

# Colorado Register



**45 CR 19**

**Volume 45 , No. 19**

**October 10, 2022**

# 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@coloradosos.gov](mailto:rules@coloradosos.gov).

# Notice of Proposed Rulemaking

**Tracking number**

2022-00580

**Department**

200 - Department of Revenue

**Agency**

201 - Taxation Division

**CCR number**

1 CCR 201-1

**Rule title**

PROCEDURE AND ADMINISTRATION

**Rulemaking Hearing****Date**

11/03/2022

**Time**

10:00 AM

**Location**

Virtual Hearing See Comments

**Subjects and issues involved**

The purpose of this rule amendment is to add the retail delivery fees imposed pursuant to sections 24-38.5-303, 25-7.5-103, 43-4-218, 43-4-805, 43-4-1203, and 43-4-1303, C.R.S., and the daily vehicle rental fee imposed pursuant to section 43-4-804, C.R.S., to the list of fees to which the penalty in section 39-21-116.5, C.R.S., applies.

**Statutory authority**

The statutory bases for this rule are sections 39-21-101(4), 39-21-102(1) and (7), 39-21-112(1), and 39-21-116.5, C.R.S.

**Contact information****Name**

Josh Pens

**Title**

Director

**Telephone**

3038665627

**Email**

josh.pens@state.co.us

## DEPARTMENT OF REVENUE

### Taxation Division

## PROCEDURE AND ADMINISTRATION

### 1 CCR 201-1

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#### Rule 39-21-116.5. Penalties for Officers or Members.

**Basis and Purpose.** The statutory bases for this rule are sections 39-21-101(4), 39-21-102(1) [and \(7\)](#), 39-21-112(1), and 39-21-116.5, C.R.S. The purpose of this rule is to clarify the liability for the penalty imposed by section 39-21-116.5, C.R.S., and establish requirements for the administration thereof.

- (1) This rule applies to all taxes [and fees](#) within the scope of article 21 of title 39, C.R.S., that a corporation, partnership, or limited liability company is required to collect, account for, and pay over to the Department.
- (2) Any application for licensure or registration filed by a corporation, partnership, or limited liability company with respect to any tax [or fee](#) specified in this paragraph (2) shall state, under penalty of perjury, the name or names of any and all officers of the corporation or members of the partnership or limited liability company who are responsible for tax compliance. The Department may deny any application that fails to comply with the requirements of this paragraph (2). The requirements of this paragraph (2) shall apply with respect to:
  - (a) sales tax imposed pursuant to article 26 of title 39, C.R.S.;
  - (b) use tax imposed pursuant to article 26 of title 39, C.R.S.;
  - (c) any local taxes collected, administered, and enforced pursuant to article 26 of title 39, C.R.S.;
  - (d) wage withholding required pursuant to section 39-22-604, C.R.S.;
  - (e) fuel tax imposed pursuant to article 27 of Title 39, C.R.S.;
  - (f) retail marijuana sales tax imposed pursuant to article 28.8 of title 39, C.R.S.; [and](#)
  - (g) oil and gas severance tax withholding required pursuant to [section 39-29-111, C.R.S.](#);
  - (h) [retail delivery fees imposed pursuant to sections 24-38.5-303, 25-7.5-103, 43-4-218, 43-4-805, 43-4-1203, and 43-4-1303, C.R.S.; and](#)
  - (i) [daily vehicle rental fee imposed pursuant to section 43-4-804, C.R.S.](#)
- (3) A corporation, partnership, or limited liability company required to collect, account for, and pay over Colorado taxes [or fees](#) shall, at all times, designate any and all officers or members who are responsible for compliance with such requirements. Delegation of duties to subordinates shall not relieve such officers or members from responsibility for collecting, accounting for, and paying over taxes [or fees](#) when due. In the event that an officer or member previously designated as responsible for collecting, accounting for, and paying over any tax [or fee](#) resigns as an officer or member or otherwise ceases to be responsible for collecting, accounting for, and paying over



taxes [or fees](#), the corporation, partnership, or limited liability company shall designate one or more responsible officers or members by amending its account information with the Department. In the event that no responsible officer or member is designated, the responsible persons are presumed to include, but not be limited to, the president, chief executive officer, chief operating officer, chief financial officer, and treasurer of a corporation, all general partners of a partnership, and all managing members or managers of a limited liability company.

- (4) A person against whom a penalty is asserted under section 39-21-116.5, C.R.S., is a "taxpayer" within the meaning of section 39-21-101(4), C.R.S.
- (5) The imposition of penalties under section 39-21-116.5, C.R.S., against a particular responsible officer or member for a particular tax [or fee](#) period does not preclude the imposition of a penalty against other responsible officers or members for the same tax [or fee](#) period, regardless of who the taxpayer designated and named as responsible for tax compliance pursuant to paragraphs (2) and (3) of this rule, nor does it preclude the imposition of a penalty against the same responsible officer or member for a different tax [or fee](#) period.
- (6) For purposes of section 39-21-116.5, C.R.S., a finding of willful failure to collect, account for, or pay over tax [or fee](#) does not require the Department or its Executive Director to establish a bad motive or a specific intent to defraud the Department. An officer of a corporation, a general partner of a partnership, or a managing member or manager of a limited liability company is presumed to have willfully failed to collect, account for, or pay over a tax [or fee](#) required to be collected, accounted for, and paid over to the Department if:
  - (a) during the relevant tax [or fee](#) periods, the officer of the corporation, general partner of the partnership, or managing member or manager of the limited liability company was a person responsible for tax [or fee](#) compliance by the corporation, partnership, or limited liability company, and;
  - (b) the corporation, partnership, or limited liability company;
    - (i) intentionally failed to collect tax [or fee](#) as required by law;
    - (ii) acted with reckless disregard of a known or obvious risk that tax [or fee](#) due under Colorado law might not be collected;
    - (iii) used collected tax [or fee](#) for any purpose other than remitting such collected tax [or fee](#) to the Department, including, for example, for its own benefit or to pay creditors;
    - (iv) acted with reckless disregard of a known or obvious risk that collected tax [or fee](#) might not be remitted to the Department; or
    - (v) failed to promptly correct the failure to remit collected tax [or fee](#) after being notified by the Department that such funds had not been paid over.

**COLORADO DEPARTMENT OF REVENUE  
OFFICE OF TAX POLICY**

**STATEMENT OF BASIS AND PURPOSE**

**Penalties for Officers or Members**

**Rule 39-21-116.5**

**1 CCR 201-1**

**Basis**

The statutory bases for this rule are sections 39-21-101(4), 39-21-102(1) and (7), 39-21-112(1), and 39-21-116.5, C.R.S.

**Purpose**

The purpose of this rule amendment is to add the retail delivery fees imposed pursuant to sections 24-38.5-303, 25-7.5-103, 43-4-218, 43-4-805, 43-4-1203, and 43-4-1303, C.R.S., and the daily vehicle rental fee imposed pursuant to section 43-4-804, C.R.S., to the list of fees to which the penalty in section 39-21-116.5, C.R.S., applies.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00585

**Department**

200 - Department of Revenue

**Agency**

201 - Taxation Division

**CCR number**

1 CCR 201-20

**Rule title**

FEES AND CHARGES ADMINISTERED BY THE TAXATION DIVISION

## Rulemaking Hearing

**Date**

11/01/2022

**Time**

10:00 AM

**Location**

Virtual Hearing See Comments

**Subjects and issues involved**

The purpose of this rule is to set forth the manner in which the prearranged ride fee is collected, administered, and enforced.

**Statutory authority**

The statutory bases for this rule are sections 24-35-108, 39-21-112(1), 39-21-102(7), 25-7.5-103(7), 40-10.1-607.5, and 43-4-1303(7), C.R.S.

## Contact information

**Name**

Josh Pens

**Title**

Director

**Telephone**

3038665627

**Email**

josh.pens@state.co.us

## DEPARTMENT OF REVENUE

### Taxation Division

#### FEES AND CHARGES ADMINISTERED BY THE TAXATION DIVISION

##### 1 CCR 201-20

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###### **Rule 40-10.1-607.5. Prearranged Ride Fees.**

**Basis and Purpose.** The bases for this rule are sections 24-35-108, 39-21-112(1), 39-21-102(7), 25-7.5-103(7), 40-10.1-607.5, and 43-4-1303(7), C.R.S. The purpose of this rule is to set forth the manner in which the prearranged ride fee is collected, administered, and enforced.

(1) **General Rules.** For each prearranged ride requested and accepted through a transportation network company's digital network on or after July 1, 2022, the transportation network company shall pay to the Department the prearranged ride fee in the manner set forth in this rule.

(2) **Definitions.** As used in this rule, unless the context otherwise requires:

(a) "Prearranged ride fee" means the sum of the clean fleet per ride fee imposed by section 25-7.5-103(7)(b)(I) or (II), C.R.S., and the air pollution mitigation per ride fee imposed by section 43-4-1303(7)(b)(I) or (II), C.R.S.

(b) "Reporting period" means a calendar quarter.

(c) "Transportation network company" has the same meaning as set forth in section 40-10.1-602(3), C.R.S.

(3) **Imposition.** The prearranged ride fee is imposed on the transportation network company. For purposes of the reduced fee specified in section 25-7.5-103 (7)(b)(I), C.R.S. and section 43-4-1303 (7)(b)(I), C.R.S., a transportation network company has the burden of proving to the Department that a prearranged ride was a carshare ride or that a driver transported the rider in a zero-emissions motor vehicle.

(4) **Registration.** Every transportation network company who is liable and responsible for the remittance of the prearranged ride fees shall register with the Department in the manner it prescribes. The one-time registration will create a prearranged ride fee account.

(a) A transportation network company who fails to register as required in paragraph (4) of this rule is nonetheless liable and responsible for the full amount of the prearranged ride fee due, plus any applicable interest.

(b) A transportation network company that is no longer liable and responsible for the remittance of the prearranged ride fee shall promptly close its prearranged ride fee account as instructed by the Department. The transportation network company shall file returns in accordance with paragraph (5) of this rule through the closure date.

(5) **Filing and Remittance.** Every transportation network company shall file a return and remit the amount described in paragraph (5)(c) of this rule for each reporting period.

- (a) Filing Schedules and Due Dates. Unless otherwise authorized, a return must be filed, and any prearranged ride fee due must be remitted, on or before October 31, 2022, and on or before the last day of the month following the close of each reporting period thereafter.
- (b) Filing Requirements. Returns, and any required supplemental forms, must be completed in full, in the form and manner prescribed by the Department, and filed with the Department on or before the due date. The Department shall determine what information the return must contain, how the returns must be made, and the type of forms that must be used.
  - (i) If no prearranged rides are requested and accepted through the transportation network company's digital network during the reporting period, the transportation network company shall nonetheless file a return reporting zero prearranged rides on or before the due date.
  - (ii) A transportation network company that fails to submit a complete and accurate return in the form and manner prescribed by the Department, including any zero return filings, on or before the due date is subject to interest pursuant to paragraph (8) of this rule.
- (c) Remittance Requirements. A transportation network company is liable and responsible to remit to the Department, on or before the due date, an amount equal to the product of the applicable prearranged ride fee in effect for the reporting period and the number of prearranged rides requested and accepted through the company's digital network in the reporting period.
  - (i) A transportation network company is required to remit, with the filing of each return, the total prearranged ride fees shown to be due on the return.
  - (ii) A transportation network company that fails to pay any prearranged ride fee due to the Department by the due date prescribed in paragraph (5)(a) of this rule is subject to interest pursuant to paragraph (8) of this rule.
  - (iii) A transportation network company is not permitted to retain any portion of the prearranged ride fee to cover the transportation network company's expense in remitting the prearranged ride fee.
- (6) **Refunds.** The transportation network company must file any claim for refund not later than three years after the date of payment. If the Department determines that the transportation network company has overpaid the prearranged ride fee within the time periods provided for the filing of claims for refund, the Department shall issue a refund under section 39-21-108, C.R.S. The right to a refund is not assignable and must be made to the same transportation network company that remitted the amount described in paragraph (5) of this rule. A rider may not claim a refund from the Department for any overpayment of the prearranged ride fee.
- (7) **Books, Accounts, and Records.** The transportation network company shall keep and preserve for a period of at least three years the books, accounts, and records as may be necessary to determine the amount of prearranged ride fee liability. The books, accounts, and records must be open for examination at any time by the executive director of the Department of Revenue or any duly authorized agent.
- (8) **Delinquency.** If a transportation network company neglects or refuses to make a timely return or correctly account for the prearranged ride fee as required by this rule, the Department shall make an estimate, based upon the information that may be available, of the amount of prearranged ride

fees due or not accounted for or incorrectly accounted for on a return for the reporting period for which the transportation network company is delinquent.

