligibility site shall reopen the case with case comments in CBMS. These actions shall be performed according to timeframes defined by the Department.
6. When a recipient moves from his/her home to a nursing facility in another county or when a recipient moves from one nursing facility to another in a different county:
 - a. the initiating eligibility site will transfer the case electronically in the eligibility system to the eligibility site in which the nursing facility is located when the individual is determined eligible; and
 - b. The following items shall be furnished by the initiating eligibility site to the new eligibility site in hard copy format:
 - i) 5615 that was sent to the nursing facility indicating the case transfer; and
 - ii) Identification and citizenship documents; and
 - iii) The ULTC 100.2.
7. When transferring a case, the initiating eligibility site will send an AP-5615 form to the nursing facility administrator of the new nursing facility showing the date of case closure and the current patient payment at the time of transfer. Should the Medical Assistance Program reimbursement be interrupted, the receiving eligibility site will have the responsibility to process the application and back date the Medical Assistance eligibility date to cover the period of ineligibility.

8.100.3.D. Processing Requirements

1. The eligibility site shall process a Single Streamlined Application for Medical Assistance Program benefits within the following deadlines:
 - a. 90 days for persons who apply for the Medical Assistance Program and a disability determination is required.
 - b. 45 days for all other Medical Assistance Program applicants.

- c. The above deadlines cover the period from the date of receipt of a complete application to the date the eligibility site mails a notice of its decision to the applicant.
 - d. In unusual circumstances, documented in the case record and in CBMS case comments, the eligibility site may delay its decision on the application beyond the applicable deadline at its discretion. Examples of such unusual circumstances are a delay or failure by the applicant or an examining physician to take a required action such as submitting required documentation, or an administrative or other emergency beyond the agency's control.
 - e. Due to the Coronavirus COVID-19 Public Health Emergency, required through the Federal CARES Act for the Maintenance of Effort (MOE), the Department will continue eligibility for all Medical Assistance categories, regardless of changes made for a redetermination or additional documentation for current Medicaid enrollees. The Department will allow these individuals to continue eligibility through the period of the COVID-19 pandemic federal emergency declaration. Once the federal emergency declaration has concluded, the Department will process eligibility redeterminations and /or changes for all members whose eligibility was maintained during the emergency declaration.
- 2. Upon request, applicants will be given an extension of time within the application processing timeframe to submit requested verification. Applicants may request an extension of time beyond the application processing timeframe to obtain necessary verification. The extension may be granted at the eligibility site's discretion. The amount of time given should be determined on a case-by-case basis and should be based on the amount of time the individual needs to obtain the required documentation.
 - 3. The eligibility site shall not use the above timeframes as a waiting period before determining eligibility or as a reason for denying eligibility.
 - 4. For clients who apply for the Medical Assistance Program and a disability determination is required, the eligibility site shall send a notice informing the applicant of the reason for a delay beyond the applicable deadline, and of the applicant's right to appeal if dissatisfied with the delay. The eligibility site shall send this notice no later than 91 days following the application for the Medical Assistance Program.
 - 5. For information regarding continuation of benefits during the pendency of an appeal to the Social Security Administration (SSA) based upon termination of disability benefits see section 8.057.5.C.
 - 6. Effective July 1, 1997, as a condition of eligibility for the Medical Assistance Program, any legal immigrant who is applying for or receiving Medical Assistance shall agree in writing that, during the time period the client is receiving Medical Assistance, he or she will not sign an affidavit of support for the purpose of sponsoring an alien who is seeking permission from the United States Immigration and Citizenship Services to enter or remain in the United States. A legal immigrant's eligibility for Medical Assistance shall not be affected by the fact that he or she has signed an affidavit of support for an alien before July 1, 1997.
 - 7. Eligibility sites at which an individual is able to apply for Medical Assistance benefits shall also provide the applicant the opportunity to register to vote.
 - a. The eligibility site shall provide to the applicant the prescribed voter registration application.
 - b. The eligibility site shall not:
 - i) Seek to influence the applicant's political preference or party registration;

- ii) Display any political preference or party allegiance;
 - iii) Make any statement to the applicant or take any action, the purpose or effect of which is to discourage the applicant from registering to vote; and
 - iv) Make any statement to an applicant which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
 - c. The eligibility site shall ensure the confidentiality of individuals registering and declining to register to vote.
 - d. Records concerning registration and declination to register to vote shall be maintained for two years by the eligibility site. These records shall not be part of the public assistance case record.
 - e. A completed voter registration application shall be transmitted to the county clerk and recorder for the county in which the eligibility site is located not later than ten (10) days after the date of acceptance; except that if a registration application is accepted within five (5) days before the last day for registration to vote in an election, the application shall be transmitted to the county clerk and recorder for the county not later than five (5) days after the date of acceptance.
8. Individuals who transfer from one Colorado county to another shall be provided the same opportunity to register to vote in the new county of residence. The new county of residence shall follow the above procedure. The new county of residence shall notify its county clerk and recorder of the client's change in address within five (5) days of receiving the information from the client.

8.100.3.E. Retroactive Medical Assistance Coverage

- 1. An applicant for Medical Assistance shall be provided such assistance any time during the three months preceding the date of application, or as of the date the person became eligible for Medical Assistance, whichever is later. That person shall have received medical services at any time during that period and met all applicable eligibility requirements.
- 2. An explanation of the conditions for retroactive Medical Assistance shall be given to all applicants. Those applicants who within the three months period prior to the date of application or as of the date the person became eligible for Medical Assistance, whichever is later, have received medical services which would be a benefit under the Colorado State Plan, can request retroactive coverage on the application form. The determination of eligibility for retroactive Medical Assistance shall be made as part of the application process. An applicant does not have to be eligible in the month of application to be eligible for retroactive Medical Assistance. The applicant or client may verbally request retroactive coverage at any time following the completion of an application. Verification required to determine Medical Assistance Program eligibility for the retroactive period shall be secured by the eligibility site to determine retroactive eligibility. Proof of the declared medical service shall not be required.

8.100.3.F. Groups Assisted Under the Program

- 1. The Medical Assistance Program provides benefits to the following persons who meet the federal definition of categorically needy at the time they apply for benefits:
 - a. Parents and Caretaker Relatives, Pregnant Women, Children, and Adults as defined under the Modified Adjusted Gross Income (MAGI) Medical Assistance section 8.100.4.

- b. Persons who meet legal immigrant requirements as outlined in this volume, who were or would have been eligible for SSI but for their alien status, if such persons meet the resource, income and disability requirements for SSI eligibility.
- c. Persons who are receiving financial assistance; and who are eligible for a SISC Code of A or B. See section 8.100.3.M for more information on SISC Codes.
- d. Persons who are eligible for financial assistance under Old Age Pension (OAP) and SSI, but are not receiving the money payment.
- e. Persons who would be eligible for financial assistance from OAP or SSI, except for the receipt of Social Security Cost of Living Adjustment (COLA) increases, or other retirement, survivors, or disability benefit increases to their own or a spouse's income. This group also includes persons who lost OAP or SSI due to the receipt of Social Security Benefits and who would still be eligible for the Medical Assistance Program except for the cost of living adjustments (COLA's) received. These populations are referenced as Pickle and Disabled Widow(er)s.
- f. Persons who are blind, disabled, or aged individuals residing in the medical institution or Long Term Care Institution whose income does not exceed 300% of SSI.
- g. Persons who are blind, disabled or aged receiving HCBS whose income does not exceed 300% of the SSI benefit level and who, except for the level of their income, would be eligible for an SSI payment.
- h. A disabled adult child who is at least 18 years of age and who was receiving SSI as a disabled child prior to the age of 22, and for whom SSI was discontinued on or after May 1, 1987, due to having received of OASDI drawn from a parent(s) Social Security Number, and who would continue to be eligible for SSI if the above OASDI and all subsequent cost of living adjustments were disregarded. This population is referenced as Disabled Adult Child (DAC).
- i. Children age 18 and under who would otherwise require institutionalization in an Long Term Care Institution, Nursing Facility (NF), or a hospital but for which it is appropriate to provide care outside of an institution as described in 1902(e)(3) of the Act Public Law No. 97-248 (Section 134).
- j. Persons receiving OAP-A, OAP-B, and OAP Refugees who do not meet SSI eligibility criteria but do meet the state eligibility criteria for the OAP State Only Medical Assistance Program. These persons qualify for a SISC Code C.
- k. Persons who apply for and meet the criteria for one of the categorical Medical Assistance programs, but do not meet the criteria of citizenship shall receive Medical Assistance benefits for emergencies only.
- l. Persons with a disability or limited disability who are at least 16 but less than 65 years of age, with income less than or equal to 450% of FPL after income disregards, regardless of resources, and who are employed.
- m. Children with a disability who are age 18 and under, with household income less than or equal to 300% of FPL after income disregards, regardless of resources.
- n. Due to the Coronavirus COVID-19 Public Health Emergency, an applicant who is not eligible for Medical Assistance but has been impacted through exposure to or potential infection of COVID-19 may be eligible to receive services for COVID-19 testing only. To

qualify for this limited benefit, the Applicant must not be enrolled in other health insurance and meet the criteria of citizenship.

8.100.3.G. General and Citizenship Eligibility Requirements

1. To be eligible to receive Medical Assistance, an eligible person shall:

- a. Be a resident of Colorado;
- b. Meet the following requirements while being an inmate, in-patient or resident of a public institution:
 - i). The following individuals, if eligible, may be enrolled for Medical Assistance
 1. Patients in a public medical institution
 2. Residents of a Long-Term Care Institution
 3. Prior inmates who have been paroled
 4. Resident of a publicly operated community residence which serves no more than 16 residents
 5. Individuals participating in community corrections programs or residents in community corrections facilities ("halfway houses") who have freedom of movement and association which includes individuals who:
 - a) are not precluded from working outside the facility in employment available to individuals who are not under justice system supervision;
 - b) can use community resources (e.g., libraries, grocery stores, recreation, and education) at will;
 - c) can seek health care treatment in the broader community to the same or similar extent as other Medicaid enrollees in the state; and/or
 - d) are residing at their home, such as house arrest, or another location
 - ii). Inmates who are incarcerated in a correctional institution such as a city, county, state or federal prison may be enrolled, if eligible, with benefits limited to an in-patient stay of 24 hours or longer in a medical institution.
- c. Not be a patient in an institution for tuberculosis or mental disease, unless the person is under 21 years of age or has attained 65 years of age and is eligible for the Medical Assistance Program and is receiving active treatment as an inpatient in a psychiatric facility eligible for Medical Assistance reimbursement. See section 8.100.4.H for special provisions extending Medical Assistance coverage for certain patients who attain age 21 while receiving such inpatient psychiatric services;
- d. Meet all financial eligibility requirements of the Medical Assistance Program for which application is being made;

- e. Meet the definition of disability or blindness, when applicable. Those definitions appear in this volume at 8.100.1 under Definitions;
- f. Meet all other requirements of the Medical Assistance Program for which application is being made; and
- g. Fall into one of the following categories:
 - i) Be a citizen or national of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa or Swain's Island; or
 - ii) Be a lawfully admitted non-citizen who entered the United States prior to August 22, 1996, or
 - iii) Be a non-citizen who entered the United States on or after August 22, 1996 and is applying for Medical Assistance benefits to begin no earlier than five years after the non-citizen's date of entry into the United States who falls into one of the following categories:
 - 1) lawfully admitted for permanent residence under the Immigration and Nationality Act (hereafter referred to as the "INA");
 - 2) paroled into the United States for at least one year under 8 U.S.C. § 1182(d)(5); or
 - 3) granted conditional entry under section 203(a)(7) of the INA, as in effect prior to April 1, 1980; or
 - 4) determined by the eligibility site, in accordance with guidelines issued by the U.S. Attorney General, to be a spouse, child, parent of a child, or child of a parent who, in circumstances specifically described in 8 U.S.C. §1641(c), has been battered or subjected to extreme cruelty which necessitates the provision of Medical Assistance (Medicaid); or
 - iv) Be a non-citizen who arrived in the United States on any date, who falls into one of the following categories:
 - 1) lawfully residing in Colorado and is an honorably discharged military veteran (also includes spouse, unremarried surviving spouse and unmarried, dependent children), or
 - 2) lawfully residing in Colorado and is on active duty (excluding training) in the U.S. Armed Forces (also includes spouse, unremarried surviving spouse and unmarried, dependent children), or
 - 3) granted asylum under section 208 of the INA, or
 - 4) refugee under section 207 of the INA, or
 - 5) deportation withheld under section 243(h) (as in effect prior to September 30, 1996) or section 241(b)(3) (as amended by P.L. 104-208) of the INA, or

- 6) Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, or
 - 7) an individual who (1) was born in Canada and possesses at least 50 percent American Indian blood, or is a member of an Indian tribe as defined in 25 U.S.C. sec. 5304(e)(2016), or
 - 8) admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as amended by P.L. 100-461), or
 - 9) lawfully admitted permanent resident who is a Hmong or Highland Lao veteran of the Vietnam conflict, or
 - 10) a victim of a severe form of trafficking in persons, as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. § 7105(b) (2016)), or
 - 11) An alien who arrived in the United States on or after December 26, 2007 who is an Iraqi special immigrant under section 101(a)(27) of the INA, or
 - 12) An alien who arrived in the United States on or after December 26, 2007 who is an Afghan Special Immigrant under section 101(a)(27) of the INA.
- v) The statutes listed at sections 8.100.3.G.1.g.iii.1-5 and at 8.100.3.G.1.g.iv.3-11 are incorporated herein by reference. No amendments or later editions are incorporated. These regulations are available for public inspection at the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203-1714. Pursuant to C.R.S. 24-4-103(12.5)(b)(2016), the agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.
- vi) Be a lawfully admitted non-citizen who is a pregnant women or a child under the age of 19 years in the United States who falls into one of the categories listed in 8.100.3.G.1.g.iii or into one of the following categories listed below. These individuals are exempt from the 5-year waiting period:
- 1) granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a,or
 - 2) granted Temporary Protected Status (TPS) in accordance with 8 U.S.C 1254a and pending applicants for TPS granted employment authorization,
 - 3) granted employment authorization under 8 CFR 274a.12(c),or
 - 4) Family Unity beneficiary in accordance with section 301 of Pub. L. 101-649, as amended.
 - 5) Deferred Enforced Departure (DED), pursuant to a decision made by the President,

- 6) granted Deferred Action status (excluding Deferred Action for Childhood Arrivals (DACA)) as described in the Secretary of Homeland Security's June 15, 2012 memorandum,
 - 7) granted an administrative stay of removal under 8 CFR 241.6(2016), or
 - 8) Beneficiary of approved visa petition who has a pending application for adjustment of status.
 - 9) Pending an application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who-
 - a) as been granted employment authorization; or
 - b) Is under the age of 14 and has had an application pending for at least 180 days.
 - 10) granted withholding of removal under the Convention Against Torture,
 - 11) A child who has a pending application for Special Immigrant Juvenile status under 8 U.S.C. 1101(a)(27)(J), or
 - 12) Citizens of Micronesia, the Marshall Islands, and Palau, or
 - 13) is lawfully present American Samoa under the immigration of laws of American Samoa.
 - 14) A non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or under 8 U.S.C. 1101(a)(17), or
 - 15) A non-citizen who has been paroled into the United States for less than one year under 8 U.S.C. § 1182(d)(5), except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings.
- vii) Exception: The exception to these requirements is that persons who apply for and meet the criteria for one of the categorical Medical Assistance programs, but who are not citizens, and are not eligible non-citizens, according to the criteria set forth in 8.100.3.G.1.g, shall receive Medical Assistance benefits for emergency medical care only. The rules on confidentiality prevent the Department or eligibility site from reporting to the United States Citizenship and Immigration Services persons who have applied for or are receiving assistance. These persons need not select a primary care physician as they are eligible only for emergency medical services.

For non-qualified aliens receiving Medical Assistance emergency only benefits, the following medical conditions will be covered:

An emergency medical condition (including labor and delivery) which manifests itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- 1) placing the patient's health in serious jeopardy;

- 2) serious impairment of bodily function; or
- 3) serious dysfunction of any bodily organ or part.

A physician shall make a written statement certifying the presence of an emergency medical condition when services are provided and shall indicate that services were for a medical emergency on the claim form. Coverage is limited to care and services that are necessary to treat immediate emergency medical conditions. Coverage does not include prenatal care or follow-up care.

2. For determinations of eligibility for Medical Assistance, legal immigration status must be verified. This requirement applies to a non-citizen individual who meets the criteria of any category defined at 8.100.3.G(1)(g)(ii) (iii) (iv) or (vi) and has declared that he or she has a legal immigration status.

a. The Verify Lawful Presence (VLP) interface will be used to verify immigration status. The VLP interface connects to the Systematic Alien Verification for Entitlements (SAVE) Program to verify legal immigration status.

- i) If an automated response from VLP confirms that the information submitted is consistent with VLP data for immigration status verification requirements, no further action is required for the individual and no additional documentation of immigration status is required.
- ii) If the VLP cannot automatically confirm the information submitted, the individual will be contacted with a request for additional documents and/or information needed to verify their legal immigration status through the VLP interface. If a response from the VLP interface confirms that the additional documents and/or information received from the individual verifies their legal immigration status, no further action is required for the individual and no additional documentation of immigration status is required.

3. Reasonable Opportunity Period

a. If the verification through the electronic interface is unsuccessful then the applicant will be provided a reasonable opportunity period, of 90 days, to submit documents indicating a legal immigration status, as listed in 8.100.3.G.1.g. The reasonable opportunity period will begin as of the date of the Notice of Action. The required documentation must be received within the reasonable opportunity period.

b. If the applicant does not provide the necessary documents within the reasonable opportunity period, then the applicant's Medical Assistance application shall be terminated.

c. The reasonable opportunity period applies to MAGI, Adult and Buy-In Programs.

- i) For the purpose of this section only, MAGI Programs for persons covered pursuant to 8.100.4.G or 8.100.4.I. include the following:

Commonly Used Program Name	Rule Citation
Children's Medical Assistance	8.100.4.G.2
Parent and Caretaker Relative Medical Assistance	8.100.4.G.3

Adult Medical Assistance	8.100.4.G.4
Pregnant Women Medical Assistance	8.100.4.G.5
Legal Immigrant Prenatal Medical Assistance	8.100.4.G.6
Transitional Medical Assistance	8.100.4.I.1-5

- ii) For the purpose of this section only, Adult and Buy-In Programs for persons covered pursuant to 8.100.3.F, 8.100.6.P, 8.100.6.Q, or 8.715. include the following:

Commonly Used Program Name	Rule Citation
Old Age Pension A (OAP-A)	8.100.3.F.1.c
Old Age Pension B (OAP-B)	8.100.3.F.1.c
Qualified Disabled Widow/Widower	8.100.3.F.1.e
Pickle	8.100.3.F.1.e
Long-Term Care	8.100.3.F.1.f-h
Medicaid Buy-In Program for Working Adults with Disabilities	8.100.6.P
Medicaid Buy-In Program for Children with Disabilities	8.100.6.Q
Breast and Cervical Cancer Program (BCCP)	8.715

8.100.3.H. Citizenship and Identity Documentation Requirements

1. For determinations of initial eligibility and redeterminations of eligibility for Medical Assistance made on or after July 1, 2006, citizenship or nationality and identity status must be verified unless such satisfactory documentary evidence has already been provided, as described in 8.100.3.H.4.b. This requirement applies to an individual who declares or who has previously declared that he or she is a citizen or national of the United States.
 - a. The following electronic interfaces shall be accepted as proof of citizenship and/or identity as listed and should be used prior to requesting documentary evidence from applicants/clients:
 - i) SSA Interface is an acceptable interface to verify citizenship and identity. An automated response from SSA that confirms that the data submitted is consistent with SSA data, including citizenship or nationality, meets citizenship and identity verification requirements. No further action is required for the individual and no additional documentation of either citizenship or identity is required.

- ii) Department of Motor Vehicles (DMV) Interface is an acceptable interface to verify identity. An automated response from DMV confirms that the data submitted is consistent with DMV data for identity verification requirements. No further action is required for the individual and no additional documentation of identity is required.
- b. This requirement does not apply to the following groups:
 - i) Individuals who are entitled to or who are enrolled in any part of Medicare.
 - ii) Individuals who receive Supplemental Security Income (SSI).
 - iii) Individuals who receive child welfare services under Title IV-B of the Social Security Act on the basis of being a child in foster care.
 - iv) Individuals who receive adoption or foster care assistance under Title IV-E of the Social Security Act.
 - v) Individuals who receive Social Security Disability Insurance (SSDI).
 - vi) Children born to a woman who has applied for, has been determined eligible, and is receiving Medical Assistance on the date of the child's birth, as described in 8.100.4.G.5. This includes instances where the labor and delivery services were provided before the date of application and were covered by the Medical Assistance Program as an emergency service based on retroactive eligibility.
 - 1) A child meeting the criteria described in 8.100.3.H.1.b.vi shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence at any time in the future, regardless of any subsequent changes in the child's eligibility for Medical Assistance.
 - 2) Special Provisions for Retroactive Reversal of a Previous Denial
 - a) If a child described at 8.100.3.H.1.b.vi was previously determined to be ineligible for Medical Assistance solely for failure to meet the citizenship and identity documentation requirements, the denial shall be reversed. Eligibility shall be effective retroactively to the date of the child's birth provided all of the following criteria are met:
 - (1) The child was determined to be ineligible for Medical Assistance during the period between July 1, 2006 and October 1, 2009 solely for failure to meet the citizenship and identity documentation requirements as they existed during that period;
 - (2) The child would have been determined to be eligible for Medical Assistance had 8.100.3.H.1.b.vi and/or 8.100.3.H.1.b.vi.2.a been in effect during the period from July 1, 2006 through October 1, 2009; and
 - (3) The child's parent, caretaker relative, or legally appointed guardian or conservator requests that the

denial of eligibility for Medical Assistance be reversed.
The request may be verbal or in writing.

- b) A child for whom denial of eligibility for Medical Assistance has been retroactively reversed shall be subject to the eligibility redetermination provisions described at 8.100.3.P.1. Such redetermination shall occur twelve months from the retroactive eligibility date determined when the denial was reversed pursuant to this subsection 1.
- c) A child granted retroactive eligibility for Medical Assistance shall be subject to the requirements described at 8.100.4.G.2. for continued eligibility.

vii) Individuals receiving Medical Assistance during a period of presumptive eligibility.

2. Satisfactory documentary evidence of citizenship or nationality includes the following:

a. Stand-alone documents for evidence of citizenship and identity. The following evidence shall be accepted as satisfactory documentary evidence of both identity and citizenship:

- i) A U.S. passport issued by the U.S. Department of State that:
 - 1) includes the applicant or recipient, and
 - 2) was issued without limitation. A passport issued with a limitation may be used as proof of identity, as outlined in 8.100.3.H.3.
- ii) A Certificate of Naturalization (DHS Forms N-550 or N-570) issued by the Department of Homeland Security (DHS) for naturalized citizens.
- iii) A Certificate of U.S. Citizenship (DHS Forms N-560 or N-561) issued by the Department of Homeland Security for individuals who derive citizenship through a parent.
- iv) A document issued by a federally recognized Indian tribe, evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

1) Special Provisions for Retroactive Reversal of a Previous Denial

- a) For a member of a federally recognized Indian tribe who was determined to be ineligible for Medical Assistance solely for failure to meet the citizenship and identity documentation requirements, the denial of eligibility shall be reversed and eligibility shall be effective as of the date on which the individual was determined to be ineligible provided all of the following criteria are met:
 - (1) The individual was determined to be ineligible for Medical Assistance on or after July 1, 2006 solely on the basis of not meeting the citizenship and identity documentation requirements as they existed during that period;

- (2) The individual would have been determined to be eligible for Medical Assistance had 8.100.3.H.2.a.iv) been in effect on or after July 1, 2006; and
 - (3) The individual or a legally appointed guardian or conservator of the individual requests that the denial of eligibility for Medical Assistance be reversed. The request may be verbal or in writing.
 - b) A member of a federally recognized Indian tribe for whom denial of eligibility for Medical Assistance has been retroactively reversed shall be subject to the eligibility redetermination provisions described at 8.100.3.P.1. Such redetermination shall occur twelve months from the retroactive eligibility date determined when the denial was reversed as provided in this subsection 2.
- b. Evidence of citizenship. If evidence from the list in 8.100.3.H.2.a. is not provided, an applicant or recipient shall provide satisfactory documentary evidence of citizenship from the list specified in this section to establish citizenship AND satisfactory documentary evidence from the documents listed in section 8.100.3.H. 3. to establish identity. Evidence of citizenship includes:
 - i) A U.S. public birth certificate.
 - 1) The birth certificate shall show birth in any one of the following:
 - a) One of the 50 States,
 - b) The District of Columbia,
 - c) Puerto Rico (if born on or after January 13, 1941),
 - d) Guam (if born on or after April 10, 1899),
 - e) The Virgin Islands of the U.S. (if born on or after January 17, 1917),
 - f) American Samoa,
 - g) Swain's Island, or
 - h) The Northern Mariana Islands (NMI) (if born after November 4, 1986 (NMI local time)).
 - 2) The birth record document shall have been issued by the State, Commonwealth, Territory or local jurisdiction.
 - 3) The birth record document shall have been recorded before the person was 5 years of age. A delayed birth record document that is recorded at or after 5 years of age is considered fourth level evidence of citizenship, as described in 8.100.3.H.2.d.

- ii) A Certification of Report of Birth (DS-1350) issued by the U.S. Department of State to U.S. citizens who were born outside the U.S. and acquired U.S. citizenship at birth.
- iii) A Report of Birth Abroad of a U.S. Citizen (Form FS-240) issued by the U.S. Department of State consular office overseas for children under age 18 at the time of issuance. Children born outside the U.S. to U.S. military personnel usually have one of these.
- iv) A Certification of birth issued by the U.S. Department of State (Form FS-545 or DS-1350) before November 1, 1990.
- v) A U.S. Citizen I.D. card issued by the U.S. Immigration and Naturalization Services (INS):
 - 1) Form I-179 issued from 1960 until 1973, or
 - 2) Form I-197 issued from 1973 until April 7, 1983.
- vi) A Northern Mariana Identification Card (I-873) issued by INS to a collectively naturalized citizen of the U.S. who was born in the NMI before November 4, 1986.
- vii) An American Indian Card (I-872) issued by the Department of Homeland Security with the classification code "KIC."
- viii) A final adoption decree that:
 - 1) shows the child's name and U.S. place of birth, or
 - 2) a statement from a State approved adoption agency that shows the child's name and U.S. place of birth. The adoption agency must state in the certification that the source of the place of birth information is an original birth certificate.
- ix) Evidence of U.S. Civil Service employment before June 1, 1976. The document shall show employment by the U.S. government before June 1, 1976.
- x) U.S. Military Record that shows a U.S. place of birth such as a DD-214 or similar official document showing a U.S. place of birth.
- xi) Data verification with the Systematic Alien Verification for Entitlements (SAVE) Program for naturalized citizens.
- xii) Child Citizenship Act. Adopted or biological children born outside the United States may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act (8 USC § 1431), as amended by the Child Citizenship Act of 2000 (Pub. L. 106-395, enacted on October 30, 2000). section 320 of the Immigration and Nationality Act (8 USC § 1431), as amended by the Child Citizenship Act of 2000 (Pub. L. 106-395, enacted on October 30, 2000) is incorporated herein by reference. No amendments or later editions are incorporated. Copies are available for inspections from the following person at the following address: Custodian of Records, Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203-1818. Any

material that has been incorporated by reference in this rule may be examined at any state publications repository library.

Documentary evidence must be provided at any time on or after February 27, 2001, if the following conditions have been met:

- 1) At least one parent of the child is a United States citizen by either birth or naturalization (as verified under the requirements of this part);
- 2) The child is under the age of 18;
- 3) The child is residing in the United States in the legal and physical custody of the U.S. citizen parent;
- 4) The child was admitted to the United States for lawful permanent residence (as verified through the Systematic Alien Verification for Entitlements (SAVE) Program); and
- 5) If adopted, the child satisfies the requirements of section 101(b)(1) of the Immigration and Nationality Act (8 USC § 1101(b)(1)) pertaining to international adoptions (admission for lawful permanent residence as IR-3 (child adopted outside the United States), or as IR-4 (child coming to the United States to be adopted) with final adoption having subsequently occurred. 8 USC § 1101(b)(1) is incorporated herein by reference. No amendments or later editions are incorporated. Copies are available for inspections from the following person at the following address: Custodian of Records, Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203-1818. Any material that has been incorporated by reference in this rule may be examined at any state publications repository library.

xiii) Extract of a hospital record on hospital letterhead.

- 1) The record shall have been established at the time of the person's birth;
- 2) The record shall have been created at least 5 years before the initial application date; and
- 3) The record shall indicate a U.S. place of birth;
- 4) For children under 16 the document shall have been created near the time of birth or at least 5 years before the date of application.
- 5) Souvenir "birth certificates" issued by a hospital are not acceptable.

xiv) Life, health, or other insurance record.

- 1) The record shall show a U.S. place of birth; and
- 2) The record shall have been created at least 5 years before the initial application date.
- 3) For children under 16 the document must have been created near the time of birth or at least 5 years before the date of application.

- xv) Religious record.
 - 1) The record shall have been recorded in the U.S. within 3 months of the date of the individual's birth;
 - 2) The record shall show that the birth occurred in the U.S.;
 - 3) The record shall show either the date of birth or the individual's age at the time the record was made; and
 - 4) The record shall be an official record recorded with the religious organization.
- xvi) Early school record that meets the following criteria:
 - 1) The school record shows the name of the child;
 - 2) The school record shows the child's date of admission to the school;
 - 3) The school record shows the child's date of birth;
 - 4) The school record shows a U.S. place of birth for the child; and
 - 5) The school record shows the name(s) and place(s) of birth of the applicant's parents.
- xvii) Federal or State census record showing U.S. citizenship or a U.S. place of birth and the applicant's age.
- xviii) One of the following documents that shows a U.S. place of birth and was created at least 5 years before the application for The Medical Assistance Program. For children under 16 the document must have been created near the time of birth or at least 5 years before the date of application.
 - 1) Seneca Indian tribal census record;
 - 2) Bureau of Indian Affairs tribal census records of the Navajo Indians;
 - 3) U.S. State Vital Statistics official notification of birth registration;
 - 4) A delayed U.S. public birth record that is recorded more than 5 years after the person's birth;
 - 5) Statement signed by the physician or midwife who was in attendance at the time of birth; or
 - 6) The Roll of Alaska Natives maintained by the Bureau of Indian Affairs.
- xix) Institutional admission papers from a nursing facility, skilled care facility or other institution created at least 5 years before the initial application date that indicate a U.S. place of birth.
- xx) Medical (clinic, doctor, or hospital) record.

- 1) The record shall have been created at least 5 years before the initial application date; and
- 2) The record shall indicate a U.S. place of birth.
- 3) An immunization record is not considered a medical record for purposes of establishing U.S. citizenship.
- 4) For children under 16 the document shall have been created near the time of birth or at least 5 years before the date of application.

xxi) Written affidavit. Affidavits shall only be used in rare circumstances. They may be used by U.S. citizens or nationals born inside or outside the U.S. If documentation is by affidavit, the following rules apply:

- 1) There shall be at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the applicant's or recipient's claim of citizenship (the two affidavits could be combined in a joint affidavit);
- 2) At least one of the individuals making the affidavit cannot be related to the applicant or recipient. Neither of the two individuals can be the applicant or recipient;
- 3) In order for the affidavit to be acceptable the persons making them shall provide proof of their own U.S. citizenship and identity.
- 4) If the individual(s) making the affidavit has (have) information which explains why documentary evidence establishing the applicant's claim of citizenship does not exist or cannot be readily obtained, the affidavit shall contain this information as well;
- 5) The applicant/recipient or other knowledgeable individual (guardian or representative) shall provide a separate affidavit explaining why the evidence does not exist or cannot be obtained; and
- 6) The affidavits shall be signed under penalty of perjury pursuant to 18 U.S.C. §1641 and Title 18 of the Criminal Code article 8 part 5 and need not be notarized.

c. Evidence of citizenship for collectively naturalized individuals. If a document shows the individual was born in Puerto Rico, the Virgin Islands of the U.S., or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen. A second document from 8.100.3.H.3. to establish identity shall also be presented.

i) Puerto Rico:

- 1) Evidence of birth in Puerto Rico on or after April 11, 1899 and the applicant's statement that he or she was residing in the U.S., a U.S. possession or Puerto Rico on January 13, 1941; OR
- 2) Evidence that the applicant was a Puerto Rican citizen and the applicant's statement that he or she was residing in Puerto Rico on

March 1, 1917 and that he or she did not take an oath of allegiance to Spain.

ii) US Virgin Islands:

- 1) Evidence of birth in the U.S. Virgin Islands, and the applicant's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927; OR
- 2) The applicant's statement indicating residence in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; OR
- 3) Evidence of birth in the U.S. Virgin Islands and the applicant's statement indicating residence in the U.S., a U.S. possession or Territory or the Canal Zone on June 28, 1932.

iii) Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)):

- 1) Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. Territory or possession on November 3, 1986 (NMI local time) and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); OR
- 2) Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration prior to January 1, 1975 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); OR
- 3) Evidence of continuous domicile in the NMI since before January 1, 1974 and the applicant's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time).
- 4) If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile, and the individual is not a U.S. citizen.

d) Referrals for Colorado Birth Certificates

- i) An applicant or client who was born in the State of Colorado who does not possess a Colorado birth certificate shall receive a referral to the Department of Public Health and Environment by the county department to obtain a birth certificate at no charge, pursuant to C.R.S. § 25-2-117(2)(a)(I)(C).
- ii) The referral shall be provided on county department letterhead and shall include the following:
 - 1) The name and address of the applicant or client;
 - 2) A statement that the county department requests that the Department of Public Health and Environment waive the birth certificate fee, pursuant to C.R.S. § 25-2-117(2)(a)(I)(C); and

- 3) The name and contact telephone number for the county caseworker responsible for the referral.
 - iii) An applicant or client who has been referred to the Department of Public Health and Environment to obtain a birth certificate shall not be required to present a birth certificate to satisfy the citizenship documentation requirement at 8.100.3.H.2. The applicant or client shall have the right to use any of the documents listed under 8.100.3.H.2. to satisfy the citizenship documentation requirement.
- 3. The following documents shall be accepted as proof of identity and shall accompany a document establishing citizenship from the groups of documentary evidence outlined in 8.100.3.H.2.b. through d.
 - a) A driver's license issued by a State or Territory either with a photograph of the individual or other identifying information such as name, age, sex, race, height, weight, or eye color;
 - b) School identification card with a photograph of the individual;
 - c) U.S. military card or draft record;
 - d) Identification card issued by the Federal, State, or local government with the same information included on driver's licenses;
 - e) Military dependent's identification card;
 - f) U.S. Coast Guard Merchant Mariner card;
 - g) Certificate of Degree of Indian Blood, or other U.S. American Indian/Alaska Native Tribal document with a photograph or other personal identifying information relating to the individual. The document is acceptable if it carries a photograph of the individual or has other personal identifying information relating to the individual such as age, weight, height, race, sex, and eye color; or
 - h) Three or more documents that together reasonably corroborate the identity of an individual provided such documents have not been used to establish the individual's citizenship and the individual submitted evidence of citizenship listed under 8.100.3.H.2.b. or 8.100.3.H.2.c. The following requirements must be met:
 - i) No other evidence of identity is available to the individual;
 - ii) The documents must at a minimum contain the individual's name, plus any additional information establishing the individual's identity; and
 - iii) All documents used must contain consistent identifying information.
 - iv) These documents include, but are not limited to, employer identification cards, high school and college diplomas from accredited institutions (including general education and high school equivalency diplomas), marriage certificates, divorce decrees, and property deeds/titles.
 - i) Special identity rules for children. For children under 16, the following records are acceptable:
 - i) Clinic, doctor, or hospital records; or

ii) School records.

- 1) The school record may include nursery or daycare records and report cards; and
- 2) The school, nursery, or daycare record must be verified with the issuing school, nursery, or daycare.
- 3) If clinic, doctor, hospital, or school records are not available, an affidavit may be used if it meets the following requirements:
 - a) It shall be signed under penalty of perjury by a parent or guardian;
 - b) It shall state the date and place of birth of the child; and
 - c) It cannot be used if an affidavit for citizenship was provided.
 - d) The affidavit is not required to be notarized.
 - e) An affidavit may be accepted on behalf of a child under the age of 18 in instances when school ID cards and drivers' licenses are not available to the individual until that age.

j) Special identity rules for disabled individuals in institutional care facilities.

- i) An affidavit may be used for disabled individuals in institutional care facilities if the following requirements are met:
 - 1) It shall be signed under penalty of perjury by a residential care facility director or administrator on behalf of an institutionalized individual in the facility; and
 - 2) No other evidence of identity is available to the individual.
 - 3) The affidavit is not required to be notarized.

k) Expired identity documents.

- i) Identity documents do not need to be current to be acceptable. An expired identity document shall be accepted as long as there is no reason to believe that the document does not match the individual.

l) Referrals for Colorado Identification Cards

- i) An applicant or client who does not possess a Colorado driver's license or identification card shall be referred to the Department of Revenue Division of Motor Vehicles by the county department to obtain an identification card at no charge, pursuant to C.R.S. § 42-2-306(1)(a)(II).
- ii) The referral shall be provided on county department letterhead and shall include the following:
 - 1) The name and address of the applicant or client;

- 2) A statement that the county department requests that the Department of Revenue Division of Motor Vehicles waive the identification card fee, pursuant to C.R.S § 42-2-306(1)(a)(II).; and
- 3) The name and contact telephone number for the county caseworker responsible for the referral.
- iii) An applicant or client who has been referred to the Division of Motor Vehicles to obtain an identification card shall not be required to present a Colorado identification card to satisfy the identity documentation requirement at 8.100.3.H.3. The applicant or client shall have the right to use any of the documents listed under 8.100.3.H.3. to satisfy the identity documentation requirement.