(a) The Department shall add to the estimated amount of prearranged ride fees due or not accounted for interest, if applicable, under section 39-21-110.5, C.R.S.

(b) The Department shall provide the delinquent taxpayer with written notice of the estimated taxes and interest as set forth in section 39-21-105.5, C.R.S.

(c) The estimate described in this paragraph (8) becomes a notice of deficiency as provided in section 39-21-103, C.R.S. A transportation network company may protest the notice of deficiency in the manner provided in section 39-21-103, C.R.S., and may appeal the final determination in the manner provided in section 39-21-105, C.R.S.

(9) **Statute of limitations.** The provisions of section 39-21-107, C.R.S., not including section 39-21-107(2), C.R.S., apply to the assessment, collection, and enforcement of the prearranged ride fee. Any claim for refund of the prearranged ride fee under paragraph (6) of this rule, and under section 39-21-108, C.R.S., must be filed not later than three years after the date of payment.

(10) **Collection, Administration, and Enforcement.** The collection, administration, and enforcement of the prearranged ride fees shall be performed by the Department in the same manner as the collection, administration, and enforcement of state taxes pursuant to article 21 of title 39.

**COLORADO DEPARTMENT OF REVENUE  
OFFICE OF TAX POLICY**

**STATEMENT OF BASIS AND PURPOSE**

**Prearranged Ride Fees  
Rule 40-10.1-607.5  
1 CCR 201-20**

**Basis**

The statutory bases for this rule are sections 24-35-108, 39-21-112(1), 39-21-102(7), 25-7.5-103(7), 40-10.1-607.5, and 43-4-1303(7), C.R.S.

**Purpose**

The purpose of this rule is to set forth the manner in which the prearranged ride fee is collected, administered, and enforced.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00581

**Department**

200 - Department of Revenue

**Agency**

201 - Taxation Division

**CCR number**

1 CCR 201-20

**Rule title**

FEES AND CHARGES ADMINISTERED BY THE TAXATION DIVISION

## Rulemaking Hearing

**Date**

11/03/2022

**Time**

10:00 AM

**Location**

Virtual Hearing See Comments

**Subjects and issues involved**

The purpose of this rule is to set forth the manner in which retail delivery fees are collected, administered, and enforced.

**Statutory authority**

24-38.5-303, 25-7.5-103, 39-21-103, 39-21-104, 39-21-104.5, 39-21-105, 39-21-105.5, 39-21-106, 39-21-107, 39-21-108, 39-21-109, 39-21-110, 39-21-110.5, 39-21-111, 39-21-112, 39-21-113, 39-21-114, 39-21-114.5, 39-21-116, 39-21-116.5, 39-21-118, 39-21-119, 39-21-119.5, 39-21-120, 39-26-102, 39-26-104, 39-26-105, 39-26-109, 39-26-112, 39-26-115, 39-26-116, 39-26-117, 39-26-118, 39-26-120, 39-26-121, 39-26-122, 39-26-125, 39-26-703, 39-26-726, 39-26-729, 43-4-218, 43-4-805, 43-4-1203, 43-4-1303

## Contact information

**Name**

Josh Pens

**Title**

Director

**Telephone**

3038665627

**Email**

josh.pens@state.co.us



## DEPARTMENT OF REVENUE

### Taxation Division

#### FEES AND SURCHARGES ADMINISTERED BY THE TAXATION DIVISION

##### 1 CCR 201-20

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#### Rule 43-4-218. Retail Delivery Fees.

**Basis and Purpose.** The bases for this rule are sections 24-38.5-303, 25-7.5-103, 39-21-103, 39-21-104, 39-21-104.5, 39-21-105, 39-21-105.5, 39-21-106, 39-21-107, 39-21-108, 39-21-109, 39-21-110, 39-21-110.5, 39-21-111, 39-21-112, 39-21-113, 39-21-114, 39-21-114.5, 39-21-116, 39-21-116.5, 39-21-118, 39-21-119, 39-21-119.5, 39-21-120, 39-26-102, 39-26-104, 39-26-105, 39-26-109, 39-26-112, 39-26-115, 39-26-116, 39-26-117, 39-26-118, 39-26-120, 39-26-121, 39-26-122, 39-26-125, 39-26-703, 39-26-726, 39-26-729, 43-4-218, 43-4-805, 43-4-1203, 43-4-1303, C.R.S. The purpose of this rule is to set forth the manner in which retail delivery fees are collected, administered, and enforced.

(1) **General Rules.** The following general rules apply with respect to retail delivery fees:

- (a) A retailer making a retail delivery on or after July 1, 2022, shall add to the price of the retail delivery, collect from the purchaser, and pay to the Department the retail delivery fees in the manner set forth in this rule.
- (b) A retailer who is not "doing business in this state" as defined in section 39-26-102(3), C.R.S., and 1 CCR 201-4, Rule 39-26-102(3) is not obligated to collect and remit the retail delivery fees. A retailer's obligation to begin the collection and remittance of the retail delivery fees begins on the same date as the retailer's obligation to begin the collection and remittance of the state sales tax.
- (b) Except as otherwise required by this rule, any statute or rule applicable to the collection, administration, and enforcement of sales tax under article 26 of title 39, C.R.S., including applicable statutes and rules under article 21 of title 39, C.R.S., applies to the collection, administration, and enforcement of retail delivery fees.

(2) **Definitions.** As used in this rule, unless the context otherwise requires:

- (a) The statutory definitions in article 26 of title 39, C.R.S., shall apply to terms used in this rule.
- (b) "Retail delivery fees" means the sum of the retail delivery fee imposed by section 43-4-218(3), C.R.S, and all enterprise retail delivery fees described in section 43-4-218(2)(a), C.R.S.

(3) **Imposition and Sourcing.**

- (a) Each retail sale is a single retail delivery regardless of the number of shipments necessary to deliver the items of tangible personal property purchased. The retail delivery fee will not be applied more than once per retail sale regardless of the number or timing of the payment made by the purchaser, the number of shipments in which the purchased items are delivered, or the number of locations to which the shipments are delivered.

- (i) The retailer must determine and document how each shipment is attributed to a retail sale consistent with this paragraph (3). The Department will accept a retailer's reasonable determination that multiple shipments were part of a single retail sale provided that:
  - (A) the determination is consistent with this paragraph (3):
  - (B) the retailer applies the determination consistently across all retail sales;
  - (C) the retailer adequately documents that multiple shipments were part of a single retail sale; and(D)the Department has not directed the retailer in writing to apply a different attribution method.
- (ii) Subscriptions, Recurring Purchase Programs, Leases, and Installment Sales.
  - (A) A retail sale of tangible personal property for which the purchaser places a single order and makes a single payment that results in recurring deliveries by motor vehicle for a specified period of time is one retail sale. As such, the retailer shall collect the retail delivery fees on the single order and shall not collect the retail delivery fees on subsequent deliveries.
  - (B) Retail sales of tangible personal property that are the result of the purchaser placing automatic, recurring orders with separate payments that include the option to cancel at any time before the items are delivered by motor vehicle are separate retail sales for each recurring order. As such, the retailer shall collect the retail delivery fees on each recurring order.
  - (C) A retail sale of tangible personal property for which the purchaser places a single order with periodic credit, installment, or lease payments over a specified period of time to receive one delivery by motor vehicle is one retail sale. As such, the retailer shall collect the retail delivery fees only once on the first credit, installment, or lease payment.
- (I) Short-Term Leases. A lessor that makes a lease of three years or less of tangible personal property shall apply the following rules:
  - (1) If a lessor obtains permission from the Department pursuant to section 39-26-713(1)(a), C.R.S., to acquire tangible personal property exempt from sales tax and collect sales tax on each lease payment received for the property, the short-term lease is considered a retail sale and the lessor shall collect the retail delivery fees from the lessee as described in paragraph (3)(a)(ii)(C) of this rule if the leased tangible personal property is a retail delivery.
  - (2) If a lessor has not obtained permission from the Department pursuant to section 39-26-713(1)(a), C.R.S., to acquire tangible personal property exempt from sales tax and collect sales tax on the lease payments, the short-term lease is not subject to the retail delivery fees regardless of whether the leased item is delivered to the lessee by motor vehicle. If the tangible personal property

was delivered by a motor vehicle to the lessor at the time of acquisition, the retailer shall collect the retail delivery fees from the lessor.

(iii) In the case of a retail delivery that includes an item that is later exchanged or replaced, a subsequent delivery made by the retailer to the purchaser to exchange or replace the original item purchased or any part thereof free of charge whether under warranty or not is not subject to the retail delivery fee because there was no additional retail sale.

(b) *Delivery by a Motor Vehicle.* The retail delivery fees are imposed on each retail sale of tangible personal property delivered by a motor vehicle to the purchaser at a location in this state other than the retailer's business location.

(i) To determine whether a delivery is "by a motor vehicle," the retailer shall consider all modes of transportation used in this state to effectuate the delivery of the sale from the time immediately after the acceptance or approval of the order until the time the items are delivered to the purchaser's specified location in this state other than the retailer's business location. If any part of the post-order delivery that occurs in this state is made by a motor vehicle, the delivery is "by a motor vehicle" and the retail delivery fees apply.

(ii) The retail delivery fees apply whether the retailer delivers the items itself, uses a third party, including the United States Postal Service, or tenders the items to a shipping company hired by the purchaser.

(iii) A retail sale of taxable tangible personal property that a purchaser picks up at a retailer's business location is not subject to the retail delivery fees.

(c) *Determining the Delivery Location.* To determine whether a delivery is made to a location in this state, section 39-26-104(3), C.R.S., 1 CCR 201-4, Rule 39-26-104-2, and the following rules apply:

(i) A retail delivery to a drop-off and pick-up locker, Post Office Box, or similar facility located in the state, other than the retailer's business location, is a delivery made to a location in this state and is subject to the retail delivery fees.

(ii) A retail delivery to a location in this state at the purchaser's direction is subject to the retail delivery fees regardless of the purchaser's location at the time of either the purchase or the delivery, except as provided in paragraph (3)(b)(iii) of this rule.

(iii) A delivery made to a location outside of this state is not subject to the retail delivery fees regardless of the purchaser's location at the time of either the purchase or the delivery.

**(4) Deliveries of Tangible Personal Property Not Subject to, or Exempt from, the Retail Delivery Fees.**

(a) A retail sale of tangible personal property by a retailer for delivery by a motor vehicle is not subject to the retail delivery fees if:

(i) No item of tangible personal property included in the retail sale is subject to state sales tax under article 26 of title 39, C.R.S.; or

- (ii) The purchaser is exempt from paying state sales tax on the purchased item under article 26 of title 39, C.R.S.;
- (b) Wholesale Sales. A wholesale sale as defined in sections 39-26-102(19) or (20), C.R.S., is not subject to the retail delivery fees because a wholesale sale is not a retail sale. A sale by a wholesaler to a user or consumer is not for resale and is a retail sale subject to the retail delivery fees if the tangible personal property is subject to state sales tax under article 26 of title 39, C.R.S., and delivered by motor vehicle to a location in this state.
- (i) If a delivery by motor vehicle to a location in this state includes items for resale (wholesale sales) and tangible personal property subject to state sales tax under article 26 of title 39, C.R.S., the seller shall collect the retail delivery fees on the transaction because the delivery includes at least one item of tangible personal property subject to state sales tax under article 26 of title 39, C.R.S.
  - (ii) Drop Shipments. In the case of a retail delivery made to the purchaser by a wholesaler on the retailer's behalf, either directly or by contract with a third party, the retailer is nonetheless required to collect the retail delivery fees from the purchaser.
  - (A) Example. A retailer makes a retail sale of taxable tangible personal property to a purchaser but does not have the inventory to fulfill the order. The retailer requests that their wholesaler ship the items purchased directly to the purchaser on the retailer's behalf. The wholesaler ships the items to the purchaser through a third-party delivery service. The retailer must collect the retail delivery fees from the purchaser on this transaction.
  - (iii) A person who properly purchases items as a wholesale sale and later removes one of those items from inventory for the person's own use is not separately obligated to remit the retail delivery fees to the Department when the item is removed from inventory.
- (c) Complimentary Tangible Personal Property. A retailer that provides and delivers by motor vehicle tangible personal property to a customer completely free of charge shall not collect the retail delivery fees on such transaction because there is no retail sale.
- (d) Discounts. If tangible personal property is transferred to a customer without consideration of any kind, the retail delivery fees shall not apply because a transfer made without consideration does not constitute a sale. For example, if a retailer allows discounts that reduce the property's purchase price to \$0, and the retailer receives no consideration from the customer in exchange for the property, then the transfer of property does not constitute a sale and the retail delivery fees do not apply. However, if the retailer receives any form of consideration, including, but not limited to, manufacturer's coupons as described in 1 CCR 201-5, Special Rule 11, the transaction is considered a sale and the retail delivery fees apply.
- (e) Burden of Proof. The burden of proving that a retailer is exempt from collecting the retail delivery fees on any retail delivery and paying the retail delivery fees to the Department, or from making such returns, is on the retailer. The burden of proving that a retailer is exempt from collecting the retail delivery fees on any delivery made by a transportation method other than a motor vehicle is also on the retailer.
- (i) A retailer must exercise due diligence with respect to any retail delivery for which the purchaser claims an exemption. A retailer shall comply with the requirements

of 1 CCR 201-4, Rule 39-26-105–3 to be presumed to have exercised due diligence.

- (ii) A retailer that does not comply with the requirements of 1 CCR 201-4, Rule 39-26-105–3 will be held liable and responsible for the payment of any retail delivery fees that the retailer did not, but should have collected, or for which the retailer did not collect sufficient information and documentation from the purchaser to prove to the Department's satisfaction that the retail delivery was exempt from the retail delivery fees.

(5) **Contractors and Repair Services.**

- (a) *Time and Materials Contractor.* A contractor, defined as such in 1 CCR 201-5, Special Rule 10, who bills their customers separately for labor and materials is considered a time and materials contractor. Generally, these contractors purchase tangible personal property at wholesale and resell the items to their customers in the completion of a job.

- (i) If the job's primary purpose is a service call to repair property or diagnose a problem, the retail delivery fee will not apply even if the transaction includes the retail sale of taxable tangible personal property.

(A) *Example.* A plumber receives a call from a customer to come and fix a leaking sink. The plumber bills on a time-and-materials basis. In the process of diagnosing the problem, the plumber determines a new part is needed to stop the leak. Regardless of whether the plumber has the part with them, needs to pick up the part from the shop, or purchases the part from a store and brings it back to the customer's location, the retail delivery fee will not apply because the transaction's primary purpose was to repair a leaking sink.

- (ii) If the job's primary purpose is to sell and install taxable tangible personal property that requires delivery by a motor vehicle to the customer's location in Colorado, the retail delivery fee will apply.

(A) *Example.* A plumber receives a call from a customer to purchase and install a new water heater, which will be delivered to the customer's location in Colorado by motor vehicle. The retail delivery fee will apply because the transaction's primary purpose is to sell an item of tangible personal property that requires delivery by motor vehicle to the customer's location in Colorado.

- (b) *Lump-sum Contractor.* A contractor, defined as such in 1 CCR 201-5, Special Rule 10, who bills their customers on a lump-sum basis is considered a lump-sum contractor. Generally, these contractors purchase tangible personal property at retail and are considered the user and consumer of the tangible personal property used to complete a job.

- (i) A lump-sum contractor will not collect the retail delivery fees from their customers because a lump-sum contractor is not making retail sales to their customers.

- (ii) When a lump-sum contractor purchases taxable tangible personal property that will be delivered by motor vehicle to the contractor, either at the contractor's location or the jobsite, the retailer making the sale to the contractor must charge the retail delivery fees to the contractor.

- (iii) When a lump-sum contractor purchases taxable tangible personal property at a retail business and brings the taxable tangible personal property with them to the jobsite, no retail delivery fees are due because the retail sale occurred at the retail business and no delivery by motor vehicle occurred to get the item to the contractor.

(c) Suppliers to Contractors.

- (i) Time and Materials Contractors. A retailer or supplier that makes a sale of tangible personal property to a licensed contractor that presents sufficient documentation to make an exempt sale for delivery by a motor vehicle to a location in Colorado is presumed to have made a wholesale sale to the contractor because a licensed contractor generally resells the tangible personal property they purchase at wholesale to their customers and collects sales tax on the transactions. As such, the retailer or supplier shall not collect the retail delivery fees from the licensed contractor.
- (ii) Lump-sum Contractors. A retailer or supplier that makes a retail sale of taxable tangible personal property to an unlicensed contractor for delivery by a motor vehicle to a location in Colorado is presumed to have made a retail delivery because an unlicensed contractor is generally the user and consumer of the items they purchase. As such, the retailer or supplier shall collect the retail delivery fees from the unlicensed contractor.

(6) Deliveries of Marijuana.

- (a) Retail Marijuana. Except as provided in paragraph (6)(a)(ii) of this rule, a retail marijuana delivery is not subject to the retail delivery fees because, pursuant to section 39-26-729, C.R.S., retail marijuana is exempt from state sales tax under article 26 of title 39, C.R.S. For purposes of this paragraph (6), retail marijuana has the same meaning as set forth in section 39-28.8-101(7), C.R.S., and includes retail marijuana products as defined in section 39-28.8-101(9), C.R.S.

- (i) A retail marijuana delivery that is subject to the sales tax imposed by a special district or other limited purpose governmental entity is nonetheless exempt, pursuant to section 39-26-729, C.R.S., from state sales tax under article 26 of title 39 and is therefore exempt from the retail delivery fees.
- (ii) When tangible personal property subject to state sales tax under article 26 of title 39, C.R.S., is included in the sale and delivery of retail marijuana, the retail sale is subject to the retail delivery fees unless the purchaser is exempt because at least one item of tangible personal property purchased is subject to state sales tax under article 26 of title 39, C.R.S.

(b) Medical Marijuana.

- (i) Except as provided in paragraph (6)(b)(ii) of this rule, a medical marijuana delivery is subject to the retail delivery fees unless the purchaser is exempt because medical marijuana is subject to state sales tax under article 26 of title 39, C.R.S.
- (ii) A medical marijuana delivery that is exempt from state sales tax under section 39-26-726, C.R.S., is not subject to the retail delivery fees unless the delivery includes other items of tangible personal property that are subject to state sales tax under article 26 of title 39, C.R.S., and the purchaser is not an exempt entity.

- (7) **Registration.** A retailer who is liable and responsible for the collection and remittance of the retail delivery fees shall register with the Department in the manner the Department prescribes. The registration will create a retail delivery fee account. Once a retailer is registered to collect the retail delivery fees, the retailer does not need to renew the registration.
- (a) A retailer who fails to register as required in paragraph (7) of this rule is nonetheless liable and responsible for the full amount of the retail delivery fees due, plus any applicable penalties and interest.
- (b) A retailer that is no longer liable and responsible for the collection and remittance of the retail delivery fees shall promptly close their retail delivery fee account as instructed by the Department. The retailer shall file returns in accordance with paragraph (9) of this rule through the closure date.
- (8) **Collection of the Retail Delivery Fees.** A retailer who makes a retail delivery shall add the retail delivery fees in effect at the time the sale takes place to the price or charge for the retail delivery, and shall collect the retail delivery fees from the purchaser.
- (a) *Displaying Retail Delivery Fees on an Invoice.* The retail delivery fees must be shown on any final invoice, receipt, or other document setting forth the purchase price as a separate and distinct item from the price of the items purchased and any other taxes or fees imposed on the retail delivery. The final invoice, receipt, or other document setting forth the purchase price must show the sum of the retail delivery fees in effect at the time the sale takes place as one amount on the invoice, receipt, or document labeled "retail delivery fees."
- (i) The retail delivery fees cannot be included in the tax line shown on any final invoice, receipt, or other document setting forth the purchase price.
- (ii) The retail delivery fees cannot be included in a line with other fees or charges on the final invoice, receipt, or other document setting forth the purchaser price.
- (iii) In the case of an online retailer that does not provide the purchaser with a final invoice, receipt, or other document setting forth the purchase price, the retailer shall show the retail delivery fees as a line item on the website at checkout. The presentation of the retail delivery fees at checkout must meet the same requirements as set forth in section 43-4-218(6)(b), C.R.S.
- (A) If it is impracticable for a retailer that does not provide the purchaser with a final invoice, receipt, or other document setting forth the purchase price to display the retail delivery fees in the manner described in (8)(a)(iii) of this rule, the retailer shall prominently display on the website at checkout that the retailer collects the retail delivery fees from the purchaser.
- (B) If it is impracticable for a retailer that does not provide the purchaser with a final invoice, receipt, or other document setting forth the purchase price to display the retail delivery fees in the manner described in (8)(a)(iii) or (8)(a)(iii)(A) of this rule, the retailer shall notify the purchaser that the retailer collected the retail delivery fees from the purchaser in the email sent to the purchaser confirming the order has been placed or on the website of the retailer.
- (iv) In the case of a retailer operating from a fixed or mobile store that does not provide the purchaser with the final invoice, receipt, or other document setting forth the purchase price, the retailer shall show on a conspicuous sign visible to



the purchaser at checkout that the purchaser will pay the retail delivery fees on any retail delivery.

- (b) A retailer who makes a retail delivery and does not know at the time of acceptance or approval of an order what modes of transportation will be used to make the delivery shall collect the retail delivery fees. If no part of the delivery is ultimately made by a motor vehicle, as described in paragraph (3)(b) of this rule, the retailer or purchaser may file a claim for refund pursuant to paragraph (10) of this rule if the fees have been remitted to the Department. A retailer that properly refunds the retail delivery fees in full may claim a credit on the return for the period in which the retail delivery fees were refunded pursuant to paragraph (10).
- (c) *Failure to Collect.* A retailer who makes a retail delivery and who fails to collect the required amount of the retail delivery fees is nonetheless liable for the full amount of the retail delivery fees due. A purchaser is not liable to the Department for the retail delivery fees if the retailer does not collect the fees.
- (d) *Retail Sales Made Through a Marketplace Facilitator's Marketplace.* In the case of a retail delivery facilitated by a marketplace facilitator through a marketplace facilitator's marketplace:

  - (i) The marketplace facilitator has all of the liabilities, obligations, and rights of a retailer under article 26 of title 39, C.R.S., and therefore shall collect and remit the retail delivery fees on all direct sales and all facilitated sales, as such terms are defined in 1 CCR 201-5, Special Rule 44.
  - (ii) The marketplace seller does not, with respect to retail delivery fees, have the liabilities, obligations, or rights of a retailer under article 26 of title 39, C.R.S., if the marketplace seller can show that the sale was facilitated by a marketplace facilitator:

    - (A) with whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit Colorado state and state-administered local sales taxes on all sales subject to tax under article 26 of title 39, C.R.S.; or
    - (B) from whom the marketplace seller obtained a certification from the marketplace facilitator that the marketplace facilitator is registered to collect Colorado sales tax and will collect Colorado state and state-administered local sales taxes on all sales subject to tax under article 26 of title 39, C.R.S., made in or through the marketplace.
  - (iii) The Department will presume that a contract or certification that complies with the requirements is paragraph (4)(a)(iv) of 1 CCR 201-5, Special Rule 44 includes the collection of retail delivery fees in compliance with this paragraph (8)(d)(ii) absent contrary evidence.
- (e) *Direct Payment Permit Holders.* A qualified purchaser that holds a valid direct payment permit pursuant to section 39-26-103.5, C.R.S., and the rules thereunder, shall remit directly to the Department and not to the retailer the retail delivery fees applicable to any retail delivery purchased by the qualified purchaser. A retailer who makes retail deliveries to a qualified purchaser shall not collect the retail delivery fees from the qualified purchaser. A qualified purchaser that holds a valid direct pay permit is subject to the requirements of this rule.