4. Documentation Requirements

- a. Citizenship and identity documents may be submitted as originals, certified copies, photocopies, facsimiles, scans or other copies.
- b. Individuals who submitted notarized copies of citizenship and identity documents as part of an application or redetermination before January 1, 2008 shall not be required to submit originals or copies certified by the issuing agency for any application or redetermination processed on or after January 1, 2008.
- c. All citizenship and identity documents shall be presumed to be genuine unless the authenticity of the document is questionable.
- d. Individuals shall not be required to submit citizenship and identity documentation in person. Documents shall be accepted from a Medical Assistance applicant or client or from his or her guardian or authorized representative in person or by mail.
 - i) Individuals are strongly encouraged to use alternatives to mailing original documents to counties, such as those described in 8.100.3.H.4.e.
- e. Individuals may present original citizenship and identity documents or copies certified by the issuing agency to Medical Assistance (MA) sites, School-based Medical Assistance sites, Presumptive Eligibility (PE) sites, Federally Qualified Health Centers (FQHCs), Disproportionate Share Hospitals (DSHs), or any other location designated by the Department by published agency letter.
 - i) Staff at these locations shall make a copy of the original documents and shall complete a "Citizenship and Identity Documentation Received" form, stamp the copy, or provide other verification that identifies that the documents presented were originals. The verification shall include the name, telephone number, organization name and address, and signature of the individual who reviewed the document(s). This form, stamp, or other verification shall be attached to or directly applied to the copy.
 - ii) Upon request by the client or eligibility site, the copy of the original document with the "Citizenship and Identity Documentation Received" form, stamp, or other verification as described in 8.100.3.H.4.e. i) shall be mailed or delivered directly to the eligibility site within five business days.

- f. Counties shall accept photocopies of citizenship and identity documents from any location described in 8.100.3.H.4.e provided the photocopies include the form, stamp, or verification described in 8.100.3.H.4.e.i).
- g. Counties shall develop procedures for handling original citizenship and identity documents to ensure that these documents are not lost, damaged, or destroyed.
 - i) Upon receiving the original documents, eligibility site staff shall make a copy of the original documents and shall complete a "Citizenship and Identity Documentation Received" form, stamp the copy, or provide other verification that identifies that the documents presented were originals, as described in 8.100.3.H.4.e. i). This form, stamp, or other verification shall be attached to or directly applied to the copy.
 - ii) The original documents shall be sent by mail or returned to the individual in person within five business days of the date on which they were received.
 - iii) To limit the risk of original documents being lost, damaged, or destroyed, counties are strongly encouraged to make copies of documents immediately upon receipt and to return original documents to the individual while he or she is present.
- h. Once an individual has provided the required citizenship and identity documentation, he or she shall not be required to submit the documentation again unless:
 - i) Later evidence raises a question about the individual's citizenship or identity; or
 - ii) There is a gap of more than five years between the ending date of the individual's last period of eligibility and a subsequent application for The Medical Assistance Program and the eligibility site has not retained the citizenship and identity documentation the individual previously provided.

5. Record Retention Requirements

- a. The eligibility site shall retain a paper or electronically scanned copy of an individual's citizenship and identity documentation, including any verification described in 8.100.3.H.4.e.i), for at least five years from the ending date of the individual's last period of Medical Assistance eligibility.

6. Name Change Provisions

- a. An individual who has changed his or her last name for reasons including, but not limited to, marriage, divorce, or court order shall not be required to produce any additional documentation concerning the name change unless:
 - i) With the exception of the last name, the personal information in the citizenship and identity documentation provided by the individual does not match in every way;
 - ii) In addition to changing his or her last name, the individual also changed his or her first name and/or middle name; or
 - iii) There is a reasonable basis for questioning whether the citizenship and identity documents belong to the same individual.

7. Reasonable Level of Assistance

- a. The eligibility site shall provide a reasonable level of assistance to applicants and clients in obtaining the required citizenship and identity documentation.
- b. Examples of a reasonable level of assistance include, but are not limited to:
 - i) Providing contact information for the appropriate agencies that issue the required documents;
 - ii) Explaining the documentation requirements and how the client or applicant may provide the documentation; or
 - iii) Referring the applicant or client to other agencies or organizations which may be able to provide further assistance.
- c. The eligibility site shall not be required to pay for the cost of obtaining required documentation.

8. Individuals Requiring Additional Assistance

- a. The eligibility site shall provide additional assistance beyond the level described in 8.100.3.H.7 to applicants and clients in obtaining the required citizenship and identity documentation if the client or applicant:
 - i) Is unable to comply with the requirements due to physical or mental impairments or homelessness; and
 - ii) The individual lacks a guardian or representative who can provide assistance.
- b. Examples of additional assistance include, but are not limited to:
 - i) Contacting any known family members who may have the required documentation;
 - ii) Contacting any known current or past health care providers who may have the required documentation; or
 - iii) Contacting other social services agencies that are known to have provided assistance to the individual.
- c. The eligibility site shall document its efforts to provide additional assistance to the client or applicant. Such documentation shall be subject to the record retention requirements described in 8.100.3.H.5.a.

9. Reasonable Opportunity Period

- a. If a Medical Assistance applicant does not have the required documentation, he or she must be given a reasonable opportunity period to provide the required documentation. The reasonable opportunity period will begin as of the date of the Notice of Action. The required documentation must be received within the reasonable opportunity period. If the applicant does not provide the required documentation within the reasonable opportunity period, then the applicant's Medical Assistance benefits shall not be terminated during the

federal Coronavirus COVID-19 Public Health Emergency. Required documentation will be requested during the federal Coronavirus COVID-19 Public Health Emergency. When the federal COVID-19 Public Health Emergency has ended, a reasonable opportunity period will be given to request proper documentation from the member.

- i) During the federal Coronavirus COVID-19 Public Health Emergency the Department will continue eligibility for all Medical Assistance categories, regardless of requested documentation and/or reported change for these individuals to ensure continuity of eligibility for Medical Assistance coverage.
- b. The reasonable opportunity period is 90 calendar days and applies to MAGI, Adult, and Buy-In Programs:
 - i) For the purpose of this section only, MAGI Programs for persons covered pursuant to 8.100.4.G or 8.100.4.I, include the following:

<u>Commonly Used Program Name</u>	<u>Rule Citation</u>
Children's Medical Assistance	8.100.4.G.2
Parent and Caretaker Relative Medical Assistance	8.100.4.G.3
Adult Medical Assistance	8.100.4.G.4
Pregnant Women Medical Assistance	8.100.4.G.5
Transitional Medical Assistance	8.100.4.I.1-5

- ii) For the purpose of this section only, Adult and Buy-In Programs for persons covered pursuant to 8.100.3.F, 8.100.6.P, 8.100.6.Q, or 8.715 include the following:

<u>Commonly Used Program Name</u>	<u>Rule Citation</u>
Old Age Pension A (OAP-A)	8.100.3.F.1.c
Old Age Pension B (OAP-B)	8.100.3.F.1.c
Qualified Disabled Widow/Widower	8.100.3.F.1.e
Pickle	8.100.3.F.1.e
Long-Term Care	8.100.3.F.1.f-h

Medicaid Buy-In Program for Working Adults with Disabilities	8.100.6.P
Medicaid Buy-In Program for Children with Disabilities	8.100.6.Q
Breast and Cervical Cancer Program (BCCP)	8.715

10. Good Faith Effort

- a. In some cases, a Medical Assistance client or applicant may not be able to obtain the required documentation within the applicable reasonable opportunity period. If the client or applicant is making a good faith effort to obtain the required documentation, then the reasonable opportunity period should be extended. The amount of time given should be determined on a case-by-case basis and should be based on the amount of time the individual needs to obtain the required documentation.

Examples of good faith effort include, but are not limited to:

- i) Providing verbal or written statements describing the individual's effort at obtaining the required documentation;
- ii) Providing copies of emails, letters, applications, checks, receipts, or other materials sent or received in connection with a request for documentation; or
- iii) Providing verbal or written statements of the individuals' efforts at identifying people who could attest to the individual's citizenship or identity, if citizenship and/or identity are included in missing documentation.

An individual's verbal statement describing his or her efforts at securing the required documentation should be accepted without further verification unless the accuracy or truthfulness of the statement is questionable. The individual's good faith efforts should be documented in the case file and are subject to all record retention requirements.

8.100.3.I. Additional General Eligibility Requirements

1. Each person for whom Medical Assistance is being requested shall furnish a Social Security Number (SSN); or, if one has not been issued or is unknown, shall apply for the number and submit verification of the application, unless an exception below applies. The application for an SSN shall be documented in the case record by the eligibility site. Upon receipt of the assigned SSN, the client shall provide the number to the eligibility site. This requirement does not apply to those individuals who are not requesting Medical Assistance yet appear on the application, nor does it apply to individuals applying for emergency medical services or eligible newborns born to a Medical Assistance eligible mother.

- a. An applicant's or client's refusal to furnish or apply for a Social Security Number affects the family's eligibility for assistance as follows:
- i) that person cannot be determined eligible for the Medical Assistance Program; and/or
 - ii) if the person with no SSN or proof of application for SSN is the only dependent child on whose behalf assistance is requested or received, assistance shall be denied or terminated.

- b. Exception: An individual who qualifies for any of the following exceptions must not be required to provide an SSN:
 - i.) The individual is not eligible to receive an SSN; or
 - ii) The individual does not have an SSN and may only be issued an SSN for a valid non-work reason in accordance with 20 CFR 422.104; or
 - iii) The individual refuses to obtain an SSN because of a well-established religious objection.
 - c. Due to the COVID-19 Public Health Emergency, the Department will accept self-attestations for SSN verification. At the end of the COVID-19 Public Health Emergency, verification for eligibility criteria will be required as specified prior to the public health emergency.
2. A person who is applying for or receiving Medical Assistance shall assign to the State all rights against any other person (including but not limited to the sponsor of an alien) for medical support or payments for medical expenses paid on the applicant's or client's behalf or on the behalf of any other person for whom application is made or assistance is received.
- All appropriate clients of the Medical Assistance Program shall have the option to be referred for child support enforcement services using the form as specified by the Department.
3. A person who is applying for or receiving Medical Assistance shall provide information regarding any third party resources available to any member of the assistance unit. Third party resources are any health coverage or insurance other than the Medical Assistance Program. A client's refusal to supply information regarding third party resources may result in loss of Medical Assistance Program eligibility.
4. A person who is eligible for Medical Assistance shall be free to choose any qualified and approved participating institution, agency, or person offering care and services which are benefits of the program unless that person is enrolled in a managed care program operating under Federal waiver authority.

8.100.3.J. Supplemental Security Income (SSI) And Aid To The Needy Disabled (AND) Recipients

1. Persons who may be eligible for benefits under either MAGI Medical Assistance or SSI:
- a. shall be advised of the benefits available under each program;
 - b. may apply for a determination of eligibility under either or both programs;
 - c. have the option to receive benefits under the program of their choice, but may not receive benefits under both programs at the same time; and
 - d. may change their selection if their circumstances change or if they decide later that it would be more advantageous to receive benefits from the other program.
2. Any family member who is receiving financial assistance from SSI or OAP-A is not considered a member of the Medical Assistance required household, is not counted as a member of the household, and the individual's income and resources are disregarded in making the determination of need for Medical Assistance.

- a. Exception: For MAGI Medical Assistance a family member who is receiving SSI, when appropriate can be counted as a member of the household and their income when appropriate can be considered in making the determination of eligibility for MAGI Medical Assistance. For treatment of income and household construction for MAGI Medical Assistance cases, see section 8.100.4.
3. An individual receiving Aid to the Needy Disabled (AND) may also receive MAGI Medical Assistance, if the recipient meets the eligibility requirements for MAGI Medical Assistance. For these individuals, eligibility sites shall not include the applicant's AND payment when calculating income to determine the household's financial eligibility for MAGI Medical Assistance.

8.100.3.K. Consideration of Income

1. Income or resources of an alien sponsor or an alien sponsor's spouse shall be countable to the sponsored alien effective December 19, 1997. Forms used prior to December 19, 1997, including but not limited to forms I-134 or I-136 are legally unenforceable affidavits of support. The attribution of the income and resources of the sponsor and the sponsor's spouse to the alien will continue until the alien becomes a U.S. citizen or has worked or can be credited with 40 qualifying quarters of work, provided that an alien crediting the quarters to the applicant/client has not received any public benefit during any creditable quarter for any period after December 31, 1996.
 - a. Exception: When the sponsored alien is a pregnant woman or a child the income or resources of an alien sponsor or an alien sponsor's spouse will not be countable to the sponsored alien.
2. Income, in general, is the receipt by an individual of a gain or benefit in cash or in kind during a calendar month. Income means any cash, payments, wages, in-kind receipt, inheritance, gift, prize, rents, dividends, interest, etc., that are received by an individual or family.
3. Earned income is payment in cash or in kind for services performed as an employee or from self-employment.
4. Earned in kind income shall be income produced as a result of the performance of services by the applicant/client, for which he/she is compensated in shelter or other items in lieu of wages.
5. Received means "actually" received or legally becomes available, whichever occurs first; the point at which the income first is available to the individual for use. For example, interest income on a savings account is counted when it is credited to the account.
6. All Home Care Allowance (HCA) income paid to a Medical Assistance applicant or member by the HCA recipient to provide home care services is countable earned income.
7. An applicant or member who is a live-In home care provider to a care recipient receiving a Difficulty of Care Payment and who is being determined for a MAGI Medical Assistance program, must meet the following requirements for Difficulty of Care payments to be excluded as countable income:
 - a. The care provider receiving payments for personal care or supportive services provided to a care recipient must live full-time in the same home with the care recipient; and
 - b. The care recipient must either

- i) receiving personal care or supportive services must be enrolled in Long Term Service Supports (LTSS), with additional services through a Home-Based Services (HCBS) waiver program; or
 - ii) The care recipient must be enrolled in the Buy-In Program for Working Adults with Disabilities, and receive additional services through the Home and Community Based Services (HCBS) waiver program.
 - c. Exception: Difficulty of Care Payments are not excluded if the payments are for more than 10 qualified foster individuals under the age of 19 or 5 qualified foster individuals who are over the age of 19
8. Participation in the Workforce Investment Act (WIA) affects eligibility for Medical Assistance as follows:
- a. Wages derived from participation in a program carried out under WIA (work experience or on-the-job training) and paid to a caretaker relative is considered countable earned income.
 - b. Training allowances granted by WIA to a dependent child or a caretaker relative of a dependent child to participate in a training program is exempt.
 - c. Wages derived from participation in a program carried out the under Workforce Investment Act (WIA) and paid to any dependent child who is applying for or receiving Medical Assistance are exempt in determining eligibility for a period not to exceed six months in each calendar year.
9. An individual involved in a profit-making activity as a sole proprietor, partner in a partnership, independent contractor, or consultant shall be classified as self-employed.
- a. To determine the net profit of a self-employed applicant/client deduct the cost of doing business from the gross income. These business expenses include, but are not limited to:
 - i) the rent of business premises,
 - ii) wholesale cost of merchandise,
 - iii) utilities,
 - iv) taxes,
 - v) labor, and
 - vi) upkeep of necessary equipment.
 - b. The following are not allowed as business expenses:
 - i) Depreciation of equipment;
 - 1) Exception: For the purpose of calculating MAGI-based income, depreciation of equipment is an allowable business expense if the equipment is not used for capital improvements.
 - ii) The cost of and payment on the principal of loans for capital asset or durable goods;

- iii) Personal expenses such as personal income tax payments, lunches, and transportation to and from work.
 - c. Appropriate allowances for cost of doing business for Medical Assistance clients who are licensed, certified or approved day care providers are (1) \$ 55 for the first child for whom day care is provided, and (2) \$ 22 for each additional child. If the client can document a cost of doing business which is greater than the amounts above set forth, the procedure described in A, shall be used.
 - d. When determining self-employment expenses and distinguishing personal expenses from business expenses it is a requirement to only allow the percentage of the expense that is business related.
10. Self-employment income includes, but is not limited to, the following:
- a. Farm income - shall be considered as income in the month it is received. When an individual ceases to farm the land, the self-employment deductions are no longer allowable.
 - b. Rental income - shall be considered as self-employment income only if the Medical Assistance client actively manages the property at least an average of 20 hours per week.
 - c. Board (to provide a person with regular meals only) payment shall be considered earned income in the month received to the extent that the board payment exceeds the maximum food stamp allotment for one-person household per boarder and other documentable expenses directly related to the provision of board.
 - d. Room (to provide a person with lodging only) payments shall be considered earned income in the month received to the extent that the room payment exceeds documentable expenses directly related to the provision of the room.
 - e. Room and board payments shall be considered earned income in the month received to the extent that the payment for room and board exceeds the food stamp allotment for a one-person household per room and boarder and documentable expenses directly related to the provision of room and board.
11. Unearned income is the gross amount received in cash or kind that is not earned from employment or self-employment. Unearned income includes, but is not limited to, the following:
- a. Pensions and other period payments, such as:
 - i) Private pensions or disability benefits
 - 1) Exception: Refer to section 8.100.4 for treatment of private disability benefits for MAGI Medical Assistance.
 - ii) Social Security benefits (Retirement, survivors, and disability)
 - iii) Workers' Compensation payments
 - iv) Railroad retirement annuities
 - v) Unemployment insurance payments

- vi) Veterans benefits other than Aid and Attendance (A&A) and Unusual Medical Expenses (UME).
 - vii) Alimony and support payments
 - viii) Interest, dividends and certain royalties on countable resources
12. For all Medical Assistance categories, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan (ARP) Act Recovery Rebate, known as the COVID-19 Economic Stimulus, shall be exempt from consideration as income.
 13. Federal Pandemic Unemployment Compensation (FPUC) program, which provides an extra \$600.00 a week for qualifying individuals, is exempt as countable unearned income for all Medical Assistance categories.

8.100.3.L Consideration of Resources

Consideration of Resources

1. Resources are counted in determining eligibility for the Aged, Blind and Disabled, and Long-Term Care institutionalized and Home and Community Based Services categories of Medical Assistance. Resources are not counted in determining eligibility for the MAGI Medical Assistance programs, the Medicaid Buy-in Program for Working Adults with Disabilities, or the Medicaid Buy-In Program for Children with Disabilities, See section 8.100.5 for rules regarding consideration of resources.
2. The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan (ARP) Act Recovery Rebate known as COVID-19 Economic Stimulus, shall be an exempt resource for the first 12 months following the receipt of the Recovery Rebate, after which the remaining balance will be considered a countable resource for all Medical Assistance categories which include an asset test.

8.100.3.M. Federal Financial Participation (FFP)

1. The state is entitled to claim federal financial participation (FFP) for benefits paid on behalf of groups covered under the Colorado Medical Assistance Program and also for the Medicare supplementary medical insurance benefits (SMIB) premium payments made on behalf of certain groups of categorically needy persons.
2. The SISC codes are as follows:
 - a. Code A - for institutionalized persons whose income is under 300% of the SSI benefit level and who, except for the level of their income, would be eligible for an SSI payment; and non-institutionalized persons receiving Home and Community Based Services, whose income does not exceed 300% of the SSI benefit level and who, except for the level of their income, would be eligible for an SSI payment; code A signifies that FFP is available in expenditures for medical care and services which are benefits of the Medical Assistance program but not for SMIB premium payments;
 - b. Code B - for persons eligible to receive financial assistance under SSI; persons eligible to receive financial assistance under OAP "A" who, except for the level of their income, would be eligible for an SSI payment; persons who are receiving mandatory State supplementary payments; and persons who continue to be eligible for Medical Assistance after disregarding certain Social Security increases; code B signifies that FFP is available

in expenditures for medical care and services which are benefits of the Medical Assistance program and also for SMIB premium payments;

- c. Code C - for persons eligible to receive assistance under OAP "A", OAP "B", or OAP Refugee Assistance for financial assistance only; who do not receive SSI payment and do not otherwise qualify under SISC code B as described in item B. above; code C signifies that no FFP is available in Medical Assistance program expenditures.
 - d. Code D1 – for persons eligible to receive assistance under AwDC from program implementation through 12/31/2013; Code D1 signifies 50% FFP is available in expenditures for medical care and services which are benefits of the Medical Assistance program.
 - e. Code E1 - for persons eligible to receive assistance under the Medicaid Buy-In Program for Working Adults with Disabilities and whose annual adjusted gross income, as defined under IRS statute, is less than or equal to 450% of FPL – after SSI earned income deductions; as well as for children eligible to receive assistance under the Medicaid Buy-In Program for Children with Disabilities and whose household income is less than or equal to 300% of FPL after income disregards. Code E1 signifies that FFP is available in expenditures for medical care and services which are benefits of the Medical Assistance program but not for SMIB premium payments.
3. Recipients of financial assistance under State AND, State AB, or OAP "C" are not automatically eligible for Medical Assistance and the SISC code which shall be entered on the eligibility reporting form is C.

8.100.3.N. Confidentiality

- 1. All information obtained by the eligibility site concerning an applicant for or a recipient of Medical Assistance is confidential information.
- 2. A signature on the Single Streamlined Application and the Application for Public Assistance allows an eligibility site worker to consult banks, employers, or any other agency or person to obtain information or verification to determine eligibility. The identification of the worker as an eligibility site employee will, in itself, disclose that an application for the Medical Assistance Program has been made by an individual. In this type of contact, as well as other community contacts, the eligibility site should strive to maintain confidentiality. The signature on the Single Streamlined Application and the Application for Public Assistance also provides permission for the release of the client's medical information to be provided by health care providers to the State and its agents for purpose of administration of the Medical Assistance Program.
- 3. Eligibility site staff may release a client's Medical Assistance state identification number and approval eligibility spans to a Medical Assistance provider for billing purposes.

Eligibility site staff may inform a Medical Assistance provider that an application has been denied but may not inform them of the reason why.
- 4. Access to information concerning applicants or recipients must be restricted to persons or agency representatives who are subject to standards of confidentiality that are comparable to those of the State and the eligibility site.
- 5. The eligibility site must obtain permission from a family, individual, or authorized representative, whenever possible, before responding to a request for information from an outside source, unless the information is to be used to verify income, eligibility and the amount of Medical Assistance payment. This permission must be obtained unless the request is from State authorities, federal

authorities, or State contractors acting within the scope of their contract. If, because of an emergency situation, time does not permit obtaining consent before release, the eligibility site must notify the family or individual immediately after supplying the information.

6. The eligibility site policies must apply to all requests for information from outside sources, including government bodies, the courts, or law enforcement officials. If a court issues a subpoena for a case record or for any eligibility site representative to testify concerning an applicant or recipient, the eligibility site must inform the court of the applicable statutory provisions, policies, and regulations restricting disclosure of information.
7. The following types of information are confidential and shall be safeguarded:
 - a. Names and addresses of applicants for and recipients of the Medical Assistance Program;
 - b. Medical services provided;
 - c. Social and economic conditions or circumstances;
 - d. Agency evaluation of personal information;
 - e. Medical data, including diagnosis and past history of disease or disability;
 - f. All information obtained through the Income and Eligibility Verification System (IEVS), Colorado Department of Labor and Employment, SSA or Internal Revenue Service;
 - g. Any information received in connection with identification of legally liable third party resources;
 - h. Any information received for verifying income and resources if applicable, or other eligibility and the amount of Medical Assistance payments;
 - i. Social Security Numbers.
8. The confidential information listed above may be released to persons outside the eligibility site only as follows:
 - a. In response to a valid subpoena or court order;
 - b. To State or Federal auditors, investigators or others designated by the Federal or State departments on a need-to-know basis;
 - c. To individuals executing Income and Eligibility Verification System;
 - d. Child Support enforcement officials;
 - e. To a recipient or applicant themselves or their designated representative.
 - f. To a Long Term Care institution on the AP-5615 form.
9. The applicant/recipient may give a formal written release for disclosure of information to other agencies, such as hospitals, or the permission may be implied by the action of the other agency in rendering service to the client. Before information is released, the eligibility site should be reasonably certain the confidential nature of information will be preserved, the information will be used only for purposes related to the function of the inquiring agency, and the standards of

protection established by the inquiring agency are equal to those established by the State Department. If the standards for protection of information are unknown, a written consent from the recipient shall be obtained.

8.100.3.O. Protection Against Discrimination

1. Eligibility sites are to administer the Medical Assistance Program in such a manner that no person will, on the basis of race, color, sex, age, religion, political belief, national origin, or handicap, be excluded from participation, be denied any aid, care, services, or other benefits of, or be otherwise subjected to discrimination in such program.
2. The eligibility site shall not, directly or through contractual or other arrangements, on the grounds of race, color, sex, age, religion, political belief, national origin, or handicap:
 - a. Provide aid, care, services, or other benefits to an individual which is different, or provided in a different manner, from that of others;
 - b. Subject an individual to segregation barriers or separate treatment in any manner related to access to or receipt of assistance, care services, or other benefits;
 - c. Restrict an individual in any way in the enjoyment or any advantage or privilege enjoyed by others receiving aid, care, services, or other benefits provided under the Medical Assistance Program;
 - d. Treat an individual differently from others in determining whether he/she satisfies any eligibility or other requirements or conditions which individuals shall meet in order to receive aid, care, services, or other benefits provided under the Medical Assistance Programs;
 - e. Deny an individual an opportunity to participate in programs of assistance through the provision of services or otherwise, or afford him/her an opportunity to do so which is different from that afforded others under the Medical Assistance Program.
3. No distinction on the grounds of race, color, sex, age, religion, political belief, national origin, or handicap is permitted in relation to the use of physical facilities, intake and application procedures, caseload assignments, determination of eligibility, and the amount and type of benefits extended by the eligibility site to Medical Assistance recipients.
4. An individual who believes he/she is being discriminated against may file a complaint with the eligibility site, the Department, or directly with the Federal government. When a complaint is filed with the eligibility site, the county director is responsible for an immediate investigation of the matter and taking necessary corrective action to eliminate any discriminatory activities found. If such activities are not found, the individual is given an explanation. If the person is not satisfied, he/she is requested to direct his/her complaint, in writing, to the State Department, Complaint Section, which will be responsible for further investigation and other necessary action consistent with the provisions of Title VI of the 1963 Civil Rights Act, as amended 42 U.S.C. §2000e et seq. and section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. §791.

8.100.3.P. Redetermination of Eligibility

1. A redetermination of eligibility shall mean a case review and necessary verification to determine whether the Medical Assistance Program client continues to be eligible to receive Medical Assistance. Beginning as of the case approval date, a redetermination shall be accomplished each 12 months for Title XIX Medical Assistance only cases. An eligibility site may redetermine

eligibility through telephone, mail, or electronic means. The use of telephone or electronic redeterminations should be noted in the case record and in CBMS case comments.

2. The eligibility site shall promptly redetermine eligibility when:
 - a. it receives and verifies information which indicates a change in a client's circumstances which may affect continued eligibility for Medical Assistance; or
 - b. it receives direction to do so from the Department.

The eligibility site shall redetermine eligibility according to timelines defined by the Department.

3. A redetermination form is not required to be sent to the client if all current eligibility requirements can be verified by reviewing information from another assistance program, verification system, and/or CBMS. When applicable, the eligibility site shall redetermine eligibility based solely on information already available. If verification or information is available for any of the three months prior to redetermination month, no request shall be made of the client and a notice of the findings of the review will go to the client. If not all verification or information is available, the eligibility site shall only request the additional minimum verification from the client. This procedure is referenced as Ex Parte Review.
4. A redetermination form, approved by the Department, shall be mailed to the person at least 30 days prior to the first of the month in which completion of eligibility redetermination is due. The redetermination form shall be used to inform the client of the redetermination and verification needed, but the form itself cannot be required to be returned. The only verification that can be required at redetermination is the minimum verification needed to complete a redetermination of eligibility.

The redetermination form shall direct clients to review current information and to take no action if there are no changes to report in the household. Eligibility sites and CBMS shall view the absence of reported changes from the client at this redetermination period as confirmation that there have been no changes in the household. This procedure is referenced as automatic reenrollment.

The following procedures relate to mail-out redetermination:

- a. A Redetermination Form shall be mailed to the client together with any other forms to be completed;
- b. Required verification shall be returned by the client to the eligibility site no later than ten working days after receipt of request;
- c. When the individual is unable to complete the forms due to physical, mental or emotional disabilities, or other good cause, and has no one to help him/her, the eligibility site shall either assist the client or refer him/her to a legal or other resource. When initial arrangements or a change in arrangements are being made, an extension of up to thirty days shall be allowed. The action of the eligibility site in assistance or referral shall be recorded in the case record and CBMS case comments.
- d. The redetermination form shall require that a recipient and community spouse of a recipient of HCBS, PACE or institutional services disclose a description of any interest the individual or community spouse has in an annuity or similar financial instrument regardless of whether the annuity is irrevocable or treated as an asset. The redetermination form shall include a statement that the Department shall be a remainder

beneficiary for any annuity or similar financial instrument purchased on or after February 8, 2006 for the total amount of Medical Assistance provided to the individual.

- e. The eligibility site shall notify in writing the issuer of any annuity or financial instrument that the Department is a preferred remainder beneficiary in the annuity or similar financial instrument for the total amount of Medical Assistance provided to the individual. This notice shall require the issuer to notify the eligibility site when there is a change in the amount of income or principal that is being withdrawn from the annuity.
5. When the redetermination verification information is received by the eligibility site, it shall be date stamped. Within ten working days, the verification information shall be thoroughly reviewed for completeness, accuracy, and consistency. All factors shall be evaluated as to their effect on eligibility at that time. Verifications shall be documented in the case file and CBMS case comments. The case file shall be used as a checklist in the redetermination process, and shall be used to keep track of matters requiring further action. When additional information is needed:
- a. due to incomplete information, the request form shall be mailed back to the client with a letter specifying the items that require completion;
 - b. due to incomplete, inaccurate or inconsistent data, the Medical Assistance client shall be contacted by telephone or in writing so that the worker may secure the proper information according to timelines defined by the Department.
6. Due to the federal Coronavirus COVID-19 Public Health Emergency, the Department will continue eligibility for all Medical Assistance categories, regardless of a redetermination and/or reported change for these individuals to ensure continuity of eligibility for Medical Assistance coverage.

8.100.3.Q. Continuous Eligibility (CE) for Medical Assistance programs

1. Continuous eligibility applies to children under age 19, who through an eligibility determination, reassessment or redetermination, are found eligible for a Medical Assistance program. The continuous eligibility period may last for up to 12 months.
- a. The continuous eligibility period applies without regard to changes in income or other factors that would otherwise cause the child to be ineligible.
 - i) A 14-day no fault period shall begin on the date the child is determined eligible for Medical Assistance. During the 14-day period, any changes to income or other factors made to the child's case during the 14-day no fault period may change his or her eligibility for Medical Assistance.
 - b. Exception: A child's continuous eligibility period will end effective the earliest possible month if any of the following occur:
 - i) Child is deceased
 - ii) Becomes an inmate of a public institution
 - iii) The child is no longer part of the Medical Assistance required household
 - iv) Is no longer a Colorado resident
 - v) Is unable to be located based on evidence or reasonable assumption
 - vi) Requests to be withdrawn from continuous eligibility

- vii) Fails to provide documentation during a reasonable opportunity period as specified in section 8.100.3.H.9
 - viii) Fails to provide a reasonable explanation or paper documentation when self-attested income is not reasonably compatible with income information from an electronic data source, by the end of the 90-day reasonable opportunity period. This exception only applies the first-time income is verified following an initial eligibility determination or an annual redetermination.
- 2. The continuous eligibility period will begin on the first day of the month the application is received or from the date all criteria is met. Continuous eligibility is applicable to children enrolled in the following Medical Assistance programs:
 - a. MAGI-Medical Assistance, program as specified in section 8.100.4.G.2
 - b. SSI Mandatory, as specified in section 8.100.6.C
 - i.) When a child is no longer eligible for SSI Mandatory they will be categorized as eligible within the MAGI-Child category for the remainder of the eligibility period.
 - c. Long- Term Care services
 - i.) When a child is no longer eligible for Long-Term Care services they will be categorized as eligible within the MAGI- Child category for the remainder of the eligibility period.
 - d. Medicaid Buy-In program specified in section 8.100.6.Q
 - i) Exception: Enrollment will be discontinued if there is a failure to pay premiums
 - e. Pickle
 - f. Disabled Adult Child DAC)
- 3. Children, under the age of 19, no longer enrolled in Foster Care Medicaid will be eligible for the MAGI-Medical Assistance program. The continuous eligibility period will begin the month the child is no longer enrolled in Foster Care Medicaid as long as they meet one of the following conditions:
 - a. Begin living with other Relatives
 - b. Are reunited with Parents
 - c. Have received guardianship

8.100.4 MAGI Medical Assistance Eligibility [Eff. 01/01/2014]

8.100.4.A. MAGI Application Requirements

- 1. Persons requesting a MAGI Medical Assistance category need only to complete the Single Streamlined Application.
- 2. Parents and Caretaker Relatives, Pregnant Women, Children, and Adults may apply for Medical Assistance at sites other than the County Department of Social Services, including eligibility sites and Certified Application Assistance Sites (CAAS). The Department shall approve these sites to

receive and initially process these applications. The application used shall be the Single Streamlined Application. The eligibility site shall determine eligibility.

3. The eligibility sites shall refer Medical Assistance clients who are pregnant and/or age 20 and under to EPSDT offices (designated by the Department) by:
 - a. Copying the page of the Single Streamlined Application that includes the EPSDT benefit questions. The eligibility site will then forward this page to the EPSDT office within five working days from the date of application approval; or by:
 - b. Means of secure, electronic data transfer approved by the Department

8.100.4.B. MAGI Category Verification Requirements

1. Minimal Verification – At minimum, applicants seeking Medical Assistance shall provide all of the following:
 - a. Social Security Number: Each individual requesting assistance on the application shall provide a Social Security Number (SSN), or each shall submit proof of an application to obtain an SSN, unless they qualify for an exception listed in 8.100.3.I.1.b. Individuals who qualify for an exception must not be required to provide an SSN.
 - i) Due to the COVID-19 Public Health Emergency, at the time of application, self-attestation is acceptable for SSN criteria, with the exception of verification of citizenship and immigration status. At the end of the federally-declared COVID-19 Public Health Emergency, verification for SSN eligibility criteria will be required.

1)Applicants who meet the criteria for any categorical Medical Assistance programs, but do not meet federal and state citizenship and immigration status requirements, are only eligible to receive emergency medical services.
 - b. Verification of citizenship and identity as outlined in section 8.100.3.H under Citizenship and Identity Documentation Requirements.
 - c. Earned Income: Income shall be self-attested by an applicant and verified through an electronic data source. Individuals who provide self-attestation of income must also provide a Social Security Number for wage verification purposes.

If earned income is not or cannot be self-attested, it shall be verified by wage stubs, tax documents, written documentation from the employer stating the employee's gross income or a telephone call to an employer. Applicants may request that communication with their employers be made in writing.

Estimated earned income shall be used to determine eligibility if the applicant/client provides less than a full calendar month of wage stubs for the application month. A single recent wage stub shall be sufficient if the applicant's income is expected to be the same amount for the month of application. Verification of earned income received during the month prior to the month of application shall be acceptable if the application month verification is not yet available. Actual earned income shall be used to determine eligibility if the client provides verification for the full calendar month.

Due to the Coronavirus COVID -19 Public Health Emergency, the Department will not take action on any electronic interfaces that notify that the individual's income has changed for all Medical Assistance programs in which the individual is currently enrolled. The Department will take action and require documentation from the individual once the federal emergency declaration has concluded, for all people whose eligibility was maintained during the emergency declaration, for these individuals to maintain eligibility.

- d. Unearned income: Unearned income can be self-attested by an applicant. Certain types of unearned income, such as unemployment and survivor benefits may be verified through electronic data sources. Due to the Coronavirus COVID -19 Public Health Emergency, the Department will not take action on any electronic interfaces that notify that the individual's income has changed for all Medical Assistance programs in which the individual is currently enrolled. The Department will take action and require documentation from the individual once the federal emergency declaration has concluded, for all people whose eligibility was maintained during the emergency declaration, for these individuals to maintain eligibility.
 - e. Verification of Legal Immigrant Status: Immigration status can be self-declared by an applicant applying for Medical Assistance, to determine eligibility for full Medical Assistance benefits. This declaration of legal immigration status will be verified through the Verify Lawful Presence (VLP) interface. The VLP interface connects to the Systematic Alien Verification for Entitlements (SAVE) program to verify legal immigration status. See section 8.100.3.G for a description of the VLP interface. If status cannot be verified, or if the applicant does not provide the necessary documents within the reasonable opportunity period, then the applicant's Medical Assistance application shall be terminated.
- 2. Additional Verification: No other verification shall be required of the client unless information is found to be questionable on the basis of fact.
 - 3. The determination that information is questionable shall be documented in the applicant's case file and CBMS case comments.
 - 4. Information that exists in another case record or in CBMS shall be used by the eligibility site to verify those factors that are not subject to change, if the information is reasonably accessible.
 - 5. The criteria of age and relationship can be declared by the client unless questionable. If questionable, these criteria can be established with information provided from:
 - a. official papers such as: a birth certificate, order of adoption, marriage license, immigration or naturalization papers; or
 - b. records or statements from sources such as: a court, school, government agency, hospital, or physician.
 - 6. Establishing that a dependent child meets the eligibility criteria of:
 - a. age, if questionable requires (1) viewing the birth certificate or comparably reliable document at eligibility site discretion, and (2) documenting the source of verification in the case file and CBMS case comments;
 - b. living in the home of the caretaker relative, if questionable requires (1) viewing the appropriate documents which identify the relationship, (2) documenting these sources of verification in the case file and CBMS case comments.

8.100.4.C. MAGI Methodology for Income Calculation

1. For an in depth treatment of gross income, refer to 26 U.S.C. § 61, which is hereby incorporated by reference. The incorporation of 26 U.S.C. § 61 (2014) excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver CO 80203. Certified copies of incorporated materials are provided at cost upon request. Except as otherwise provided, pursuant to 26 U.S.C. § 61 gross income means all income from all derived sources, The Modified Adjusted Gross Income calculation for the purposes of determining a household's financial eligibility for Medical Assistance shall consist of, but is not limited to, the following:
 - a. Earned Income:
 - i) Wages, salaries, tips;
 - ii) Gross income derived from business;
 - iii) Gains derived from dealings in property;
 - iv) Distributive share of partnership gross income (not a limited partner);
 - v) Compensation for services, including fees, commissions, fringe benefits and similar items; and
 - vi) Taxable private disability income.
 - b. Unearned Income:
 - i) Interest (includes tax exempt interest);
 - ii) Rents;
 - iii) Royalties;
 - iv) Dividends;
 - v) Alimony received counts as unearned income if the divorce or legal separation is executed on or before December 31, 2018. Alimony received will not be countable income if the divorce or legal separation is modified or executed on or after January 1, 2019;
 - vi) Pensions and annuities;
 - vii) Income from life insurance and endowment contracts;
 - viii) Income from discharge of indebtedness;
 - ix) Income in respect of a decedent;
 - x) Income from an interest in an estate or trust;
 - xi) Social Security (SSA) income; and

- xii) Distributive share of partnership gross income (limited partner).
- c. Additional Income: In addition to the types of income identified in section 8.100.4.C.1.a-b., the following income is included in the MAGI calculation.
 - i) Any tax exempt interest income.
 - ii) Untaxed foreign wages and salaries.
 - iii) Social Security Title II Benefits (Old Age, Disability and Survivor's benefits).
- d. The following are Income exclusions:
 - i) An amount received as a lump sum is counted as income only in the month received;
 - ii) Scholarships, awards, or fellowship grants used for educational purposes and not for living expenses;
 - iii) Child support received;
 - iv) Worker's Compensation;
 - v) Supplemental Security Income (SSI);
 - vi) Veteran's Benefits;
 - vii) The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and the American Rescue Plan (ARP) Act Recovery Rebate, also known as the COVID-19 Economic Stimulus, shall be exempt from consideration as income.
 - viii) Federal Pandemic Unemployment Compensation (FPUC) program, which provides an extra \$600.00 a week for qualified individuals, is exempt as countable unearned income.
 - ix) American Indian/Alaskan Native income exceptions listed at 42 C.F.R. § 435.603(e) (2012) is hereby incorporated by reference. The incorporation of 42 C.F.R. § 435.603(e) (2012) excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.
- e. Allowable Deductions: For an in-depth treatment of allowable deductions from gross income, please refer to 26 U.S.C. 62, which is hereby incorporated by reference. The incorporation of 26 U.S.C. 62 (2014) excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver CO 80203. Certified copies of incorporated materials are provided at cost upon request.

The following deductions can be subtracted from an individual's taxable gross income, in order to calculate the Adjusted Gross Income (AGI) including (but not limited to):

- i) Student loan interest deductions;
- ii) Certain Self-employment expenses SEP, SIMPLE and qualified plans, and health insurance deductions;
- iii) Deductible part of self-employment tax;
- iv) Health savings account deduction;
- v) Certain business expenses of reservists, performing artist, and fee-basis government officials;
- vi) Reimbursed expenses of employees;
- vii) Moving expenses for active duty military who are moving due to a permanent change of station;
- viii) IRA deduction: Regular Individual Retirement Account (IRA) contributions claimed on a federal income tax return and which does not exceed the IRA contributions limits;
- ix) Penalty on early withdrawal of savings;
- x) Domestic production activities deduction;
- xi) Alimony paid can be deducted only if the divorce or legal separation is executed on or before December 31, 2018. It cannot be deducted if the divorce or separation is modified or executed on or after January 1, 20019. ;
- xii) Certain educator expenses; and
- xiii) Certain pre-tax contributions.

f. Income of children and tax dependents:

- i) The income of a child who is included in the household of their natural, adopted, or step parent will not be included in the household income unless that child has income above the tax filing threshold..
 - 1) Income from Title II Social Security benefits and Tier I Railroad benefits are excluded when determining if a child is required to file taxes.
- ii) The income of a person, other than a child or spouse, who expects to be claimed as a tax dependent will not be included in the household income of the taxpayer unless that tax dependent has income above the tax filing threshold..
 - 1) Income from Title II Social Security benefits and Tier I Railroad benefits are excluded when determining if a tax dependent is required to file taxes.
- ii) The income of a child or tax dependent who does not live with their natural, adopted, or step parent will always count towards the determination of their own

eligibility, even if the child's or tax dependent's income is below the tax filing threshold.

2. Income verifications: When discrepancies arise between self-attested income and electronic data source results, the applicant shall receive every reasonable opportunity to establish his/her financial eligibility through the test for reasonable compatibility, by providing a reasonable explanation of the discrepancy, or by providing paper documentation in accordance with this section. For Reasonable Opportunity Period please see section 8.100.3.H.9.
 - a. Income information obtained through an electronic data source shall be considered reasonably compatible with income information provided by or on behalf of an applicant in the following circumstances:
 - i) If the amount attested by the applicant and the amount reported by an electronic data source are both below the applicable income standard for the requested program, that income shall be determined reasonably compatible and the applicant shall be determined eligible.
 - ii) If the amount attested by the applicant is below the applicable income standard for that program, but the amount reported by the electronic data source is above, and the difference is within the reasonable compatibility threshold percentage of 20%, the income shall be determined reasonably compatible and the applicant shall be determined eligible.
 - iii) If both amounts are above the applicable income standard for that program, the income shall be determined reasonably compatible, and the applicant shall continue to be determined eligible during the federal Coronavirus COVID-19 Public Health Emergency.
 - b. If income information provided by or on behalf of an applicant is not determined reasonably compatible with income information obtained through an electronic data source, a reasonable explanation of the discrepancy shall be requested during the federal Coronavirus COVID-19 Public Health Emergency. If the applicant does not provide the required documentation within the reasonable opportunity period, then the applicant's Medical Assistance benefits shall not be terminated during the federal Coronavirus COVID-19 Public Health Emergency. When the federal COVID-19 Public Health Emergency has ended, a reasonable opportunity period will be given to request proper documentation from the member.
 - i) During the federal Coronavirus COVID-19 Public Health Emergency the Department may request paper documentation when the Department does not find income to be reasonably compatible.
3. Self-Employment – If the applicant is self-employed the ledger included in the Single Streamlined Application shall be sufficient verification of earnings, unless questionable.
4. Budget Periods for MAGI-based Income determination – The financial eligibility of applicants for Medical Assistance shall be determined based on current or previous monthly household income and family size.
 - a. Applicants who are found financially ineligible based on current or previous monthly household income and family size, and whose household has earned income from self-employment, seasonal employment, and/or commission-based employment, shall have their financial eligibility determined using annualized self-employment, seasonal employment, and commission-based employment income.

5. If an applicant does not meet the financial eligibility requirements for Medical Assistance based on MAGI, but meets all other eligibility requirements, the applicant shall be found eligible for MAGI Medical Assistance if the applicant's income, as calculated using the methodology for determining eligibility for Advanced Premium Tax Credits or Cost Sharing Reductions through the marketplace, is below 100% of the federal poverty level.

8.100.4.D. Income Disregard

1. An income disregard equivalent to five percentage points of the Federal Poverty Level for the applicable family size will be subtracted from MAGI-based income.
 - a. If an individual's MAGI-based countable income is above the income threshold for the applicable MAGI program under title XIX (Medicaid) or title XXI (CHP+) of the Social Security Act, the five percent (5%) disregard will be applied for each qualifying MAGI program as the last step to determine eligibility.
 - b. If the countable income is below the income threshold for the applicable MAGI program, the individual is income eligible and the five percent (5%) disregard will not be applied to determine eligibility.

8.100.4.E. Determining MAGI Household Composition.

1. MAGI household composition is similar to, but not necessarily the same as a tax household. To determine MAGI household composition, the individual's relationship to the tax filer must be established as declared on the Single Streamlined Application.
 - a. In the case of an applicant who expects to file a tax return for the taxable year in which an initial determination or renewal of eligibility is being made, and does not expect to be claimed as a tax dependent by anyone else, then the applicant's MAGI household shall consist of the following:
 - i) The Tax-Filer;
 - ii) The Tax-Filer's spouse if living in the home;
 - iii) All persons whom the Tax-Filer expects to claim as a tax dependent on their personal income tax return
 - b. In the case of an applicant who expects to be claimed as a tax dependent by another taxpayer for the taxable year in which an initial determination or renewal of eligibility is being made, the applicant's MAGI household shall be:
 - i) The Tax Dependent;
 - ii) The Tax-Filer and their spouse if living in the home;
 - iii) The Tax-Filer's other tax dependents;
 - iv) The Tax Dependent's spouse, if living with the Tax Dependent.
 - c. The MAGI household of an applicant who expects to be claimed as a tax dependent is as outlined in 8.100.4.E.b above, except in the following circumstances:
 - i) The applicant expects to be claimed as a tax dependent by someone other than a spouse, biological, adoptive or step parent.

- ii) The applicant is a child under 19 who is expected to be claimed by one parent as a tax dependent and is living with both parents, but the parents do not expect to file a joint tax return.
 - iii) The applicant is a child under 19 and who expects to be claimed as a tax dependent by anon-custodial parent.
- d. If the applicant meets one of the exceptions in 8.100.4.E.c above or is a non-filer, household composition shall be determined using the following non-filer rules and the applicant's household shall consist of the following:
 - i) The applicant;
 - ii) The applicant's spouse who lives in the household;
 - iii) The applicant's natural, adopted, and step children under the age of 19, who live in the household; and
 - iv) In the case of applicants under the age of 19, the applicant's natural, adoptive, and step parents and natural, adoptive, and step siblings under age 19, who live in the household.
- 2. When a household includes a pregnant woman, regardless of the Medical Assistance category, the pregnant woman is counted as herself plus the number of children she is expected to deliver.
- 3. Married couples living together will each be included in the other's MAGI household regardless of whether or not they expect to file taxes jointly, separately or if one expects to be claimed as a tax dependent of the other.
- 4. If a child is claimed as a tax dependent by both parents who are married and who will file taxes jointly but one parent lives outside of the household due to separation or pending divorce, the child's household composition is determined by non-filer rules. The parent living outside of the household will not be counted as part of the household.
- 5. An individual who is both a tax dependent and a tax filer will be considered a tax dependent for the purpose of determining eligibility for Medical Assistance.

8.100.4.F. MAGI Category Presumptive Eligibility

- 1. A pregnant applicant may apply for presumptive eligibility for ambulatory services through Medical Assistance presumptive eligibility sites. A child under the age of 19 may apply or have an adult apply on their behalf for presumptive eligibility for State Plan approved medical services through presumptive eligibility sites.
- 2. To be eligible for presumptive eligibility:
 - a. a pregnant woman shall have an attested pregnancy, declare that her household's income shall not exceed 185% of the federal poverty level (MAGI-equivalent) and declare that she is a United States citizen or a documented immigrant. Refer to the MAGI-Medicaid income guidelines chart available on the Department's website
 - b. a child under the age of 19 shall have a declared household income that does not exceed 133% of federal poverty level (MAGI-equivalent) and declare that the child is a United States citizen or a documented immigrant.

3. Presumptive eligibility sites shall be certified by the Department to make presumptive eligibility determinations. Sites shall be re-certified by the Department every 2 years to remain approved presumptive eligibility sites.
4. The presumptive eligibility site shall forward the application to the county within five business days.
5. The presumptive eligibility period begins on the date the applicant is determined eligible and ends with the earlier of:
 - a. The day an eligibility determination for Medical Assistance is made for the applicant(s); or
 - b. The last day of the month following the month in which a determination for presumptive eligibility was made.
6. A presumptive eligible client may not appeal the end of a presumptive eligibility period.
7. Presumptively eligible women and Medical Assistance clients may appeal the county department's failure to act on an application within 45 days from date of application or the denial of an application. Appeal procedures are outlined in the State Hearings section of this volume.

8.100.4.G. MAGI Covered Groups

1. For MAGI Medical Assistance, any person who is determined to be eligible for Medical Assistance based on MAGI at any time during a calendar month shall be eligible for benefits during the entire month.
2. Children applying for Medical Assistance whose total household income does not exceed 133% of the federal poverty level (MAGI-equivalent) shall be determined financially eligible for Medical Assistance. Refer to the MAGI-Medicaid income guidelines chart available on the Department's website.
 - a. Children are eligible for Children's MAGI Medical Assistance through the end of the month in which they turn 19 years old. After turning 19, the individual may be eligible for a different Medical Assistance category.
3. Parents and Caretaker Relatives applying for Medical Assistance whose total household income does not exceed 60% of the federal poverty level (MAGI-equivalent) shall be determined financially eligible for Medical Assistance. Parents or Caretaker Relatives eligible for this category shall have a dependent child in the household.
 - a. A dependent child is considered to be living in the home of the parent or caretaker relative as long as the parent or specified relative exercises responsibility for the care and control of the child even if:
 - i) The child is under the jurisdiction of the court (for example, receiving probation services);
 - ii) Legal custody is held by an agency that does not have physical possession of the child;
 - iii) The child is in regular attendance at a school away from home;
 - iv) Either the child or the relative is away from the home to receive medical treatment;

- v) Either the child or the relative is temporarily absent from the home;
 - vi) The child is in voluntary foster care placement for a period not expected to exceed three months. Should the foster care plan change within the three months and the placement become court ordered, the child is no longer considered to be living in the home as of the time the foster care plan is changed.
- 4. Adults applying for Medical Assistance whose total household income does not exceed 133% of the federal poverty level shall be determined financially eligible for Medical Assistance. This category includes adults who are parents or caretaker relatives of dependent children whose income exceeds the income threshold to qualify for the Parents and Caretaker Relatives MAGI category and who meet all other eligibility criteria.
 - a. A dependent child living in the household of a parent or caretaker relative shall have minimum essential coverage, in order for the parent or caretaker relative to be eligible for Medical Assistance under this category. Refer to section 8.100.4.G.3.a on who is considered a dependent child.
 - b. Due to the COVID-19 Public Health Emergency an applicant who is not eligible for Medical Assistance but has been impacted through exposure to or potential infection with COVID-19 may be eligible to receive services for COVID-19 testing only. To qualify for this limited benefit, the Applicant must not be enrolled in other health insurance and meet the criteria of citizenship.
- 5. Pregnant Women whose household income does not exceed 185% of the federal poverty level (MAGI-equivalent) are eligible for the Pregnant Women MAGI Medical Assistance program. Medical Assistance shall be provided to a pregnant woman for a period beginning with the date of application for Medical Assistance through the last day of the month following 60 days from the date the pregnancy ends. Once eligibility has been approved, Medical Assistance coverage will be provided regardless of changes in the woman's financial circumstances once the income verification requirements are met.
 - a. A pregnant women's eligibility period will end effective the earliest possible month, if the following occurs:
 - i) Fails to provide a reasonable explanation or paper documentation when self-attested income is not reasonably compatible with income information from an electronic data source, by the end of the 90 day reasonable opportunity period. This exception only applies the first-time income is verified following an initial eligibility determination or an annual redetermination.
- 6. A lawfully admitted non-citizen who is pregnant and who has been in the United States for less than five years is eligible for Medical Assistance if she meets all of the other eligibility requirements specified at 8.100.4.G.5 and fits into one of the immigration categories listed in 8.100.3.G.1.g.iii.1-5 and 8.100.3.G.1.g.vi.1-15. This population is referenced as Legal Immigrant Prenatal.
- 7. A child whose mother is receiving Medical Assistance at the time of the child's birth is continuously eligible for one year. This population is referred to as "Eligible Needy Newborn". This coverage also applies in instances where the mother received Medical Assistance to cover the child's birth through retroactive Medical Assistance. The child is not required to live with the mother receiving Medical Assistance to qualify as an Eligible Needy Newborn.
 - a. To receive Medical Assistance under this category, the birth must be reported verbally or in writing to the County Department of Human Services or eligibility site. Information

provided shall include the baby's name, date of birth, and mother's name or Medical Assistance number. A newborn can be reported at any time by any person. Once reported, a newborn meeting the above criteria shall be added to the mother's Medical Assistance case, or his or her own case if the newborn does not reside with the mother, according to timelines defined by the Department. If adopted, the newborn's agent does not need to file an application or provide a Social Security Number or proof of application for a Social Security Number for the newborn

8.100.4.H. Needy Persons

1. Medical Assistance shall be provided to certain needy persons under 21 years of age, including the following:
 - a. Those receiving care in a Long Term Care Institution eligible for Medical Assistance reimbursement or receiving active treatment as inpatients in a psychiatric facility eligible for Medical Assistance reimbursement and whose household income is less than the MAGI needs standard for his/her family size when the client applies for assistance. Clients that are receiving benefits under this category and are still receiving active inpatient treatment in the facility at age 21 shall be eligible to age 22. This population is referenced as Psych <21.
 - b. Those for whom the Department of Human Services is assuming full or partial financial responsibility and who are in foster care, in homes or private institutions or in subsidized adoptive homes. A child shall be the responsibility of the county, even if the child may be in a medical institution at that time. See Colorado Department of Human Services "Social Services Staff Manual" section 7 for specific eligibility requirements (12 CCR § 2509-1). 12 CCR § 2509-1 (2013) is hereby incorporated by reference. The incorporation of 12 CCR § 2509-1 excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver CO 80203. Certified copies of incorporated materials are provided at cost upon request.
 - c. Those for whom the Department of Human Services is assuming full or partial financial responsibility and who are in independent living situations subsequent to being in foster care.
 - d. Those for whom the Department of Human Services is assuming full or partial responsibility and who are receiving services under the state's Alternatives to Foster Care Program and would be in foster care except for this program and whose household income is less than the MAGI needs standard for his/her family size.
 - e. Those for whom the Department of Human Services is assuming full or partial responsibility and who are removed from their home either with or without (court ordered) parental consent, placed in the custody of the county and residing in a county approved foster home.
 - f. Those for whom the Department of Human Services is assuming full or partial responsibility and who are receiving services under the state's subsidized adoption program, including a clause in the subsidized adoption agreement to provide Medical Assistance for the child.
 - g. Those for whom the Department of Human Services is assuming full or partial financial responsibility on their 18th birthday or at the time of emancipation. These individuals also

must have received foster care maintenance payments or subsidized adoption payments from the State of Colorado pursuant to article 7 of title 26, C.R.S. immediately prior to the date the individual attained 18 years of age or was emancipated. Eligibility shall be extended until the individual's 21st birthday for these individuals with the exception of those receiving subsidized adoption payments.

2. Medical Assistance shall be extended to certain needy persons until the end of the month of the individual's 26th birthday, including the following:
 - a. Those individuals that were formerly in foster care under the responsibility of the State or Tribe on their 18th, 19th, 20th or up to their 21st birthday and were receiving Medical Assistance.
 - i) This extension does not apply to youth that are receiving subsidized adoption payments or
 - ii) To youth that are enrolled in mandatory Medical Assistance.
 - b) Former Foster Care youth are not subject to either an income or resource test.
 - c) Former Foster Care youth's newborn shall be considered a needy newborn.

8.100.4.I. Transitional Medical Assistance and 4 Month Extended Medical Assistance

1. Eligibility for Transitional Medical Assistance shall be granted for twelve months (beginning with the first month of ineligibility) to individuals who are no longer eligible for the Parent/Caretaker Relative category due to a change in income.

The extension shall be applied to individuals who:

- a. Were eligible for the Parent/Caretaker Relative category in at least three of the six months preceding the month in which the individual would have become ineligible, and
 - b. Are no longer eligible for coverage under the Parent/Caretaker Relative category because of new or increased income from employment or hours of employment
 - i) At least one Parent/Caretaker Relative must continue to be employed and cannot terminate employment without good cause. This does not need to be the same person for the whole period the family is receiving Transitional Medical Assistance.
2. Any dependent child or Parent/Caretaker Relative who was or becomes part of the Medical Assistance household after the individual has begun receiving Transitional Medical Assistance is eligible for the remaining months of Transitional Medical Assistance.
 - a. A dependent child in the household who received Medical Assistance through continuous eligibility, but is no longer eligible for Medical Assistance based on a redetermination, is eligible for the family's remaining months of Transitional Medical Assistance.
 - b. An individual in the household who received Medical Assistance, but is no longer eligible for Medical Assistance based on a redetermination, is eligible for the family's remaining months of Transitional Medical Assistance
 3. To become or remain eligible for Transitional Medical Assistance:

- a. The household must include a dependent child. If it is determined that the household no longer has a child living in the home, Transitional Medicaid Assistance shall discontinue at the end of the month in which the household does not include a dependent child.
 - b. If health insurance is available from the employer to the employee, at no cost to the Medical Assistance recipient, the client shall enroll in the insurance program.
- 4. When Transitional Medical Assistance ends the case will be reassessed for all other categories of Medical Assistance for which the family members may be eligible. A new application shall not be required for this process.
- 5. Eligibility for Medical Assistance shall be extended for four months (beginning with the first month of ineligibility) for certain families who become ineligible for Medical Assistance due solely or partially to the receipt of support income, such as alimony. The extension shall be applied for a family which receives assistance under Medical Assistance in at least three of the six months immediately preceding the month in which the family becomes ineligible for assistance. To be eligible for the four month Medical Assistance extension, the family shall meet all other eligibility criteria for Medical Assistance before the alimony income is applied.
 - a. Alimony received will be countable income only if the divorce or legal separation is executed on or before December 31, 2018. Alimony will not be countable income if the divorce or legal separation is modified or executed on or after January 1, 2019.

8.100.4.J. Express Lane Eligibility

Express Lane Eligibility shall allow for automatic initiation of Medical Assistance enrollment by using available data and findings from other programs as listed below.

- 1. Free/Reduced Lunch Program
 - a. Recipients of the Free/Reduced Lunch Program who have submitted a Free/Reduced Lunch application at a participating school district-
 - i) Families shall be given the option to opt into Medical Assistance coverage for their potentially eligible child.
 - ii) Children who meet all necessary eligibility requirements as outlined in this volume shall be automatically enrolled.
 - iii) Children who meet all necessary eligibility requirements except verification of U.S. citizenship and identity shall receive 90days of eligibility while awaiting this verification.
 - iv) Any additionally required verification shall be requested from the client through CBMS prior to being automatically enrolled.
 - v) Eligibility is based on income declared on the Free/Reduced Lunch application as well as eligibility requirements outlined in this volume.
 - vi) If it would be found that a child does not satisfy an eligibility requirement for Medical Assistance, the child's eligibility will be evaluated using the Single Streamlined Application for Medical Assistance.
 - b. Recipients of the Free/Reduced Lunch Program who were not required to submit a Free/Reduced Lunch application at a participating school district-

- i) Families who are automatically enrolled Free/Reduced Lunch recipient children shall not be forwarded to the Department for Express Lane Eligibility in compliance USDA confidentiality guidelines.
- ii) These families must apply for Medical Assistance in order to give consent for request of benefits.

2. Direct Certification

- a. Individuals who have submitted a Food Assistance or Colorado Works application
 - i) Families shall be given the option to opt into Medical Assistance coverage for their potentially eligible child.
 - ii) Children who meet all necessary eligibility requirements as outlined throughout 8.100.4 shall be automatically enrolled
 - iii) Children who meet all necessary eligibility requirements except verification of U.S. citizenship and identity will receive 90 days of eligibility while awaiting this verification.
 - iv) Any additionally required verification shall be requested from the client through CBMS prior to being automatically enrolled.
 - v) Eligibility is based on income declared on the Food Assistance or Colorado Works application as well as eligibility requirements outlined throughout this volume.
 - vi) If it would be found that a child does not satisfy an eligibility requirement for Medical Assistance, the child's eligibility shall be evaluated using the Single Streamlined Application for Medical Assistance.
 - vii) Individuals whose eligibility is not determined through Express Lane Eligibility can also submit a separate Single Streamlined Application for Medical Assistance to determine eligibility.

8.100.5. Aged, Blind, and Disabled, Long Term Care, and Medicare Savings Plan Medical Assistance General Eligibility

8.100.5.A. Application Requirements

- 1. When an individual applies for Medical Assistance on the basis of disability or blindness, the eligibility sites shall take the application and determine whether the individual is eligible for Long Term Care or any of the Aged, Blind, and Disabled categories of assistance described in section 8.100.6. If the applicant does not qualify for Medical Assistance on one of those bases, he/she shall be referred to the local Social Security office to apply for SSI.
 - a. Applicants who apply for Long-Term Care Medical Assistance on the basis of disability or blindness, or who apply for the Medicaid Buy-In Program for Working Adults with Disabilities or the Medicaid Buy-In Program for Children with Disabilities without a current disability determination, shall complete a Medical Assistance disability determination application in addition to the required Single Streamlined Application. The disability determination application is not required for individuals that have already been determined disabled by the Social Security Administration.

- b. The Medical Assistance disability determination application shall be collected by a designated eligibility site representative and shall be forwarded to the state disability determination contractor upon completion. The state disability determination contractor shall conduct a client disability determination and shall forward the determination to the designated eligibility site representative.
 - c. For the Medicaid Buy-In Program for Working Adults with Disabilities, if an individual does not meet the Social Security Administration definition of disability, the state disability determination contractor can review the individual's circumstances to determine if the individual meets limited disability.
 - d. Due to the Coronavirus COVID-19 Public Health Emergency, if a person's existing determination is expired, the person shall remain enrolled in Medical Assistance. A disability determination will be verified by the state disability determination contractor as soon as possible after the Emergency has ended.
2. Persons requesting Aged, Blind, and Disabled Medical Assistance need only to complete the Single Streamlined Application.

8.100.5.B. Verification Requirements

- 1. The particular circumstances of an applicant will dictate the appropriate documentation needed for a complete application. The following items shall be verified for individuals applying for Medical Assistance:
 - a. Social Security Number: Each individual requesting assistance on the application shall provide a Social Security Number (SSN), or each shall submit proof of an application to obtain an SSN, unless they qualify for an exception listed in 8.100.3.I.1.b. Individuals who qualify for an exception must not be required to provide an SSN.
 - i) Due to the Coronavirus COVID-19 Public Health Emergency, at application, self-attestation is acceptable for SSN criteria, with the exception of verification of citizenship and immigration status. At the end of the COVID-19 Public Health Emergency, verification for SSN eligibility criteria will be required.
 - 1) Applicants who meet the criteria for any categorical Medical Assistance programs, but do not meet the federal and state criteria of citizenship and immigration status are only eligible to receive emergency medical services.
 - b. Verification of citizenship and identity as outlined in the section 8.100.3.H under Citizenship and Identity Documentation Requirements.
 - c. Earned income may be self-declared by an individual and verified by the Income and Eligibility Verification System (IEVS). Individuals who provide self-declaration of earned income must also provide a Social Security Number for wage verification purposes. If a discrepancy occurs between self-declared income and IEVS wage data reports, IEVS wage data will be used to determine eligibility. An individual may dispute IEVS wage data by submitting all wage verification for all months in which there is a wage discrepancy.

When discrepancies arise between self-attested income and electronic data source results, the applicant shall receive every reasonable opportunity to establish his/her financial eligibility through the test for reasonable compatibility, by providing a reasonable explanation of the discrepancy, or by providing paper documentation in accordance with this section. For Reasonable Opportunity Period please see section 8.100.3.H.9.

Income information obtained through an electronic data source shall be considered reasonably compatible with income information provided by or on behalf of an applicant in the following circumstances:

- i) If the amount attested by the applicant and the amount reported by an electronic data source are both below the applicable income standard for the requested program, that income shall be determined reasonably compatible and the applicant shall be determined eligible.
- ii) If the amount attested by the applicant is below the applicable income standard for that program, but the amount reported by the electronic data source is above, and the difference is within the reasonable compatibility threshold percentage of 20%, the income shall be determined reasonably compatible and the applicant shall be determined eligible.
- iii) If both amounts are above the applicable income standard for that program, the income shall be determined reasonably compatible, and the applicant shall continue to be determined eligible during the federal Coronavirus COVID-19 Public Health Emergency.

If income information provided by or on behalf of an applicant is not determined reasonably compatible with income information obtained through an electronic data source, a reasonable explanation of the discrepancy shall be requested during the federal COVID-19 Public Health Emergency. If the applicant does not provide the required documentation within the reasonable opportunity period, then the applicant's Medical Assistance benefits shall not be terminated during the federal Coronavirus COVID-19 Public Health Emergency. When the federal Public Health Emergency has ended, a reasonable opportunity period will be given to request proper documentation from the member.

- iv) During the federal Coronavirus COVID-19 Public Health Emergency the Department may request paper documentation when the Department does not find income to be reasonably compatible.

If the applicant is self-employed, ledgers are sufficient for verification of earnings, if a ledger is not available, receipts are acceptable. The ledger included in the Medical Assistance application is sufficient verification of earnings, unless questionable. If an individual cannot provide verification through self-declaration, income shall be verified by wage stubs, written documentation from the employer stating the employees' gross income or a telephone call to an employer. Applicants may request that communication with their employers be made in writing.

As of CBMS implementation, estimated earned income shall be used to determine eligibility if the applicant/client provides less than a full calendar month of wage stubs for the application month. A single recent wage stub shall be sufficient if the applicant's income is expected to be the same amount for the month of application. Written documentation from the employer stating the employees' gross income or a telephone call to an employer, if the applicant authorizes the telephone call shall also be acceptable verification of earned income. Verification of earned income received during the month prior to the month of application shall be acceptable if the application month verification is not yet available. Actual earned income shall be used to determine eligibility if the client provides verification for the full calendar month.

- v) During the federal COVID-19 Public Health Emergency, all earned income and self-employment may be reported by self-attestation. At the end of the federal

COVID-19 Public Health Emergency, proof of any unverified income shall be provided.

- d. Verification of all unearned income shall be provided if the unearned income was received in the month for which eligibility is being determined or during the previous month. If available, information that exists in another case record or verification system shall be used to verify unearned income.
 - i) During the federal COVID-19 Public Health Emergency, all unearned income may be reported by self-attestation. At the end of the federal COVID-19 Public Health Emergency, proof of any unverified income shall be provided.
- e. Verification of all resources shall be provided if the resources were available to the applicant in the month for which eligibility is being determined.

Resource information that is verified through an electronic data source, such as the Asset Verification Program, shall be a valid verification. Supplemental physical verifications for the same resource is not required unless further information is needed for clarification.

 - i) During the federal COVID-19 Public Health Emergency, all resources may be reported by self-attestation. At the end of the federal COVID-19 Public Health Emergency, proof of any unverified resources shall be provided.
- f. Immigrant registration cards or papers, if applicable, to determine if the client is eligible for full Medical Assistance benefits. If an applicant does not provide this, he/she shall only be eligible for emergency Medical Assistance if they meet all other eligibility requirements.
- g. Additional verification-If the requested verification is submitted by the applicant, no other additional verification shall be required unless the submitted verification is found to be questionable on the basis of fact.
- h. The determination that information is questionable shall be documented in the applicant's case file and CBMS case comments.

8.100.5.C. Effective Date of Eligibility

- 1. Eligibility for the Aged, Blind and Disabled categories shall be approved effective on the later of:
 - a. The first day of the month of the Single Streamlined Application for Medical Assistance; or
 - b. The first day of the month the person becomes eligible for Medical Assistance.
- 2. The date that eligibility begins for Long-Term Care Medical Assistance is defined in section 8.100.7.A and B.
- 3. For the Medicaid Buy-In Program for Children with Disabilities, any child who is determined to be eligible for Medical Assistance at any time during a calendar month shall be eligible for benefits during the entire month.
- 4. Clients applying for Medical Assistance under the Aged, Blind and Disabled category shall be reviewed for retroactive eligibility as described at 8.100.3.E. When reviewing for retroactive eligibility for an individual who is SSI eligible or applied and became SSI eligible in each of the retroactive months, the applicant must:

- a. Be aged at least 65 years; or
- b. Meet the Social Security Administration definition of disability by:
 - i) Being approved as eligible to receive either SSI or SSDI, on or prior to the date of a medical service; or
 - ii) Having a disability onset date determined on or prior to the date of a medical service; and
- c. Meet the financial requirements as described at 8.100.5.E.

8.100.5.D. Medical Assistance Estate Recovery Program

1. The eligibility site shall provide written information from the Department to the following people explaining the provisions of the Medical Assistance Estate Recovery Program and how those provisions may pertain to the applicant/client:
 - a. Applicants age 55 and older who are institutionalized.
 - b. Applicants/clients who will turn age 55 before their next eligibility re-determination who are institutionalized.
 - c. Clients age 55 and older who are approved for admittance to an institution

8.100.5.E. Availability of Resources and Income

Consistent with the legislative declaration outlined at C.R.S. § 25.5-4-300.4, Medicaid should be the payer of last resort for payment of medically necessary goods and services furnished to clients. All other sources of payment, including an individual's own countable income and resources, should be utilized to the fullest extent possible before Medicaid is accessed.

1. Income, which includes earned and unearned income, shall be calculated on a monthly basis regardless of whether it is received annually, semi-annually, quarterly or weekly.
2. For married couples, the income and resources of both spouses are counted in determining eligibility for either or both spouses. Refer to section 8.100.7.C for exceptions.
3. Resources and income shall be considered available when actually available; or, shall be deemed available when all of the following apply to the resources or income of the individual or individual's spouse:
 - a. has any ownership interest in income or resources or equity value of a resource;
 - b. has the right, authority, or power to convert the resource or income to cash or to cause the resource or income to be converted to cash; and
 - c. is not legally restricted from using the resource or income for his or her support and maintenance.
4. Resources and income shall not be considered unavailable merely because the individual or individual's spouse may need to initiate legal proceedings to access the resources or income.
5. If the applicant or client demonstrates with clear and convincing evidence that appropriate steps are being taken to secure the resources, Medical Assistance shall not be delayed or terminated.

Verification of efforts to secure the resources must be provided at regular intervals as requested by the Eligibility Site.

6. Resources will be considered available and Medical Assistance shall be denied or terminated if the applicant or client refuses or fails to make a reasonable effort to secure potential resources or income.
7. Timely and adequate notice must be given regarding a proposed action to deny, reduce, or terminate assistance due to failure to make reasonable efforts to secure resources or income. If upon receipt of the prior notice, the individual acts to secure the potential resource, the proposed action to deny, reduce, or terminate assistance must be withdrawn, and assistance must be approved or continued until the resource or income is, in fact, available.
8. If the resources or income has been transferred to a trust, the trust shall be submitted for review to the Department to determine the effect of the trust on eligibility in accordance with section 8.100.7.E.
9. A resource may not necessarily be unavailable by virtue that an individual may be unaware of his or her ownership of an asset. The Department will not treat the unknown asset as a resource during the period in which the individual was unaware of his/her ownership. However, the value of the previously unknown asset, including any monies such as interest that have accumulated on the asset through the month of discovery, is evaluated under regular income-counting rules in the month of discovery, and the asset is a resource subject to the resource-counting rules following the month of discovery.
 - a. The burden is on the individual to prove by clear and convincing evidence that the asset was unavailable by virtue of being unknown by the recipient.
 - b. Unknown assets shall not be deemed an overpayment pursuant to Section 8.065 of the Department's regulations where the asset was unknown through no fault of the individual.
 - c. If the previously unknown asset causes the individual to be ineligible, the individual may repay the Department from the excess resources to retain Medicaid eligibility.

8.100.5.F. Income Requirements

1. This section reviews how income is looked at for the ABD and Long Term Care Medical Programs and determining premiums for the Medicaid Buy-In Program for Working Adults with Disabilities. For more general income information and income types refer to the Medical Assistance General Eligibility Requirements section 8.100.3.
2. Income for the ABD Medical Programs eligibility is income which is received by an individual or family in the month in which they are applying for or receiving Medical Assistance, or the previous month if income for the current month is not yet available to determine eligibility.
3. A self-declared common law spouse retains the same financial responsibility as a legally married spouse. Once self-declared as married under the common law, financial responsibility remains unless legal separation or divorce occurs. If two persons live together, but are not married to each other, neither one has the legal responsibility to support the other. This is not changed by the fact that the unmarried individuals may share a common child.

4. Earned income is countable as income in the month received and a countable resource the following month. Earned Income includes the following:
- a. Wages, which include salaries, commissions, bonuses, severance pay, and any other special payments received because of employment.
 - b. Net earnings from self-employment
 - c. Payments for services performed in a sheltered workshop or work activities center
 - d. Certain Royalties and honoraria

5. Unearned income is the gross amount received in cash or kind that is not earned from employment or self-employment.

Unearned income is countable as income in the month received and any unspent amount is a countable resource the following month. Unearned income includes, but is not limited to, the following:

- a. Death benefits, reduced by the cost of last illness and burial
- b. Prizes and awards
- c. Gifts and inheritances
- d. Interest payments on promissory notes established on or after March 1, 2007.
- e. Interest or dividend payments received from any resources
- f. Lump sum payments from workers' compensation, insurance settlements, etc.
- g. Dividends, royalties or other payments from mineral rights or other resources listed for sale within the resource limits
- h. Income from annuities that meet requirements for exclusion as a resource
- i. Pensions and other period payments, such as:
 - i) Private pensions or disability benefits
 - ii) Social Security benefits (Retirement, survivors, and disability)
 - iii) Workers' Compensation payments
 - iv) Railroad retirement annuities
 - v) Unemployment insurance payments
 - vi) Veterans benefits other than Aid and Attendance (A&A) and Unusual Medical Expenses (UME).
 - vii) Alimony and support payments
- j. Support and maintenance in kind - The support and maintenance in kind amount should not be greater than one third of the Federal Benefit Rate (FBR). Use the Presumed

Maximum Value (PMV) of 1/3 of the recipient's portion of the rent to determine the support and maintenance in kind amount. Use one third of the FBR if an amount is not declared by the client.