- (9) **Filing and Remittance of the Retail Delivery Fees.** A retailer making retail deliveries shall file a return as described in paragraphs (9)(a) and (9)(b) of this rule and remit an amount described in paragraph (9)(c) of this rule for each reporting period.
- (a) **Filing Schedules and Due Dates.** A retailer's filing schedule and the corresponding due date for retail delivery fees returns and remittances are the same as the retailer's state sales tax filing schedule and due dates under 1 CCR 201-4, Rule 39-26-109.
- (i) Unless otherwise authorized, a return must be filed, and any retail delivery fees due must be remitted, on or before the twentieth day of the month following the end of a reporting period.
- (ii) If the due date of the return and payment is a Saturday, Sunday, or legal holiday, the due date is the next business day.
- (iii) A retailer cannot alter their filing schedule to differ from the retailer's state sales tax filing schedule and due dates under 1 CCR 201-4, Rule 39-26-109.
- (b) **Filing Requirements.** Returns, and any required supplemental forms, must be completed in full, in the form and manner prescribed by the Department, and filed with the Department on or before the due date. The Department shall determine what information the return must contain, how the returns must be made, and the type of forms that must be used.
- (i) A retailer that makes no retail deliveries during the preceding reporting period, shall nonetheless file a return on or before the due date reporting zero retail deliveries.
- (ii) A retailer that fails to submit a complete and accurate return in the form and manner prescribed by the Department, including any zero return filings, on or before the due date is subject to penalties and interest pursuant to paragraph (11) of this rule.
- (c) **Remittance Requirements.** A retailer is liable and responsible to remit to the Department on or before the due date an amount equal to the product of all retail delivery fees in effect for the reporting period and the number of retail deliveries the retailer makes in the reporting period, regardless of whether the retailer actually collects the retail delivery fees from the purchaser, as well as any retail delivery fees collected in excess of this amount.
- (i) A retailer is required to remit, with the filing of each return, the total retail delivery fees amount shown to be due on the return.
- (ii) A retailer that fails to pay any retail delivery fees due to the Department by the due date prescribed in paragraph (9)(a) of this rule is subject to penalties and interest pursuant to paragraph (11) of this rule.
- (iii) A retailer is not permitted to retain any portion of the retail delivery fees to cover the retailer's expense in the collection and remittance of the retail delivery fees.
- (iv) For retailers with an annual or thirteen-month reporting period, the retailer is liable and responsible to remit the following amounts to the Department on or before the due date regardless of whether the retailer actually collected the retail delivery fees from the purchaser:

- (A) an amount equal to the product of all retail delivery fees in effect from January 1 of the applicable year to June 30 of that year and the number of retail deliveries the retailer made in that period;
  - (B) an amount equal to the product of all retail delivery fees in effect from July 1 of the applicable year through December 31 of that year and the number of retail deliveries the retailer made in that period; and
  - (C) any retail delivery fees collected in excess of these amounts.
- (10) **Refunds and Credits.** The provisions of sections 39-21-108 and 39-26-703, C.R.S., govern claims for refund or credit of retail delivery fees, including, but not limited to, the limitations on such claims. In addition, for purposes of retail delivery fees, the following rules apply:
- (a) Claim for Refund. A retailer or purchaser that overpays, or a purchaser that incorrectly paid, the retail delivery fees shall file a claim for refund for the overpayment of the retail delivery fees pursuant to sections 39-21-108 and 39-26-703, C.R.S., and the rules thereunder.
  - (b) Credit for Refunded Fees Collected in Error. A retailer is allowed a credit in accordance with section 39-26-703(2.5)(b)(I), C.R.S., equal to the amount of any retail delivery fees refunded during the reporting period if:
    - (i) The retailer collected the retail delivery fees in the current or prior period;
    - (ii) The sale was exempt from or not subject to the retail delivery fees under these rules;
    - (iii) The retailer remitted the retail delivery fees to the Department; and
    - (iv) The retailer refunded the retail delivery fees in full to the purchaser.
  - (c) Disputes. If a dispute arises between the purchaser and the retailer as to whether a sale was subject to or exempt from the retail delivery fees, the retailer shall collect and the purchaser shall pay the retail delivery fees. The purchaser shall file a claim for refund of the disputed fees within the statute of limitations in accordance with this paragraph (12) of this rule.
  - (d) Returned Retail Deliveries. A retailer may not refund the retail delivery fees imposed on a retail delivery when the purchased tangible personal property is returned to the retailer for a full refund of the purchase price and any applicable sales tax. A subsequent delivery to return the tangible personal property to the retailer is not subject to the retail delivery fees because no retail sale has taken place.
  - (e) Canceled Retail Deliveries. A retailer may claim a credit for previously paid retail delivery fees for any retail sale that was canceled before the item was shipped if the retailer refunded to the purchaser the full purchase price, the retail delivery fees, and any applicable sales tax. The purchaser may claim a refund of the retail delivery fees if the retailer does not refund the retail delivery fees.
  - (f) Bad Debts Charged-off. Any retail delivery fees paid on retail deliveries represented by accounts found to be worthless and actually charged off for income tax purposes cannot be credited by the retailer upon a subsequent retail delivery fee payment.

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- (11) **Penalties and Interest.** Because retail delivery fees are collected, administered, and enforced in the same manner as state sales tax under article 26 of title 39, C.R.S., all civil and criminal penalties, and any applicable interest imposed under articles 21 and 26 of title 39, C.R.S., apply, including, but not limited to, the penalty imposed by section 39-21-116.5, C.R.S.
- (12) **Statute of Limitations.** Because retail delivery fees are collected, administered, and enforced in the same manner as the sales tax under article 26 of title 39, C.R.S., the limitations provided in sections 39-21-107, 39-21-108, and 39-26-125, C.R.S., apply to the retail delivery fees. With respect to overpayments and claims for refund or credit, the limitations in section 39-26-703, C.R.S., apply.
- (13) **Power of Collection and Enforcement.** All money paid to a retailer as the retail delivery fees is and remains public money, the property of the State of Colorado, in the hands of the retailer, and the retailer shall hold the money in trust for the sole use and benefit of the State of Colorado until paid to the Department. The Executive Director has the full powers of collection and enforcement allowed under articles 20, 21, and 26 of title 39, C.R.S., and article 35 of title 24, C.R.S., including, but not limited to, the authority to make estimated returns, and to issue warrants commanding the levy, distraint, and sale of property. In accordance with section 39-26-117, C.R.S., the retail delivery fees are a first and prior lien upon the goods and business fixtures of or used by any retailer under lease, title retaining contract, or other contract arrangement, excepting stock of goods sold in the ordinary course of business, and takes precedence on all such property over other liens or claims of whatsoever kind or nature.
- (14) **Calculation and Publication of the Retail Delivery Fees.**
- (a) Each year the Department shall calculate whether an adjustment to the retail delivery fee set forth in section 43-4-218, C.R.S., is required because inflation is positive and cumulative inflation from the time of the last adjustment in the amount of the retail delivery fee, when applied to the sum of the current retail delivery fee set forth in section 43-4-218(3), C.R.S., and all current enterprise retail delivery fees described in section 43-4-218(2)(a), C.R.S., and rounded to the nearest whole cent, results in an increase of at least one whole cent in the total amount of the retail delivery fees.
- (i) The Department shall calculate inflation by applying the methodology set forth in section 43-4-218(2)(b), C.R.S. This methodology will also determine whether inflation is positive. When the calculated inflation is not positive, the amount of the retail delivery fees will not be adjusted for that year.
- (ii) In years in which the inflation calculated pursuant to the methodology set forth in section 43-4-218(2)(b), C.R.S., does not result in an increase of at least one whole cent in the total amount of the retail delivery fees, the calculated increase in inflation must be added to the calculation of inflation for future years until the cumulative inflation from the time of the last adjustment in the amount of the retail delivery fees results in an increase of at least one whole cent.
- (b) Publication of the Retail Delivery Fees. The Department shall publish the total amount of the inflation-adjusted retail delivery fees on its website [tax.colorado.gov](http://tax.colorado.gov), or its successor website, no later than April 15 of each calendar year. The Department may also publish the total amount of the inflation-adjusted retail delivery fees by other means.
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**COLORADO DEPARTMENT OF REVENUE  
OFFICE OF TAX POLICY**

**STATEMENT OF BASIS AND PURPOSE**

**Retail Delivery Fees  
Rule 43-4-218  
1 CCR 201-20**

**Basis**

The statutory bases for this rule are sections 24-38.5-303, 25-7.5-103, 39-21-103, 39-21-104, 39-21-104.5, 39-21-105, 39-21-105.5, 39-21-106, 39-21-107, 39-21-108, 39-21-109, 39-21-110, 39-21-110.5, 39-21-111, 39-21-112, 39-21-113, 39-21-114, 39-21-114.5, 39-21-116, 39-21-116.5, 39-21-118, 39-21-119, 39-21-119.5, 39-21-120, 39-26-102, 39-26-104, 39-26-105, 39-26-109, 39-26-112, 39-26-115, 39-26-116, 39-26-117, 39-26-118, 39-26-120, 39-26-121, 39-26-122, 39-26-125, 39-26-703, 39-26-726, 39-26-729, 43-4-218, 43-4-805, 43-4-1203, 43-4-1303, C.R.S.

**Purpose**

The purpose of this rule is to set forth the manner in which retail delivery fees are collected, administered, and enforced.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00627

**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**

11/03/2022

**Time**

11:00 AM

**Location**

Virtual

**Subjects and issues involved**

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

**Statutory authority**

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

## Contact information

**Name**

Robert Baker

**Title**

Operations Manager

**Telephone**

303.913.5232

**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 LAW AND OTHER 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, **42 CFR part 73, 49 U.S.C. Section 5103**, 26 U.S.C. 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. Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material.
- 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.~~ A group or type of vehicle with certain operating characteristics.
  - a) Class A: Any combination of vehicles which has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more) whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,001 pounds) whichever is greater.
  - b) Class B: Any single vehicle which has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), or any such vehicle towing a vehicle with a gross vehicle weight rating or gross vehicle weight that does not exceed 4,536 kilograms (10,001 pounds).
  - c) Class C: Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is transporting material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or is transporting any quantity of a material listed as a select agent or toxin in 42 CFR part 73.
- 7) CLP – Commercial Learner's 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) Designed to Transport: The manufacturer's original rated capacity for the vehicle.

- 13) 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.
- 14) 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) 3 = Three wheel motorcycle (not allowed on a CLP per 49 CFR)
  - b) H = Hazardous materials (Not allowed on a CLP per 49 CFR)
  - c) M = Motorcycle (not allowed on a CLP per 49 CFR)
  - d) N = Tank vehicles
  - e) P = CDL Passenger vehicle
  - f) S = School buses
  - g) T = Double/triple trailers (not allowed on a CLP per 49 CFR)
  - h) X = Combination of tank vehicle and hazardous materials (Not allowed on a CLP per 49 CFR)
- 15) Exemptions: Regulatory relief given to a person or class of persons normally subject to regulations.
- 16) FMCSA: Federal Motor Carrier Safety Administration is an agency within the USDOT.
- 17) FMCSR: Federal Motor Carrier Safety Regulations (49 CFR).
- 18) GCWR: Gross Combination Weight Rating is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle.
- 19) 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.
- 20) 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.



- 21) 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.
- 22) Interstate Driver: A CDL holder authorized to cross state lines and transport interstate commerce while operating a CMV.
- 23) Intrastate Commerce: Trade, traffic, or transportation in any state that is not described in the term "interstate commerce".
- 24) Knowledge Test: A written test that meets the federal standards contained in 49 CFR.
- 25) Non-Profit: An organization filing with the United States Code 26 USC Section 501(c).
- 26) 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.
- 27) 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.
- 28) Restrictions: Prohibits the operation of certain types of vehicles or restricts operating a CMV to within designated boundaries:
- a) E = No Manual Transmission
  - b) K = Intrastate only
  - c) L = No Air Brake equipped CMV
  - 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
- 29) Self Certification Choice:

- a) 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.
- b) 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.
- c) 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.
- d) 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.

30) Shadow Skills Test: Administered skills tests required of the new examiner candidate.

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) USDOT: United States Department of Transportation.