6. For the purpose of determining eligibility for the Long Term Care and Aged, Blind, and Disabled Medical Assistance categories the following shall be exempt from consideration as either income or resources:
 - a. A bona fide loan. Bona fide loans are loans, either private or commercial, which have a repayment agreement. Declaration of such loans is sufficient verification.
 - b. Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act.
 - c. Title XVI (SSI) or Title II (Retirement Survivors or Disability Insurance) retroactive payments (lump sum) for nine months following receipt and the remainder countable as a resource thereafter.
 - d. The value of supplemental food assistance received under the special food services program for children provided for in the National School Lunch Act and under the Child Nutrition Act, including benefits received from the special supplemental food program for women, infants and children (WIC).
 - e. Home produce utilized for personal consumption.
 - f. Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act; relocation payments to a displaced homeowner toward the purchase of a replacement dwelling are considered exempt for up to 6 months.
 - g. The value of any assistance paid with respect to a dwelling unit is excluded from income and resources if paid under:
 - i) Experimental Housing Allowance Program (EHAP) payments made by HUD under section 23 of the U.S. Housing Act.
 - ii) The United States Housing Act of 1937 (§ 1437 et seq. of 42 U.S.C.)
 - iii) The National Housing Act (§ 1701 et seq. of 12 U.S.C.)
 - iv) Section 101 of the Housing and Urban Development Act of 1965 (§ 1701s of 12 U.S.C., § 1451 of 42 U.S.C.);
 - v) Title V of the Housing Act of 1949 (§ 1471 et seq. of 42 U.S.C.); or
 - vi) Section 202(h) of the Housing Act of 1959.
 - h. Payments made from Indian judgment funds and tribal funds held in trust by the Secretary of the Interior and/or distributed per capita; and initial purchases made with such funds. (Public Law No 98-64 and Public Law No. 97-458).
 - i. Distributions from a native corporation formed pursuant to the Alaska Native Claims Settlement Act (ANCSA) which are in the form of: cash payments up to an amount not to exceed \$ 2000 per individual per calendar year; stock; a partnership interest; or an interest in a settlement trust. Cash payments, up to \$ 2000, received by a client in one

calendar year which is retained into subsequent years is excluded as income and resources; however, cash payments up to \$ 2000 received in the subsequent year would be excluded from income in the month(s) received but counted as a resource if retained beyond that month(s).

- j. Assistance from other agencies and organizations.
- k. Major disaster and emergency assistance provided to individuals and families, and comparable disaster assistance provided to states, local governments and disaster assistance organizations shall be exempt as income and resources in determining eligibility for Medical Assistance.
- l. Payments received for providing foster care.
- m. Payments to volunteers serving as foster grandparents, senior health aids, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other program under Title I (VISTA) when the value of all such payments adjusted to reflect the number of hours such volunteers are serving is not equivalent to or greater than the minimum wage, and Title II and Title III of the Domestic Volunteer Services Act.
- n. The benefits provided to eligible persons or households through the Low Income Energy Assistance (LEAP) Program.
- o. Training allowances granted by the Workforce Investment Act (WIA) to enable any individual whether dependent child or caretaker relative, to participate in a training program
- p. Payments received from the youth incentive entitlement pilot projects, the youth community conservation and improvement projects, and the youth employment and training programs under the Youth Employment and Demonstration Project Act.
- q. Social Security benefit payments and the accrued amount thereof to a client when an individual plan for self-care and/or self-support has been developed. In order to disregard such income and resources, it shall be determined that (1) SSI permits such disregard under such developed plan for self-care-support goal, and (2) assurance exists that the funds involved will not be for purposes other than those intended.
- r. Monies received pursuant to the "Civil Liberties Act of 1988" P.L. No. 100-383, (by eligible persons of Japanese ancestry or certain specified survivors, and certain eligible Aleuts).
- s. Payments made from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No 381 (E.D.N.Y).
- t. A child receiving subsidized adoption funds shall be excluded from the Medical Assistance budget unit and his income shall be exempt from consideration in determining eligibility, unless such exclusion results in ineligibility for the other members of the household.
- u. The Earned Income Tax Credit (EIC). EIC shall also be exempt as resources for the month it is received and for the following month.

- v. Any money received from the Radiation Exposure Compensation Trust Fund, Including the Energy Employees Occupational Illness Compensation Program Act, pursuant to P.L. No. 101-426 as amended by P.L. No. 101-510.
- w. Reimbursement or restoration of out-of-pocket expenses. Out-of-pocket expenses are actual expenses for food, housing, medical items, clothing, transportation, or personal needs items.
- x. Payments to individuals because of their status as victims of Nazi persecution pursuant to Public Law No. 103-286.
- y. General Assistance, SSI, OAP-A and cash assistance under the Temporary Assistance to Needy Families (TANF) funds.
- z. All wages paid by the United States Census Bureau for temporary employment related to the decennial Census.
- aa. Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education (Basic Education Opportunity Grants, Supplementary Education Opportunity Grants, National Direct Student Loans and Guaranteed Student Loans), Pell Grant Program, the PLUS Program, the BYRD Honor Scholarship programs and the College Work Study Program.
- bb. Any portion of educational loans and grants obtained and used under conditions that preclude their use for current living cost (need-based).
- cc. Financial assistance received under the Carl D. Perkins Vocational and Applied Technology Education Act that is made available for attendance cost shall not be considered as income or resources. Attendance cost includes tuition, fees, rental or purchase of equipment, materials or supplies required of all students in the same course of study, books, supplies, transportation, dependent care and miscellaneous personal expenses of students attending the institution on at least a half-time basis, as determined by the institution.
- dd. The additional unemployment compensation of \$25 a week enacted through the American Recovery and Reinvestment Act of 2009.

8.100.5.G. Deeming Of Income And Resources For The OAP Program

- 1. All aliens who apply for OAP on or after April 16, 1988, for three years after the date of admission into the United States, shall have the income and resources of their sponsors other than relatives deemed for their care. Refer to the Medical Assistance General Eligibility Requirements section 8.100.3.K for specific information on deeming of income and resources.

8.100.5.H. Income Allocations and Disregards

- 1. The following income allocations and disregards are only applicable to SSI related, OAP, Medicare Savings Programs (MSP), and the Medicaid Buy-In Program for Working Adults with Disabilities.

These allocations and disregards are not applicable to the HCBS waivers or the LTC programs.

For the Medicaid Buy-In Program for Working Adults with Disabilities, the applicant's spouse's income does not count toward the applicant.

- a. Income of spouses living together is considered mutually available for SSI related, OAP, and Medicare Savings Programs (MSP).
 - b. For a person living in the household of another and not paying shelter costs, one third of the Federal Benefit Rate (FBR) is counted as in-kind income and is added to the countable income. This does not apply to unemancipated children.
2. For the purposes of this rule, the following definitions apply:
- a. unemancipated child is:
 - i) a child under age 18 who is living in the same household with a parent or spouse of a parent, or
 - ii) a child under age 21 who is living in the same household with a parent or spouse of a parent, if the child is regularly attending a school, college, or university, or is receiving technical training designed to prepare the child for gainful employment.
 - b. Ineligible child is a child who is not applying or eligible for SSI.
 - c. Ineligible parent/spouse is a parent or spouse who is not applying or eligible for SSI.
3. Countable income is calculated by reducing the gross income by the following allocations and disregards.
- a. Income allocations are the part of the gross income that is allocated to individuals in the home who are not eligible for Supplemental Security Income or Old Age Pension. The allocation reduces the gross income that is deemed available to the applicant/client. The allocation is deducted from the gross income prior to applying the other disregards.

The allocations are:

- i) An Ineligible Child Allocation is an amount equal to one half the current year's SSI FBR that is disregarded from the ineligible parents' gross income. This allocation is used to meet the needs of ineligible children in the household. This allocation is available for each ineligible child in the home. The amount of the allocation is reduced by any of the ineligible child's own income.
 - ii) An Ineligible Parent(s) Allocation is an amount equal to the current year's SSI FBR for a single individual or a couple, as applicable. This amount is used to meet the needs of the ineligible parent(s) in the home with an applicant/client child.
 - iii) No allocations are allowed for applicant/recipient spouses who do not have children in the home.
- b. Allocations are applied to the income in the following manner:
- i) Allocation disregards are deducted from unearned income before earned income.
 - ii) Ineligible child allocation disregards are deducted from parents' income before any standard disregards are applied.
 - iii) Ineligible parent(s) allocation disregards are deducted after any ineligible child allocation disregards and after the standard income disregards.

4. Income disregards

a. \$20 General Income Disregard

If there is unearned income left after the Ineligible Child and Parent(s) Allocation Disregards are applied, a General Income Disregard of \$20 shall be applied as follows:

- i) The first \$20 of total available unearned income (except for SSI income) must be disregarded. The remaining amount of unearned income is countable.
- ii) If the client has less than \$20 of unearned income, the difference between the gross unearned income and the \$20 deduction shall be applied as an earned income disregard, if applicable.
- iii) Only one \$20 general income disregard is allowed per couple and is divided between the two spouses. If one of the spouses has no income the other spouse shall get the full \$20 disregard.

b. \$65 Plus One Half Remainder Earned Income Disregard

- i) If there is earned income left after the Ineligible Child and Parent(s) Allocation Disregards are applied:
 - 1) Deduct the first \$65 of all earned income.
 - 2) Divide the remaining income in half.
 - 3) The result is the amount of earned income used for determining eligibility.

c. Child support received by an applicant/recipient child is reduced by one third of the total child support payment. This reduction does not apply to ineligible children when calculating the ineligible child allocation disregard.

d. The first \$400 of the gross monthly earned income is exempt for a blind or disabled child who is a student that is regularly attending school. The exemption cannot exceed \$1,620 in a calendar year.

e. Title 20 of the Code of Federal Regulations, § 416.1112 (2012) is hereby incorporated by reference into this rule. Such incorporation, however, excludes later amendments to or editions of the referenced material. These regulations are available for public inspection at the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

8.100.5.I. Determining Ownership of Income

1. If payment is made solely to one individual, the income shall be considered available income to that individual.
2. If payment is made to more than one individual, the income shall be considered available to each individual in proportion to their interests.
3. In case of a married couple in which there is no document establishing specific ownership interests, one-half of the income shall be considered available to each spouse.

4. Income from the Community Spouse's Monthly Income Allowance, as defined in the spousal protection rules in this volume at 8.100.7.R, is income to the community spouse.

8.100.5.J. Income-Producing Property

1. Net rental income from an exempt home or a life estate interest in an exempt home is countable after the following allowable deductions:
 - a. Property taxes and insurance
 - b. Necessary reasonable routine maintenance expenses
 - c. Reasonable management fee for a professional property manager.
2. Non-business property that is necessary to produce goods or services essential to self- support is excluded up to \$6,000.
3. Property used in a trade or business which is essential to self-support is excluded up to a limit of \$6,000 if it produces 6% return of the \$6,000 excluded value.

8.100.5.K. Department of Veterans Affairs (VA) Payments

The portion of the pension payments for Aid and Attendance (A&A) and Unusual Medical Expenses (UME), as determined by the VA, shall not be considered as income when determining eligibility.

1. The portion of the pension payments for Aid and Attendance (A&A) and Unusual Medical Expenses (UME), as determined by the VA, shall not be used as patient payment to the medical facility:
 - a. for a veteran or surviving spouse of a veteran in a medical facility other than State Veterans Home; or
 - b. for a veteran or surviving spouse of a veteran in a State Veterans Home with dependents.
2. For a veteran or surviving spouse of a veteran in a State Veterans Home with no dependents the portion of the pension payments for Aid and Attendance (A&A) and Unusual Medical Expenses (UME), as determined by the VA, shall be used as patient payment to the medical facility.

8.100.5.L. Reverse Mortgages

1. In accordance with C.R.S. § 11-38-110, reverse mortgages payments made to a borrower shall not be treated as income for eligibility purposes.
2. Funds remaining the following month after the payment is made will be countable as a resource.
3. Any payments from a reverse mortgage that are transferred to another individual without fair consideration shall be analyzed in accordance with the rules on transfers without fair consideration in the Long-Term Care section and may result in a penalty period of ineligibility.

8.100.5.M. Resource Requirements

1. Consideration of resources: Resources are defined as cash or other assets or any real or personal property that an individual or spouse owns. The resource limit for an individual is \$2,000. For a married couple, the resource limit is \$3,000. If one spouse is institutionalized, refer to Spousal Protection-Treatment of Income and Resources for Institutionalized Spouses. Effective

January 1, 2011, the resource limits for the Qualified Medicare Beneficiaries (QMB), Specified Low Income Medicare Beneficiaries (SLMB), and Qualified Individuals 1 (QI-1) programs are \$8,180 for a single individual and \$13,020 for a married individual living with a spouse and no other dependents. The resource limits for the QMB, SLMB, and QI programs shall be adjusted annually by the Centers for Medicare and Medicaid Services on January 1 of each year. These resource limits are based upon the change in the annual consumer price index (CPI) as of September of the previous year. Resources are not counted for the Medicaid Buy-In Program for Working Adults with Disabilities or the Medicaid Buy-In Program for Children with Disabilities.

2. The following resources are exempt in determining eligibility:

- a. A home, which is any property in which an individual or spouse of an individual has an ownership interest and which serves as the individual's principal place of residence. The property includes the shelter in which an individual resides, the land on which the shelter is located and related outbuildings.
 - i) Only one principal place of residence is excluded for a single individual or a married couple.
 - ii) The individual's ownership interest in the home must have an equity value that:
 - 1) From January 1, 2006 thru December 31, 2010 is \$500,000 or less, or;
 - 2) Is less than the amount that results from the year to year percentage increase to the \$500,000 limit. The increase is based upon the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000.
 - iii) If an individual or spouse of an individual owns a home of any value located outside Colorado, and if the individual intends to return to that home, then the individual does not meet the residency requirement for Colorado Medicaid eligibility.
 - iv) If an individual or spouse of an individual owns a home of any value located outside Colorado, and if the individual does not intend to return to that home, then the home is a countable resource unless the individual's spouse or dependent relative lives in the home.
 - v) If an individual or spouse of an individual owns a home located inside Colorado with an equity value lower than the limit in subparagraph (1), above, and if the individual intends to return to that home, then the home is considered an exempt resource if:
 - 1) The individual is institutionalized; and
 - 2) The intent to return home is documented in writing.
 - vi) If an individual or spouse of an individual owns a home with an equity value greater than the limit that is located inside Colorado, and if the individual intends to return to that home, then the home is considered to be a countable resource unless spouse or dependent relative lives in the home.
 - vii) If an individual or spouse of an individual owns a home of any value located inside Colorado, and if the individual does not intend to return to that home, then

the home is a countable resource unless spouse or dependent relative lives in the home.

- viii) If an individual or spouse moves out of his or her home without the intent to return, the home becomes a countable resource because it is no longer the individual's principal place of residence.
- ix) If an individual leaves his or her home to live in an institution, the home shall still be considered the principal place of residence, irrespective of the individual's intent to return as long as the individual's spouse or dependent relative continues to live there.
- x) The individual's equity in the former home becomes a countable resource effective with the first day of the month following the month it is no longer his or her principal place of residence.
- xi) The intent to return home applies to the home in which the individual or spouse of the individual was living prior to being institutionalized or to a replacement home as long as the individual's spouse or dependent relative continues to live in the home.
- xii) The intent to return home also applies if the individual is living in an assisted living facility or alternative care facility and receives HCBS while in that facility or transfers into a Long-Term Care institution to receive services.
- xiii) For an individual in a Long-Term Care institution, receiving HCBS, or enrolled in PACE, the exemption for the principal place of residence does not apply to a residence which has been transferred to a trust or other entity, such as a partnership or corporation.
 - 1) The exemption shall be regained if the residence is transferred back into the name of the individual.
- xiv) The principal place of residence, which is subject to estate recovery, becomes a countable resource upon the execution and recording of a beneficiary deed.

The exemption can be regained if a revocation of the beneficiary deed is executed and recorded.

- b. Excess property will not be included in countable resources as long as reasonable efforts to sell it have been unsuccessful. Reasonable efforts to sell means:
 - i.) The property is listed with a professional such as a real estate agent, broker, dealer, auction house, etc., at current market value.
 - ii) If owner listed, the property must be for sale at current market value, advertised and shown to the public.
 - iii) Any reasonable offer must be accepted.
 - iv) If an offer is received that is at least two-thirds of the current market value, that offer is presumed reasonable.

- v) The client must continue reasonable efforts to sell and must submit verification of these efforts to the Eligibility Site on a quarterly basis. Reasonable effort is at Eligibility Site discretion.
 - vi) If the exemption is used to become eligible under the Spousal Protection rules, the property shall continue to be viewed according to 8.100.7.L while efforts to sell it are being made.
 - vii) Eligibility under this exemption is conditional. Once the property sells, the client shall be ineligible until the resources are below the prescribed limit.
- c. One automobile is totally excluded regardless of its value if it is used for transportation for the individual or a member of the individual's household. An automobile includes, in addition to passenger cars, other vehicles used to provide necessary transportation.
- d. Household goods are not counted as a resource to an individual (and spouse, if any) if they are:
 - i) Items of personal property, found in or near the home, that are used on a regular basis; or
 - ii) Items needed by the household for maintenance, use and occupancy of the premises as a home.
 - iii) Such items include but are not limited to: furniture, appliances, electronic equipment such as personal computers and television sets, carpets, cooking and eating utensils, and dishes.
- e. Personal effects are not counted as a resource to an individual (and spouse, if any) if they are:
 - i) Items of personal property ordinarily worn or carried by the individual; or
 - ii) Articles otherwise having an intimate relation to the individual.
 - iii) Such items include but are not limited to: personal jewelry including wedding and engagement rings, personal care items, prosthetic devices, and educational or recreational items such as books or musical instruments.
 - iv) Items of cultural or religious significance to the individual and items required because of an individual's impairment are also not counted as a resource.
- f. The cash surrender value of all life insurance policies owned by an individual and spouse, if any, is exempt if the total face value of all life insurance policies does not exceed \$1,500 on any person. If the total face value of all the life insurance policies exceeds \$1,500 on one person, the cash surrender value of those policies will be counted.
- g. Term life insurance having no cash surrender value, and burial insurance, the proceeds of which can be used only for burial expenses, are not countable toward the resource limit.
- h. The total value of burial spaces for the applicant/recipient, his/her spouse and any other members of his/her immediate family is exempt as a resource. If any interest is earned on

the value of an agreement for the purchase of a burial space, such interest is also exempt.

- i. An applicant or recipient may own burial funds through an irrevocable trust or other irrevocable arrangement which are available for burial and are held in an irrevocable burial contract, an irrevocable burial trust, or in an irrevocable trust which is specifically identified as available for burial expenses without such funds affecting the person's eligibility for assistance.
- j. An applicant or recipient may also own up to \$1,500 in burial funds through a revocable account, trust, or other arrangement for burial expenses, without such funds affecting the person's eligibility for assistance. This exclusion only applies if the funds set aside for burial expenses are kept separate from all other resources not intended for burial of the individual or spouse's burial expenses. Interest on the burial funds is also excluded if left to accumulate in the burial fund. For a married couple, a separate \$1,500 exemption applies to each spouse.

The \$1,500 exemption is reduced by:

- i) the amount of any irrevocable burial funds such as are described in the preceding subparagraph, and
 - ii) the face value of any life insurance policy whose cash surrender value is exempt.
- k. Achieving a Better Life Experience (ABLE) Accounts.

3. Countable resources include the following:

- a. Cash;
- b. Funds held by a financial institution in a checking or savings account, certificate of deposit or money market account;
- c. Current market value of stocks, bonds, and mutual funds;
- d. All funds in a joint account are presumed to be a resource of the applicant or client. If there is more than one applicant or client account holder, it is presumed that the funds in the account belong to those individuals in equal shares. To rebut this presumption, evidence must be furnished that proves that some or all of the funds in a jointly held account do not belong to him or her. To rebut the sole ownership presumption, the following procedure must be followed:
 - i) Submit statements from all of the account holders regarding who owns the funds, why there is a joint account, who has made deposits and withdrawals, and how withdrawals have been spent.
 - ii) Submit account records showing deposits, withdrawals and interest in the months for which ownership of funds is at issue.
 - iii) Correct the account title and submit revised account records showing that the applicant or client is no longer an account holder or separate the funds to show they are solely owned by the individual within 45 days.
- e. Any real property that is subject to a recorded beneficiary deed and on which an estate recovery claim can be made.

- f. For applications filed on or after January 1, 2006, an individual's home if the individual's equity interest in the home exceeds the equity value limit described at 8.100.5.M.2.a.i)1).
- g. Real property not exempt as the principal place of residence and not exempt as income producing property with a value of \$6,000 or less, as described at 8.100.5.J.
- h. When the applicant alleges that the sale of real property would cause undue hardship to the co-owner due to loss of housing, all of the following information must be obtained:
 - i) The applicant or client's signed statement to that effect.
 - ii) Verification of joint ownership.
 - iii) A statement from the co-owner verifying the following:
 - 1) The property is used as his principal place of residence.
 - 2) The co-owner would have to move if the property were sold.
 - 3) The co-owner would be unable to buy the applicant or client's interest in the property.
 - 4) There is no other readily available residence because there is no other affordable housing available or no other housing with the necessary modifications for the co-owner if he is a person with disabilities.
- i. Personal property such as a mobile home or trailer or the like, that is not exempt as a principal place of residence or that is not income producing.
- j. Personal effects acquired or held for their value or as an investment. Such items can include but are not limited to: gems, jewelry that is not worn or held for family significance, or collectibles.
- k. The equity value of all automobiles that are in addition to one exempt vehicle.
- l. The cash surrender value of all life insurance policies owned by an individual and spouse is counted if the total face value of all the policies combined exceeds \$1,500 on any person.
- m. Promissory notes established before April 1, 2006 are treated as follows:
 - i) The fair market value of a promissory note, mortgage, installment contract or similar instrument is an available countable resource.
 - ii) In order to determine the fair market value, the applicant shall obtain three estimates of fair market value from a private note broker, who is engaged in the business of purchasing such notes. In order to obtain the estimates and locate willing buyers, the note shall be advertised in a newspaper with state wide circulation under business or investment opportunities.
 - iii) A note or similar instrument which transferred funds or assets for less than fair consideration shall be considered as a transfer for less than fair consideration and a period of ineligibility shall be imposed.

- n. Promissory notes established on or after April 1, 2006 and before March 1, 2007 are treated as follows:
- i) The value of a promissory note, loan or mortgage is an available countable resource unless the note, loan or mortgage:
 - 1) Has a repayment term that is actuarially sound based on the individual's life expectancy, found in the tables at 8.100.7.J, for annuities purchased on or after February 8, 2006;
 - 2) Provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made; and
 - 3) Prohibits the cancellation of the balance upon the death of the lender.
 - ii) The value of a promissory note, loan or mortgage which does not meet the criteria in outlined in 8.100.5.M.3.n.i)1)-3) is the outstanding balance due as of the date of the individual's application for HCBS, PACE or institutional services and is subject to the transfer of assets without fair consideration provisions as outlined in section 8.100.7.F.
- o. Promissory notes established on or after March 1, 2007 are treated as follows:
- i) The value of a promissory note, loan or mortgage is the outstanding balance due as of the date of the individual's application for HCBS, PACE or institutional services and is an available countable resource, and
 - ii) A promissory note, loan or mortgage which does not meet the following criteria shall be considered to be a transfer without fair consideration and shall be subject to the provisions outlined at 8.100.7.F.
 - 1) Has a repayment term that is actuarially sound based on the individual's life expectancy as found in the tables in section 8.100.7.J for annuities purchased on or after February 8, 2006;
 - 2) Provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made; and
 - 3) Prohibits the cancellation of the balance upon the death of the lender.
- p. Mineral rights represent ownership interest in natural resources such as coal, oil, or natural gas, which normally are extracted from the ground.
- i) Ownership of land and mineral rights. If the individual owns the land to which the mineral rights pertain, the current market value of the land generally includes the value of the mineral rights.
 - ii) If the individual does not own the land to which the mineral rights pertain, the individual should obtain a current market value estimate from a knowledgeable source. Such sources may include:
 - 1) any mining company that holds leases;
 - 2) the Bureau of Land Management;

- 3) the U.S. Geological Survey.

8.100.5.N. Treatment of Self-Funded Retirement Accounts

1. The following regulations apply to self-funded retirement accounts such as an Individual Retirement Account (IRA), Keogh Plan, 401(k), 403(b) and any other self-funded retirement account.
2. Self-funded retirement accounts in the name of the applicant are countable as a resource to the applicant.
3. Self-funded retirement accounts in the name of the applicant's spouse who is living with the applicant are exempt in determining eligibility for the applicant, except as set forth in 4. below.
4. Self-funded retirement accounts in the name of a community spouse who is married to an applicant who is applying for Long Term Care in a Long Term Care institution, HCBS or PACE, are countable as a resource to the applicant and may be included in the Community Spouse Resource Allowance (CSRA) up to the maximum amount allowable. The terms community spouse and CSRA are further defined in the regulations on Spousal Protection in this volume.
5. The value of a self-funded retirement account is determined as follows:
 - a. The gross value of the account, less any taxes due, is the amount that is countable as a resource, regardless of whether any monthly income is being received from the account.
 - b. If the applicant is not able to provide the amount of taxes that are due, the value shall be determined by deducting 20% from the gross value of the account.

8.100.5.O. Treatment of Inheritances

1. An inheritance is cash, other liquid resources, non-cash items, or any right in real or personal property received at the death of another.
2. If an Individual or individual's spouse is the beneficiary of a will, the inheritance is presumed to be available at the conclusion of the probate process or within 6 months if the estate is not in probate.
3. If an individual or individual's spouse is eligible for a family allowance in a probate proceeding, that allowance will be considered available three months after death or when actually available, whichever is sooner.
4. Evidence demonstrating that the inheritance is not available due to probate or other legal restrictions must be provided to rebut the presumption.

8.100.5.P. Treatment of Proceeds from Disposition of Resources

Treatment of proceeds from disposition of resources is determined as follows:

1. The net proceeds from the sale of exempt or non-exempt resources are considered available resources.
2. The net proceeds are the selling price less any valid encumbrances and costs of sale.
3. After deducting any amount necessary to raise the individual's and spouse's resources to the applicable limits, the balance of the net proceeds, in excess of the resource limits, shall be

considered available resources. In lieu of terminating eligibility due to excess resources, the client may request that the proceeds be used to reimburse the Medical Assistance Program for previous payments for Medical Assistance.

4. The proceeds from the sale of an exempt home will be excluded to the extent they are intended to be used and are, in fact, used to purchase another home in which the individual, a spouse or dependent child resides, within three months of the date of the sale of the home.

8.100.6 Aged, Blind, and Disabled Medical Assistance Eligibility

8.100.6.A. Aged, Blind, and Disabled (ABD) General Information

1. Medical Assistance for ABD includes SSI eligible individuals, OAP recipients, and the Medicare Savings Program (MSP) individuals. Refer to section 8.100.5 of this volume for income and resource criteria for these categories of assistance.

8.100.6.B. Disability Determinations

1. Beginning on July 1, 2001, the Department or its contractor shall determine whether the client is disabled or blind in accordance with the requirements and procedures set forth elsewhere in this volume and according to Federal regulations regarding disability determinations.
2. A client who disagrees with the decision on disability or blindness shall have the right to appeal that decision to a state-level fair hearing in accordance with the procedures at 8.057.

8.100.6.C. SSI Eligibles

1. Benefits of the Colorado Medical Assistance Program must be provided to the following:
 - a. persons receiving financial assistance under SSI;
 - b. persons who are eligible for financial assistance under SSI, but are not receiving SSI;
 - c. persons receiving SSI payments based on presumptive eligibility for SSI pending final determination of disability or blindness; and persons receiving SSI payments based on conditional eligibility for SSI pending disposal of excess resources.
2. The Department has entered into an agreement with SSA in which SSA shall determine Medical Assistance for all SSI applicants. Medical Assistance shall be provided to all individuals receiving SSI benefits as determined by SSA to be eligible for Medical Assistance.
3. The eligibility sites shall have access to a weekly unmatched listing of all individuals newly approved and a weekly SSI-Cases Denied or Discontinued listing. These lists shall include the necessary information for the eligibility site to authorize Medical Assistance.
4. Medical Assistance shall not be delayed due to the necessity to contact the SSI recipient and obtain third party medical resources.
5. Notification shall be sent to the SSI recipient advising him/her of the approval of Medical Assistance.

6. The SISC Code for this type of assistance is B.
7. Denied or terminated Medical Assistance based on a denial or termination of SSI which is later overturned, must be approved from the original SSI eligibility date.
8. Individuals who remain eligible as SSI recipients but are not receiving SSI payments shall receive Medical Assistance benefits. This group includes persons whose SSI payments are being withheld as a means of recovering an overpayment, whose checks are undeliverable due to change of address or representative payee, and persons who lost SSI financial assistance due to earned income.
9. If the eligibility site obtains information affecting the eligibility of these SSI recipients, they shall forward such information to the local Social Security office.
10. For individuals under 21 years of age who are eligible for or who are receiving SSI, the effective date of Medicaid eligibility shall be the date on which the individual applied for SSI or the date on which the individual became eligible for SSI, whichever is later.
 - a. Special Provisions for Infants
 - i) For an infant who is eligible for or who is receiving SSI, the effective date of Medicaid eligibility shall be the infant's date of birth if:
 - 1) the infant was born in a hospital;
 - 2) the disability onset date, as reported by the Social Security Administration, occurred during the infant's hospital stay; and
 - 3) the infant's date of birth is within three (3) months of the date on which the infant became eligible for SSI

8.100.6.D. Pickle Amendment

1. Beginning July 1977, Medical Assistance must be provided to an individual if their countable income is below the current years SSI standard after a cost of living adjustment (COLA) disregard is applied to their OASDI (excluding Railroad Retirement Benefits) and they meet all other eligibility criteria. This is referred to as Pickle Disregard.
2. The Pickle Disregard applies to an individual who:
 - a. lost SSI and/or OAP because of a cost of living adjustment to his/her own OASDI benefits.
 - b. lost SSI and/or OAP because a cost of living adjustment to OASDI income deemed from a parent or spouse.
 - c. lost OAP and/or SSI due to the receipt of, or increase to, OASDI, and would be eligible for OAP and/or SSI if all COLA'S on the amount that caused them to lose eligibility is disregarded from their current OASDI amount.

8.100.6.E. Pickle Determination

1. To determine eligibility of Medical Assistance recipients to whom the Pickle disregards apply, the eligibility site must:

- a. establish whether the person was eligible for SSI or OAP and, for the same month, was entitled to OASDI;
 - b. determine the previous amount of the OASDI that caused them to lose SSI and/or OAP;
 - c. determine the current OASDI income;
 - d. subtract the previous OASDI income from the current OASDI income to find the cumulative OASDI COLAs since SSI and/or OAP was lost. This is the Pickle Disregard amount;
 - e. subtract the Pickle Disregard amount from the current OASDI income to get the countable OASDI income.
2. If the countable OASDI income and all other countable income is less than the current SSI or OAP standard, and the individual meets all other eligibility criteria then medical eligibility must continue or be reinstated.
 3. This disregard must also be applied to any OASDI cost of living increases paid to any financially responsible individual such as a parent or spouse whose income is considered in determining the person's continued eligibility for Medical Assistance.
 4. The cost of living increase disregard specified in the preceding action must continue to be applied at each eligibility redetermination.
 5. An SSI medical only individual who loses SSI due to an OASDI cost-of-living increase shall be contacted by the eligibility site to determine if the individual would continue to remain eligible for Medical Assistance under the provisions for SSI related cases. The individual must complete an application for assistance to continue receiving benefits.

8.100.6.F. 1972 Disregard Individuals

1. Medical Assistance must be provided to a person who was receiving financial assistance under AND or Aid to the Blind (AB) for August 1972 and who – except for the October 1972 Social Security (includes RRB) 20% increase amount would currently be eligible for financial assistance. This disregard must also be applied to a person receiving Medical Assistance in August 1972 who was eligible for financial assistance but was not receiving the money payment and to a person receiving Medical Assistance as a resident in a medical institution in August 1972.
2. To redetermine the eligibility of Medical Assistance recipients to whom the 1972 disregard applies, the eligibility site must:
 - a. review the case against the current applicable program definitions and requirements;
 - b. apply the resource and income criteria specified in section 8.100.5;
 - c. subtract the 1972 disregard amount from the income;
 - d. consider the remainder against the current appropriate SSI benefit level.

8.100.6.G. Individuals Eligible in 1973

1. Medical Assistance must be provided to ABD persons who are receiving mandatory state supplementary payments (SSP). Such persons are those with income below their December 1973 minimum income level (MIL).

2. Medical Assistance must be provided to a person who was eligible for Medical Assistance in December 1973 as an inpatient of a medical facility, who continues to meet the December 1973 eligibility criteria for institutionalized persons and who remains institutionalized.
3. Medical Assistance must be provided to a person who was eligible for Medical Assistance in December 1973 as an "essential spouse" of an AND or AB financial assistance recipient, and who continues to be in the grant and continues to meet the December 1973 eligibility criteria. Except for such persons who were grandfathered-in for continued assistance, essential spouses included in assistance grants after December 1973 are not eligible for Medical Assistance.

8.100.6.H. Eligibility for Certain Disabled Widow(er)s

1. Medical Assistance shall be provided retroactive to July 1, 1986, to qualified disabled widow(er)s who lost SSI and/or state supplementation due to the 1983 change in the actuarial reduction formula prescribed in section 134 of P.L. No. 98 21.

In order for these widow(er)s to qualify, these individuals must:

- a. have been continuously entitled to Title II benefits since December 1983;
- b. have been disabled widow(er)s in January 1984;
- c. have established entitlement to Title II benefits prior to age 60;
- d. have been eligible for SSI/SSP benefits prior to application of the revised actuarial reduction formula;
- e. have subsequently lost eligibility for SSI/SSP as a result of the change in the actuarial table; and
- f. reapply for assistance prior to July 1, 1987.

8.100.6.I. Eligibility for Disabled Widow(er)s

1. Effective January 1, 1991, Medical Assistance shall be provided to disabled widow(er)s age 50 through 64 who lost SSI and/or OAP due to the receipt of Social Security benefits as a disabled widow(er). The individual shall remain eligible for Medical Assistance until he/she becomes eligible for Part A of Medicare (hospital insurance).

To qualify these individuals must:

- a. be a widow(er);
- b. have received SSI in the past;
- c. be at least 50 years old but not 65 years old;
- d. no longer receive SSI payments because of Social Security payments;
- e. not have hospital insurance under Medicare; and,
- f. meet all other Medical Assistance requirements.

8.100.6.J. Disabled Adult Children

1. Medical Assistance shall be provided to an individual aged 18 or older who loses SSI due to the receipt of OASDI drawn from his/her parents' Social Security Number; and:
 - a. who was determined disabled prior to the age of 22; and
 - b. who is currently receiving OASDI income as a Disabled Adult Child; and
 - c. who would continue to be eligible for SSI if:
 - i) the current OASDI income of the applicant is disregarded; and
 - ii) the resources are below the applicable limit as listed at 8.100.5.M; and
 - iii) other countable income is below the current years SSI FBR.
2. Disabled Adult Children are identified by the OASDI Beneficiary Identification Code (BIC) of "C".

8.100.6.K. Old Age Pension (OAP) Eligibles

1. Individuals that are 65 and over are defined as the OAP-A category. Individuals who attain the age of 60 but not yet 65 are defined as the OAP-B category.
2. Medical Assistance must be provided to persons receiving OAP-A or OAP-B and SSI (SISC B).
3. Medical Assistance must be provided to all OAP-A and OAP-B persons who also meet SSI eligibility criteria but are not receiving a money payment (SISC-B).
4. Medical Assistance must be provided to all OAP-A and OAP-B persons who also meet SSI eligibility criteria except for the level of their income (SISC-B).
5. Medical Assistance must be provided to persons in a facility eligible for Medical Assistance reimbursement whose income is under 300% of the SSI benefit level and who, but for the level of their income, would be eligible for OAP "A" or OAP "B" and SSI financial assistance. This group includes persons 65 years of age or older receiving active treatment as inpatients in a psychiatric facility eligible for Medical Assistance reimbursement (SISC A). This population is referenced as Psych >65.
6. The OAP B individual included in AFDC assistance unit shall receive Medical Assistance as a member of the AFDC household (SISC B).
7. The OAP State Only Medical Assistance Program provides Medical Assistance to OAP-A, OAP-B or OAP Refugees who lost their OAP financial assistance because of a cost of living adjustment other than OASDI. Examples of other sources of income are VA, RRB, PERA, etc. (SISC C).
8. For the purpose of identifying the proper SISC code for persons receiving assistance under OAP "A" or OAP "B", if the person:
 - a. receives an SSI payment (SISC B);
 - b. does not receive an SSI payment but is receiving assistance under OAP "A", a second evaluation of resources must be made using the same resource criteria as specified in section 8.100.5.M for those who meet this criteria the SISC code is B for money payment and "disregard" case, A for institutional cases;

- c. does not receive an SSI payment and does not otherwise qualify under SISC code B or A as described in item b. above (SISC C).

8.100.6.L. Qualified Medicare Beneficiaries (QMB)

1. Medical Assistance coverage for QMB clients is payment of Medicare part B premiums, co-insurance and deductibles.
2. Effective July 1, 1989, a Qualified Medicare Beneficiary is an individual who:
 - a. is entitled to Part A Medicare; and
 - b. resources may not exceed the standard for an individual or couple who have resources, as described in section 8.100.5.M; and
 - c. has income at or below the percentage of the federal poverty level for the size family as mandated for QMB by federal regulations. Poverty level is established by the Executive Office of Management and Budget.
3. For QMB purposes, couples shall have their income compared against the federal poverty level couples income maximum. This procedure shall be applied whether one or both members apply for QMB.
4. For QMB purposes, income of the applicant and/or the spouse shall be determined as described under Income Requirements in section 8.100.5. If two or more individuals have earned income, the income of all the individuals shall be added together and the \$65 plus one half remainder earned income disregard shall be applied to the total amount of earned income.
5. Medicare cost sharing expenses must be provided to qualified Medicare beneficiaries. This limited Medical Assistance package of Medicare cost sharing expenses only includes:
 - a. payment of Part A Medicare premiums where applicable;
 - b. payment of Part B Medicare premiums; and
 - c. payment of coinsurance and deductibles for Medicare services whether or not a benefit of Medical Assistance up to the full Medicare rate or reasonable rates as established in the State Plan.
6. Individuals may be QMB recipients only or the individual may be classified as a dual eligible. A dual eligible is a Medicare recipient who is otherwise eligible for Medical Assistance.
7. A QMB-only recipient is an individual who is not eligible for other categorical assistance program due to their income and/or resources but who meets the eligibility criteria for QMB described above.
8. Individuals who apply for QMB assistance have the right to have their eligibility determined under all categories of assistance for which they may qualify.
9. All other general non-financial requirements or conditions of eligibility must also be met such as age, citizenship, residency requirements as well as reporting and redetermination requirements. These criteria are defined in section 8.100.3 of this volume.
10. Eligibility for QMB benefits shall be effective the month following the month of determination. Beneficiaries who submit and complete an application within the 45-day standard shall be eligible

for benefits no later than the first of the month following the 45th day of application. Administrative delays shall not postpone the effective date of eligibility.