#### **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):
  - a) Non-excepted interstate.
  - b) Excepted interstate.
  - c) Non-excepted intrastate.
  - d) 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:
  - a) Obtain a Class A or Class B CDL for the first time;
  - b) Upgrade an existing Class B CDL to a Class A CDL; or
  - c) 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 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 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 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 ~~and ensure all CMVs used for testing with a vehicle fleet of no less than three CMVs are owned, leased or registered to the testing unit, the business owner, employee of the business or~~ properly registered, inspected for safe operating conditions at the time of exam and insured;

- 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 **or contract with at least one person 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 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) 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)~~ two (2) 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 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 ~~or under contract with the testing unit submitting the application.~~
  - c) The driving tester candidate must successfully complete the 8 day new CDL third party tester's training course;
  - d) Within 30 days following the date the driving tester candidate completes the 8 day new CDL third party tester's training course, the driving tester candidate must:
    - i. 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
    - ii. 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 A~~ driving tester may administer a CDL Skills Test ~~as an employee of, and on behalf of, the any~~ licensed testing unit. The driving tester may administer tests for more than one unit. However, ~~the for a driving tester to conduct testing on the unit's behalf, the driving tester must be licensed under each unit to conduct testing on its behalf.~~ an employee of the testing unit submitting the application ~~or under contract with the testing unit submitting the application.~~ 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, **within three (3) months**, the driving tester is not employed as a driving tester at a licensed testing unit ~~within three (3) months~~ **or contracted as a driving tester with a licensed testing unit**, 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 should have a paved area or a flat hard surface for the CDL vehicle inspection and for the entire basic control skills exercise area 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 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.
- 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, and 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 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 or contract with a minimum of 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.



## **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 LAW AND OTHER 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, 42 CFR part 73, 49 U.S.C. Section 5103, 26 U.S.C. 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. Material incorporated by reference in this rule does not include later amendments to or editions of the incorporated material.
- 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 with certain operating characteristics.
  - a) Class A: Any combination of vehicles which has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more) whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,001 pounds) whichever is greater.
  - b) Class B: Any single vehicle which has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), or any such vehicle towing a vehicle with a gross vehicle weight rating or gross vehicle weight that does not exceed 4,536 kilograms (10,001 pounds).
  - c) Class C: Any single vehicle, or combination of vehicles, that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers, including the driver, or is transporting material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or is transporting any quantity of a material listed as a select agent or toxin in 42 CFR part 73.
- 7) CLP – Commercial Learner's 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) Designed to Transport: The manufacturer's original rated capacity for the vehicle.

- 13) 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.
- 14) 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) 3 = Three wheel motorcycle (not allowed on a CLP per 49 CFR)
  - b) H = Hazardous materials (Not allowed on a CLP per 49 CFR)
  - c) M = Motorcycle (not allowed on a CLP per 49 CFR)
  - d) N = Tank vehicles
  - e) P = CDL Passenger vehicle
  - f) S = School buses
  - g) T = Double/triple trailers (not allowed on a CLP per 49 CFR)
  - h) X = Combination of tank vehicle and hazardous materials (Not allowed on a CLP per 49 CFR)
- 15) Exemptions: Regulatory relief given to a person or class of persons normally subject to regulations.
- 16) FMCSA: Federal Motor Carrier Safety Administration is an agency within the USDOT.
- 17) FMCSR: Federal Motor Carrier Safety Regulations (49 CFR).
- 18) GCWR: Gross Combination Weight Rating is the value specified by the manufacturer as the maximum loaded weight of the combination vehicle.
- 19) 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.
- 20) 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.

- 21) 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.
- 22) Interstate Driver: A CDL holder authorized to cross state lines and transport interstate commerce while operating a CMV.
- 23) Intrastate Commerce: Trade, traffic, or transportation in any state that is not described in the term "interstate commerce".
- 24) Knowledge Test: A written test that meets the federal standards contained in 49 CFR.
- 25) Non-Profit: An organization filing with the United States Code 26 USC Section 501(c).
- 26) 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.
- 27) 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.
- 28) Restrictions: Prohibits the operation of certain types of vehicles or restricts operating a CMV to within designated boundaries:
- a) E = No Manual Transmission
  - b) K = Intrastate only
  - c) L = No Air Brake equipped CMV
  - 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
- 29) Self Certification Choice:

- a) 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.
  - b) 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.
  - c) 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.
  - d) 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.
- 30) Shadow Skills Test: Administered skills tests required of the new examiner candidate.
- 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) USDOT: United States Department of Transportation.

#### **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):

- a) Non-excepted interstate.
  - b) Excepted interstate.
  - c) Non-excepted intrastate.
  - d) 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:
    - a) Obtain a Class A or Class B CDL for the first time;
    - b) Upgrade an existing Class B CDL to a Class A CDL; or
    - c) 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 more than 10,001 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 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 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 and ensure all CMVs used for testing are properly registered, inspected for safe operating conditions at the time of exam and insured;
  - 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 or contract with at least one person 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 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) 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 two (2) 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 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 or under contract with the testing unit submitting the application.
  - c) The driving tester candidate must successfully complete the 8 day new CDL third party tester's training course;
  - d) Within 30 days following the date the driving tester candidate completes the 8 day new CDL third party tester's training course, the driving tester candidate must:
    - i. 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
    - ii. 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) A driving tester may administer a CDL Skills Test on behalf of any licensed testing unit. The driving tester may administer tests for more than one unit. However, for a driving tester to conduct testing on the unit's behalf, the driving tester must be an employee of the testing unit submitting the application or under contract with the testing unit submitting the application. 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, within three (3) months, the driving tester is not employed as a driving tester at a licensed testing unit or contracted as a driving tester with a licensed testing unit, 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 should have a paved area or a flat hard surface for the CDL vehicle inspection and for the entire basic control skills exercise area 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 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.
- 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, and 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 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 or contract with a minimum of 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.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00566

**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**

10/31/2022

**Time**

01:00 PM

**Location**

Virtual

**Subjects and issues involved**

- A. This rule governs annual contracts between the department and vendors and the department and primary users for the purpose of establishing, regulating, and maintaining the bulk electronic transfer of Records and Information.
- B. This rule does not apply to any federal, state, or local governmental agency that receives Records and/or Information directly from the department.

**Statutory authority**

This rule is promulgated in accordance with the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. and adopted pursuant to the authority in sections 24-72-204, 24-72-102, 24-74-103, 24-74-105, 24-74-106, 42-1-204, and 42-1-206(3.7) C.R.S.

## Contact information

**Name**

Crystal Soderman

**Title**

Operations Manager

**Telephone**

303.205.8303

**Email**

crystal.soderman@state.co.us

## DEPARTMENT OF REVENUE

### Division of Motor Vehicles

#### 1 CCR 204-30, Rule 14. VENDOR CONTRACTS FOR THE BULK ELECTRONIC TRANSFER OF DEPARTMENT RECORDS

##### Authority

This rule is promulgated in accordance with the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. and adopted pursuant to the authority in sections 24-72-204, 24-72-102, 24-74-103, 24-74-105, 24-74-106, 42-1-204 C.R.S., and 42-1-206(3.7) C.R.S.

##### Scope and Purpose

A. This rule governs annual contracts between the department and vendors and the department and primary users for the purpose of establishing, regulating, and maintaining the bulk electronic transfer of Records and Information.

B. This rule does not apply to any federal, state, or local governmental agency that receives Data Records and/or Information directly from the department.

##### 1.0 Definitions

“Colorado Drives (“DRIVES”)” means the information technology system defined in section 42-1-102(16.5), C.R.S.

~~“Data” means a subset of Information.~~

“Personal Identifying Information” (“PII”) is defined in section 24-74-102(1), C.R.S.

“Primary User” means a person or entity having access to DRIVES through the Third-Party Access Portal.

~~“Records and/or Information” means the total of all files, updated files, or portions thereof, that the department is permitted by law to release through a bulk electronic transfer.~~ means all files, updated files, or portions thereof, including PII, that the department is permitted by law to release through a bulk electronic transfer to the approved Vendor.

“State Agency” is a state agency as defined in section 24-74-102(3), C.R.S.

~~“Sub-Vendor” means any person or entity who enters into an agreement with a vendor to receive Data. A primary user of Data may also be a Sub-Vendor.~~ means any person or entity who enters into an agreement with the approved DMV Vendor to receive Records and/or Information through a sub-contract.

“Third-Party” is defined in section 24-74-102(5), C.R.S.

“Vendor” is defined in section 42-1-102(112.5), C.R.S.

##### 2.0 Contract Requirements

A. The department will not transfer Information to a vendor or primary user unless the Vendor or Primary User has executed a contract with the department in accordance with section 42-1- 206(3.7), C.R.S. and signed a Third-Party Entity/Organization Certification for Access PII through a database or automated network form.

B. A contract between the department and a Vendor shall provide that ~~include provisions that ensure that the Vendor agrees not to transfer Records or Information no Data will be transferred~~ to a Sub-Vendor unless the Sub-Vendor has ~~provided the vendor, and the vendor has approved, a form, DR-2489, completed and the Vendor has approved a Requestor Release and Affidavit of Intended Use (DR 2489) and a Bulk Records and/or Crash Data Search/Transfer Application (DR 2523), in which the Sub-Vendor~~ and has agreed that it will not use the Data PII in a manner prohibited by law.

C. ~~C.R.S. 24-74-105 "Protect Personal Identifying Information Kept By State"~~ prohibits a state agency from disclosing or making accessible personal identifying information to any individual, agency, or official for the purpose of enforcing, cooperating, or assisting in federal immigration enforcement, except as required by federal or state law or as required to comply with a court-issued subpoena, warrant, or order that is not related to prosecution for a violation of specified provisions of federal law. ~~Vendors and Sub-Vendors will now be required to review a "USE and DISCLOSURE" statement on the DR-2675 Form, End-User License Agreement (EULA) to complete under the Agency section. The vendor and subvendor(s) will be required to review and complete the agreement annually on an agency and individual end-user level, ensuring continued compliance. The department may grant a Primary User access to Records or Information only if the Primary User has signed a Third Party Individual Certification For Access To PII through a database or automated network form and an End-User License Agreement (DR-2675) within the last calendar year, certifying that it will not use PII for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, and that it will not disclose personal identifying information obtained from the department to individuals or entities engaged in investigating for, participating in, cooperating with, or assisting in Federal immigration in a manner prohibited by law.~~

<b>REQUIRED:</b> Per §24-74-105 C.R.S., I agree that the third party will not USE or DISCLOSE personal identifying information obtained from the database or automated network for the purpose of investigating for, participating in, cooperating with, or assisting in Federal Immigration Enforcement, including enforcement of civil immigration laws and 8 U.S.C. SEC. 1325 or 1326, unless required by Federal or State Law or to comply with the attached court-issued subpoena, warrant, or order. <input type="checkbox"/> Yes <input type="checkbox"/> No
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## **DEPARTMENT OF REVENUE**

### **Division of Motor Vehicles**

#### **1 CCR 204-30, Rule 14. VENDOR CONTRACTS FOR THE BULK ELECTRONIC TRANSFER OF DEPARTMENT RECORDS**

##### **Authority**

This rule is promulgated in accordance with the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. and adopted pursuant to the authority in sections 24-72-204, 24-72-102, 24-74-103, 24-74-105, 24-74-106, 42-1-204 C.R.S., and 42-1-206(3.7) C.R.S.

##### **Scope and Purpose**

A. This rule governs annual contracts between the department and vendors and the department and primary users for the purpose of establishing, regulating, and maintaining the bulk electronic transfer of Records and Information.

B. This rule does not apply to any federal, state, or local governmental agency that receives Records and/or Information directly from the department.

##### **1.0 Definitions**

"Colorado Drives ("DRIVES")" means the information technology system defined in section 42-1-102(16.5), C.R.S.

"Personal Identifying Information" ("PII") is defined in section 24-74-102(1), C.R.S.

"Primary User" means a person or entity having access to DRIVES through the Third-Party Access Portal.

"Records and/or Information" means all files, updated files, or portions thereof, including PII, that the department is permitted by law to release through a bulk electronic transfer to the approved Vendor.

"State Agency" is a state agency as defined in section 24-74-102(3), C.R.S.

"Sub-Vendor" means any person or entity who enters into an agreement with the approved DMV Vendor to receive Records and/or Information through a sub-contract.

"Third-Party" is defined in section 24-74-102(5), C.R.S.

"Vendor" is defined in section 42-1-102(112.5), C.R.S.