11. QMB benefits are not retroactive and the three month retroactive Medical Assistance rule does not apply to QMB benefits.
12. Clients who would lose their QMB entitlement due to annual social security COLA will remain eligible for QMB coverage under Medical Assistance, as income disregard cases, until the next year's federal poverty guidelines are published.

8.100.6.M. Specified Low Income Medicare Beneficiaries

1. Medical Assistance coverage for SLMB clients is limited to payment of monthly Medicare Part B (Supplemental Medical Insurance Benefits) premiums.
2. Effective January 1, 1993, a Specified Low Income Medicare Beneficiary (SLMB) is an individual who:
 - a. is entitled to Medicare Part A;
 - b. resources may not exceed the standard for an individual or couple who has resources as described in section 8.100.5.M of this volume.
 - c. has income at or below a percentage of the federal poverty level for the family size as mandated by federal regulations for SLMB. Income limits have been defined through CY 1995, as follows: CY 1993 and 1994 100-110% of FPL, CY 1995 100-120% of FPL.
3. For SLMB purposes, couples shall have their income compared against the federal poverty level couples income maximum. This procedure shall be applied whether one or both members apply for SLMB.
4. For SLMB purposes, income of the applicant and/or the spouse shall be determined as described under Income Requirements in section 8.100.5. If two or more individuals have earned income, the income of all the individuals shall be added together and the \$65 plus one half remainder earned income disregard shall be applied to the total amount of earned income.
5. SLMB eligibility starts on the date of application or up to three month prior to the application date for retroactive Medical Assistance.
6. Eligibility may be made retroactive up to 90 days, but may not be effective prior to 1/1/93.
7. Clients who would lose their SLMB entitlement due to annual SSA COLA will remain eligible for SLMB coverage, as income disregard cases, through the month following the month in which the annual federal poverty levels (FPL) update is published.

8.100.6.N. Medicare Qualifying Individuals 1 (QI1)

1. Medical Assistance coverage is limited to monthly payment of Medicare Part B premiums. Payment of the premium shall be made by the Department on behalf of the individual.
2. Eligibility for this benefit is limited by the availability of the allocation set by CMS. Once the state allocation is met, no further benefits under this category shall be paid and a waiting list of eligible individuals shall be maintained.

3. Eligibility for QI1 benefits shall be effective the month in which application is made and the individual is eligible for benefits. Eligibility may be retroactive up to three months from the date of application, but not prior to January 1, 1998.
4. In order to qualify as a Medicare Qualifying Individual 1, the individual must meet the following:
 - a. be entitled to Part A of Medicare,
 - b. income of at least 120%, but less than 135% of the FPL.
 - c. resources may not exceed the standard as described in section 8.100.5.M, and
 - d. he/she cannot otherwise be eligible for Medical Assistance.
5. For QI1 purposes, income of the applicant and/or the spouse shall be determined as described under Income Requirements in section 8.100.5. If two or more individuals have earned income, the income of all the individuals shall be added together and the \$65 plus one half remainder earned income disregard shall be applied to the total amount of earned income.
6. Clients who would lose QI-1 entitlement due to annual social security COLA will remain eligible for QI-1 coverage under Medical Assistance, as an income disregard case, until the next year's federal poverty guidelines are published.

8.100.6.O. Qualified Disabled And Working Individuals

1. Medical Assistance coverage is limited to monthly payment of Medicare Part A premiums, and any other Medicare cost sharing expenses determined necessary by CMS.
2. Effective July 1, 1990, a Qualified Disabled and Working Individual (QDWI) is an individual who:
 - a. was a recipient of federal Social Security Disability Insurance (SSDI) benefits, who continues to be disabled but lost SSDI entitlement due to earned income in excess of the Social Security Administration's Substantial Gainful Activity (SGA) threshold, and;
 - b. has exhausted SSA's allowed extension of "premium free" Medicare Part A coverage under SSDI, and;
 - c. has resources at or below twice the SSI resource limit as described in section 8.100.5., and;
 - d. has income less than 200% of FPL.
3. For QDWI purposes, income of the applicant and/or the spouse shall be determined as described under Income Requirements in section 8.100.5. If two or more individuals have earned income, the income of all the individuals shall be added together and the \$65 plus one half remainder earned income disregard shall be applied to the total amount of earned income.
4. An individual may be eligible under this section only if he/she is not otherwise eligible under another Medical Assistance category of eligibility.
5. Eligibility for QDWI benefits shall be effective the month of determination of entitlement.
6. Eligibility may be retroactive only to the date as of which SSA approves an individual's application for coverage as a "Qualified Disabled and Working Individual". However, eligibility may not begin prior to 07/01/90.

8.100.6.P. Medicaid Buy-In Program for Working Adults with Disabilities.

1. To be eligible for the Medicaid Buy-In Program for Working Adults with Disabilities:
 - a. Applicants must be at least age 16 but less than 65 years of age.
 - b. Income must be less than or equal to 450% of FPL after income allocations and disregards. See 8.100.5.F for Income Requirements and 8.100.5.H for Income allocations and disregards. Only the applicant's income will be considered.
 - c. Resources are not counted in determining eligibility.
 - d. Individuals must have a disability as defined by Social Security Administration medical listing or a limited disability as determined by a state contractor.
 - e. Individuals must be employed. Please see Verification Requirements at 8.100.5.B.1.c.
 - i) Due to the federal COVID-19 Public Health Emergency, and required by the Federal CARES Act for the Maintenance of Effort (MOE), members who had a loss of employment will remain in the Buy-In program until the end of the federal Public Health Emergency. At the end of the federal Public Health Emergency, members will be redetermined based on their current employment status. New applicants enrolled will still need to meet the work requirement.
 - f. Individuals will be required to pay monthly premiums on a sliding scale based on income.
 - i) The amount of premiums cannot exceed 7.5% of the individual's income.
 - ii) Premiums are charged beginning the month after determination of eligibility. Any premiums for the months prior to the determination of eligibility will be waived.
 - iii) Premium amounts are as follows:
 - 1) There is no monthly premium for individuals with income at or below 40% FPL.
 - 2) A monthly premium of \$25 is applied to individuals with income above 40% of FPL but at or below 133% of FPL.
 - 3) A monthly premium of \$90 is applied to individuals with income above 133% of FPL but at or below 200% of FPL.
 - 4) A monthly premium of \$130 is applied to individuals with income above 200% of FPL but at or below 300% of FPL.
 - 5) A monthly premium of \$200 is applied to individuals with income above 300% of FPL but at or below 450% of FPL./
 - iv) The premium amounts will be updated at the beginning of each State fiscal year based on the annually revised FPL if the revised FPL would cause the premium amount (based on percentage of income) to increase by \$10 or more.

- v) A change in client net income may impact the monthly premium amount due. Failure to pay premium payments in full within 60 days from the premium due date will result in client's assistance being terminated prospectively. The effective date of the termination will be the last day of the month following the 60 days from the date on which the premium became past due.
 - vi) Due to the federal COVID-19 Public Health Emergency, the Department will waive premiums for the Medicaid Buy-In for Working Adults with Disability Program during the federal COVID-19 emergency declaration. Once the federal emergency declaration has concluded, the Department will notify all members as to when required premiums will resume.
- 2. Retroactive coverage is available according to 8.100.3.E, however is not available prior to program implementation
- 3. Individuals have the option to request to be disenrolled if they have been enrolled into the Medicaid Buy-In Program for Working Adults with Disabilities. This is also called "opt out."

8.100.6.Q. Medicaid Buy-In Program for Children with Disabilities

- 1. To be eligible for the Medicaid Buy-In Program for Children with Disabilities:
 - a. Applicants must be age 18 or younger.
 - b. Household income will be considered and must be less than or equal to 300% of FPL after income disregards. The following rules apply:
 - i) 8.100.4.E - MAGI Household Requirements
 - ii) 8.100.5.F - Income Requirements
 - iii) 8.100.5.F.6 - Income Exemptions
 - iv) An earned income of \$90 shall be disregarded from the gross wages of each individual who is employed
 - v) A disregard of a 33% (.3333) reduction will be applied to the household's net income.
 - c. Resources are not counted in determining eligibility.
 - d. Individuals must have a disability as defined by Social Security Administration medical listing.
 - e. Children age 16 through 18 cannot be employed. If employed, children age 16 through 18 shall be determined for eligibility through the Medicaid Buy-In Program for Working Adults with Disabilities.
 - f. Families will be required to pay monthly premiums on a sliding scale based on household size and income.
 - i) For families whose income does not exceed 200% of FPL, the amount of premiums and cost-sharing charges cannot exceed 5% of the family's adjusted gross income. For families whose income exceeds 200% of FPL but does not

exceed 300% of FPL, the amount of premiums and cost-sharing charges cannot exceed 7.5% of the family's adjusted gross income.

- ii) Premiums are charged beginning the month after determination of eligibility. Any premiums for the months prior to the determination of eligibility will be waived.
- iii) For households with two or more children eligible for the Medicaid Buy-In Program for Children with Disabilities, the total premium shall be the amount due for one eligible child.
- iv) Premium amounts are as follows:
 - 1) There is no monthly premium for households with income at or below 133% of FPL.
 - 2) A monthly premium of \$70 is applied to households with income above 133% of FPL but at or below 185% of FPL.
 - 3) A monthly premium of \$90 is applied to individuals with income above 185% of FPL but at or below 250% of FPL.
 - 4) A monthly premium of \$120 is applied to individuals with income above 250% of FPL but at or below 300% of FPL.
- v) The premium amounts will be updated at the beginning of each State fiscal year based on the annually revised FPL if the revised FPL would cause the premium amount (based on percentage of income) to increase by \$10 or more.
- vi) A change in household net income may impact the monthly premium amount due. Failure to pay premium payments in full within 60 days from the premium due date will result in client's assistance being terminated prospectively. The effective date of the termination will be the last day of the month following the 60 days from the date on which the premium became past due.
- vii) Due to the federal COVID-19 Public Health Emergency, the Department will waive premiums for the Department's Children with Disabilities Program during the federal emergency declaration. Once the federal emergency declaration has concluded, the Department will notify all members as to when required premiums will resume.

- 2. Retroactive coverage is available according to 8.100.3.E, however is not available prior to program implementation.
- 3. Verification requirements will follow the MAGI Category Verification Requirements found at 8.100.4.B.
- 4. Individuals have the option to request to be disenrolled if they have been enrolled into the Medicaid Buy-In Program for Children with Disabilities. This is also called "opt out."

8.100.7 Long-Term Care Medical Assistance Eligibility

8.100.7.A. Persons in Long-Term Care Institutions or Other Residential Placement

- 1. For Long-Term Care services to be covered in a Long-Term Care institution, a client must be determined eligible under the 300% Institutionalized Special Income category. If the client is

already Medicaid eligible, a new application is not required but the client must be determined to meet the eligibility criteria.

For a client entering a Long-Term Care Institution from the community, the Eligibility Site must notify the Single Entry Point/Case Management Agency, upon receipt of the application or client request, to schedule the institutional level of care assessment. This is not applicable to a client being discharged from a hospital, nursing facility or Long-Term Home Health.

For purposes of applying the special income standard for the aged, disabled or blind persons in Long-Term Care Institutions, gross income means income before application of deductions, exemptions or disregards appropriate to the SSI program.

Medical Assistance will be provided beginning the first day of the month following the month during which a child under the age of 18 ceases to live with his or her parent(s). Once determined to meet the institutional requirement, parental income and resources will cease to be deemed available to the child because the child is institutionalized and not living in the parents' home.

2. Eligibility under the 300% Institutionalized Special Income category will be provided to applicants who:
 - a. Have attained the age of 65 years or;
 - b. Have met the requirements according to the definition of disability or blindness applicable to the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI)
 - c. Have been institutionalized for at least 30 consecutive full days in a Long-Term Care institution. The 30 consecutive full day stay may be a combination of days in a hospital, Long-Term Care institution, or receiving services from a Home and Community Based Services (HCBS) program or Program of All Inclusive Care for the Elderly (PACE).

Supporting documentation must be provided which verifies the 30 consecutive full days. This documentation shall include the ULTC 100.2 and/or medical records which must be verified by a physician or case manager.

If a client dies prior to the 30th consecutive full day, the client shall be determined to have met the 30 consecutive full day requirement if:

- i) There is a statement from a physician, or case manager that declares if the client had not died, he/she would have been institutionalized for 30 consecutive full days, and;
 - ii) The statement is verified by supporting documentation from the beginning of the institutionalized period, which is the first 15 days, or prior to the death of the client, whichever is earliest.
 - iii) Once the 30 consecutive days of institutionalization requirement has been met, Medical Assistance benefits start as of the first day when institutionalization began if all other eligibility requirements were met as of that date.
 - d. Are in a facility eligible for Medical Assistance Program reimbursement if the individual is in a hospital or Long-Term Care institution; and
 - e. Have gross income that does not exceed 300% of the current individual SSI benefit level or;

Are in a Long-Term Care institution (excluding hospital) whose gross income exceeds the 300% level and who establishes an income trust in accordance with the rules on income trusts in section 8.100.7 of this volume;

- i) This special income standard must be applied for:
 - 1) A person 65 years of age or older, or disabled or blind receiving care in a hospital, nursing facility; or
 - 2) A person who is not SSI eligible needing Long-Term Care from HCBS or PACE; or
 - 3) A person 65 years of age or older receiving active treatment as an inpatient in a psychiatric facility eligible for Medical Assistance reimbursement; and
 - f. Have resources that conform with the regulations regarding resource limits and exemptions set forth in section 8.100.5 of this volume; and
 - g. If married, Income and resources conform to rules set forth at 8.100.7.C and 8.100.7.K; and
 - h. Have not transferred assets without fair consideration on or after the look-back date defined in section 8.100.7.F.2.d. which would incur a penalty period of ineligibility in accordance with the regulations on transfers without fair consideration in section 8.100.7 of this volume; and
 - i. Have submitted trust documents to the Department if the individual or the individual's spouse has transferred assets into a trust or is a beneficiary of trust. The Department shall determine the effect of the trust on Medical Assistance Program eligibility.
 - j. Have submitted documents verifying that an annuity conforms to the regulations regarding Annuities at 8.100.7.I.
3. An appeal process is available to children identified by C.R.S. 27-10.3-101 to 108, The Child Mental Health Treatment Act, who are denied residential treatment. The appeal process is outlined in the Income Maintenance Staff Manual of the Department of Human Services (9 CCR 2503-1). A determination made in connection with this appeal shall not be the final agency action with regard to Medical Assistance eligibility

8.100.7.B. Persons Requesting Long-term Care through Home and Community Based Services (HCBS) or the Program of All Inclusive Care for the Elderly (PACE)

- 1. HCBS or PACE shall be provided to persons who have been assessed by the Single Entry Point/Case Management Agency to have met the functional level of care and will remain in the community by receiving HCBS or PACE; and
 - a. are SSI (including 1619b) or OAP Medicaid eligible; or
 - b. are eligible under the Institutionalized 300% Special Income category described at 8.100.7.A; or
 - c. are eligible under the Medicaid Buy-In Program for Working Adults with Disabilities described at 8.100.6.P. For this group, access to HCBS:

- i) Is limited to the Elderly, Blind and Disabled (EBD), Community Mental Health Supports (CMHS), Brain Injury (BI), Spinal Cord Injury (SCI) and Supported Living Services (SLS) waivers; and
 - ii) Is contingent on the Department receiving all necessary federal approval for the waiver amendments that extend access to HCBS to the Working Adults with Disabilities population described at 8.100.6.P.
- 2. A client who is already Medicaid eligible does not need to submit a new application. The client must request the need for Long-Term Care services and the Eligibility Site must redetermine the client's eligibility.
 - a. All individuals applying for or requesting Long-Term Care services must disclose and provide documentation of:
 - i) any transfer of assets without fair consideration as described at 8.100.7.F; and
 - ii) any interest in an annuity as described at 8.100.7.I; and
 - iii) any interest in a trust as described at 8.100.7.E.
 - b. Failure to disclose and provide documentation of the assets described at 8.100.7.B.2.a may result in the denial of Long-Term Care services.
 - c. The requirements at 8.100.7.B.2.a and 8.100.7.B.2.b do not apply to individuals who have been determined eligible under the Medicaid Buy-In Program for Working Adults with Disabilities described at 8.100.6.P.
- 3. For individuals served in Alternative Care Facilities (ACF), income in excess of the personal needs allowance and room and board amount for the ACF shall be applied to the Medical Assistance charges for ACF services. The total amount allowed for personal need and room and board cannot exceed the State's Old Age Pension Standard.

8.100.7.C. Treatment of Income and Resources for Married Couples

- 1. The income of a community spouse is not deemed to the institutionalized spouse in determining eligibility. If both spouses are institutionalized, their individual income is counted in determining their own eligibility. The income of one institutionalized spouse is not deemed to the other institutionalized spouse when determining eligibility.
- 2. The income and resources of both spouses are counted in determining eligibility for either or both spouses with the following exceptions:
 - a. If spouses share the same room in an institution, the income of the individual spouse is counted in determining his or her eligibility, and each spouse is allowed the \$2000 limit for resources.
 - b. Beginning the first month following the month the couple ceases to live together, only the income of the individual spouse is counted in determining his or her eligibility.
 - c. If one spouse is applying for Long-Term Care in a Long-Term Care institution or Home and Community Based Services (HCBS), refer to the rules on Treatment of Income and Resources for Institutionalized Spouses.

3. Long term care insurance benefits are not countable as income, but are payable as part of the patient payment to the Long-Term Care institution.
4. For living expense purposes, income and resources of spouses living in the same household for a full calendar month or more must be considered as available to each other, whether or not they are actually contributed, and must be evaluated in accordance with rules contained in 8.100.7.Q.

Long-Term Care

8.100.7.D. Other Medical Assistance Clients Requesting Long-Term Care in an Institution or through HCBS or PACE

Clients who need Long-Term Care services who are eligible for the State Only Health Care Program shall submit an application because they are not already Medicaid eligible.

8.100.7.E Consideration of Trusts in Determining Medical Assistance Eligibility

1. Trusts established before August 11, 1993:
 - a. Medical Assistance Qualifying Trust (MQT)
 - i) In the case of a Medical Assistance qualifying trust, as defined in 42 U.S.C. Sec. 1396a(k), the amount of the trust property that is considered available to the applicant/recipient who established the trust (or whose spouse established the trust) is the maximum amount that the trustee(s) is permitted under the trust to distribute to the individual assuming the full exercise of discretion by the trustee(s) for the distribution of the maximum amount to the applicant/recipient. This amount of property is deemed available resources to the individual, whether or not is actually received.
 - ii) 42 U.S.C. Sec. 1396a(k) was repealed in 1993 and is reprinted here exclusively for purposes of trusts established before August 11, 1993. 42 U.S.C. Sec. 1396a(k) defines a Medical Assistance qualifying trust as "a trust, or similar legal device, established (other than by will) by an individual (or an individual's spouse) under which the individual may be the beneficiary of all or part of the payments from the trust and the distribution of such payments is determined by one or more trustees who are permitted to exercise any discretion with respect to the distribution to the individual."
 - b. This provision does not apply to any trust or initial decrees established before April 7, 1986, solely for the benefit of a developmentally disabled individual who resides in an Long Term Care Institution for the developmentally disabled.
 - c. This provision does not apply to individuals who are receiving SSI.
2. Trusts established on or after July 1, 1994:

Assets include all income and resources of the individual and the individual's spouse, including all income and resources which the individual or the individual's spouse is entitled to but does not receive because of action by any of the following:

 - a. The individual or the individual's spouse,

- b. A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse, or
 - c. Any person court or administrative body acting at the direction of or upon the request of the individual or the individual's spouse.
- 3. In determining an individual's eligibility for Medical Assistance, the following regulations apply to a trust established by an individual:
 - a. An individual shall be considered to have established a trust if assets of the individual were used to form all or part of the corpus of the trust, and if any of the following individuals established the trust, other than by will:
 - i) The individual or the individual's spouse
 - ii) A person, including a court or administrative body, with legal authority to act in place of, or on the behalf of, the individual or the individual's spouse;
 - iii) A person, including a court or administrative body acting at the direction or upon the request of the individual or the individual's spouse.
 - b. In the case of a trust, the corpus of which includes assets of an individual and the assets of any other person(s), this regulation shall apply to the portion of the trust attributable to the assets of the individual.
 - c. These regulations apply without regard to the following:
 - i) The purposes for which a trust is established;
 - ii) Whether the trustees have or exercise any discretion under the trust;
 - iii) Any restrictions on when or whether distributions may be made from the trust; or
 - iv) Any restrictions on the use of distributions from the trust.
- 4. Revocable Trusts are considered as follows:
 - a. The corpus of the trust shall be considered resources available to the individual.
 - b. Payments from the trust to or for the benefit of the individual shall be considered income to the individual, and
 - c. Any other payments from the trust shall be considered assets transferred by the individual for less than fair market value and are subject to a 60 month look back period and a penalty period of ineligibility as set forth in the regulations on transfers without fair consideration in this volume.

5. Irrevocable Trusts

If there are any circumstances under which payments from the trust could be made to or for the benefit of the individual, the following shall apply:

- a) The portion of the corpus of the trust, or the income on the corpus, from which payment to the individual could be made, shall be considered as resources available to the individual.

- b) Payments from that portion of the corpus, or income to or for the benefit of the individual, shall be considered income to the individual.
 - c) Payments from that portion of the corpus or income for any other purpose shall be considered as a transfer of assets by the individual for less than fair market value and are subject to a 60 month look back period and a penalty period of ineligibility as set forth in the regulations on transfers without fair consideration in this volume.
 - d) Any portion of the trust from which, or any income on the corpus from which no payment could be made to the individual under any circumstances, shall be considered as a transfer of assets for less than fair market value and shall be subject to a 60 month look back period and penalty period of ineligibility as set forth in the regulations on transfers without fair consideration in this volume. The transfer will be effective as of the date of the establishment of the trust, or the date on which payment to the individual from the trust was foreclosed, if later. The value of the trust shall be determined by including the amount of any payments made from such portion of the trust after such date.
6. The preceding regulations for trusts established on or after July 1, 1994, do not apply to the following:
- a. Income Trusts
 - i) A trust consisting only of the individual's pension income, social security income and other monthly income that is established for the purpose of establishing income eligibility for Long Term Care institution care or Home and Community Based Services (HCBS). To be valid, the trust must meet the following criteria:
 - a) The individual's gross monthly income must be above the 300%-SSI limit but below the average cost of private Long Term Care institution care in the geographic region in which the individual resides and intends to remain. The Colorado Department of Health Care Policy and Financing shall calculate the average rates for such regions on an annual, calendar-year basis. The geographic regions which are used for calculating the average private pay rate for Long Term Care institution care shall be based on the Bureau of Economic Analysis Regions and consist of the following counties:

REGION I: (Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson)

REGION II: (Cheyenne, Clear Creek, Douglas, Elbert, Gilpin, Grand, Jackson, Kit Carson, Larimer, Logan, Morgan, Park, Phillips, Sedgwick, Summit, Washington, Weld, Yuma)

REGION III: (Alamosa, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, El Paso, Fremont, Huerfano, Kiowa, Lake, Las Animas, Lincoln, Mineral, Otero, Prowers, Pueblo, Rio Grande, Saguache, Teller)

REGION IV: (Archuleta, Delta, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan, San Miguel)

- b) For Long Term Care institution clients, each month the trustee shall distribute the entire amount of income which is transferred into the trust. An amount not to exceed \$20.00 may be retained for trust expenses such as bank charges if such charges are expected to be incurred by the trust.
- c) The only deductions from the monthly trust distribution to the Long Term Care institution are the allowable deductions which are permitted for Medical Assistance-eligible persons who do not have income trusts. Allowable deductions include only the following:
 - i) Personal need allowance
 - ii) Spousal income payments
 - iii) Approved PETI payments
- d) Any funds remaining after the allowable deductions shall be paid solely to the cost of the Long Term Care institution care in an amount not to exceed the Medical Assistance reimbursement rate. Any excess income which is not distributed shall accumulate in the trust.
- e) No other deductions or expenses may be paid from the trust. Expenses which cannot be paid from the trust include, but are not limited to, trustee fees, attorney fees and costs (including attorney fees and costs incurred in establishing the trust), accountant fees, court fees and costs, fees for guardians ad litem, funeral expenses, past-due medical bills and other debts. Trustee fees which were ordered prior to April 1, 1996 may continue until the trust terminates.
- f) For HCBS clients, the amount distributed each month shall be limited to the 300% of the SSI limit. Any monthly income above that amount shall remain in the trust. An amount not to exceed \$20.00 may be retained for trust expenses such as bank charges if such charges are expected to be incurred by the trust. No other trust expenses or deductions may be paid from the trust. For the purpose of calculating Individual Cost Containment or client payment (PETI), the client's monthly income will be 300% of the SSI limit. Upon termination, the funds which have accumulated in the trust shall be paid to the Department up to the total amount of Medical Assistance paid on behalf of the individual.
- g) For a court-approved trust, notice of the time and place of the hearing, with the petition and trust attached, shall be given to the eligibility site and the Department in the manner prescribed by law.
- h) The sole beneficiaries of the trust are the individual for whose benefit the trust is established and the Department. The trust terminates upon the death of the individual or if the trust is not required for Medical Assistance eligibility in Colorado.
- i) The trust must provide that upon the death of the individual or termination of the trust, whichever occurs sooner, the Department shall receive all amounts remaining in the trust up to the total amount of Medical Assistance paid on behalf of the individual.

- j) The trust must include the name and mailing address of the trustee. The trustee must notify the Department of any trustee address changes or change of trustee(s) within 30 calendar days.
- k) The trust must provide that an annual accounting of trust income and expenditures and an annual statement of trust assets shall be submitted to the eligibility site or to the Department upon reasonable request or upon any change of trustee.
- l) The amount remaining in the trust and an accounting of the trust shall be due to the Department within three months after the death of the individual or termination of the trust, whichever is sooner. An extension of time may be granted by the Department if a written request is submitted within two months of the termination of the trust.
- m) The regulations in this section for income trusts shall also apply to income trusts established after January 1, 1992, under the undue hardship provisions in 26-4-506.3(3), C.R.S. and 15-14-412.5, C.R.S.

b. Disability Trusts

- i) A trust that is established solely for the benefit of a disabled individual under the age of 65, which consists of the assets of the individual, and is established for the purpose or with the effect of establishing or maintaining the individual's resource eligibility for Medical Assistance and which meets the following criteria:
 - a) The individual for whom the trust is established must meet the disability criteria of Social Security.
 - b) The only assets used to fund the trust are (1) the proceeds from any personal injury case brought on behalf of the disabled individual, or (2) retroactive payments of SSI benefits under *Sullivan v. Zebley*. (This provision is applicable to disability trusts established from July 1, 1994 to December 31, 2000.)
 - c) The trust is established solely for the benefit of the disabled individual by the individual, the individual's parent, the individual's grandparent, the individual's legal guardian, or by the court.
 - d) The sole lifetime beneficiaries of the trust are the individual for whose benefit the trust is established and the Colorado Department of Health Care Policy and Financing
 - e) The trust terminates upon the death of the individual or if the trust is no longer required for Medical Assistance eligibility in Colorado.
 - f) Any statutory lien pursuant to section 25.5-4-301(5), C.R.S. must be satisfied prior to funding of the trust and approval of the trust.
 - g) If the trust is funded with an annuity or other periodic payments, the Department shall be named on the contract or settlement as the remainder beneficiary up to the amount of Medical Assistance paid on behalf of the individual.

- h) The trust shall provide that, upon the death of the beneficiary or termination of the trust, the Department shall receive all amounts remaining in the trust up to the amount of total Medical Assistance paid on behalf of the individual.
- i) No expenditures may be made after the death of the beneficiary, except for federal and state taxes. However, prior to the death of the individual beneficiary, trust funds may be used to purchase a burial fund for the beneficiary.
- j) The amount remaining in the trust and an accounting of the trust shall be due to the Department within three months after the death of the individual or termination of the trust, whichever is sooner. An extension of time may be granted by the Department if a written request is submitted within two months of the termination of the trust.
- k) The trust fund shall not be considered as a countable resource in determining eligibility for Medical Assistance.
- l) [Rule 8.110.52 B 5. b. 1) l), adopted or amended on or after November 1, 2000 and before November 1, 2001 was not extended by HB 02-1203, and therefore expired May 15, 2002.]
- m) Distributions from the trust may be made only to or for the benefit of the individual beneficiary. Cash distributions from the trust shall be considered income to the individual. Distributions for food or shelter are considered in-kind income and are countable toward income eligibility.
- n) If exempt resources are purchased with trust funds, those resources continue to be exempt. If non-exempt resources are purchased, those resources are countable toward eligibility.
- o) The trust must include the name and mailing address of the trustee. The Department must be notified of any trustee address changes or change of trustee(s) within 30 calendar days.
- p) The trust must provide that an annual accounting of trust income and expenditures and an annual statement of trust assets shall be submitted to the eligibility site or to the Department upon reasonable request or upon any change of trustee.
- q) Prior to the establishment or funding of a disability trust, the trust shall be submitted for review to the Department, along with proof that the individual beneficiary is disabled according to Social Security criteria. No disability trust shall be valid unless the Department has reviewed the trust and determined that the trust conforms to the requirements of 15-14-412.8, C.R.S., as amended, and any rules adopted by the Medical Services Board.

c. Pooled Trusts

- i) A trust consisting of individual accounts established for disabled individuals for the purpose of establishing resource eligibility for Medical Assistance. A valid pooled trust shall meet the following criteria:

- a) The individual for whom the trust is established must meet the disability criteria of Social Security.
 - b) The trust is established and managed by a non-profit association which has been approved by the Internal Revenue Service.
 - c) A separate account is maintained for each beneficiary; however, the trust pools the accounts for the purposes of investment and management of the funds.
 - d) The sole lifetime beneficiaries of each trust account are the individual for whom the trust is established and the Department.
 - e) If the trust is funded with an annuity or other periodic payments, the Department or the pooled trust shall be named as remainder beneficiary.
 - f) The trust account shall be established by the disabled individual, parent, grandparent, legal guardian, or the court.
 - g) The only assets used to fund each trust account are (1) the proceeds from any personal injury case brought on behalf of the disabled individual, or (2) retroactive payments of SSI benefits under *Sullivan v. Zeblev*. (This provision is applicable to pooled trusts established from July 1, 1994 to December 31, 2000.)
 - h) Any statutory lien pursuant to section 25.5-4-301(5), C.R.S. must be satisfied prior to funding of the individual's trust account and approval of the joinder agreement.
 - i) Following the disabled individual's death or termination of the trust account, whichever occurs sooner, to the extent that the remaining funds in the trust account are not retained by the pooled trust, the Department shall receive any amount remaining in the individual's trust account up to the total amount of Medical Assistance paid on behalf of the individual.
 - j) The pooled trust account shall not be considered as a countable resource in determining Medical Assistance eligibility.
 - k) Distributions from the trust account may be made only to or for the benefit of the individual. Cash distributions to the individual from the trust shall be considered as income to the individual. Distributions for food or shelter are considered in-kind income and are countable toward income eligibility.
 - l) If exempt resources are purchased with trust funds, those resources continue to be exempt. If non-exempt resources are purchased, those resources are countable toward resource eligibility.
- ii) If an institutionalized individual for whom a pooled trust is established is 65 years of age or older, the transfer of assets into the pooled trust creates a rebuttable presumption that the assets were transferred without fair consideration and shall be analyzed in accordance with the rules on transfers without fair consideration in this volume. This regulation is effective for transfers to pooled trusts after January 1, 2001.

- iii) When the individual beneficiary of an income, disability or pooled trust dies or the trust is terminated, the trustee shall promptly notify the eligibility site and the Department. To the extent required by these rules the trustee shall promptly forward the remainder of the trust property to the Department, up to the amount of Medical Assistance paid on behalf of the individual beneficiary.

d. Third Party Trusts

- i) Third party trusts are trusts which are established with assets which are contributed by individuals other than the applicant or the applicant's spouse for the benefit of an applicant or client
- ii) The terms of the trust will determine whether the trust fund is countable as a resource or income for Medical Assistance eligibility.
- iii) Trusts which limit distributions to non-support or supplemental needs will not be considered as a countable resource. If distributions are made for income or resources, such distributions are countable as such for eligibility.
- iv) If the trust requires income distributions, the amount of the income shall be countable as income in determining eligibility.
- v) If the trust requires principal distributions, that amount shall be considered as a countable resource.
- vi) If the trustee may exercise discretion in distributing income or resources, the income or resources are not countable in determining eligibility. If distributions are made for income or resources, such distributions are countable as such for eligibility.

e. Federally Approved Trusts

- i) If an SSI recipient has a trust which has been approved by the Social Security Administration, eligibility for Medical Assistance cannot be delayed or denied. Individuals on SSI are automatically eligible for Medical Assistance despite the existence of a federally approved trust.
- ii) If the eligibility site has a copy of a federally approved trust, the eligibility site must send a copy to the Department.

7. Submission of Trust Documents and Records

- a. The trustee of a trust which was established by or which benefits a Medical Assistance Applicant or client shall submit trust documents and records to the eligibility site and to the Department.
- b. This requirement includes documents and records for income trusts, disability trusts and the joinder agreement for each pooled trust account.
- c. The eligibility site shall submit any trust which is submitted with an application or at redetermination to The Department. The eligibility site shall determine Medical Assistance eligibility based on the determination of The Department as to the effect of the trust on eligibility.

8.100.7.F. Transfers of Assets Without Fair Consideration

1. Definitions. The following definitions apply to transfers of assets without fair considerations:

- a. "Assets" include all income and resources of the individual and such individual's spouse, including any interest in income or a resource as well as all income or resources which the individual or such individual's spouse is entitled to but does not receive because of action by any of the following:
 - i) The individual or such individual's spouse,
 - ii) A person, a court, or administrative body with legal authority to act on behalf of the individual or such individual's spouse, or
 - iii) Any person, court or administrative body acting at the direction of or upon the request of the individual or such individual's spouse.
- b. "Fair market value" is the value of the asset if sold at the prevailing price at the time it was transferred.
- c. "Fair consideration" is the amount the individual receives in exchange for the asset that is transferred, which is equal to or greater than the value of the transferred asset.
- d. "Look-back period" means the number of months prior to the month of application for long-term care services that the Department will consider for transfer of assets.
- e. "Penalty period" means a period of time for which an applicant or client will not be eligible to receive long-term care services.
- f. "Uncompensated value" shall mean the fair market value of an asset at the time of the transfer minus the value of compensation the individual receives in exchange for the asset.
- g. "Valuable consideration" shall mean what an individual receives in exchange for his or her right or interest in an asset which has a tangible and/or intrinsic value to the individual that is equivalent to or greater than the value of the transferred asset.

2. General Provisions

If an institutionalized individual or the spouse of such individual disposes of assets without fair consideration on or after the look-back period, the individual shall be subject to a period of ineligibility for Long-Term Care services, including Long-Term Care institution care, Home and Community Based Services (HCBS), and the Program of All Inclusive Care for the Elderly (PACE).

- a. For transfers made before February 8, 2006, the look-back period is 36 months prior to the date of application. For transfers made on or after February 8, 2006, the look-back date is 60 months prior to the date of application.
- b. An institutionalized individual is one who is institutionalized in a medical facility, a Long-Term Care institution, or applying for or receiving Home and Community Based Services (HCBS) or the Program of All Inclusive Care for the Elderly (PACE).
- c. If an institutionalized individual or such individual's spouse transfers assets without fair consideration on or after the look-back period, the transfer shall be evaluated as follows:

- i) The fair market value of the transferred asset, less the actual amount received, if any, shall be divided by the average of the regions, defined at 8.100.7.E, monthly private pay cost for Long-Term Care institution care in the state of Colorado at the time of application.
- ii) The resulting number is the number of months that the individual shall be ineligible for Medical Assistance. For transfers made before February 8, 2006, the period of ineligibility shall begin with the first day of the month following the month in which the transfer occurred. For transfers made on or after February 8, 2006, the period of ineligibility shall begin on the later of the following dates:
 - a) The first day of the month following the month in which the transfer occurred or is discovered. For transfers discovered after the date the transfer occurred, the date of transfer shall be the discovery date.

Or;
 - b) The date on which the individual would initially be eligible for HCBS, PACE or institutional services based on an approved application for such assistance that were it not for the imposition of the penalty period, would be covered by Medical Assistance;

And;
 - c) Which does not occur during any other period of ineligibility for services by reason of a transfer of assets penalty.
- d. The period of ineligibility shall also include partial months, which shall be calculated by multiplying 30 days by the decimal fractional share of the partial month. The result is the number of days of ineligibility. For transfers occurring on or after April 1, 2006, the result shall be rounded up to the nearest whole number.
- e. There is no maximum period of ineligibility.
- f. For transfers prior to February 8, 2006, the total amount of all of the transfers are added together and the period of ineligibility begins the first day of the month following the month in which the resources are transferred.
 - i) If the previous penalty period has completely expired, the transfers are not added together.
 - ii) If the previous penalty period has not completely expired and the first day of the month following the month in which the resources are transferred is part of a prior penalty period, the new penalty period begins the first day after the prior penalty period expires.
- g. For transfers on or after February 8, 2006, the total amounts of all of the transfers are added together and the penalty period is assessed as outlined in section 8.100.7.F.2.c-d above.
 - i) If the previous penalty period has completely expired, the transfers are not added together.
 - ii) If the previous penalty period has not completely expired and the first day of the month following the month in which the resources are transferred is part of a prior

penalty period, the new penalty period begins the first day after the prior penalty period expires.

- h. The institutionalized individual may continue to be eligible for Supplemental Security Income (SSI) and basic Medical Assistance services, but shall not be eligible for Medical Assistance for Long-Term Care institution services, Home and Community Based Services or the Program of All Inclusive Care for the Elderly due to the transfer without fair consideration.
- i. If a transfer without fair consideration is made during a period of eligibility, a period of ineligibility shall be assessed in the same manner as stated above.
- j. Actions that prevent income or resources from being received, or reduce an individual's ownership, right or interest in an asset such that the individual does not receive valuable consideration as set forth on the following list, which is not exclusive, shall create a rebuttable presumption that the transfer was without fair consideration:
 - i) Waiving pension income.
 - ii) Waiving a right to receive an inheritance.
 - iii) Preventing access to assets to which an individual is entitled by diverting them to a trust or similar device. This is not applicable to valid income trusts, disability trusts and pooled trusts for individuals under the age of 65 years.
 - iv) Failure of a surviving spouse to elect a share of a spouse's estate or failure to open an estate within 6 months after a spouse's death.
 - v) Failure to obtain a family allowance or exempt property allowance from an estate of a deceased spouse or parent. Such allowances are presumed to be available 3 months after death.
 - vi) Not accepting or accessing a personal injury settlement.
 - vii) Transferring assets into an irrevocable private annuity which was not purchased from a commercial company.
 - viii) Transferring assets into an irrevocable entity such as a Family Limited Partnership which eliminates or restricts the individual's access to the assets.
 - ix) Refusal to take legal action to obtain a court ordered payment that is not being paid, such as child support or alimony, if the benefit outweighs the cost.
 - x) Failure to exercise rights in a Dissolution of Marriage case, which insure an equitable distribution of marital property and income.
 - xi) Purchasing a single-premium life insurance policy, endowment policy or similar instrument within the look-back period, which has no cash value, and for which the individual receives no valuable consideration shall be considered an uncompensated transfer. The total amount of the purchase price shall be considered a transfer without fair consideration.

8.100.7.G. Treatment of Certain Assets as Transfers Without Fair Consideration

1. Promissory notes established before April 1, 2006:

- a. The fair market value of promissory notes is a countable resource and must be evaluated in accordance with the regulations on consideration of resources in this volume.
 - b. Promissory notes with one or more of the following provisions, indicating they have little or no market value, shall create a rebuttable presumption of a transfer without fair consideration:
 - i) An interest rate lower than the prevailing market rate.
 - ii) A term for repayment longer than the life expectancy of the holder of the note, as determined by the tables at 8.100.7.J. for annuities purchased on or after February 8, 2006.
 - iii) Low payments.
 - iv) Cancellation at the death of the note holder.
 - c. Promissory notes which have been appraised by a note broker as having little or no value shall create a rebuttable presumption of a transfer without fair consideration.
2. Promissory notes established on or after April 1, 2006 but before March 1, 2007
- a. Subject to the look-back date described in section 8.100.7.F.2.b for the purpose of calculating the penalty period of ineligibility for a transfer without fair consideration, the value of a promissory note, loan or mortgage which does not meet the criteria in section 8.100.5.M.3.n. is the outstanding balance due as of the date of the individual's application for Medical Assistance for services, described in section 8.100.7.F.2.c.
3. Promissory notes established on or after March 1, 2007
- a. Subject to the look-back date described in section 8.100.7.F.2.b, for the purpose of calculating the penalty period of ineligibility for a transfer without fair consideration, the value of a promissory note, loan or mortgage which does not meet the criteria in section 8.100.5.M.3.o. is the outstanding balance due as of the date of the individual's application for Medical Assistance for services, described in section 8.100.7.F.2.c..
4. Personal care services
- a. Effective for agreements that were signed and notarized prior to March 1, 2007, family members who provide assistance or services are presumed to do so for love and affection, and compensation for past assistance or services shall create a rebuttable presumption of a transfer without fair consideration unless the compensation is in accordance with the following:
 - i) A written agreement must be executed prior to the delivery of services.
 - ii) The agreement must be signed by the applicant, or a legally authorized representative, such as agent under a power of attorney, guardian, or conservator. If the agreement is signed by a representative, that representative may not be a beneficiary of the agreement.
 - iii) The agreement must be dated and the signature must be notarized; and
 - iv) Compensation for services rendered must be comparable to what is received in the open market.

- b. Effective for agreements that are signed and notarized on or after March 1, 2007, compensation under personal service agreements will be deemed to be a transfer without fair consideration unless the following requirements are met:
 - i) A written agreement was executed prior to the delivery of services; and
 - a) The agreement must be signed by the applicant, or a legally authorized representative, such as agent under a power of attorney, guardian, or conservator. If the agreement is signed by a representative, that representative may not be a beneficiary of the agreement; and
 - b) The legally authorized representative, agent, guardian, conservator, or other representative of the applicant's estate may not be a beneficiary of a care agreement; and
 - c) The agreement specifies the type, frequency and time to be spent providing the services agreed to in exchange for the payment or transferred item; and
 - d) The agreement provides for payment of services on a regular basis, no less frequently than monthly, while the services are being provided; and
 - ii) Compensation for services rendered must be comparable to what is received in the open market. The burden is on the applicant to prove that the compensation is reasonable and comparable; and
 - iii) A record or log is provided which details the actual services rendered. The services cannot be services that duplicate services that another party is being paid to provide or which another party is responsible to provide.
- c. Payment for services, which were rendered previously and for which no compensation was made, shall be considered as a transfer without fair consideration.
- d. Assets transferred in exchange for a contract for personal services for future assistance after the date of application are considered available resources.
- e. A care agreement must be entered into, signed, and notarized prior to providing any services for which a beneficiary will be compensated.

5. Transfers of real property into joint tenancy without fair consideration

- a. If real property is transferred into joint tenancy with right of survivorship with one or more joint tenants, the amount transferred depends on the number of joint tenants to whom the property is transferred. The following are examples:
 - i) If the transfer is to one joint tenant, the amount transferred is equal to one-half of the value of the property at the time of the transfer.
 - ii) If the transfer is to two joint tenants, the amount transferred is equal to two-thirds of the value.
 - iii) If the transfer is to three joint tenants, the amount transferred is equal to three-fourths of the value of the property at the time of the transfer.

- b. If the transfer is completed with two deeds or transactions, the first of which transfers a fractional share of the property into tenancy in common, and the second into joint tenancy, the amount transferred shall be determined in the same manner as set forth above.
6. No period of ineligibility will be imposed if the individual transferred the assets under any of following circumstances:
- a. The asset transferred was a home and title to the home was transferred to:
 - i) The spouse of such individual;
 - ii) A child of such individual who is either
 - 1) Under the age of 21 years, or
 - 2) Is blind or totally and permanently disabled as determined by the Social Security Administration.
 - iii) A brother or sister
 - 1) Who has an equity interest in the home and
 - 2) Who was residing in such individual's home for at least one year immediately before the date that the individual becomes institutionalized.
 - iv) A son or a daughter of such individual
 - 1) Who was residing in the home for a period of at least two years immediately before the date the individual becomes institutionalized and
 - 2) Who provided care to such individual by objective evidence, that permitted such individual to reside at home rather than in an institution.
 - 3) Documentation shall be submitted proving that the son or daughter's sole residence was the home of the parent. The parent's attending physician(s) or professional health provider(s) during the past two years must substantiate in writing that the care was provided, and that the care prevented the parent from requiring placement in a Long-Term Care institution.
 - b. The assets were transferred:
 - i) To the individual's spouse or to another for the sole benefit of the individual's spouse.
 - ii) From the individual's spouse to another for the sole benefit of the individual's spouse.
 - iii) To a trust which is established solely for benefit of the individual's child who is determined to be blind or totally disabled by the Social Security Administration or to that child directly for the sole benefit of the child.

- iv) To a trust established solely for the benefit of an individual under 65 years of age who is determined to be blind or totally disabled by the Social Security Administration.
 - c. Definition of the term “for the sole benefit of,” as used in the preceding exceptions to the transfer penalty rules:
 - i). A transfer or a trust is considered to be for the sole benefit of the spouse, blind or disabled child, or a disabled individual if the transfer is arranged in such a way that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of the transfer or at any time in the future.
 - ii). To insure that the asset transferred is for the sole benefit of the spouse, blind or disabled child or disabled individual, the following criteria must be met:
 - 1) The transfer must be accomplished by a written instrument which legally binds the parties to a specified course of action and sets forth:
 - a) The conditions under which the transfer was made, and
 - b) A statement as to whom can benefit from the transfer.
 - 2) The written instrument must provide for the spending of funds or use of the transferred assets for the benefit of the individual on a basis that is actuarially sound based on the life expectancy of the individual.
 - 3) Disability trusts and income trusts, which designate the Colorado Department of Health Care Policy and Financing as the remainder beneficiary up to the amount of Medical Assistance paid on behalf of the individual, are exempt from this requirement.
 - 4) A community spouse to whom a Community Spouse Resource Allowance has been transferred does not have to provide a written document or comply with the requirement that the transfer is actuarially sound. However, the Community Spouse Resource Allowance must be for the sole benefit of the community spouse to whom it is transferred. Upon the death of the community spouse, those resources shall be made available to the surviving spouse, at least up to the amount of the elective share of the augmented estate, the family allowance and the exempt property allowance.
- 7. There is a rebuttable presumption the transfer without fair consideration was made for purposes of Medical Assistance eligibility or avoiding the medical assistance estate recovery program.
 - a. The presumption that an asset was transferred to establish or maintain Medicaid eligibility or to avoid the medical assistance estate recovery program is rebutted only if the individual or individual's spouse demonstrates by providing convincing evidence that the asset was transferred exclusively for some other purpose and the reason for the transfer did not include Medical Assistance eligibility or avoidance of medical assistance estate recovery..

- b. A subjective statement of intent or ignorance of the transfer penalty or verbal assurances that the individual was not considering Medical Assistance eligibility when the transfer was made are not sufficient.
- c. There is a rebuttable presumption that transfers without fair consideration were made for the purpose of Medical Assistance eligibility in the following cases:
 - i) In any case in which the individual's assets and the assets of the individual's spouse remaining after the transfer total an amount insufficient to meet all living expenses and medical expenses reasonably expected to be incurred by the individual or the individual's spouse in the sixty (60) months following the transfer. Medical expenses include the cost of Long-Term Care unless the future necessity of such care could have been absolutely precluded because of the particular circumstances.
 - ii) In any case where:
 - 1) the transfer was made on behalf of the individual or the individual's spouse;
 - 2) the transfer was made by:
 - a) the individual or individual's spouse
 - b) a guardian,
 - c) a conservator, or
 - d) agent under a power of attorney; and
 - 3) the transfer was made to:
 - a) anyone related to the individual or individual's spouse by birth, adoption or marriage, other than between the individual and the individual's spouse; or to
 - b) anyone related to the guardian, conservator, or agent under a power of attorney by birth, adoption or marriage.
- d. Convincing evidence may include, but is not limited to, verification which establishes:
 - i) That at the time of the transfer the individual could not have anticipated needing long term Medical Assistance due to the existence of other circumstances which would have precluded the need.
 - ii) Other assets were available at the time of the transfer to meet current and future needs of the individual, including the cost of Long-Term Care institution or other institutionalized care for a period of sixty (60) months.
 - iii) The specific purpose for which the assets were transferred and the reason the transfer was necessary and the reason there was no alternative but to transfer the assets without fair consideration.

8. Apportionment of penalty period between spouses

- a. If a transfer results in a period of ineligibility for an individual, and the individual's spouse becomes institutionalized and is otherwise eligible for Medical Assistance, the period of ineligibility shall be apportioned equally between the spouses.
 - b. If one spouse dies or is no longer institutionalized, any months remaining in the period of ineligibility shall be assigned to the spouse who remains institutionalized.
- 9. If the individual or the individual's spouse has transferred assets into a trust or is a beneficiary of a trust, the trust document shall be submitted to the Colorado Department of Health Care Policy and Financing to determine the effect of the trust on Medical Assistance eligibility.
- 10. Notice
 - a. The Colorado Department of Health Care Policy and Financing is an interested person according to 15-14-406, C.R.S. or a successor statute.
 - b. As an interested party, the department shall be given notice of a hearing in cases in which Medical Assistance planning or Medical Assistance eligibility is set forth in the petition as a factor for requesting court authority to transfer property.
- 11. Undue Hardship
 - a. The period of ineligibility resulting from the imposition of the transfer or the trust provisions may be waived if denial of eligibility would create an undue hardship for an individual who is otherwise eligible. Undue hardship can be established if application of the transfer penalty would:
 - i) deprive the individual of medical care such that the individual's health or life would be endangered; or
 - ii) deprive the individual of food, clothing, shelter or other necessities of life.
 - b. Undue hardship shall not exist when the application of the trust or transfer rules merely causes the individual inconvenience or when such application might restrict his or her lifestyle but would not put him or her at risk of serious deprivation.
 - c. Notice of an undue hardship exception shall be given to the applicant or client. The Eligibility Site shall make a determination on the request within 15 working days from when the request is received. The Eligibility Site shall issue a notice of action on the determination of hardship. An adverse determination may be appealed in accordance with the appeal process as described at Section 8.057 of this volume.
 - d. The facility in which an institutionalized individual is residing may file an undue hardship waiver application on behalf of the individual with the individual's or his or her personal representative's consent. Where the individual is unable to give consent and where the personal representative of the individual has a conflict of interest concerning the particular circumstance giving rise to the period of ineligibility, the facility may request an undue hardship on behalf of the individual. An example of such a conflict of interest would be a situation where the personal representative who is also an agent under a power of attorney transfers property to himself or herself. The facility shall submit the undue hardship request to the Eligibility Site and give sufficient detail of the circumstance surrounding the conflict of interest and the information required below to the Eligibility Site. These provisions are not intended to change the Department's requirements under Section 8.057 of the Department's regulations as to who has standing to file an appeal.

- e. An individual or representative may request that the Eligibility Site waive a transfer penalty on the basis of undue hardship. The request shall be made in writing to the applicant's or client's Eligibility Site case worker. The individual making the request has the burden of proof and must provide clear and convincing evidence to substantiate the circumstances surrounding the transfer, attempts to recover the assets, and the impact of the denial of Medicaid payments for Long-Term Care services. The request and documentation shall include all of the following:
 - i) the reason(s) for the transfer including the individual's participation in the transfer or grant of legal authority to another that gave rise to the transfer, and the relationship between the transferor and transferee;
 - ii) evidence to prove that the assets have been irretrievably lost and that all reasonable attempts made to recover the asset(s), including any legal actions and the results of the attempts, including but not limited to a request for an adult protection investigation (such as in a case of financial exploitation), filing a police report, or filing a civil action have been exhausted or have been or are being pursued; and,
 - iii) documentation such as a notice of discharge or pending discharge from the facility and a physician's statement detailing how the inability to receive nursing facility or community based services would result in the individual's inability to obtain life-sustaining medical care or that the individual would not be able to obtain food, clothing or shelter.
 - f. To the extent that the transferred assets are recovered pursuant to the attempts in (e)(ii) above, the individual shall reimburse Medicaid for the funds expended as a result of an approved undue hardship request.
 - g. If the transferee and the transferor of the assets for which the transfer penalty is being imposed are related parties there shall be a rebuttable presumption that the transferred assets are not irretrievably lost as required under (e)(ii) above. Related parties are described in Section 8.100.7.G.7.c.ii of these regulations.
12. No period of ineligibility shall be assessed in any of the following circumstances:
- a. Convincing and objective evidence is provided that the individual intended to dispose of the resources either at fair market value or for other fair consideration.
 - b. Convincing and objective evidence is presented proving that the resources were transferred exclusively for a purpose other than to qualify or remain eligible for Medical Assistance.
 - c. All of the resources transferred without fair consideration have been returned to the individual.
 - d. For assets transferred before February 8, 2006, the assets were transferred more than 36 months prior to the date of application.
 - e. For assets transferred before February 8, 2006, the penalty period has expired based on the following formula: The fair market value of the transferred asset is divided by the average cost of Long Term Care institution care in the state at the time of application and the resulting number of months of ineligibility has ended prior to the date of application.

8.100.7.H. Life Estates

1. Definitions

- a. "Fair Market Value" means the amount for which a property or interest in a property could reasonably be expected to sell on the open market.
- b. "Life Estate." A life estate conveys upon a grantee certain rights in property measured by the life of the life estate holder or of some other person. The owner of a life estate has the right to possess the property, the right to use the property, the right to obtain profits from the property, and the right to sell the life estate interest in the property. The establishment of a life estate on a property results in the creation of two interests: a life estate interest and a remainder interest.
- c. "Remainder Interest" means an interest in property created at the time a life estate is established which gives the holder of the interest the right to ownership of the property upon the death of the life estate holder. An individual holding a remainder interest is free to sell his or her interest in the property unless the sale is restricted by the terms of the instrument which established the remainder interest.

2. General Provisions

a. Life Estates Established before July 1, 1995

i) Transfer without fair consideration Treatment

- 1) The establishment of a life estate before July 1, 1995 by an individual or individual's spouse shall not be considered a transfer without fair consideration.

ii) Resource Treatment

- 1) A life estate owned by an individual or individual's spouse that was established on exempt property shall be considered to be an exempt resource.
- 2) A life estate owned by an individual or individual's spouse that was established on countable property shall be considered a countable resource.

- i) The value of the life estate shall be determined by using the methodology described at 8.100.7.H.3.

- 3) A remainder interest held by an individual or individual's spouse on exempt property shall be considered an exempt resource.
- 4) A remainder interest held by an individual or individual's spouse on countable property shall be considered a countable resource

- i) The value of the remainder interest shall be determined by using the methodology described at 8.100.7.H.4.a.

b. Life Estates Established on or after July 1, 1995

i) Transfer without fair consideration Treatment

- 1) The establishment of a life estate on or after July 1, 1995 on property owned by an individual or individual's spouse shall be considered a transfer without fair consideration if the life estate was established within the look-back period described at 8.100.7.F.2.b.
 - a) For the purpose of determining the transfer without fair consideration penalty period, the amount of the transfer shall be based on the value of the remainder interest, as calculated using the methodology described at 8.100.7.H.4.a.
- 2) The purchase of a life estate interest in a home not owned by an individual or individual's spouse on or after April 1, 2006 within the look-back period described at 8.100.7.F.2.b. shall be considered a transfer without fair consideration unless the purchaser lives in the home for a period of at least twelve (12) consecutive months after the date of the purchase.
 - a) For the purpose of determining the transfer without fair consideration penalty period, the amount of the transfer shall be the entire amount used to purchase the life estate.
 - b) If the payment for the life estate exceeds the value of the life estate, as calculated using the methodology described at 8.100.7.H.3, then the difference between the amount paid and the value of the life estate shall be considered to be a transfer without fair consideration.

ii) Resource Treatment

- 1) A life estate owned by an individual or individual's spouse that was established on exempt property shall be considered an exempt resource.
- 2) A life estate owned by an individual or individual's spouse that was established on countable property shall be considered a countable resource.
 - a) The value of the life estate shall be determined by using the methodology described at 8.100.7.H.3.a.
- 3) A remainder interest held by an individual or individual's spouse on exempt property shall be considered an exempt resource.
- 5) A remainder interest held by an individual or individual's spouse on countable property shall be considered a countable resource
 - a) The value of the remainder interest shall be determined by using the methodology described at 8.100.7.H.4.

3. Determining the Value of a Life Estate

- a. The value of a life estate interest is calculated using the following method:
 - i) Determine the fair market value of the property on which the life estate was established. The fair market value shall be obtained by using the most recent

actual value reported by the county assessor or from the most recent property assessment notice. If the actual value is not shown on the property assessment notice, the assessed value shall be divided by the appropriate property assessment rate to obtain the market value.

- ii) Multiply the fair market value of the property by the "Life Estate" factor in Column 1 from the Life Estate Table at 8.100.7.H.5, in this section, that corresponds to the life estate holder's age as of his or her last birthday. The result is the value of the life estate interest.

- b. If a life estate was established on property held by spouses in joint tenancy, then the age of the youngest individual shall be used to calculate the value of the life estate.

4. Determining the Value of a Remainder Interest

- a. The value of a remainder interest is calculated using the following method:

- i) Determine the fair market value of the property on which the remainder interest was established. The fair market value shall be obtained by using the most recent actual value reported by the county assessor or from the most recent property assessment notice. If the market value is not shown on the property assessment notice, the assessed value shall be divided by the appropriate property assessment rate to obtain the market value.
- ii) Multiply the fair market value of the property by the "Remainder" factor in Column 2 from the Life Estate Table at 8.100.7.H.5, in this section, that corresponds to the life estate holder's age as of his or her last birthday. The result is the value of the remainder interest.

- b. If a life estate was established on property held by spouses in joint tenancy, then the age of the youngest individual shall be used to calculate the value of the remainder interest.

5. Life Estate Table

This rule incorporates by reference the Social Security life estate and remainder interest table effective April 1999 to the present. The incorporation of the table excludes later amendments, or editions of, the referenced material.

The Social Security life estate and remainder interest tables are available at <http://policy.ssa.gov/poms.nsf/lnx/0501140120>

Pursuant to § 24-4-103 (12.5), C.R.S., the Department maintains copies of the incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

8.100.7.I. Annuities

1. DEFINITIONS

- a. "Annuity" means a contract between an individual and a commercial company in which the individual invests funds and in return receives installments for life or for a specified number of years.
- b. "Annuitant" means an individual who is entitled to receive payments from an annuity.

- c. "Annuitization Period" means the period of time during which an annuity makes payments to an annuitant.
- d. "Annuitized" means an annuity that has become irrevocable and is making payments to an annuitant.
- e. "Assignable" means an annuity that can have its owner and/or annuitant changed.
- f. "Balloon Payment" means a lump sum equal to the initial annuity premium less any distributions paid out before the end of an annuitization period.
- g. "Beneficiary" means an individual or individuals entitled to receive any remaining payments from an annuity upon the death of the annuitant.
- h. "Department" means the Department of Health Care Policy and Financing, its successor(s), or its designee(s).
- i. "Irrevocable" means an annuity that cannot be canceled, revoked, terminated, or surrendered under any circumstances.
- j. "Non-assignable" means an annuity that cannot have its owner and/or annuitant changed under any circumstances.
- k. "Owner" means the person who may exercise the rights provided in an annuity contract during the life of the annuitant. An owner can generally name himself or herself or another person as the annuitant.
- l. "Revocable" means an annuity that can be canceled, revoked, terminated, or surrendered.
- m. "Transaction" means:
 - i) The purchase of an annuity;
 - ii) The addition of principal to an annuity;
 - iii) Elective withdrawals from an annuity;
 - iv) Requests to change the distributions from an annuity;
 - v) Elections to annuitize an annuity contract; or
 - vi) Any other action taken by an individual that changes the course of payments made by an annuity or the treatment of income or principal of an annuity.

2. Annuities purchased on or before June 30, 1995

- a. A revocable or irrevocable annuity established on or before June 30, 1995 is not a countable resource if it is annuitized and regular returns are being received by the annuitant.
 - i) Payments from the annuity to the individual or individual's spouse are income in the month received.

- b. A revocable or irrevocable annuity established on or before June 30, 1995 is a countable resource if it has not been annuitized.
- 3. Annuities Established on or after July 1, 1995 but before February 8, 2006
 - a. The purchase of an annuity shall be considered to be a transfer without fair consideration unless the following criteria are met:
 - i) The annuity is purchased from a life insurance company or other commercial company that sells annuities as part of its normal course of business;
 - ii) The annuity is annuitized for the individual or individual's spouse;
 - iii) The annuity is purchased on the life of the individual or individual's spouse; and
 - iv) The annuity provides payments for a period not exceeding the annuitant's projected life expectancy based on life expectancy tables described at 8.100.7.J.
 - b. To determine if a transfer without fair consideration has occurred in the purchase of an annuity, the Eligibility Site shall:
 - i) Determine the date on which the annuity was purchased;
 - ii) Determine the amount of money used to purchase the annuity and the length of the annuitization period;
 - iii) Determine the age of the annuitant at the time the annuity was purchased; and
 - iv) Determine the life expectancy of the annuitant at the time the annuity was purchased using the appropriate life expectancy table described at 8.100.7.J.
 - 1) If the length of the annuitization period exceeds the annuitant's life expectancy, then a transfer without fair consideration exists for the portion of the annuitization period that exceeds the annuitant's life expectancy.
 - 2) If the total value of the annuity's payments during the annuitization period is less than the original purchase price of the annuity, then the difference shall be considered to be a transfer without fair consideration.
 - 3) If the total value of the annuity's payments during the annuitization period is equal to or greater than the original purchase price of the annuity, then the purchase of the annuity shall not be considered to be a transfer without fair consideration. However, any payments made by the annuity shall be considered to be countable income in the month received.
 - 4) If the annuity was purchased more than 36 months before the date of application for Medicaid, then there is no transfer without fair consideration penalty period. However, any payments made by the annuity shall be considered to be countable income in the month received.
- 4. Annuities Established on or after April 1, 1998 but before February 8, 2006

- a. The Eligibility Site shall determine the Minimum Monthly Maintenance Needs Allowance (MMMNA) of the community spouse, if applicable.
 - i) If the monthly payment amount provided by the annuity to the community spouse exceeds the MMMNA, then the amount of the annuity which causes the monthly annuity payment to exceed the MMMNA shall be considered to be a transfer without fair consideration in determining the institutionalized spouse's eligibility. This applies only to the extent that the transferred amount causes the Community Spouse Resource Allowance to exceed the maximum.
- b. The Eligibility Site shall determine if the Individual is receiving substantially equal installments from the annuity for the annuitization period of the annuity.
 - i) If the annuity is not paid in substantially equal installments, then the original purchase price of the annuity shall be considered to be a transfer without fair consideration.
- c. If the annuity was purchased more than 36 months before the date of application for Medicaid, then there is no transfer without fair consideration penalty period.
 - i) Any payments made by the annuity shall be considered to be countable income in the month received.

5. Annuities Purchased on or after February 8, 2006

- a. As a condition of Medicaid eligibility, at the time of application or redetermination, an applicant or his or her spouse for Medicaid Long-Term Care services shall disclose any interest that the Medicaid applicant or his or her spouse has in an annuity.
 - i) A complete copy of the annuity contract, including the most recent beneficiary designation, shall be provided to the eligibility site.
- b. By providing Medicaid Long-Term Care services, the Department shall be a remainder beneficiary of any annuity in which an individual or individual's spouse has an interest. The purchase of the annuity shall not be considered to be a transfer without fair consideration if:
 - i) The Department is named as the remainder beneficiary in the first position for the total amount of medical assistance paid on behalf of the individual; or
 - ii) The Department is named as the remainder beneficiary in the next position after the community spouse or minor or disabled child.
 - iii) This provision shall not apply to annuities that are revocable and/or assignable.
- c. The Eligibility Site shall notify the issuer of the annuity that the Department is a preferred remainder beneficiary in the annuity for medical assistance provided to the institutionalized individual. This notice shall include a statement requiring the issuer to notify the Eligibility Site of any changes in the amount of income or principal that is being withdrawn from the annuity or any other transactions, as defined at 8.100.7.1.1., regardless of when the annuity was purchased.
- d. If the Department is not named on the annuity as a remainder beneficiary, then the value of funds used to purchase the annuity shall be deemed a transfer without fair consideration and shall be subject to the penalty period provisions described at 8.100.7.F.

- i) This provision shall not apply to annuities that are revocable and/or assignable.

e. Revocable Annuities

- i) A revocable annuity is a countable resource. The value of the annuity is the total value of the annuity principal plus any accumulated interest.
 - a) If the annuity includes a surrender charge or other financial penalty (other than tax withholding or a tax penalty) for withdrawing funds from the annuity, then the value of the annuity is the net amount the individual would receive upon full surrender of the annuity.
- ii) Payments from a revocable annuity are not countable as income.

f. Irrevocable Assignable Annuities

- i) An irrevocable assignable annuity is a countable resource. The value of the annuity is presumed to be the total value of the annuity principal plus any accumulated interest.
 - a) An individual or individual's spouse can rebut the presumption by providing documented offers from at least three companies who are active in the market for buying and selling annuities and annuity income streams. The value of the annuity shall then be the highest of the offers.
 - b) Any payments from an irrevocable assignable annuity that is considered to be a countable resource are not considered to be countable income.
- ii) An individual or individual's spouse can rebut the presumption that an irrevocable assignable annuity is not a countable resource by providing documented offers from at least three companies who are active in the market for buying and selling annuities and annuity income streams stating their unwillingness or inability to purchase the annuity or annuity income stream.
 - a) Any payments from an irrevocable assignable annuity that is not considered to be a countable resource are considered to be countable income in the month received.

g. Irrevocable Non-Assignable Annuities

- i) An irrevocable non-assignable annuity is not considered to be a countable resource.
- ii) Payments from an irrevocable non-assignable annuity are considered countable income in the month received.
- iii) An irrevocable non-assignable annuity purchased by or for the benefit of a community spouse shall not be considered to be a transfer without fair consideration if:
 - 1) The Department is named as the remainder beneficiary in the first position for the total amount of medical assistance paid on behalf of the institutionalized individual; or

- 2) The Department is named as the remainder beneficiary in the second position after the community spouse or minor or disabled child and is named in the first position if such spouse or a representative of such child disposes of any such remainder without fair consideration.
- iv) An irrevocable non-assignable annuity purchased by or for the benefit of an institutionalized individual shall not be considered to be a transfer without fair consideration if:
- 1) The Department is named as the remainder beneficiary in the first position for the total amount of medical assistance paid on behalf of the institutionalized individual; or
 - 2) The Department is named as the remainder beneficiary in the second position after the community spouse or minor or disabled child and is named in the first position if such spouse or a representative of such child disposes of any such remainder without fair consideration.
- v) In addition to the requirements listed at 8.100.7.1.5.g.iv) for naming the Department as remainder beneficiary, an irrevocable non-assignable annuity purchased by or for the benefit of an institutionalized individual shall not be considered to be a transfer without fair consideration if the annuity meets any one of the following conditions:
- 1) The annuity is considered either:
 - a) An Individual Retirement Annuity as described in Section 408(b) of the Internal Revenue Code of 1986; or
 - b) A deemed Individual Retirement Account under a qualified employer plan described in Section 408(q) of the Internal Revenue Code of 1986; or
 - 2) The annuity is purchased with proceeds from one of the following:
 - a) An Individual Retirement Account as described in Section 408(a) of the Internal Revenue Code of 1986; or
 - b) An account established by an employer or association of employers as described in Section 408(c) of the Internal Revenue Code of 1986; or
 - c) A simple retirement account as described in Section 408(p) of the Internal Revenue Code of 1986; or
 - d) A simplified employee pension plan as described in Section 408(k) of the Internal Revenue Code of 1986; or
 - e) A Roth IRA as described in Section 408A of the Internal Revenue Code of 1986; or
 - 3) The annuity meets all of the following requirements:
 - a) The annuity is irrevocable and non-assignable; and

- b) The annuity is actuarially sound based on the life expectancy tables described at 8.100.7.J.; and
 - c) The annuity provides for payments in equal amounts during the term of the annuity with no deferral and no balloon payments made.
 - vi) If an irrevocable non-assignable annuity is considered to be a transfer without fair consideration, then, for the purpose of calculating the transfer without fair consideration penalty period, the value that was transferred shall be the amount of funds used to purchase the annuity.
- h. Annuity Transactions
 - i) If an Individual or individual's spouse undertakes any transaction, as defined at 8.100.7.I.1. which has the effect of changing the course of payments to be made by an annuity or the treatment of income or principal of the annuity, such a transaction shall be deemed to be a transfer without fair consideration, regardless of when the annuity was originally purchased. For the purpose of calculating the transfer without fair consideration penalty period, the value that was transferred shall be the amount used to purchase the annuity.
 - a) Routine changes such as a notification of an address change or death or divorce of a remainder beneficiary are excluded from treatment as a transfer without fair consideration.
 - b) Changes which occur based on the terms of the annuity which existed before February 8, 2006 and which do not require a decision, election, or action to take effect are excluded from treatment as a transfer without fair consideration.
 - c) Changes which are beyond the control of the individual, such as a change in law, a change in the policies of the annuity issuer, or a change in terms based on other factors, such as the annuity issuer's financial condition, are excluded from treatment as a transfer without fair consideration.

8.100.7.J. Life Expectancy Tables

This rule incorporates by reference the Social Security Office of the Chief Actuary Period Life Table 2011 for both males and females. The incorporation of the table excludes later amendments, or editions of, the referenced material.

The Social Security Office of the Chief Actuary Period Life Table 2011 is available at www.ssa.gov/oact/STATS/table4c6.html.

Pursuant to § 24-4-103 (12.5), C.R.S., the Department maintains copies of the incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203. Certified copies of incorporated materials are provided at cost upon request.

8.100.7.K. Spousal Protection - Treatment of Income and Resources for Institutionalized Spouses

1. The spousal protection regulations apply to married couples where one spouse is institutionalized or likely to be institutionalized for at least 30 consecutive days and the other spouse remains in the community. Being a community spouse does not prohibit Medicaid eligibility if all criteria are met. The community spouse resource allowance does not supersede the Medicaid eligibility criteria.
2. For purposes of spousal protection, an institutionalized spouse is an individual who:
 - a. Begins a stay in a medical institution or nursing facility on or after September 30, 1989, or
 - b. Is first enrolled as a Medical Assistance client in the Program of All Inclusive Care for the Elderly (PACE) on or after October 10, 1997, or
 - c. Receives Home and Community Based Services on or after July 1, 1999; and
 - d. Is married to a spouse who is not in a medical institution or nursing facility; but does not include any such individual who is not likely to meet the requirements of subparagraphs 8.100.7.K.2.a thru c for at least 30 consecutive days.
3. A community spouse is defined as the spouse of an institutionalized spouse.

8.100.7.L. Assessment and Documentation of The Couple's Resources

An assessment of the total value of the couple's resources shall be completed at the time of initial Medical Assistance application or when requested by either spouse of a married couple. All non-exempt resources owned by a married couple are counted, whether owned jointly or individually. There are no exceptions for legal separation, pre-nuptial, or post-nuptial agreements. Once the applicant is approved, the Community Spouses' resources are not reviewed again unless the Community Spouse applies for Medical Assistance.

8.100.7.M. Calculation of the Community Spouse Resource Allowance

1. A Community Spouse Resource Allowance (CSRA) shall be allocated based on the total resources owned by the couple as of the time of Medical Assistance application. The CSRA is established at intake only, and; once approved the community spouse's resources are not considered again until the community spouse applies for Medical Assistance. This is true even if the community spouse becomes institutionalized but does not apply for Medical Assistance. In calculating the amount of the CSRA, resources shall not be attributed to the community spouse based upon state laws relating to community property or the division of marital property.

For persons whose Medical Assistance application is for an individual who meets the definition of an institutionalized spouse, the CSRA is the largest of the following amounts:

- a. The total resources of the couple but no more than the current maximum allowance which, changes each year beginning January 1st.; or
- b. The increased CSRA calculated pursuant to section 8.100.7.S; or
- c. The amount a court has ordered the institutionalized spouse to transfer to the community spouse for monthly support of the community spouse or a dependent family member.

2. The resources allotted to the community spouse as the CSRA shall be transferred into the name of the community spouse and shall not be considered available to the institutionalized spouse. After the transfer of the CSRA to the community spouse, the income from these resources shall be attributed to the community spouse.
3. The transfer of the CSRA shall be completed as soon as possible, but no later than the next redetermination when the community spouse becomes institutionalized; whichever is earlier. If the transfer is not completed within this time period, the resources shall be attributed to the institutionalized spouse and shall affect his/her Medical Assistance eligibility. Verification of the transfer of assets to the community spouse shall be provided to the eligibility site.

The institutionalized spouse may transfer the resources allotted to the community spouse as the CSRA to another person for the sole benefit of the community spouse.

4. If the community spouse is in control of resources attributed to the institutionalized spouse, but fails to make such resources available for his/her cost of care, this fact shall not make the institutionalized spouse ineligible for Medical Assistance, where:
 - a. The institutionalized spouse has assigned The Department any rights to support from the community spouse; or
 - b. The institutionalized spouse lacks the ability to execute an assignment due to physical or mental impairment but The Department has the right to bring a support proceeding against the community spouse without such assignment; or
 - c. The eligibility site determines that the denial of eligibility would work an undue hardship upon the institutionalized spouse. For the purposes of this subparagraph, undue hardship means that an institutionalized spouse, who meets all the Medical Assistance eligibility criteria except for resource eligibility, has no alternative living arrangement other than the medical institution or Long Term Care institution.

8.100.7.N. Treatment of the Home and Other Exempt Resources

The CSRA shall not include the value of exempt resources including the home. It is not necessary for the home to be transferred to the community spouse. The rules regarding countable and exempt resources can be found in the section 8.100.5. However, for Spousal Protection there is no limit to the value of household goods and personal effects and one automobile.

8.100.7.O. Determination of the Institutionalized Spouse's Income and Resource Eligibility

1. The institutionalized spouse is resource eligible for Medical Assistance when the total resources owned by the couple are at or below the amount of the Community Spouse Resource Allowance plus the Medical Assistance resource allowance for an individual of \$2,000.
2. The eligibility site shall determine whether the institutionalized spouse is income eligible for Medical Assistance. The institutionalized spouse shall be income eligible if his/her gross income is at or below the Medical Assistance income limit for recipients of long-term care. If an income trust is used the trust must be established before the MIA is calculated.