##### **2.0 Contract Requirements**

A. The department will not transfer Information to a vendor or primary user unless the Vendor or Primary User has executed a contract with the department in accordance with section 42-1-206(3.7), C.R.S. and signed a Third-Party Entity/Organization Certification for Access PII through a database or automated network form.

B. A contract between the department and a Vendor shall provide that the Vendor agrees not to transfer Records or Information to a Sub-Vendor unless the Sub-Vendor has completed and the Vendor has approved a Requestor Release and Affidavit of Intended Use (DR 2489) and a Bulk Records and/or Crash Data Search/Transfer Application (DR 2523), in which the Sub-Vendor has agreed that it will not use PII in a manner prohibited by law.

C. The department may grant a Primary User access to Records or Information only if the Primary User has signed a Third Party Individual Certification For Access To PII through a database or automated network form and an within the last calendar year, certifying that it will not use PII for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, and that it will not disclose personal identifying information obtained from the department to individuals or entities engaged in investigating for, participating in, cooperating with, or assisting in Federal immigration in a manner prohibited by law.

<p><b>REQUIRED:</b> Per §24-74-105 C.R.S., I agree that the third party will not USE or DISCLOSE personal identifying information obtained from the database or automated network for the purpose of investigating for, participating in, cooperating with, or assisting in Federal Immigration Enforcement, including enforcement of civil immigration laws and 8 U.S.C. SEC. 1325 or 1326, unless required by Federal or State Law or to comply with the attached court-issued subpoena, warrant, or order.    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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# Notice of Proposed Rulemaking

**Tracking number**

2022-00572

**Department**

300 - Department of Education

**Agency**

301 - Colorado State Board of Education

**CCR number**

1 CCR 301-104

**Rule title**

RULES FOR THE ADMINISTRATION OF THE EDUCATIONAL STABILITY GRANT PROGRAM FOR HIGHLY MOBILE STUDENTS

**Rulemaking Hearing****Date**

11/10/2022

**Time**

09:00 AM

**Location**

1500 E. 128th Ave., Thornton, CO 80241 or Webinar

**Subjects and issues involved**

The Educational Stability Grant Program, which was created in House Bill 18-1306, provides funding for services and supports for highly mobile students to remove educational barriers. The department recommends amendments to the rules to align the rule language for the grant program with the new statutory language from Senate Bill 22-140, Concerning Expansion of Experiential Learning Opportunities. The bill updated the requirements for applications to the Education Stability Grant Program, including the requirement for applicants to describe engagement in academic supports, such as work-based learning.

**Statutory authority**

22-32-138.5, C.R.S.

**Contact information****Name**

Elizabeth Cordial

**Title**

Dir. of State Board Relations

**Telephone**

720-582-4729

**Email**

cordial\_b@cde.state.co.us

## **DEPARTMENT OF EDUCATION**

### **Colorado State Board of Education**

#### **RULES FOR THE ADMINISTRATION OF THE EDUCATIONAL STABILITY GRANT PROGRAM FOR HIGHLY MOBILE STUDENTS**

##### **1 CCR 301-104**

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

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### **0.0 STATEMENT OF BASIS AND PURPOSE**

The Educational Stability Grant Program, 22-32-138.5, C.R.S., requires the State Board of Education to adopt rules for the implementation of the grant program. At a minimum, the rules must include timelines and procedures associated with the application process and information to be included in the grant applications.

### **1.0 DEFINITIONS**

- 1.1 "County department" has the same meaning as provided in section 19-1-103 (32), C.R.S.
- 1.2 "Department of education" means the department of education created in section 24-1-115, C.R.S.
- 1.3 "Division of youth services placement facilities" means a secure facility or contract community residential program of the division of youth services in the state department of human services.
- 1.4 "Education provider" means a school district, the state charter school institute, or a board of cooperative educational services that operates a school, public school of a school district, a school operated by a board of cooperative educational services pursuant to article 5 of title 22, C.R.S., an institute charter school authorized pursuant to part 5 of article 30.5 of title 22, C.R.S., a state-licensed day treatment facility, an approved facility school as defined in section 22-2-402 (1), C.R.S.
- 1.5 "Highly mobile students" means children or youth who at any time during the academic year were homeless, as defined in section 22-1-102.5, C.R.S; were in noncertified kinship care, as defined in section 19-1-103, C.R.S; were students in out-of-home placement, as defined in section 22-32-138(1)(h), C.R.S.; or were migrant children, as defined in section 22-23-103, C.R.S.
- 1.6 "Student in out-of-home placement" means a student who at any time during an academic term is in foster care and receiving educational services through a state-licensed day treatment facility, who is otherwise in placement out of the home as that term is defined in section 19-1-103 (85), C.R.S. or who is in placement outside of the home as a result of an adjudication pursuant to article 2 of title 19, C.R.S. It includes a child or youth who transfers enrollment as a result of being returned to his or her home at the conclusion of out-of-home placement.

**2.0 IMPLEMENTATION OF THE EDUCATIONAL STABILITY GRANT PROGRAM**

- 2.1 The department of education shall create and administer the educational stability grant program to provide grant money to education providers to use in providing academic and social-emotional services and supports to highly mobile students.
- 2.2 Subject to available appropriations, commencing with the 2019-20 fiscal year, the Colorado State Board of Education shall award educational stability grants to eligible applicants, which include preschool, elementary, and secondary education providers from money appropriated from the educational stability grant program fund.

**3.0 AWARD PROCESS**

- 3.1 Each education provider that seeks a grant under these rules must submit an application to the department of education in accordance with these rules.
- 3.2 The department of education shall review the applications received and recommend recipients and grant amounts to the state board. The state board shall annually award grants after considering the department's recommendations.
- 3.3 In recommending awards to the state board, the department may consider geographic distribution, scope of problem, and results of annual program review as described in section 5 of these rules in addition to the application information required as a part of section 4.3 of these rules.
- 3.3.1 The department will outline specific priorities, duration of grants, and scoring criteria as part of the request for proposal process.

**4.0 TIMELINE AND PROCEDURE**

- 4.1 The timeline is only in effect based on the availability of funds.
- 4.2 Grant applications shall be submitted to the department of education by June 30, 2019 and by June 30 in subsequent years in which the grant is funded.
- 4.3 Each grant application submitted must include:
- 4.3.1 The number of highly mobile students the education provider served in the previous school year. These data may be requested from the department of education;
- 4.3.2 A description of services to be provided through the grant, including a description of innovative practices to address barriers for students. Such description may emphasize innovative practices that address barriers and increase opportunities for highly mobile students, including collaboration with school-community partnerships, division of youth services placement facilities, or county agencies; and specialized academic and career planning for students served by the grant;
- 4.3.3 A description of the need for the services funded by the grant. The description should include, as appropriate, data analysis reflecting the stated needs, such as a needs assessment, analysis of contributing community conditions, analysis of academic performance factors, or gap analysis for the population to be served by the grant;

- 4.3.4 An estimated cost of services that would be funded by the grant;
- 4.3.5 An explanation of the criteria that will be used to measure the effectiveness of the services;
- 4.3.6 A description of the education provider's existing policies and practices relating to the transfer of student records between education providers;
- 4.3.7 A description of the education provider's collaboration with county departments to make best-interest determinations and to provide any necessary transportation and services when needed as outlined in section 22-32-138, C.R.S.;
- 4.3.8 A description of the services the education provider will provide for highly mobile students who receive special education services. Such description should include, at a minimum, the education provider's plans to review, update, and implement Individual Education Plans (IEPs) and Section 504 plans;
- 4.3.9 A description of practices to allow access to extracurricular activities for highly mobile students and, in particular, for highly mobile students who receive special education services;
- 4.3.10 A description of the transition practices relating to school moves for highly mobile students. Such description may include details on the education provider's student induction programs, policies for immediate records transfer of highly mobile students, or new student orientation procedures;
- 4.3.11 A description of how the education provider will promote engagement in academic supports, such as work-based learning. "Work-based learning" has the same meaning as set forth in section 8-83-601(15), C.R.S.; and
- 4.3.12 If previously awarded funds under this grant program, a description of how the previously funded services have been sustained in the time period between the end of the first grant and application for additional funds and a description of the effectiveness of services provided with previous funding.

## **5.0 ANNUAL REVIEW AND REPORTING**

- 5.1 On or before March 31 of each year for which grants are to be distributed, the department of education shall evaluate the educational stability services provided by each education provider that received a grant in the preceding fiscal year.
- 5.2 At a minimum, the department of education shall review the outcomes and effectiveness of services provided as measured by the demonstrated degree of educational stability. The analysis of the degree of educational stability should examine:
  - 5.2.1 The improvement in school attendance;
  - 5.2.2 The reduction in behavioral and discipline incidents;
  - 5.2.3 The increase in grade-level promotion;

- 5.2.4 The reduction in the dropout rate; and
- 5.2.5 The increase in the graduation and completion rates for the grant recipients' schools.
- 5.3 The department of education shall report the evaluation results to the education committees of the senate and of the house of representatives, or any successor committees, in conjunction with the report on Dropout Prevention and Student Re-Engagement submitted pursuant to section 22-14-111, C.R.S.

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**Editor's Notes****History**

New rule eff. 05/18/2019.

## DEPARTMENT OF EDUCATION

### Colorado State Board of Education

## RULES FOR THE ADMINISTRATION OF THE EDUCATIONAL STABILITY GRANT PROGRAM FOR HIGHLY MOBILE STUDENTS

### 1 CCR 301-104

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

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#### 0.0 STATEMENT OF BASIS AND PURPOSE

The Educational Stability Grant Program, 22-32-138.5, C.R.S., requires the State Board of Education to adopt rules for the implementation of the grant program. At a minimum, the rules must include timelines and procedures associated with the application process and information to be included in the grant applications.

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**2.0 IMPLEMENTATION OF THE EDUCATIONAL STABILITY GRANT PROGRAM**

- 2.1 The department of education shall create and administer the educational stability grant program to provide grant money to education providers to use in providing academic and social-emotional services and supports to highly mobile students.
- 2.2 Subject to available appropriations, commencing with the 2019-20 fiscal year, the Colorado State Board of Education shall award educational stability grants to eligible applicants, which include preschool, elementary, and secondary education providers from money appropriated from the educational stability grant program fund.

**3.0 AWARD PROCESS**

- 3.1 Each education provider that seeks a grant under these rules must submit an application to the department of education in accordance with these rules.
- 3.2 The department of education shall review the applications received and recommend recipients and grant amounts to the state board. The state board shall annually award grants after considering the department's recommendations.
- 3.3 In recommending awards to the state board, the department may consider geographic distribution, scope of problem, and results of annual program review as described in section 5 of these rules in addition to the application information required as a part of section 4.3 of these rules.
- 3.3.1 The department will outline specific priorities, duration of grants, and scoring criteria as part of the request for proposal process.

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- 4.3.2 A description of services to be provided through the grant, including a description of innovative practices to address barriers for students. Such description may emphasize innovative practices that address barriers and increase opportunities for highly mobile students, including collaboration with school-community partnerships, division of youth services placement facilities, or county agencies; and specialized academic and career planning for students served by the grant;
- 4.3.3 A description of the need for the services funded by the grant. The description should include, as appropriate, data analysis reflecting the stated needs, such as a needs assessment, analysis of contributing community conditions, analysis of academic performance factors, or gap analysis for the population to be served by the grant;

- 4.3.4 An estimated cost ~~to provide the of~~ services that would be funded by the grant;
- 4.3.5 An explanation of the criteria that will be used to measure the effectiveness of the services;
- 4.3.6 A description of the education provider's existing policies and practices relating to the transfer of student records between education providers;
- 4.3.7 A description of the education provider's collaboration with county departments to make best-interest determinations and to provide any necessary transportation and services when needed as outlined in section 22-32-138, C.R.S.;
- 4.3.8 A description of the services the education provider will provide for highly mobile students ~~in out-of-home placement~~ who receive special education services. Such description should include, at a minimum, the education provider's plans to review, update, and implement Individual Education Plans (IEPs) and Section 504 plans;
- 4.3.9 A description of practices ~~used to eliminate barriers that lead to increased participation in to allow access to~~ extracurricular activities for highly mobile students and, in particular, for highly mobile students who receive special education services;
- 4.3.10 A description of the transition practices relating to school moves for highly mobile students. Such description may include details on the education provider's student induction programs, policies for immediate records transfer of highly mobile students ~~in out-of-home placement~~, or new student orientation procedures; ~~and~~
- 4.3.11 A description of how the education provider will promote engagement in academic supports, such as work-based learning. "Work-based learning" has the same meaning as set forth in section 8-83-601(15), C.R.S; and
- 4.3.12 If previously awarded funds under this grant program, a description of how the previously funded services have been sustained in the time period between the end of the first grant and application for additional funds and a description of the effectiveness of services provided with previous funding.