8.100.7.P. Attribution of Income

During any month in which a spouse is institutionalized, the income of the community spouse shall not be deemed available to the institutionalized spouse except as follows:

1. If payment of income from resources is made solely in the name of either the institutionalized spouse or the community spouse, the income shall be considered available only to the named spouse.
2. If payment of income from resources is made in the names of both the institutionalized spouse and the community spouse, one-half of the income shall be considered available to each spouse.
3. If payment of income is made in the names of the institutionalized spouse or the community spouse, or both, and to another person or persons, the income shall be considered available to each spouse in proportion to the spouse's interest.
4. The above regulations of attribution of income are superseded if the institutionalized spouse can establish by a preponderance of the evidence that the ownership interests in the income are other than that provided in the regulations.

8.100.7.Q. Calculating the Community Spouse's Monthly Income Needs

1. The community spouse's total minimum monthly needs shall be determined as follows:
 - a. The current minimum monthly maintenance needs allowance (MMMNA), which is equal to 150% of the federal poverty level for a family of two and is adjusted in July of each year;
 - b. An excess shelter allowance, in cases where the community spouse's expenses for shelter exceed 30% of the MMMNA. The excess shelter allowance is computed by adding (a) and (b) together:
 - i) The community spouse's expenses for rent or mortgage payment including principal and interest, taxes and insurance, and, in the case of a condominium or cooperative, any required maintenance fee, for the community spouse's principal residence; and
 - ii) The larger of the following amounts: the standard utility allowance used by Colorado under U.S.C. 2014(e) of Title 7; or the community spouse's actual, verified, utility expenses. A utility allowance shall not be allowed if the utility expenses are included in the rent or maintenance charge, which is paid by the community spouse.
 - iii) The excess shelter allowance is the amount, if any, that exceeds 30% of the MMMNA.
2. An additional amount may be approved for the following expenses:
 - a. Medical expenses of the community spouse or dependent family member for necessary medical or remedial care. Each medical or remedial care expense claimed for deduction must be documented in a manner that describes the service, the date of the service, the amount of the cost incurred, and the name of the service provider. An expense may be deducted only if it is:
 - i) Provided by a medical practitioner licensed to furnish the care;
 - ii) Not subject to payment by any third party, including Medical Assistance and Medicare;

- b. The cost of Medicare, Long Term Care insurance, and health insurance premiums. A health insurance premium may be allowed in the month the premium is paid or may be prorated and allowed for the months the premium covers. This allowance does not include payments made for coverage which is:
 - i) Limited to disability or income protection coverage;
 - ii) Automobile medical payment coverage;
 - iii) Supplemental to liability insurance;
 - iv) Designed solely to provide payments on a per diem basis, daily indemnity or non-expense-incurred basis; or
 - v) Credit life and/or accident and health insurance.
- 3. If either spouse establishes that the community spouse needs income above the level provided by the minimum monthly maintenance needs allowance due to exceptional circumstances, which result in significant financial duress, such as loss of home and possessions due to fire, flood, or tornado, an additional amount may be substituted for the MMMNA if established through a fair hearing.
- 4. The total that results from adding the current MMMNA and the excess shelter allowance shall not exceed the current maximum MMMNA which is \$2,175.00 for the year 2001 and is adjusted by the Health Care Financing Administration in January of each year.

8.100.7.R. Calculating the Amount of Income to be Contributed by the Institutionalized Spouse for the Community Spouse's Monthly Needs

- 1. The Monthly Income Allowance (MIA) is the amount of money necessary to raise the community spouse's income to the level of his/her monthly needs, and shall be obtained from the monthly income of the institutionalized spouse. For individuals who become institutionalized on or after February 8, 2006, all income of the institutionalized spouse that could be made available to the community spouse must be considered to have been made available to the community spouse before an MIA is allocated to the community spouse.
- 2. The MIA shall be the amount by which the community spouse's minimum monthly needs, which is the MMMNA, exceed his/her income from sources other than the institutionalized spouse. The community spouse's income shall be calculated by using the gross income less mandatory deductions for FICA and Medicare tax.
- 3. If a court has entered an order against the institutionalized spouse for monthly support of the community spouse, the MIA shall not be less than the monthly amount ordered by the court.
- 4. The eligibility site shall make adjustments to the MMMNA and/or the MIA on a monthly basis for any continuing change in circumstances that exceeds \$50 a month. Continuing changes of less than \$50 in a month, and any infrequent or irregular changes, shall be considered at redetermination.

8.100.7.S. Increasing the Community Spouse Resource Allowance

- 1. The CSRA shall be increased above the maximum amount if additional resources are needed to raise the community spouse's monthly income to the level of the Minimum Monthly Maintenance

Needs Allowance (MMMNA). In making this determination the items listed below are calculated in the following order:

- a. The community spouse's MMMNA;
- b. The community spouse's own income; and
- c. The Monthly Income Allowance (MIA) contribution that the community spouse is eligible to receive from the institutionalized spouse.
- d. If the community spouse's own income, and the Monthly Income Allowance contribution from the institutionalized spouse's income is less than the Minimum Monthly Maintenance Needs Allowance, additional available resources shall be shifted to the community spouse to bring his/her income up to the level of the MMMNA. The additional resources necessary to raise the community spouse's monthly income to the level of the MMMNA shall be based upon the cost of a single-premium lifetime annuity with monthly payments equal to the difference between the MMMNA and the community spouse's income. The following steps shall be followed to determine the amount of resources to be shifted:
 - i) The applicant shall obtain three estimates of the cost of an annuity that would generate enough income to make up the difference between the MMMNA and the combined community spouse's income as described above.
 - ii) The amount of the lowest estimate shall be used as the amount of resources to increase the CSRA.
 - iii) The applicant shall not be required to purchase the annuity in order to have the CSRA increased.
- e. The CSRA shall not be increased if the institutionalized spouse refuses to make the monthly income allowance (MIA) available to the community spouse.

8.100.7.T. Deductions from Monthly Income of the Institutionalized Spouse

1. During each month after the institutionalized spouse becomes Medical Assistance eligible, deductions shall be made from the institutionalized spouse's monthly income in the following order.
 - a. A personal needs allowance or the client maintenance allowance as allowed by program eligibility.
 - b. A Monthly Income Allowance (MIA) for the community spouse, but only to the extent that income of the institutionalized spouse is actually made available to, or for the benefit of, the community spouse;
 - c. A family allowance for each dependent family member who lives with the community spouse.
 - i) The allowance for each dependent family member shall be equal to one third of the amount of the MMMNA and shall be reduced by the monthly income of that family member.
 - ii) Family member means dependent children (minor or adult), dependent parents or dependent siblings of either spouse that are residing with the community

spouse and can be claimed by either the institutionalized or community spouse as a dependent for federal income tax purposes.

- d. Allowable deductions identified in section 8.100.7.V.
- e. If the institutionalized spouse fails to make his/her income available to the community spouse or eligible dependent family members in accordance with these regulations, that income shall be applied to the cost of care for the institutionalized spouse.
- f. No other deductions shall be allowed.

8.100.7.U. Right to Appeal

- 1. Both spouses shall be informed of the following:
 - a. The amount and method by which the eligibility site calculated the community spouse resource allowance (CSRA), community spouse monthly income allowance (MIA), and any family allowance;
 - b. The spouses' right to a fair hearing concerning these calculations;
 - c. The eligibility site conclusions with respect to the spouses' ownership and availability of income and resources, and the spouses' right to a fair hearing concerning these conclusions.
- 2. If either spouse establishes that the community spouse needs income above the level provided by the minimum monthly maintenance needs allowance due to exceptional circumstances, which result in significant financial duress, such as loss of home and possessions due to fire, flood, or tornado, an additional amount may be substituted for the MMMNA if established through a fair hearing.
- 3. Appeals from decisions made by the eligibility site shall be governed by the provisions under Recipient Appeals Protocols/Process at 8.058.

8.100.7.V. Long-Term Care Institution Recipient Income

- 1. Determination of Income and Communication between the Long-Term Care institution and the Eligibility Site Using the AP-5615 Form for Patient Payment
 - a. Sections I, II and IV of the AP-5615 form are to be completed by the Long-Term Care institution for all admissions, readmissions, transfers to and from another payer source, including private pay and Medicare, discharges, deaths, changes in income and/or patient payment, medical leaves of absence and non-medical/programmatic leave in excess of 42 days combined per calendar year.
 - b. The initial determination of resident income for patient payment shall be made by the Eligibility Site. The Eligibility Site shall notify the Long-Term Care institution of current resident income.
 - c. On receipt of AP-5615 form, the Eligibility Site will, within five working days:
 - i) For an admission, a readmission or a transfer from/to private pay, Medicare, or another payer source:

- 1) Verify and correct, if necessary, data entered by the Long-Term Care institution.
 - 2) List and/or verify the resident's monthly income adjustments and/or Long-Term Care Insurance benefit payments; and compute patient payment. Provide the completed AP-5615 to the Long-Term Care institution.
 - 3) Correct the automated system to indicate the Long-Term Care institution name and provider number and to reflect the current distribution of income. Submit the AP-5615 form to the Department.
- d. For change in patient payment with respect to changes in resident income:
- i) Verify changes in resident income, and correct if necessary. All such corrections must be initialed,
 - ii) Compute patient payment and provide the completed AP-5615 to the Long-Term Care institution.
- e. For change in patient payment with respect to the post-eligibility treatment of income, the Eligibility Site shall:
- i) Review the AP-5615 form for Medicare part B premium deduction allowances for the first two months of admission.
 - ii) If client is already on the Medicare Buy-In program for Medicare part B, do not adjust patient payment on AP-5615 form for the Medicare premium deduction. If client is not on the Buy-In program, adjust AP-5615 form for the Medicare premium deduction for the first two months of Long-Term Care institution eligibility.
 - iii) If the client has a Medicare D premium, the Eligibility Site shall use the amount as an income adjustment/deduction in the patient payment calculation and complete the AP-5615 form.
- f. For resident leave of absence:
- i) Non-Medical/Programmatic Leave. When combined non-medical/programmatic days in excess of 42 days are reported, verify adherence to the restrictions and conditions of section 8.482.44.
 - ii) Medical Leave/Hospitalization. Verify that the patient payment is apportioned correctly between the nursing facility and the hospital so that no Medicaid payment is requested for the period. See also section 8.482.43.
 - iii) The nursing facility may wait until the end of the month to complete the AP-5615 form for an ongoing hospitalization.
- g. For change in payer status:
- i) If Medicare or insurance is a primary payer during the month, verify the nursing facility's calculation of the patient payment.
 - ii) Complete and provide the AP-5615 to the nursing facility.

- h. For discharge or death of resident:
 - i) Verify the date of death or discharge, and verify the correct patient payment including the resident's monthly income for the discharged month, and the amount calculated by per diem. All corrections must be initialed.
 - ii) Note if the resident entered another Long-Term Care institution and, if so, enter the name of the new Long-Term Care institution in the system.
 - iii) In the event the resident may return to the same facility, the AP-5615 form may be completed at the end of the month for discharges due to hospitalization.
- i. For discontinuation of Long-Term Care eligibility:
 - i) Initiate and send an AP-5615 form to the Long-Term Care institution within 5 working days of the date of determination that the client's eligibility will be discontinued. Indicate the date the discontinuation will be effective.
- j. Failure to provide a correct and timely AP-5615 to the Long-Term Care institution may result in the refusal of the Department to reimburse such Long-Term Care institution care. The AP-5615 form is required in order for a Prior Authorization Request (PAR) to be issued for Long-Term Care institution claim reimbursement.
- k. General Instructions:
 - i) The AP-5615 form must be verified and a signed AP-5615 form returned to the Long-Term Care institution.
 - ii) The AP-5615 form must be signed and dated by the director of the Eligibility Site or by his/her designee.
 - iii) AP-5615 forms may be initiated by either the Long-Term Care institution or Eligibility Site. If the Eligibility Site is aware of information requiring a change in financial arrangements of a resident, and a new AP-5615 form is not forthcoming from the Long-Term Care institution, the Eligibility Site may initiate the revision to the AP-5615 form. In such case, one copy of the AP-5615 form showing the changes will be sent to the Long-Term Care institution.
- l. The Department may deduct excess payments from the Eligibility Site administrative reimbursement as stated in the Colorado Department of Human Services Finance Staff Manual, Volume 5 if the Eligibility Site fails to:
 - i) Perform the duties as detailed in this section; or
 - ii) Adhere to the limitations on a reduced patient payment; as detailed in section 8.100.7.V.4; or
 - iii) Notify the Long-Term Care institution within 5 working days of any changes in resident income, provided the Long-Term Care institution is not authorized to receive the resident's income; and excessive Medicaid funds are paid to the Long-Term Care institution as a result of this negligence.

2. Collection of Patient Payment

- a. It shall be the responsibility of the Long-Term Care institution to collect from the client, or from the client's family, conservator or administrator, the patient payment, which is to be applied to the cost of client care. The Department is not responsible for any deficiency in patient payment accounts, due to failure of the Long-Term Care institution to collect such income.
- b. If, however, the Long-Term Care institution is unable to collect such funds, through refusal of the resident or the resident's family, conservator, administrator or responsible party to release such income, the Long-Term Care institution shall immediately notify the Eligibility Site.
- c. When notified by the Long-Term Care institution of the refusal of the client or the client's family, conservator administrator or responsible party to pay the patient payment due, the Eligibility Site shall immediately contact the refusing party. If, after such contact, the party still refuses to release such income, the action shall be deemed a failure to cooperate, and the Eligibility Site shall proceed to discontinue Medicaid benefits for the resident.

3. Calculation of Patient Payment

- a. Specific instructions for computing the patient payment amount are contained in this volume under The "Status of Long-Term Care institution Care" Form, AP-5615
- b. Once an applicant for Nursing Facility Medical Assistance has been determined eligible for Medical Assistance, the Eligibility Site shall determine the patient payment due to the Nursing Facility which is to be applied to the Medicaid reimbursement for the cost of care. That patient payment is calculated by:
 - i) Determining all applicable income of the recipient
 - ii) Deducting all applicable allowable monthly income adjustments, which include:
 - 1) Personal Needs Allowance
 - 2) If applicable, Monthly Income Allowance for the community spouse.
 - 3) If applicable, Family Dependent Allowance
 - 4) If applicable, Home Maintenance Allowance
 - 5) If applicable, Trustee/Maintenance Fees: actual fees, with a maximum of \$20 per month
 - 6) If applicable, Mandatory Income Tax Withheld
 - 7) Mandatory garnishments repaying Federal assistance overpayment
 - 8) Medical or remedial care expenses that are not subject to payment by a third party:
 - a) Medicare Part B Premium expenses, if applicable, are deductible only for the first and second month in the Nursing Facility.
 - b) Medicare Part D Premium expenses, if applicable, are ongoing deductions.

- c) Other medical and remedial expenses covered under the Nursing Facility PETI (NF PETI) program are not deductible. NF PETI-approved expenses are allowed only for residents with a patient payment, but do not change the patient payment amount. For NF PETI, see the Section 8.482.33 in this volume "Post Eligibility Treatment of Income".

c. Long-Term Care Insurance

Long-Term Care insurance payments are not counted as income for eligibility purposes. However, they are income available for a patient payment. The patient payment shall include the client's income after the allowable deductions and any Long-Term Care insurance payments for the month. In the event that the patient payment is greater than the cost of care, the Long-Term Care insurance payment shall be applied before the client's income.

i) If Long-Term Care insurance is received for the month, and:

- 1) If, after all deductions, the client has income available for a patient payment, add this to the amount of the Long-Term Care insurance to determine the total patient payment.
 - a) If the total amount is greater than the allowable cost of care, the Long-Term Care insurance is applied before the client's income, or;
 - b) If after all deductions, the client does not have income available for the patient payment, only the Long-Term Care insurance payment is used.

d. Personal Needs Allowances

i) Non-Veteran related personal needs allowance

- 1) Prior to January 1, 2015 the personal needs allowance base amount is \$50 per month.
- 2) Effective January 1, 2015 the personal needs allowance base amount is \$75 per month and will be adjusted annually at the same rate as the statewide average of the nursing facility per diem rate net of patient payment pursuant to C.R.S. § 25.5-6-202(9)(b)(I). Each yearly adjustment will set a new base amount.
 - a) The first annual rate adjustment to the new \$75 base amount will occur on January 1, 2015.

ii) Veterans-related personal needs allowance

Effective 07/01/91, the personal needs allowance shall be \$90 per month for a veteran in a Long-Term Care institution who has no spouse or dependent child and who receives a non-service connected disability pension from the U.S. Veterans Administration. The personal needs allowance shall also be \$90 per month for the widow(er) of a veteran with no dependent children.

- 1) Public Law requires that a veteran, without a spouse or dependent child, who enters a Long-Term Care institution have their veteran's pension reduced to \$90 which is to be reserved for their personal needs. This reduction in pension is not applicable to veteran's who reside in a State Veteran's Nursing facility. If a veteran, who does not reside in a State Veteran's Nursing facility, receives a pension reduction of \$90 he/she is allowed to apply this \$90 to his/her personal needs allowance. It is not considered income toward the patient payment. The same regulation applies to a widow of a veteran without any dependent children.
- 2) To verify if those veterans residing in State Veteran's Nursing facilities are receiving a non-service connected pension you may request their award letter from the Department of Veterans Affairs or call the Department of Veterans Affairs and verify through contact. If they are receiving any amount in a non-service connected pension they are entitled to a \$90 personal needs allowance so long as they do not have a spouse or dependent child. The same regulation applies to a widow of a veteran without any dependent children.
- iii) For aged, disabled, or blind Long-Term Care institution recipients engaged in income-producing activities, an additional amount of \$65 per month plus one-half of the remaining gross income may be retained by the individual.
- iv) Effective September 15, 1994, aged, disabled, or blind Long-Term Care institution residents, HCBS or PACE recipients with mandatory withholdings from earned or unearned income to cover federal state, and local taxes may have an additional amount included as a deduction from the patient payment. The patient payment deduction must be for a specific accounting period when the taxes are owed and expected to be withheld from income or paid by the individual in the accounting period. The Eligibility Site must verify that the taxes were withheld. If the taxes are not paid, the Eligibility Site must establish a recovery. The deduction is also applicable for any Federal pensions with mandated tax withholdings from unearned income despite the individual earner being institutionalized. All other pensions will discontinue the tax withholding once notified that the recipient is receiving institutionalized care through Medicaid, thus signifying that the withholding was not mandatory. This deduction does not apply to individuals who have elected to have taxes withheld from their earnings as a means to receiving a greater tax refund.
- e. The reserve specified in section 8.100.7.V.3.d.iii. of this volume shall apply to Long-Term Care institution residents who are engaged in income-producing activities on a regular basis. Types of income-producing activities include:
 - i) work in a sheltered workshop or work activity center;
 - ii) "protected employment" which means the employer gives special privileges to the individual;

- iii) an activity that produced income in connection with a course of vocational rehabilitation;
 - iv) employment training sessions;
 - v) activities within the facility such as crafts products and facility employment.
- f. In determining the personal needs reserve amount for Long-Term Care institution residents engaged in income-producing activities:
 - i) The personal needs allowance is reserved from earned income only when the person has insufficient unearned income to meet this need;
 - ii) In determining countable earned income of a Long-Term Care institution resident, the following rules shall apply:
 - 1) \$65 shall be subtracted from the gross earned income.
 - 2) The result shall be divided in half.
 - 3) The remaining income is the countable earned income and shall be considered in determining the patient payment.
 - iii) When the personal needs allowance is reserved from unearned income, the additional reserve is computed based on the total gross earned income.
- g. Other Deductions Reserved from Recipient's Income:
 - i) In the case of a married, long-term care recipient who is institutionalized in a Long-Term Care institution and who has a spouse (and, in some cases, other dependent family members) living in the community, there are "spousal protection" rules which permit the contribution of the institutionalized spouse's income toward their living expenses. See section 8.100.7.K.
 - ii) For a Long-Term Care institution recipient with no family at home, an amount in addition to the personal needs allowance may be reserved for maintenance of the recipient's home for a temporary period, not to exceed 6 months, if a physician has certified that the person is likely to return to his/her home within that period.

This additional reserve from recipient income is referred to as Home Maintenance Allowance and the amount of the deduction must be based on actual and verified shelter expenses such as mortgage payments, taxes, utilities to prevent freeze, etc.

The Home Maintenance Allowance:

 - 1) Prior to July 1, 2018 shall not exceed the total of the current shelter and utilities components of the applicable standard of assistance (OAP for aged recipients; AND/SSI-CS or AB/SSI-CS for disabled or blind recipients).
 - 2) Beginning July 1, 2018

- a) The Home Maintenance Allowance shall not exceed the Home Maintenance Allowance Maximum described in this section.

Claimable utility costs will be limited to the lesser of the following amounts:

The standard utility allowance used by Colorado under 7 U.S.C. 2014(e) (2018), which is hereby incorporated by reference.

The incorporation of 7 U.S.C. 2014(e) (2018) excludes later amendments to, or editions of, the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Department maintains copies of this incorporated text in its entirety, available for public inspection during regular business hours at: Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver CO 80203. Certified copies of incorporated materials are provided at cost upon request.

Or;

The individual's actual, verified, utility expenses.

- b) The Maximum Home Maintenance Allowance is The Individual Needs Standard minus 105% Federal Poverty Limit (FPL) for a household of 1, rounded to the nearest whole dollar, and is determined as follows:
 - (1) The Department will calculate the Individual Needs Standard by dividing the Federal Minimum Monthly Maintenance Needs Allowance maximum by the Federal Minimum Monthly Maintenance Needs Allowance (MMMNA), described at 8.100.7.Q, which is in place on January 1st of each calendar year. The result of this division will be multiplied by 150% of FPL for a household of 1.
 - (2) The Home Maintenance Maximum is determined by subtracting 150% FPL for a household of 1 from the Individual Needs Standard and adding 30% of 150% FPL for a household of 1. The result will be rounded to the nearest whole dollar.
- h. The necessity for the deduction from a recipient's income specified in section 8.100.7.V.3 shall be fully explained in the case record. Such additional reserve amount must be entered on the eligibility reporting form.
- i. As of July 1, 1988, an SSI cash recipient may continue to receive SSI benefits when he/she is expected to be institutionalized for three months or less. This provision is intended to allow temporarily institutionalized recipients to pay the necessary expenses to maintain the principal place of residence.
 - i) Payments made under this continued benefit provision are not considered over-payments of SSI benefits if the recipient's stay is more than 90 days.

- ii) The amount of Supplemental Security Income (SSI) benefit paid to an institutionalized individual is deducted from gross income when computing the patient payment.
 - j. When a nursing facility resident's SSI is reduced due to institutionalization, the difference between the reduced SSI payment and the personal needs allowance amount shall be provided through the Adult Financial program so that the resident receives the full personal needs allowance.
4. Reduction of the Patient Payment
- a. Patient payment may be reduced only under the following conditions:
 - i) A resident's income is equal to or less than the personal needs allowance and there is no long term care insurance payment, in which case the patient payment is zero; or
 - ii) A resident's income is equal to or less than the sum of all allowable and appropriate deductions, and there is no long term care insurance payment; or
 - iii) A resident is admitted to the Long Term Care institution from his/her home and the resident's funds are committed elsewhere for that month; or
 - iv) The resident is admitted from his/her home, where his/her funds were previously committed, to the hospital, and subsequently to the Long Term Care institution, in the same calendar month; or
 - v) The resident is discharged to his/her home, and the Eligibility Site determines that the income is necessary for living expenses; or
 - vi) The resident is admitted from another Long Term Care institution or from private pay within the facility and has committed the entire patient payment for the month for payment of care already provided in the month of admission.
 - vii) Medicare assesses a co-insurance payment for a QMB recipient; the recipient's patient payment cannot be used for payment of Medicare co-insurance.
 - b. Patient payment may not be waived in the following instances:
 - i) Transfers between nursing facilities, except that the patient payment for the receiving facility may be waived if the patient payment has already been committed to the former nursing facility; or
 - ii) Discharges from nursing facility to a hospital or other medical institution when Medicaid is paying for services in the medical institution; or
 - iii) Changes from private pay within the facility and the patient payment is not already committed for care provided under private pay status; or
 - iv) The death of the resident.
 - c. The Eligibility Site shall verify and approve partial month patient payments due to transfers, discharges or death when calculated by the nursing facility based upon the nursing facility's per diem rate.

- d. The amount of SSI benefits received by a person who is institutionalized is not considered when calculating patient payment.
- 5. Responsibilities of the Eligibility Site Regarding the Personal Needs Fund
 - a. It shall be the responsibility of the Eligibility Site to explain to the resident the various options for handling the personal needs monies, as well as the resident's rights to such funds. The resident has the option to allow the Long Term Care institution to hold such funds in trust.
 - b. It shall be the responsibility of the Eligibility Site to assure that the Long Term Care institution properly transfers or disposes of the resident's personal needs funds within 30 days of discharge from the Long Term Care institution, or transfer to another Long Term Care institution.
 - c. The Eligibility Site shall notify the State Department if they become aware that a Long Term Care institution has retained personal needs funds more than 30 days after the death of a resident.
- 6. For rules regarding post eligibility treatment of income, see the section in this volume titled "Post Eligibility Treatment of Income"

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

Rule Number: MSB 21-07-20-A

Division / Contact / Phone: Eligibility Policy Section / Jennifer VanCleave / 303-866-6204

SECRETARY OF STATE

RULES ACTION SUMMARY AND FILING INSTRUCTIONS

SUMMARY OF ACTION ON RULE(S)

1. Department / Agency Name: Health Care Policy and Financing / Medical Services Board

2. Title of Rule: MSB 21-07-20-A, Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

3. This action is an adoption of: <Select One>

4. Rule sections affected in this action (if existing rule, also give Code of Regulations number and page numbers affected):

Sections(s) OP Pages, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).

5. Does this action involve any temporary or emergency rule(s)? <Select One>
If yes, state effective date: 07/30/2021

Is rule to be made permanent? (If yes, please attach notice of hearing). Yes

PUBLICATION INSTRUCTIONS*

Replace the current text at 8.100.3.G.1.g.iv with the proposed language beginning at 8.100.3.G.1.g.iv through the end of 8.100.3.G.1.g.iv. This rule is effective July 30, 2021.

DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Medical Assistance Eligibility Rules Concerning
General and Citizenship Eligibility Requirements, Section 8.100.3.G
Rule Number: MSB 21-07-20-A
Division / Contact / Phone: Eligibility Policy Section / Jennifer VanCleave / 303-866-6204

STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

The proposed rule change will amend 10 CCR 2505-10 §8.100.3.G to update General Medical Assistance Eligibility and Citizenship Requirements to include Compact of Free Associate (COFA) migrants as eligible non-citizens not subject to a 5-year waiting period. Effective December 27, 2020, section 208 of the Consolidated Appropriations Act of 2021 requires states and the District of Columbia to provide Medicaid coverage for COFA individuals. COFA is an agreement between the United States and the three Pacific Island sovereign states of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; also known as Freely Associated States. States must cover COFA migrants in Medicaid as qualified non-citizens without a 5-year waiting period they are otherwise eligible under the Medicaid state plan or section 1115 demonstration.

Eligibility rules at §8.100.3.G.1.g.vi.12 already allow for Medicaid eligibility without a 5-year waiting period for COFA individuals (Micronesia, Marshall Islands, Palau) that are pregnant women, and for children under the age of 19 years. The proposed rule will allow all COFA individuals to be considered qualified non-citizens without a 5-year waiting period, regardless of age or pregnancy. The Centers for Medicare and Medicaid Services (CMS) have provided guidance that the expanded eligibility to this population cannot begin prior to the enactment date of the Consolidated Appropriations Act of 2021. Eligibility for these individuals can begin as early as December 27, 2020. The proposed change will only update rule to consider all COFA individuals as eligible non-citizens. These individuals will still need to meet all other categorical requirement to be eligible for and approved for Medicaid (income, assets, disability, level of care, etc.) based on category.

An emergency rule-making is imperatively necessary

- ☒ to comply with state or federal law or federal regulation and/or
☐ for the preservation of public health, safety and welfare.

Explain:

DO NOT PUBLISH THIS PAGE

The Consolidated Appropriations Act of 2021 has been in effect since December 27, 2020. CMS recently provided guidance for rule and system updates that are required as soon as possible, as the Department is currently out of compliance with federal law. The Colorado Benefit Management System (CBMS) will be updated at next available system build on August 7, 2021, so rule must be updated to ensure systematic and regulatory alignment.

2. Federal authority for the Rule, if any:

Consolidated Appropriations Act 2021, Section 208; 42 C.F.R. §435.406

3. State Authority for the Rule:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2021);
Section 25.5-4-205, C.R.S. (2021)
Section 24.4-4-103(6)(a), C.R.S. (2021)

Title of Rule: Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

Rule Number: MSB 21-07-20-A

Division / Contact / Phone: Eligibility Policy Section / Jennifer VanCleave / 303-866-6204

REGULATORY ANALYSIS

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

With the proposed rule change, all applicants and recipients of Medical Assistance who are a part of COFA, including the citizens of Micronesia, the Marshall Islands, and Palau will now be considered eligible non-citizens without a 5-year waiting period for the purposes of determining their eligibility. They will also be eligible for full benefits, rather than only those services necessary to treat an emergency medical condition. The Department will benefit from the proposed change as the rule will align with federal requirements. The Department will also bear the cost of the proposed rule change, as there will likely be a small increase in the number of individuals who will be eligible for Medical Assistance.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

The proposed change will update rule to comply with the requirements put forth in Section 208 of the Consolidated Appropriations Act of 2021. The Department will benefit from compliance with federal regulations. This will ensure that the Medical Assistance eligibility will be accurately determined for COFA individuals. The proposed rule change will also expand eligibility for full Medical Assistance benefits to COFA individuals who were previously only eligible for coverage of services necessary to treat an emergency medical condition.

The Department, stakeholders, applicants, members, and the general public will benefit from a clear description of the expanded population eligible for benefits, as well as the date on which the changes were authorized.

CBMS will also be updated to align COFA eligibility determinations with this rule change, as well as to accurately verify immigration status via the

Verify Lawful Presence (VLP) interface with the Systematic Alien Verification of Entitlements (SAVE) Program

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The Department anticipates that this rule change will result in an increase of the number of individuals eligible for Medical Assistance. The Department anticipates that the population will be small. Based on current data, there are 555 individuals who have applied for Medicaid and are citizens of Micronesia, the Marshall Islands, or Palau, and are not currently eligible for Medicaid. This is likely an upper bound on the impacted population, as not all of these individuals would otherwise meet Medical Assistance eligibility criteria. If all 555 individuals enrolled in Medicaid, it is projected to cost roughly \$2.4 million total funds, including \$250k General Fund, \$187K cash funds, and \$2.0 million federal funds.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The cost of the proposed rule is the costs to cover more members on Medicaid. The benefit of the proposed rule change is to come into compliance with federal law. The cost of inaction is being out of compliance with federal law and risking federal financial participation for Medicaid. The benefit of inaction is to not incur additional costs related to covering more members.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for complying with federal law.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

The Department considered no alternative methods for achieving the purpose of the proposed rule change, as it is required to come into compliance with federal law.

8.100 MEDICAL ASSISTANCE ELIGIBILITY

8.100.3.G. General and Citizenship Eligibility Requirements

1. To be eligible to receive Medical Assistance, an eligible person shall:
 - a. Be a resident of Colorado;
 - b. Meet the following requirements while being an inmate, in-patient or resident of a public institution:
 - i). The following individuals, if eligible, may be enrolled for Medical Assistance
 1. Patients in a public medical institution
 2. Residents of a Long-Term Care Institution
 3. Prior inmates who have been paroled
 4. Resident of a publicly operated community residence which serves no more than 16 residents
 5. Individuals participating in community corrections programs or residents in community corrections facilities ("halfway houses") who have freedom of movement and association which includes individuals who:
 - a) are not precluded from working outside the facility in employment available to individuals who are not under justice system supervision;
 - b) can use community resources (e.g., libraries, grocery stores, recreation, and education) at will;
 - c) can seek health care treatment in the broader community to the same or similar extent as other Medicaid enrollees in the state; and/or
 - d) are residing at their home, such as house arrest, or another location
 - ii). Inmates who are incarcerated in a correctional institution such as a city, county, state or federal prison may be enrolled, if eligible, with benefits limited to an in-patient stay of 24 hours or longer in a medical institution.
 - c. Not be a patient in an institution for tuberculosis or mental disease, unless the person is under 21 years of age or has attained 65 years of age and is eligible for the Medical Assistance Program and is receiving active treatment as an inpatient in a psychiatric facility eligible for Medical Assistance reimbursement. See section 8.100.4.H for special provisions extending Medical Assistance coverage for certain patients who attain age 21 while receiving such inpatient psychiatric services;

- d. Meet all financial eligibility requirements of the Medical Assistance Program for which application is being made;
- e. Meet the definition of disability or blindness, when applicable. Those definitions appear in this volume at 8.100.1 under Definitions;
- f. Meet all other requirements of the Medical Assistance Program for which application is being made; and
- g. Fall into one of the following categories:
 - i) Be a citizen or national of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa or Swain's Island; or
 - ii) Be a lawfully admitted non-citizen who entered the United States prior to August 22, 1996, or
 - iii) Be a non-citizen who entered the United States on or after August 22, 1996 and is applying for Medical Assistance benefits to begin no earlier than five years after the non-citizen's date of entry into the United States who falls into one of the following categories:
 - 1) lawfully admitted for permanent residence under the Immigration and Nationality Act (hereafter referred to as the "INA");
 - 2) paroled into the United States for at least one year under 8 U.S.C. § 1182(d)(5); or
 - 3) granted conditional entry under section 203(a)(7) of the INA, as in effect prior to April 1, 1980; or
 - 4) determined by the eligibility site, in accordance with guidelines issued by the U.S. Attorney General, to be a spouse, child, parent of a child, or child of a parent who, in circumstances specifically described in 8 U.S.C. §1641(c), has been battered or subjected to extreme cruelty which necessitates the provision of Medical Assistance (Medicaid); or
 - iv) Be a non-citizen who arrived in the United States on any date, who falls into one of the following categories:
 - 1) lawfully residing in Colorado and is an honorably discharged military veteran (also includes spouse, unremarried surviving spouse and unmarried, dependent children), or
 - 2) lawfully residing in Colorado and is on active duty (excluding training) in the U.S. Armed Forces (also includes spouse, unremarried surviving spouse and unmarried, dependent children), or
 - 3) granted asylum under section 208 of the INA, or
 - 4) refugee under section 207 of the INA, or

- 5) deportation withheld under section 243(h) (as in effect prior to September 30, 1996) or section 241(b)(3) (as amended by P.L. 104-208) of the INA, or
 - 6) Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, or
 - 7) an individual who (1) was born in Canada and possesses at least 50 percent American Indian blood, or is a member of an Indian tribe as defined in 25 U.S.C. sec. 5304(e)(2016), or
 - 8) admitted to the U.S. as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 (as amended by P.L. 100-461), or
 - 9) lawfully admitted permanent resident who is a Hmong or Highland Lao veteran of the Vietnam conflict, or
 - 10) a victim of a severe form of trafficking in persons, as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. § 7105(b) (2016)), or
 - 11) An alien who arrived in the United States on or after December 26, 2007 who is an Iraqi special immigrant under section 101(a)(27) of the INA, or
 - 12) An alien who arrived in the United States on or after December 26, 2007 who is an Afghan Special Immigrant under section 101(a)(27) of the INA, or
 - 13) Compact of Free Association (COFA) migrants, including citizens of Micronesia, the Marshall Islands, and Palau, pursuant to section 208 of the Consolidated Appropriations Act of 2021 (in effect December 27, 2020).
- v) The statutes listed at sections 8.100.3.G.1.g.iii.1-5 and at 8.100.3.G.1.g.iv.3-11 are incorporated herein by reference. No amendments or later editions are incorporated. These regulations are available for public inspection at the Colorado Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203-1714. Pursuant to C.R.S. 24-4-103(12.5)(b)(2016), the agency shall provide certified copies of the material incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States, this state, another state, or the organization or association originally issuing the code, standard, guideline or rule.
- vi) Be a lawfully admitted non-citizen who is a pregnant women or a child under the age of 19 years in the United States who falls into one of the categories listed in 8.100.3.G.1.g.iii or into one of the following categories listed below. These individuals are exempt from the 5-year waiting period:
- 1) granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, or

- 2) granted Temporary Protected Status (TPS) in accordance with 8 U.S.C 1254a and pending applicants for TPS granted employment authorization,
 - 3) granted employment authorization under 8 CFR 274a.12(c), or
 - 4) Family Unity beneficiary in accordance with section 301 of Pub. L. 101-649, as amended.
 - 5) Deferred Enforced Departure (DED), pursuant to a decision made by the President,
 - 6) granted Deferred Action status (excluding Deferred Action for Childhood Arrivals (DACA)) as described in the Secretary of Homeland Security's June 15, 2012 memorandum,
 - 7) granted an administrative stay of removal under 8 CFR 241.6(2016), or
 - 8) Beneficiary of approved visa petition who has a pending application for adjustment of status.
 - 9) Pending an application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who-
 - a) as been granted employment authorization; or
 - b) Is under the age of 14 and has had an application pending for at least 180 days.
 - 10) granted withholding of removal under the Convention Against Torture,
 - 11) A child who has a pending application for Special Immigrant Juvenile status under 8 U.S.C. 1101(a)(27)(J), or
 - 12) Citizens of Micronesia, the Marshall Islands, and Palau, or
 - 13) is lawfully present American Samoa under the immigration of laws of American Samoa.
 - 14) A non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or under 8 U.S.C. 1101(a)(17), or
 - 15) A non-citizen who has been paroled into the United States for less than one year under 8 U.S.C. § 1182(d)(5), except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings.
- vii) Exception: The exception to these requirements is that persons who apply for and meet the criteria for one of the categorical Medical Assistance programs, but who are not citizens, and are not eligible non-citizens, according to the criteria set forth in 8.100.3.G.1.g, shall receive Medical Assistance benefits for emergency medical care only. The rules on confidentiality prevent the Department or eligibility site from reporting to the United States Citizenship and Immigration Services persons who have applied for or are receiving assistance.

These persons need not select a primary care physician as they are eligible only for emergency medical services.