## 5.0 ANNUAL REVIEW AND REPORTING

- 5.1 On or before March 31 of each year for which grants are to be distributed, the department of education shall evaluate the educational stability services provided by each education provider that received a grant in the preceding fiscal year.
- 5.2 At a minimum, the department of education shall review the outcomes and effectiveness of services provided as measured by the demonstrated degree of educational stability. The analysis of the degree of educational stability should examine:
  - 5.2.1 The improvement in school attendance;
  - 5.2.2 The reduction in behavioral and discipline incidents;
  - 5.2.3 The increase in grade-level promotion;



- 5.2.4 The reduction in the dropout rate; and
- 5.2.5 The increase in the graduation and completion rates for the grant recipients' schools.
- 5.3 The department of education shall report the evaluation results to the education committees of the senate and of the house of representatives, or any successor committees, in conjunction with the report on Dropout Prevention and Student Re-Engagement submitted pursuant to section 22-14-111, C.R.S.

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**Editor's Notes****History**

New rule eff. 05/18/2019.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00630

**Department**

300 - Department of Education

**Agency**

303 - Division of Public School Capital Construction Assistance

**CCR number**

1 CCR 303-3

**Rule title**

BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM

**Rulemaking Hearing****Date**

11/17/2022

**Time**

01:00 PM

**Location**

Virtual

**Subjects and issues involved**

On September 15, 2022, the Capital Construction Assistance Board (CCAB) voted to add Rule 6.3.2.2 and 6.4.2 to the CCAB Rules Pertaining to Building Excellent Schools Today (1 CCR 303-3) to establish a process for awarding grants to backup projects. Additionally, the CCAB voted to remove Rules 8.1.5, 8.1.5.1, 8.1.5.2, and 8.1.5.3 from the CCAB Rules Pertaining to Building Excellent Schools Today (1 CCR 303-3) to clarify the grant reserve process.

**Statutory authority**

§ 22-43.7-106(2)(i)(I) C.R.S., the Public School Capital Construction Assistance Board may promulgate rules, in accordance with Article 4 of Title 24, C.R.S., as are necessary and proper for the administration of the BEST Act.

**Contact information****Name**

Andy Stine

**Title**

Program Director

**Telephone**

3038662153

**Email**

BESTSchools@cde.state.co.us

## DEPARTMENT OF EDUCATION

### Division of Public School Capital Construction Assistance

#### BUILDING EXCELLENT SCHOOLS TODAY GRANT PROGRAM

#### 1 CCR 303-3

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

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#### Authority

§ 22-43.7-106(2)(i)(I) C.R.S., the Public School Capital Construction Assistance Board may promulgate rules, in accordance with Article 4 of Title 24, C.R.S., as are necessary and proper for the administration of the BEST Act.

#### Scope and Purpose

This regulation shall govern the Building Excellent Schools Today (BEST) Public School Capital Construction Assistance Program pursuant to the BEST Act.

#### 1. Definitions

- 1.1. "Applicant" means an entity that submits an Application for Financial Assistance to the Board, including:
  - 1.1.1. A School District;
  - 1.1.2. A District Charter School;
  - 1.1.3. An Institute Charter School;
  - 1.1.4. A Board of Cooperative Educational Services (BOCES);
  - 1.1.5. The Colorado School for the Deaf and Blind.
- 1.2. "Application" means the Application for Financial Assistance submitted by an Applicant.
- 1.3. "Assistance Fund" means the public school capital construction assistance fund created in § 22-43.7-104(1) C.R.S.
- 1.4. "Authorizer" means the School District that authorized the charter contract of a Charter School or, in the case of an Institute Charter School, as defined in § 22-43.7-106(1) C.R.S., the State Charter School Institute created and existing pursuant to § 22-30.5-502(6) C.R.S.
- 1.5. "BEST Act" means § 22-43.7-101 C.R.S. et seq.
- 1.6. "BEST Lease-purchase Funding" means funding from a sublease-purchase agreement entered into between the state and an entity as described in 2.1 pursuant to § 22-43.7-110(2) C.R.S.
- 1.7. "BEST Cash Grant" means cash funding as a matching grant.

- 1.8. "BEST Emergency Grant" means a request for Financial Assistance in connection with a Public School Facility Emergency.
- 1.9. "Board" means the Public School Capital Construction Assistance Board created in § 22-43.7-106 (1) C.R.S.
- 1.10. "Board of Cooperative Educational Services" or "BOCES" means a Board of Cooperative Services created and existing pursuant to § 22-5-104 C.R.S. that is eligible to receive State moneys pursuant to § 22-5-114 C.R.S.
- 1.11. "Capital Construction" has the same meaning as set forth in § 24-30-1301 (2); C.R.S. except that the term also includes technology, as defined in § 22-43.7-109 (5)(a)(I)(B)
- 1.12. "Capital Renewal Reserve" means moneys set aside by an Applicant that has received an award for a project for the specific purpose of replacing major Public School Facility systems with projected life cycles such as, but not limited to, roofs, interior finishes, electrical systems and heating, ventilating, and air conditioning systems.
- 1.13. "Charter School" means a Charter School as described in § 22-54-124 (1)(f.6)(I)(A) or (1)(f.6)(I)(B) C.R.S.
- 1.14. "Eligible Charter School" means a qualified charter school that is eligible for the Loan Program as defined in § 22-30.5-408(1)(c) C.R.S. and authorized to receive financial assistance pursuant to 22-43.7-103(7) C.R.S.
- 1.15. "Division" means the Division of Public School Capital Construction Assistance created in § 22-43.7-105 C.R.S.
- 1.16. "Financial Assistance" means BEST Cash Grants; BEST Lease-purchase Funding; BEST Emergency Grants; funding provided as matching grants by the Board from the Assistance Fund to an Applicant; or any other expenditure made from the Assistance Fund for the purpose of financing Public School Facility Capital Construction as authorized by the BEST Act.
- 1.17. "Grantee" means a School District, Charter School, Institute Charter School, BOCES or the Colorado School for the Deaf and Blind that has applied for Financial Assistance and received an award.
- 1.18. "Institute Charter School" means a Charter School chartered by the Colorado State Charter School Institute pursuant to § 22-30.5-507 C.R.S.
- 1.19. "Loan Program" means the charter school matching moneys loan program pursuant to 22-43.7-110.5 C.R.S.
- 1.20. "Matching Moneys" means moneys required to be used directly to pay a portion of the costs of a Public School Facility Capital Construction project by an Applicant as a condition of an award of Financial Assistance to the Applicant pursuant to § 22-43.7-109 (9) C.R.S and/or 22-43.7-110(2) C.R.S.
- 1.21. "Project" means the Capital Construction Project for which Financial Assistance is being requested.

- 1.22. "Public School Facility" means a building or portion of a building used for educational purposes by a School District, Charter School, Institute Charter School, a Board of Cooperative Education Services, the Colorado School for the Deaf and Blind created and existing pursuant to § 22-80-102(1)(a) C.R.S., including but not limited to school sites, classrooms, data centers, libraries and media centers, cafeterias and kitchens, auditoriums, multipurpose rooms, and other multi-use spaces; except that "Public School Facility" does not include a learning center, as defined in § 22-30.7-102(4) C.R.S., that is not used for any other public school purpose and is not part of a building otherwise owned, or leased in its entirety, by a School District, a Board of Cooperative Education Services, a Charter School, Institute Charter School, or the Colorado School for the Deaf and Blind for educational purposes.
- 1.23. "Public School Facility Construction Guidelines" means Public School Facility Construction Guidelines as established in § 22-43.7-107 C.R.S.
- 1.24. "Public School Facility Emergency" means an unanticipated event that makes all or a significant portion of a Public School Facility unusable for educational purposes or poses an imminent threat to the health or safety of persons using the Public School Facility.
- 1.25. "School District" means a School District, other than a junior or community college district, organized and existing pursuant to law in Colorado pursuant to § 22-43.7-103 (14) C.R.S.
- 1.26. "State Board" means the State Board of Education created and existing pursuant to section 1 of article IX of the State Constitution.
- 1.27. "Statewide Assessment" means the Financial Assistance priority assessment conducted pursuant to § 22-43.7-108 C.R.S.

## **2. Eligibility**

- 2.1. The following entities are eligible to apply for Financial Assistance:
  - 2.1.1. A School District;
  - 2.1.2. A District Charter School or individual school of a School District if the school applies through the School District in which the school is located. The School District shall forward the Application from a Charter School or individual school of a School District to the Division with its comments;
  - 2.1.3. An Institute Charter School;
  - 2.1.4. A Board of Cooperative Educational Services (BOCES);
  - 2.1.5. The Colorado School for the Deaf and Blind.
- 2.2. The Board may only provide Financial Assistance for a Project for a Public School Facility that the Applicant owns or will have the right to own in the future under the terms of a lease-purchase agreement with the owner of the facility or a sublease-purchase agreement with the state entered into pursuant to § 22-43.7-110(2) C.R.S.
- 2.3. The Board, with the support of the Division and subject to the approval of the State Board and the lessor of the property, may provide financial assistance as specified in this section to an applicant that is operating or will operate in the next budget year in a leased facility that is:
  - 2.3.1. Listed on the state inventory of real property and improvements and other capital assets maintained by the Office of the State Architect pursuant to § 24-30-1303.5, C.R.S.; or

- 2.3.2. State-owned property leased by the State Board of Land Commissioners, described in § 36-1-101.5, C.R.S., to the applicant.
- 2.3.3. An award of financial assistance must be used to preserve or enhance the value of state-owned, leased property.
- 2.4. The Board may only provide financial assistance for a capital construction project for a public school in existence for at least three years at any time before the Board receives an application for financial assistance.
- 2.5. For a BEST Emergency Grant, the Applicant shall be operating in the Public School Facility for which Financial Assistance is requested.

### **3. Assistance Board**

#### **3.1. Conflict of Interest**

##### **3.1.1. In regard to Board members providing information to potential Applicants:**

- 3.1.1.1. Board members shall exercise caution when responding to requests for information regarding potential Applications, especially in regard to questions that may increase the chances that the Board would give a favorable recommendation on an Application or Project.

##### **3.1.2. If a potential or actual conflict of interest occurs with a Board member, the Board member will complete a Conflict of Interest disclosure form and it will be presented at the following CCAB meeting. The Division shall document the date of the disclosure, the name of the board member and conflict disclosed, and the documented disclosure shall be retained and made available at all board meetings which evaluation of applications or voting occurs.**

##### **3.1.3. Board members, and their firms, shall not present their position on the Board to School Districts, Charter Schools, Institute Charter Schools, BOCES, or the Colorado School for the Deaf and Blind as an advantage for using their firm over other firms in a bid to provide services on any capital construction project.**

##### **3.1.4. In regard to Board members avoiding potential conflicts of interest in evaluation of and voting on Applications:**

- 3.1.4.1. If a Board member's firm has no prior involvement regarding the Project included in an Application and the Board member does not have a direct or indirect substantial financial interest in an Application, the Board member may appropriately vote on the Application, but may not bid or work on the Project. The Board member's firm may bid or work on the Project, so long as the Board member plays no role in the entire procurement process and the Board member discloses any conflict of interest;

- 3.1.4.2. No Board member shall participate in the Board's evaluation process, including voting, for any Application when the Board member has a direct or indirect substantial financial interest in the Project or Application or the Board member's firm has had prior involvement with the Applicant directly related to the Project or Application;

3.1.4.3. At all times Board members must exercise judgment and caution to avoid conflicts of interest and/or appearance of impropriety, and should inform the Division staff of any questionable situation that may arise. A Board member may recuse himself or herself from any vote.

3.1.4.4. Board members shall be aware of and comply with the Colorado Code of Ethics, § 24-18-108.5(2), C.R.S., and shall not perform any official act which may have a direct economic benefit on a business or other undertaking in which the member has a direct or substantial financial interest.