For non-qualified aliens receiving Medical Assistance emergency only benefits, the following medical conditions will be covered:

An emergency medical condition (including labor and delivery) which manifests itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- 1) placing the patient's health in serious jeopardy;
- 2) serious impairment of bodily function; or
- 3) serious dysfunction of any bodily organ or part.

A physician shall make a written statement certifying the presence of an emergency medical condition when services are provided and shall indicate that services were for a medical emergency on the claim form. Coverage is limited to care and services that are necessary to treat immediate emergency medical conditions. Coverage does not include prenatal care or follow-up care.

2. For determinations of eligibility for Medical Assistance, legal immigration status must be verified. This requirement applies to a non-citizen individual who meets the criteria of any category defined at 8.100.3.G(1)(g)(ii) (iii) (iv) or (vi) and has declared that he or she has a legal immigration status.
 - a. The Verify Lawful Presence (VLP) interface will be used to verify immigration status. The VLP interface connects to the Systematic Alien Verification for Entitlements (SAVE) Program to verify legal immigration status.
 - i) If an automated response from VLP confirms that the information submitted is consistent with VLP data for immigration status verification requirements, no further action is required for the individual and no additional documentation of immigration status is required.
 - ii) If the VLP cannot automatically confirm the information submitted, the individual will be contacted with a request for additional documents and/or information needed to verify their legal immigration status through the VLP interface. If a response from the VLP interface confirms that the additional documents and/or information received from the individual verifies their legal immigration status, no further action is required for the individual and no additional documentation of immigration status is required.
3. Reasonable Opportunity Period
 - a. If the verification through the electronic interface is unsuccessful then the applicant will be provided a reasonable opportunity period, of 90 days, to submit documents indicating a legal immigration status, as listed in 8.100.3.G.1.g. The reasonable opportunity period will begin as of the date of the Notice of Action. The required documentation must be received within the reasonable opportunity period.

- b If the applicant does not provide the necessary documents within the reasonable opportunity period, then the applicant's Medical Assistance application shall be terminated.
- c. The reasonable opportunity period applies to MAGI, Adult and Buy-In Programs.
 - i) For the purpose of this section only, MAGI Programs for persons covered pursuant to 8.100.4.G or 8.100.4.I. include the following:

Commonly Used Program Name	Rule Citation
Children's Medical Assistance	8.100.4.G.2
Parent and Caretaker Relative Medical Assistance	8.100.4.G.3
Adult Medical Assistance	8.100.4.G.4
Pregnant Women Medical Assistance	8.100.4.G.5
Legal Immigrant Prenatal Medical Assistance	8.100.4.G.6
Transitional Medical Assistance	8.100.4.I.1-5

- ii) For the purpose of this section only, Adult and Buy-In Programs for persons covered pursuant to 8.100.3.F, 8.100.6.P, 8.100.6.Q, or 8.715. include the following:

Commonly Used Program Name	Rule Citation
Old Age Pension A (OAP-A)	8.100.3.F.1.c
Old Age Pension B (OAP-B)	8.100.3.F.1.c
Qualified Disabled Widow/Widower	8.100.3.F.1.e
Pickle	8.100.3.F.1.e
Long-Term Care	8.100.3.F.1.f-h
Medicaid Buy-In Program for Working Adults with Disabilities	8.100.6.P
Medicaid Buy-In Program for Children with Disabilities	8.100.6.Q
Breast and Cervical Cancer Program (BCCP)	8.715



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

JULY 2021 EMERGENCY JUSTIFICATION FOR MEDICAL ASSISTANCE RULES ADOPTED AT THE JULY 30, 2021 EMERGENCY MEDICAL SERVICES BOARD MEETING

MSB 21-06-25-A, Revision to the Medical Assistance Act Rule concerning Novel Corona Virus Disease (COVID-19) Rules, Section 8.6000

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The temporary changes to regulatory requirements in order to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-25-B, Revision to the Medical Assistance Rule concerning Provider Enrollment, Sections 8.125.11, 8.125.12, 8.125.13

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The purpose of this emergency rule is to temporarily change regulatory requirements for Department of Health Care Policy and Financing rules to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic. The temporary changes to regulatory requirements in order to provide enhanced flexibility, reduction to programmatic limitations, and alignment with existing federal guidance related to processes under the COVID-19 pandemic is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-26-A, Revision to the Medical Assistance Act Rule concerning Emergency Medical Transportation, Sections 8.018.1.F. and 8.018.4.D.1

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Under the Department's current rule, ambulance trips may only be taken to a limited set of medical facilities, the "closest, most appropriate Facility." CMS recently issued an expanded list of allowable destinations for ambulance trips that qualify for Medicare reimbursement during the COVID-19 public health



emergency. This rule will align the Department with that new CMS Medicare guidance by expanding our definition of Facility. The goal is to allow EMT providers to take members to a wider range of medical facilities that are appropriate to the member's condition but that are not necessarily hospitals. This will help prevent hospital overcrowding while also getting members the most appropriate medical care, and will allow utilization of temporary and alternative care sites.

The second change relates to interfacility transportation, which is ambulance transportation from one facility to another, provided the member requires basic or advanced life support en route. This revision suspends the life support requirement. This will allow for members to be moved from one facility to another if they need continued COVID-19-related care, but do not require life support en route. This is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-26-B, Revision to the Medical Assistance Act Rule concerning Non-Emergent Medical Transportation, Sections 8.014.1.N, 8.014.3.C.2, 8.014.3.D.1, 8.014.4.A, 8.014.6.A.3

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Permitting NEMT trips to non-covered places of service will prevent hospital overcrowding while ensuring that members receive treatment for COVID-19. The change allows flexibility and takes advantage of newly established alternative care sites that may be temporary in nature and thus not enrolled in the Colorado Medical Assistance Program. If members with COVID-19 can only receive care at covered places of service, those sites may become overcrowded and may see a shortage of available beds.

Suspending multi-loading will ensure compliance with social distancing guidelines by limiting a vehicle's occupants. It is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-27-A, Revision to the Medical Assistance Act Rule concerning Immunization Services, Section 8.815

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This revision is necessary to comply with section 6008(b)(4) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136. This provision requires the Department to be able to reimburse for administration of the COVID-19 vaccine currently being developed. It is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-27-B, Revision to the Medical Assistance Act Rule concerning Nursing Facility Immunization Administration, Sections 8.443 and 8.815

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. This rule revision will allow the Department to reimburse pharmacies for administration of the COVID-19 vaccine in Long-term Care Facilities through the Centers for Disease Control and Prevention's (CDC's) Pharmacy



Partnership for Long-term Care Program or other partnership between an LTC and a pharmacy. These revisions are required to facilitate administration of the forthcoming COVID-19 vaccine to nursing home facility residents and is imperatively necessary for the preservation of public health safety, and welfare.

MSB 21-06-28-A, Revision to the Medical Assistance Act Rule concerning Private Duty Nursing and Long-Term Home Health Prior Authorization Requirements, Sections 8.520 and 8.540

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. These revisions are required to bring Department regulations in line with current practice. The Department otherwise risks deferral or disallowance from CMS for being out of compliance. A deferral or disallowance would impact the Department's ability to provide adequate services to members. This rule change is necessary for the preservation of public health, safety, and welfare.

MSB 21-06-28-B, Revision to the Medical Assistance Act Rule concerning Subacute Care, Sections 8.300.3 & 8.300.5

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. Addition of subacute care to the list of the covered services for inpatient hospitals, and associated alternate care facilities, increases access to such care for the duration of the COVID-19 public health emergency and is imperatively necessary for the preservation of public health, safety, and welfare.

MSB 21-06-29-A, Revision to the Medical Assistance Rule concerning Medical Assistance program rule updates, Sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The proposed rule change will amend 10 CCR 2505-10 sections 8.100.1, 8.100.3, 8.100.4, 8.100.5 and 8.100.6 based on the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Families First Coronavirus Response Act (FFCRA) and the Affordable Care Act (ACA), which includes the Maintenance of Effort (MOE) provision. All policy revisions will align with federal regulations for the state to be in compliance during the federal Coronavirus (COVID-19) Public Health Emergency. These changes will impact all Medical Assistance categories and these policy changes will stay in place until the end of the federal Coronavirus (COVID-19) Public Health Emergency. The following policy changes are: Self-attestation for most verifications will be acceptable to be in compliance with the Maintenance of Effort (MOE) provision to ensure the continuance of health coverage for all eligible members. When a member is not reasonable compatible based off income a member self-attests, documentation will not be required, and the member will remain eligible for Medical Assistance. Self-attestation of resources will be acceptable for Non-MAGI programs. Premiums for the Buy-In program will be waived. Required through the Federal CARES Act for the Maintenance of Effort (MOE), members who had a loss of employment will remain in the Buy-In program. Newly enrolled members will still need to meet the work requirements. For applicants who are not eligible for Medical Assistance but have been



exposed or who are potentially infected by the COVID-19, will be eligible for Medical Assistance for related COVID testing. The economic stimulus relief package designed to provide direct assistance to individuals to help offset the financial impacts of the COVID-19 Public Health Emergency will be exempt for MAGI and Non-MAGI eligibility determinations. The economic stimulus will not be a countable resource for 12 months for any Non-MAGI financial eligibility determinations that include a resource test. Lastly, the Federal Pandemic Unemployment Compensation (FPUC) program which provides an extra \$600.00 a week is not countable unearned income for Medical Assistance categories. This rule change is crucial for the preservation of public health, safety, and welfare.

MSB 21-07-20-A, Revision to the Medical Assistance Eligibility Rules Concerning General and Citizenship Eligibility Requirements, Section 8.100.3.G

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The Consolidated Appropriations Act of 2021 has been in effect since December 27, 2020. CMS recently provided guidance for rule and system updates that are required as soon as possible, as the Department is currently out of compliance with federal law. The Colorado Benefit Management System (CBMS) will be updated at next available system build on August 7, 2021, so rule must be updated to ensure systematic and regulatory alignment and is imperatively necessary for the preservation of public health, safety, and welfare.

MSB 21-07-21-A, Revision to Medical Assistance Special Financing rule concerning the Colorado Dental Health Care Program for Low-Income Seniors, Section 8.960

For the preservation of public health, safety and welfare

Emergency rule-making is imperatively necessary. The program's statute requires that rates for dental procedures for the Dental Health Care Program for Low-Income Seniors are at least as much as Medicaid's dental rates. Rule changes are necessary to revise rates to meet the statutory requirement and is imperatively necessary for the preservation of public health, safety, and welfare.



PHILIP J. WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
ERIC R. OLSON
Solicitor General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

Tracking number: 2021-00454

Opinion of the Attorney General rendered in connection with the rules adopted by the

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

on 07/30/2021

10 CCR 2505-10

MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY

The above-referenced rules were submitted to this office on 08/03/2021 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

August 19, 2021 09:59:26

A handwritten signature in blue ink, appearing to read 'P. J. Weiser'.

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General

Terminated Rulemaking

Department

Department of Revenue

Agency

Taxation Division

CCR number

1 CCR 201-13

Tracking number

2021-00165

Termination date

08/19/2021

Reason for termination

After consideration of questions raised at the hearing, we determined it was necessary to make further revisions to the proposed rule and recommence the rulemaking process.

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Filed on 08/31/2021

Department

Department of Transportation

Agency

Transportation Commission and Office of Transportation Safety



COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

August 31, 2021

MISCELLANEOUS RULEMAKING PUBLIC NOTICE

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Code of Colorado Regulations eDocket Tracking Number: [2021-00508](#)

On August 13, 2021, the Colorado Department of Transportation (CDOT) on behalf of the Transportation Commission of Colorado (Commission) filed a Notice of Proposed Rulemaking with the Colorado Secretary of State and the Department of Regulatory Agencies.

The Commission initially planned to hold eight public hearings across the state to hear testimony and receive comments on the proposed pollution reduction planning standards for transportation. The dates, times, and locations of the eight public hearings were provided in the Notice of Proposed Rulemaking that was published in the Colorado Register on August 25, 2021.

Requests for a cost-benefit analysis have been received by the Department of Regulatory Agencies regarding the proposed pollution reduction planning standards for transportation.

Pursuant to section 24-4-103(2.5), C.R.S., this is an additional notice to postpone the first hearing originally scheduled for September 14, 2021, to comply with the requirement to complete the cost-benefit analysis at least ten (10) before the public hearing. The first public hearing will now commence at 2 p.m. on Friday, September 17, 2021, at CDOT Regional Office, Bookcliff Conference Room, 2328 G Road, Grand Junction, CO 81505.

This Notice also adds a ninth public hearing in Firestone, CO, and adjusts the start and end times for certain hearings. A complete list of the dates, times, and locations of the nine public hearings can be found in the updated Notice of Proposed Rulemaking, which is attached and incorporated by reference to this Notice.

Finally, this Notice corrects a typographical error in the Proposed Statement of Basis and Purpose, Statutory Authority, and Preamble. Under the Statutory Authority section, the proposed statement incorrectly referenced 2020 as the year for Senate Bill 260 rather than 2021. The proposed statement now correctly reads Senate Bill 21-2601. The updated Proposed Statement of Basis and Purpose, Statutory Authority, and Preamble is attached and incorporated by reference to this Notice.

This Notice, the updated Notice of Proposed Rulemaking, and the updated Proposed Statement of Basis and Purpose, Statutory Authority and Preamble will be posted on CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.





COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

August 31, 2021

Updated Notice of Proposed Rulemaking

Transportation Commission of Colorado

**Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions
2 CCR 601-22**

I. Notice

As required by the Colorado Administrative Procedure Act found at section 24-4-103, C.R.S., the Transportation Commission of Colorado (Commission) gives notice of proposed rulemaking.

II. Subject

The Commission is considering revisions to the rules governing the statewide transportation planning process and transportation planning regions, 2 CCR 601-22. Specifically, the Commission proposes to establish greenhouse gas (GHG) pollution reduction planning levels for transportation that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of the Pollution Reduction Planning Standards is to limit the pollution which would result from the transportation system if the plan was implemented, consistent with the state greenhouse gas pollution reduction roadmap. This will be accomplished by requiring the Colorado Department of Transportation (CDOT) and the Metropolitan Planning Organizations (MPOs) to establish plans that meet GHG transportation reduction targets through a mix of transportation projects that limit and mitigate air pollution and improve quality of life and multimodal options. CDOT and MPOs will be required to demonstrate through travel demand modeling and approved air quality modeling that statewide and regional aggregate emissions resulting from its state or regional plans do not exceed a specified emissions level in total. These standards address the Colorado General Assembly's directive to reduce statewide GHG pollution in § 25-7-102(2)(g), C.R.S., as well as the directive for transportation planning to consider environmental stewardship and reducing GHG emissions, § 43-1-1103(5), C.R.S.

Additionally, the Commission proposes to clarify that the Statewide Transportation Plan will include an analysis of how it aligns with Colorado's climate goals and helps reduce, prevent, and mitigate GHG pollution throughout the State. The Commission proposes to include the 10-Year Plan as a required appendix of the Statewide Transportation Plan. The Commission also proposes to establish a State Interagency Consultation Team, consisting of CDOT's Director of the Division of Transportation Development, the Colorado Department of Public Health and Environment's Director of Air Pollution Control Division, and the Director of each MPO. The Commission proposes to add nineteen (19) new defined terms relating to the establishment of the GHG pollution reduction planning levels for transportation and to reformat the defined terms into alphabetical order. Finally, the Commission proposes to make other minor changes or updates, such as capitalizing defined terms.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.



III. Rulemaking Hearings

The Commission plans to hold nine (9) hearings across the State as listed in the below table to hear testimony and receive comments on the proposed rule revisions. The public hearings will be conducted in a hybrid format, both in-person and virtually. All interested and affected parties may choose to attend one (1) or all nine (9) scheduled hearings either in-person or virtually.

Please note that the Commission may hold additional hearings, which will be posted on CDOT's website: <https://www.codot.gov/business/rules/proposed-rules.html>

Date	Location	Time	Virtual Hearing Registration Links
9/17/2021	CDOT Regional Office Bookcliff Conference Room 2328 G Road Grand Junction, CO 81505	2-5 p.m.	Virtual Registration Form
9/23/2021	Swansea Recreation Center 2650 E. 49th Ave. Denver, CO 80216	3-7 p.m.	Virtual Registration Form
9/24/2021	CDOT Regional Office 1480 Quail Lake Loop #A Colorado Springs, CO 80906	3-6 p.m.	Virtual Registration Link
9/27/2021	South Suburban Sports Complex 4810 E. County Line Rd. Littleton, CO 80126	3-7 p.m.	Virtual Registration Link
9/29/2021	CDOT Regional Office Big Sandy Conference Room 2738 Victory Highway Limon, CO 80828	2-5 p.m.	Virtual Registration Form
9/30/2021	Christ United Methodist Church 301 East Drake Road Fort Collins, CO 80525	2-5 p.m.	Virtual Registration Form
10/4/2021	City Hall City Council Chambers 101 West 8th Street Glenwood Springs, CO 81601	2-5 p.m.	Virtual Registration Form
10/5/2021	Weld County Southwest Service Complex 4209 County Road 24 1/2 Firestone, CO 80504 <i>*Note: This address may show up in some map applications as a Longmont address.</i>	2-5 p.m.	Virtual Registration Form
10/7/2021	CDOT Regional Office US160 Maintenance Training Facility 20581 Highway 160 Durango, CO 81301	2-5 p.m.	Virtual Registration Form



How to Register to Attend Hearings Virtually

If you plan to attend any of the scheduled hearings virtually, you must click on the registration link in the above table for each hearing that you wish to attend virtually. The registration links for each hearing are also available on the CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

When you register, you must provide your full name and email address. You may also provide your telephone number and the organization that you are representing. Lastly, please indicate whether you plan to testify during the hearing and/or submit written comments. You will receive instructions the day before the scheduled hearing on how to join, listen, and provide testimony if you wish.

IV. Statutory Authority

The specific authority under which the Commission shall establish these proposed rule revisions is set forth in §§ 43-1-106(8)(k) and 43-1-1103(5), C.R.S.

V. Copies of the Notice, Proposed Rule Revisions, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rule revisions, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rule revisions before the first scheduled hearing on September 17, 2021, the updated proposed rule revisions will be available to the public and posted on CDOT's website by September 10, 2021.

Please note that the proposed rule revisions being considered are subject to further changes and modifications after the public hearings and the deadline for the submission of written comments.

VI. Opportunity to testify and submit written comments

The Commission and CDOT strive to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule revisions. Interested and affected parties are welcome to testify and submit written comments.

Each hearing will have an identical format. The Hearing Officer opens the hearing and provides a brief introduction of the hearing procedures. CDOT will review exhibits to establish that CDOT on behalf of the Commission met all the procedural requirements of the Administrative Procedure Act. A summary of the proposed rule revisions will be presented by CDOT staff. Interested and affected parties will then have the opportunity to give testimony either in-person or virtually.

Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When the Hearing Officer exhausts the list, they will ask whether any additional participants wish to testify.



To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

Written Comments

You may submit written comments to dot_rules@state.co.us during the comment period between August 13, 2021, and October 15, 2021. **All written comments must be received on or before Friday, October 15, 2021, at 5 pm.**

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>. However, please note that we will redact the following information for data privacy from the submissions prior to posting online: first and last names, contact information, including business and home addresses, email addresses, and telephone numbers.

All written comments will be added to the official rulemaking record.

VII. Recording of the Hearings

Each hearing will be recorded. After each hearing concludes, the recording will be available on CDOT's YouTube Channel at <https://www.youtube.com/channel/UC0WFfiQ-SE4kV07saKZdueA/videos>.

VIII. Special Accommodations

If you need special accommodations, please contact CDOT's Rules Administrator at 303.757.9441 or dot_rules@state.co.us at least one (1) week prior to the scheduled hearing date.

IX. Contact Information

Please contact CDOT's Rules Administrator, at 303.757.9441 or dot_rules@state.co.us if you have any questions.





COLORADO

Department of Transportation

2829 W. Howard Place
Denver, CO 80204-2305

08/31/2021

Transportation Commission of Colorado Rules Governing Statewide Transportation Planning Process and Transportation Planning Regions 2 CCR 601-22

Updated Proposed Statement of Basis and Purpose, Statutory Authority, and Preamble

Statement of Basis and Purpose and Preamble

Overview

The purpose of the Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions (Rules) is to prescribe the statewide transportation planning process through which a long-range multimodal, comprehensive Statewide Transportation Plan will be developed, integrated, updated, and amended by the Colorado Department of Transportation (Department or CDOT), in cooperation with local governments, Metropolitan Planning Organizations (MPOs), Regional Planning Commissions, Indian tribal governments, relevant state and federal agencies, the private sector, transit and freight operators, and the general public. This cooperative process is designed to coordinate regional transportation planning, guided by the statewide transportation policy set by the Department and the Transportation Commission of Colorado ("Commission"), as a basis for developing the Statewide Transportation Plan. The result of the statewide transportation planning process shall be a long-range, financially feasible, environmentally sound, multimodal transportation system plan for Colorado that will reduce traffic and smog.

Further, the purpose of the Rules is to define the state's Transportation Planning Regions for which long-range Regional Transportation Plans are developed, prescribe the process for conducting and initiating transportation planning in the non-MPO Transportation Planning Regions and coordinating with the MPOs for planning in the metropolitan areas. Memoranda of Agreement (MOA) that serve as the Metropolitan Planning Agreements (MPAs) pursuant to 23 C.F.R. § 450 between the Department, each MPO, and applicable transit provider(s) further prescribe the transportation planning process in the MPO Transportation Planning Regions. In addition, the purpose of the Rules is to describe the organization and function of the Statewide Transportation Advisory Committee (STAC) as established by § 43-1-1104, Colorado Revised Statutes (C.R.S.).

The Rules are promulgated to meet the intent of both the U.S. Congress and the Colorado General Assembly for conducting a continuing, cooperative, and comprehensive statewide performance-based multimodal transportation planning process for producing a Statewide Transportation Plan and Regional Transportation Plans that address the transportation needs of the State. This planning process, through comprehensive input, results in systematic project prioritization and resource allocation.

The Rules, governing the statewide planning process, emphasize Colorado's continually greater integration of multimodal, cost-effective, and environmentally sound means of transportation which leads to cleaner air and reduced traffic. The Rules reflect the Commission's and the Department's focus on multimodal transportation projects including highways, transit, rail, bicycles and pedestrians. Section 8 of these Rules establishes an ongoing administrative process for identifying, measuring, confirming, and verifying those



best practices and their impacts, so that CDOT and MPOs can easily apply them to their plans in order to achieve the pollution reduction levels required by these Rules.

The specific purpose of this rulemaking is to establish Greenhouse Gas (GHG) pollution reduction planning levels for transportation within Section 8 of these Rules that will improve air quality, reduce smog, and provide more sustainable options for travelers across Colorado. The purpose of these requirements is to limit the GHG pollution which would result from the transportation system if the plan was implemented, consistent with the state greenhouse gas pollution reduction roadmap. This is accomplished by requiring CDOT and MPOs to establish plans that meet targets through a mix of projects that limit and mitigate air pollution and improve quality of life and Multimodal options. CDOT and MPOs will be required to demonstrate through travel demand modeling and approved air quality modeling that statewide and regional aggregate emissions resulting from its state or regional plans do not exceed a specified emissions level in total. In the event that a plan fails to comply, CDOT and MPOs have the option to commit to implementing GHG Mitigation Measures that provide travelers with cleaner and more equitable transportation options such as safer pedestrian crossings and sidewalks, better transit and transit-access, or infrastructure that supports access to housing, jobs, and retail.

Examples of these types of mitigations, which also benefit quality of place and the economic resilience of communities, will include but not be limited to: adding bus rapid transit facilities and services, enhancing first-and-last mile connections to transit, adding bike-sharing services including electric bikes, improving pedestrian facilities like sidewalks and safe accessible crosswalks, investments that support vibrant downtown density and local zoning decisions that favor sustainable building codes and inclusive multi-use facilities downtown, and more. The process of identifying and approving mitigations will be established by a policy process that allows for ongoing innovations from local governments and other partners to be considered on an iterative basis.

If compliance still cannot be demonstrated, even after committing to GHG Mitigation Measures, the Commission shall restrict the use of certain funds, requiring that dollars be focused on projects that help reduce transportation emissions and are recognized as approved mitigations. These requirements address the Colorado General Assembly's directive to reduce statewide GHG pollution in § 25-7-102(2)(g), C.R.S., as well as the directive for transportation planning to consider environmental stewardship and reducing GHG emissions, § 43-1-1103(5), C.R.S.

Additionally, the Commission proposes to clarify that the Statewide Transportation Plan will include an analysis of how it aligns with Colorado's climate goals and helps reduce, prevent, and mitigate GHG pollution throughout the State. The Commission proposes to include the 10-Year Plan as a required appendix of the Statewide Transportation Plan. The Commission also proposes to establish a State Interagency Consultation Team, consisting of CDOT's Director of the Division of Transportation Development, the Colorado Department of Public Health and Environment's Director of Air Pollution Control Division, and the Director of each MPO. The Commission proposes to add nineteen (19) new defined terms relating to the establishment of the GHG pollution reduction planning levels for transportation and to reformat the defined terms into alphabetical order. Finally, the Commission proposes to make other minor changes or updates, such as capitalizing defined terms.

Context of Section 8 of these Rules Within Statewide Objectives

The passage of House Bill (HB)19-1261 set Colorado on a course to dramatically reduce GHG emissions across all sectors of the economy. In HB 19-1261, now codified in part at §§ 25-7-102(2) and 105(1)(e), C.R.S., the General Assembly declared that "climate change adversely affects Colorado's economy, air quality and public health, ecosystems, natural resources, and quality of life[.]" acknowledged that "Colorado is already experiencing harmful climate impacts[.]" and that "many of these impacts disproportionately affect" certain Disproportionately Impacted Communities. see § 25-7-102(2), C.R.S. The General Assembly also



recognized that “[b]y reducing [GHG] pollution, Colorado will also reduce other harmful air pollutants, which will, in turn, improve public health, reduce health care costs, improve air quality, and help sustain the environment.” *see* § 25-7-102(2)(d), C.R.S.

Since 2019, the State has been rigorously developing a plan to achieve the ambitious GHG pollution reduction goals in § 25-7-102(2)(g), C.R.S. In January 2021, the State published its Greenhouse Gas Pollution Reduction Roadmap (Roadmap). Available at: <https://energyoffice.colorado.gov/climate-energy/ghg-pollution-reduction-roadmap>. The Roadmap identified the transportation sector as the single largest source of statewide GHG pollution as of 2020, with passenger vehicles the largest contributor within the transportation sector. Additionally, the Roadmap determined that emissions from transportation are a “significant contributor to local air pollution that disproportionately impacts lower-income communities and communities of color.” *see* Roadmap, p. XII.

A key finding in the Roadmap recognized that “[m]aking changes to transportation planning and infrastructure to reduce growth in driving is an important tool” to meet the statewide GHG pollution reduction goals. *see* Roadmap, p. 32. Section 8 of these Rules also advances the State’s goals to reduce emissions of other harmful air pollutants, including ozone.

Why the Commission is Taking This Action

Senate Bill 21-260, signed into law by the Governor on June 17, 2021, and effective upon signature, includes a new § 43-1-128, C.R.S., which directs CDOT and MPOs to engage in an enhanced level of planning, modeling and other analysis to minimize the adverse environmental and health impacts of planned transportation capacity projects. Section 43-1-128, C.R.S. also directs CDOT and the Commission to take steps to account for the impacts of transportation capacity projects on GHG pollution and Vehicle Miles Traveled and to help achieve statewide GHG pollution targets established in § 25-7-102(2)(g), C.R.S.

Under Colorado law governing transportation planning, CDOT is charged with and identified as the proper body for “developing and maintaining the state transportation planning process and the state transportation plan” in cooperation with Regional Planning Commissions and local government officials. *see* § 43-1-1101, C.R.S.

The Commission is responsible for formulating policy with respect to transportation systems in the State and promulgating and adopting all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs. *see* § 43-1-106(8), C.R.S. The Commission is statutorily charged “to assure that the preservation and enhancement of Colorado’s environment, safety, mobility and economics be considered in the planning, selection, construction and operation of all transportation projects in Colorado.” *see* § 43-1-106(8)(b), C.R.S. In addition, the Commission is generally authorized “to make all necessary and reasonable orders, rules and regulations in order to carry out the provisions of this part . . .” *see* § 43-1-106(8)(k), C.R.S.

As such, CDOT and the Commission are primarily responsible for ensuring compliance with GHG reductions in transportation planning.

What Relevant Regulations Currently Apply to Transportation Planning

Transportation planning is subject to both state and federal requirements. Under federal law governing transportation planning and federal-aid highways, it is declared to be in the national interest to promote transportation systems that accomplish a number of mobility objectives “while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes...” *see* 23 U.S.C. § 134; *see also* 23 U.S.C. § 135(a)(1). In the metropolitan planning process, consideration must be given to projects and strategies that will “protect and enhance the environment, promote energy conservation, improve the quality of life...” *see* 23 U.S.C. § 134(h)(1)(E); *see also* 23 C.F.R.



Part 450, Subpart B (federal regulations governing statewide transportation planning and programming). The same planning objective applies to statewide transportation planning. *see* 23 U.S.C. § 135(d)(1)(E); *see also* 23 C.F.R. Part 450, Subpart C (governing metropolitan transportation planning and programming). Further, the Statewide Transportation Plan shall be developed, as appropriate, in consultation with State...local agencies responsible for...environmental protection...” *see* 23 U.S.C. § 135(f)(2)(D)(i).

Under conforming Colorado law, the Statewide Transportation Plan is developed by integrating and consolidating Regional Transportation Plans developed by MPOs and regional transportation planning organizations into a “comprehensive statewide transportation plan” pursuant to rules and regulations promulgated by the Commission. *see* § 43-1-1103(5), C.R.S. The Statewide Transportation Plan must address a number of factors including, but not limited to, “environmental stewardship” and “reduction of greenhouse gas emissions.” *see* § 43-1-1103(5)(h) and (j), C.R.S.

Regional Transportation Plans must account for the “expected environmental, social, and economic impacts of the recommendations in the plan, including a full range of reasonable transportation alternatives...in order to provide for the transportation and environmental needs of the area in a safe and efficient manner.” *see* § 43-1-1103(1)(d), C.R.S. Further, in developing Regional Transportation Plans, MPOs “[s]hall assist other agencies in developing transportation control measures for utilization in accordance with state...regulations...and shall identify and evaluate measures that show promise of supporting clean air objectives.” *see* § 43-1-1103(1)(e), C.R.S.

Putting Section 8 of these Rules into Perspective

Section 8 establishes GHG regulatory requirements that are among the first of their kind in the U.S. However, from an air pollutant standpoint, connecting transportation planning to emissions is not a new policy area. In fact, transportation conformity provisions within the Clean Air Act approach ozone much the same way. Transportation conformity ensures that federally funded or approved highway and transit activities within a Nonattainment Area are consistent with or “conform to” a state’s plan to reduce emissions. Colorado’s front range has been in ozone nonattainment for many years, which has required the North Front Range and the Denver Regional Council of Governments’ MPOs to demonstrate conformity with each plan adoption and amendment.

However, because the transportation sector encompasses the millions of individual choices people make every day that have an impact on climate, a variety of strategies are necessary to achieve the State’s climate goals. Section 8 of these Rules is one of many steps needed to achieve the totality of reduction goals for the transportation sector.

Purpose of GHG Mitigation Measures

The transportation modeling conducted for this rulemaking may demonstrate that certain projects increase GHG pollution for a variety of reasons. These reasons may include factors such as induced demand as a result of additional lane mileage attracting additional vehicular traffic, or additional traffic facilitated by access to new commercial or residential development in the absence of public transit options or bicycle/pedestrian access that provides consumers with other non-driving options. Transportation infrastructure itself can also increase or decrease GHG and other air pollutants by virtue of factors like certain construction materials, removal or addition of tree cover that captures carbon pollution, or integration with vertical construction templates of various efficiencies that result in higher or lower levels of per capita energy use. The pollution impacts of various infrastructure projects will vary significantly depending on their specifics and must be modeled in a manner that is context-sensitive to a range of issues such as location, footprint of existing infrastructure, design, and how it fits together with transportation alternatives.



Of note, many types of infrastructure have been demonstrated not to generate significant induced demand or increased emissions. For example, the state of California conducted a study of project types that should be considered “neutral” from the perspective of GHG pollution -- due to their use being related primarily to issues like safety and utility for emergency services. See here: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-09-10-1st-edition-tac-fnl-a11y.pdf>

Furthermore, other aspects of transportation infrastructure can facilitate reductions in emissions and thus serve as mitigations rather than contributors to pollution. For example, the addition of transit resources in a manner that can displace Vehicle Miles Traveled can reduce emissions. Moreover, improving downtown pedestrian and bike access, particularly in areas that allow individuals to shift multiple daily trips for everything from work to dining to retail, can improve both emissions and quality of life.

There is an increasing array of proven best practices for reducing pollution and smog and improving economies and neighborhoods that can help streamline decision-making for state and local agencies developing plans and programs of projects.

Statutory Authority

The statutory authority is as follows:

- House Bill 19-1261 enacted into law on May 30, 2019.
- Senate Bill 21-260 enacted into law on June 17, 2021.
- § 25-7-102(2), C.R.S., which sets forth the legislative declaration to reduce statewide GHG pollution and establishes statewide GHG pollution targets.
- § 43-1-128, C.R.S., which directs CDOT and MPOs to engage in an enhanced level of planning, modeling, and other analysis to minimize the adverse environmental and health impacts of planned transportation capacity projects. Also directs CDOT and the Commission to take steps to account for the impacts of transportation capacity projects on GHG pollution and vehicle miles traveled and to help achieve statewide GHG pollution targets established in § 25-7-102(2)(g), C.R.S.
- § 43-1-1101, C.R.S., which authorizes CDOT to develop and maintain the state transportation planning process and the State Transportation Plan in cooperation with Regional Planning Commissions and local government.
- § 43-1-1103(5), C.R.S., which authorizes the Commission to promulgate rules to establish the formation of the Statewide Transportation Plan and the statewide planning process. Also requires the consideration of environmental stewardship and reducing GHG emissions as part of transportation planning.
- § 43-1-106(8), C.R.S, which authorizes the Commission to formulate policy with respect to transportation systems in the State and promulgate and adopt all CDOT financial budgets for construction based on the Statewide Transportation Improvement Programs.
- § 43-1-106(8)(b), C.R.S., which requires the Commission to assure that the preservation and enhancement of Colorado’s environment, safety, mobility and economics be considered in the planning, selection, construction and operation of all transportation projects in Colorado.
- § 43-1-106(8)(k), C.R.S., which authorizes the Commission to make all necessary and reasonable order, rules and regulations.



Calendar of Hearings

Hearing Date/Time	Agency	Location
09/30/2021 02:00 PM	Division of Motor Vehicles	Virtual Hearing
09/30/2021 11:00 AM	Division of Motor Vehicles	Virtual Hearing
10/13/2021 09:00 AM	Colorado State Board of Education	201 E. Colfax, State Board Room or Webinar
10/13/2021 09:00 AM	Colorado State Board of Education	201 E. Colfax, State Board Room or Webinar
10/13/2021 09:00 AM	Colorado State Board of Education	201 E. Colfax, State Board Room or Webinar
10/01/2021 10:00 AM	Transportation Commission and Office of Transportation Safety	Department of Transportation Headquarters, 2829 W. Howard Place Denver, CO 80204, Virtual Rulemaking Hearing Only
10/05/2021 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
10/05/2021 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
10/05/2021 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
09/30/2021 08:45 AM	Division of Professions and Occupations - State Board of Pharmacy	Webinar Only: https://attendee.gotowebinar.com/register/4706927231820273422
10/01/2021 09:30 AM	Division of Professions and Occupations - Board of Psychologists Examiners	Webinar Only: https://attendee.gotowebinar.com/register/6119130071589627916
10/05/2021 09:00 AM	Public Utilities Commission	By video conference using Zoom at a link in the calendar of events on the Commission's website, available at: https://puc.colorado.gov/ .
10/05/2021 09:00 AM	Division of Real Estate	Virtual Rulemaking Hearing - 1560 Broadway; Denver, CO 80202
10/05/2021 09:00 AM	Division of Real Estate	Virtual Rulemaking Hearing - 1560 Broadway; Denver, CO 80202
10/14/2021 09:00 AM	Division of Professions and Occupations - Board of Veterinary Medicine	Webinar Only: https://attendee.gotowebinar.com/register/6511657921729767948
10/12/2021 10:15 AM	Division of Professions and Occupations - Colorado Office of Combative Sports	Webinar Only: https://attendee.gotowebinar.com/register/5712372342014777102
10/05/2021 09:30 AM	Division of Professions and Occupations - Board of Addiction Counselor Examiners	Webinar Only: https://attendee.gotowebinar.com/register/7256850827942530828
11/18/2021 09:00 AM	Air Quality Control Commission	This hearing will be held online only via the Zoom platform; there will be no in-person participation. See Notice for details.
11/17/2021 04:30 PM	Air Quality Control Commission	This hearing will be held online only via the Zoom platform; there will be no in-person participation. See Notice for details.
10/21/2021 12:00 PM	Health Facilities and Emergency Medical Services Division (1011, 1015 Series)	4300 Cherry Creek Drive South, Denver, CO 80246 or https://us02web.zoom.us/j/89559034364
10/21/2021 12:00 PM	Prevention Services Division (1009, 1015, 1016 Series)	4300 Cherry Creek Drive South, Denver, CO 80246 or https://us02web.zoom.us/j/89559034364
10/05/2021 01:00 PM	Division of Housing	Zoom: https://us02web.zoom.us/j/89559034364
10/08/2021 08:30 AM	Income Maintenance (Volume 3)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Child Support Services (Volume 6)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 09:00 AM	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	303 East 17th Avenue, 11th Floor, Denver, CO 80203
10/08/2021 08:30 AM	Food Assistance Program (Volume 4B)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Adult Protective Services	Location Pending State's response to COVID-19. Anticipated to be held entirely online
10/08/2021 08:30 AM	Adult Protective Services	Location Pending State's response to COVID-19. Anticipated to be held entirely online