3.1.4.4.1. A financial interest means a substantial interest held by an individual which is (i) an ownership interest in a business, (ii) a creditor interest in an insolvent business, (iii) an employment or prospective employment for which negotiations have begun, (iv) an ownership interest in real or personal property, (v) a loan or any other, or (vi) a directorship or officer ship in a business.

3.1.4.4.2. An official action means any vote decision, recommendation, approval, disapproval or other action, including inaction, which involves the use of discretionary authority.

3.1.5. In cases where a Board member has violated the conflict of interest policy as determined by the board chair, the Division Director will notify the Board member's appointing authority of the violation in writing. In the event of a conflict involving the board chair, the vice-chair will make the determination.

#### **4. Matching Requirement**

4.1. Except as provided below in section 4.2, Financial Assistance may be provided only if the Applicant provides Matching Moneys in an amount equal to a percentage of the total cost of the Project determined by the Board after consideration of the Applicant's financial capacity, based on the following factors:

4.1.1. With respect to a School District's Application for Financial Assistance:

4.1.1.1. The School District's assessed value per pupil relative to the state average;

4.1.1.2. The School District's median household income relative to the state average;

4.1.1.3. The School District's bond redemption fund mill levy relative to the statewide average;

4.1.1.4. The percentage of pupils enrolled in the School District who are eligible for free or reduced-cost lunch;

4.1.1.5. The school district's current available bond capacity remaining;

4.1.1.6. The school district's unreserved fund balance as a percentage of its annual budget; and

- 4.1.1.7. The amount of effort put forth by the School District to obtain voter approval for a ballot question for bonded indebtedness, including but not limited to, a ballot question for entry by the district into a sublease-purchase agreement of the type that constitutes an indebtedness of the district pursuant to § 22-32-127 C.R.S., during the ten years preceding the year in which the district submitted the Application, which factor may be used only to reduce the percentage of Matching Moneys required from a district that has put forth such effort and not to increase the amount of Matching Moneys required from any district;
- 4.1.1.8. A School District shall not be required to provide any amount of Matching Moneys in excess of the difference between the School District's limit of bonded indebtedness, as calculated pursuant to § 22-42-104 C.R.S., and the total amount of outstanding bonded indebtedness already incurred by the School District.
- 4.1.2. With respect to a Board of Cooperative Education Services' Application for Financial Assistance:
  - 4.1.2.1. The average assessed value per pupil of all members of the Board of Cooperative Education Services participating in the Project relative to the state average;
  - 4.1.2.2. The average median household income of all members of the Board of Cooperative Education Services participating in the Project relative to the state average;
  - 4.1.2.3. The average bond redemption fund mill levy of all members of the Board of Cooperative Education Services participating in the Project relative to the statewide average;
  - 4.1.2.4. The percentage of pupils enrolled in the member schools within the Board of Cooperative Education Services that are participating in the Project who are eligible for free or reduced-cost lunch;
  - 4.1.2.5. The average available bond capacity remaining of all members of the board of cooperative services participating in the capital construction project;
  - 4.1.2.6. The average unreserved fund balance as a percentage of the annual budget of all members of the board of cooperative services participating in the capital construction project; and
  - 4.1.2.7. The amount of effort put forth by the members of the Board of Cooperative Education Services to obtain voter approval for a ballot question for bonded indebtedness, including but not limited to a ballot question for entry by any member into a sublease-purchase agreement of the type that constitutes an indebtedness of the member pursuant to § 22-32-127 C.R.S., during the ten years preceding the year in which the Board of Cooperative Education Services submitted the Application, which factor may be used only to reduce the percentage of Matching Moneys required from a Board of Cooperative Education Services whose members, or any of them, have put forth such effort and not to increase the amount of Matching Moneys required from any Board of Cooperative Education Services.



- 4.1.3. With respect to a Charter School's Application for Financial Assistance:
  - 4.1.3.1. The weighted average of the match percentages for the school districts of residence for the students enrolled in a district charter school or fifty percent of the average of the match percentages for all school districts in the state for an institute charter school;
  - 4.1.3.2. Whether the charter school's authorizer retains no more than ten percent of its capacity to issue bonds;
  - 4.1.3.3. Whether the charter school is operating in a district-owned facility at the time it submits its application;
  - 4.1.3.4. In the ten years preceding the year in which the charter school submits the application, the number of times the charter school has attempted to obtain or has obtained:
    - 4.1.3.4.1. Bond proceeds pursuant to 22-30.5-404 C.R.S through inclusion in a ballot measure submitted by the charter school's authorizer to the registered electors of the school district;
    - 4.1.3.4.2. Proceeds from a special mill levy for capital needs pursuant to 22-30.5-405 C.R.S.;
    - 4.1.3.4.3. Grant funding for capital needs from a source other than the assistance fund; and
    - 4.1.3.4.4. Funding for capital construction from bonds issued on its behalf by the Colorado Educational and Cultural Facilities authority created and existing pursuant to 23-15-104(1)(a), C.R.S., or from some other source of financing.
  - 4.1.3.5. If the charter school is a district charter school, the student enrollment of the charter school as a percentage of the student enrollment of the charter school's authorizing school district.
  - 4.1.3.6. The percentage of students enrolled in the charter school who are eligible for the federal free and reduced-cost lunch program in relation to the overall percentage of students enrolled in the public schools in the State who are eligible for the federal free and reduced-cost lunch program.
  - 4.1.3.7. The percentage of the per pupil revenue received by the charter school that the charter school spends on facility costs other than facilities operations and maintenance.
  - 4.1.3.8. The charter school's unreserved fund balance as a percentage of its annual budget.
  - 4.1.3.9. The match percentage for a charter school calculated based on the above criteria shall not be higher than the highest match percentage for a school district, or lower than the lowest match percentage for a school district, in the same grant cycle.

4.2. Waiver or reduction of Matching Moneys

- 4.2.1. An Applicant may apply to the Board for a waiver or reduction of the Matching Moneys requirement. Such application shall discuss unique issues demonstrating why the percentage is not representative of the Applicant's current financial state. The Board may grant a waiver or reduction if it determines:
  - 4.2.1.1. That the waiver or reduction would significantly enhance educational opportunity and quality within a School District, Board of Cooperative Education Services, or Applicant school,
  - 4.2.1.2. That the cost of complying with the Matching Moneys requirement would significantly limit educational opportunities within a School District, Board of Cooperative Education Services, or Applicant school, or
  - 4.2.1.3. That extenuating circumstances deemed significant by the Board make a waiver appropriate.
- 4.2.2. An applicant must complete a waiver application and submit it to the Board in conjunction with their grant application. The waiver application shall explain issues and impacts in detail, including dollar amounts of the issues and impacts, and demonstrate why each of the factors used to calculate their Matching Moneys percentage are not representative of their actual financial capacity. The Board will determine the merit of the waiver by evaluating each wavier application using the prescribed wavier application evaluation tool.

4.3. Charter School matching moneys Loan Program.

- 4.3.1. The Charter School matching moneys Loan Program will assist Eligible Charter Schools in obtaining the Matching Moneys requirement for an award of Financial Assistance pursuant to 22-43.7-109 C.R.S.
- 4.3.2. An Eligible Charter School that chooses to seek a loan through the Loan Program shall apply to the Board to receive a loan.
- 4.3.3. To be an Eligible Charter School for the Loan Program means a Charter School that is described in § 22-30.5-104 or an Institute Charter School as that term is defined in § 22-30.5-502 has a stand-alone credit assessment or rating of at least investment grade by a nationally recognized rating agency at the time of issuance of any qualified Charter School bonds on behalf of the Charter School by the Colorado educational and cultural facilities authority pursuant to the "Colorado Educational and Cultural Facilities Authority Act", article 15 of title 23, C.R.S., and that has been certified as a qualified Charter School by the State Treasurer.
- 4.3.4. The Board may approve a loan for an Eligible Charter School in an amount that does not exceed fifty percent of the amount of Matching Moneys calculated for the Eligible Charter School pursuant to 22-43.7-109(9)(c) C.R.S.
- 4.3.5. If a loan is approved by the Board the project will be considered as a BEST Lease-Purchase project pursuant to 22-43.7-110.5(2)(b)C.R.S., and the proposed project must be one that is financeable.

- 4.3.6. The Board shall direct the State Treasurer to include the amount of a loan approved pursuant to the terms in the Lease-Purchase agreement entered into pursuant to 22-43.7-110 (2) C.R.S. to provide Financial Assistance to the Eligible Charter School for which the loan is approved.
- 4.3.7. Charter School Loan Program application
  - 4.3.7.1. An application for a loan shall include:
    - 4.3.7.1.1. Basic contact information, justification for seeking a BEST loan and documentation of a stand-alone credit assessment or rating of at least investment grade by a nationally recognized rating agency for the Charter School;
    - 4.3.7.1.2. Identify the Charter Schools current facilities and indicate if those facilities are owned, leased or in a lease-purchase agreement;
    - 4.3.7.1.3. A current credit disclosure statement along, any business notes payable or reviews, notices or warnings from the Charter School's authorizer;
    - 4.3.7.1.4. Financial information to include internal financial statements, CPA Audits and IRS 990's for the previous three years. Detailed operating budget for the current and next year. The Charter School's projected operating budget for the next five years. Enrollment figures for the previous three years, the current year and the following three years;
    - 4.3.7.1.5. CDE listed minimum match requirement for the BEST grant;
    - 4.3.7.1.6. Amount of total match provided by the Charter School for the BEST grant;
    - 4.3.7.1.7. Amount of the loan request for the BEST grant;
    - 4.3.7.1.8. A loan application from a Charter School shall include signatures of the District Superintendent, School Board Officer, and the Charter School Director;
    - 4.3.7.1.9. A loan application from an Institute Charter School shall include signatures of the Charter School Institute Director and the Institute Charter School Director;
    - 4.3.7.1.10. Applications that are incomplete may be rejected without further review.
- 4.3.8. Charter School Loan Program deadline for submission
  - 4.3.8.1. The loan application, along with any supporting material, shall be submitted with the BEST grant application on or before the BEST grant application due date.
  - 4.3.8.2. An application will not be accepted unless it is received in the Board office by 4:30 p.m. on or before the deadline date determined by the board.
  - 4.3.8.3. The Board may, in its sole discretion and upon a showing of good cause in written request from an Applicant, extend the deadline for filing an Application.

- 4.3.9. To receive a loan through the Loan Program, an Eligible Charter School shall:
  - 4.3.9.1. Authorize the State Treasurer to withhold moneys payable to the Eligible Charter School in the amount of the loan payments pursuant to 22-30.5-406 C.R.S.;
  - 4.3.9.2. Pay an interest rate on the loan that is equal to the interest rate paid by the State Treasurer on the Lease-Purchase agreement entered into pursuant to 22-43.7-110 C.R.S. to provide Financial Assistance to the Eligible Charter School for which the loan is approved;
  - 4.3.9.3. Amortize the loan payments over the same period in years as the Lease-Purchase agreement entered into pursuant to 22-43.7-110 C.R.S. to provide Financial Assistance to the Eligible Charter School for which the loan is approved; except that the Eligible Charter School may pay the full amount of the loan early without incurring a prepayment penalty; and
  - 4.3.9.4. Create an escrow account for the benefit of the state with a balance in the amount of six months of loan payments.

## **5. Applications**

- 5.1. Deadline for submission
  - 5.1.1. Except as provided below, Applications shall be filed with the Board on or before a date determined by the Board.
  - 5.1.2. An Application will not be accepted unless it is received in the Board office by 4:00 p.m. on or before the deadline date determined by the Board. This does not apply to an Application in connection with a Public School Facility Emergency;
  - 5.1.3. The Board may, in its sole discretion and upon a showing of good cause in a written request from an Applicant, extend the deadline for filing an Application.
- 5.2. The Board prefers Applications to be in electronic form, but one hard copy to the Board office is acceptable. Each Application shall be in a form prescribed by the Board and shall include, but not be limited to, the following (with supporting documentation):
  - 5.2.1. A description of the scope and nature of the Project;
  - 5.2.2. A description of the architectural, functional, and construction standards that are to be applied to the Project that indicates whether the standards are consistent with the Construction Guidelines and provides an explanation for the use of any standard that is not consistent with the Construction Guidelines;
  - 5.2.3. The estimated amount of Financial Assistance needed for the Project and the form and amount of Matching Moneys that the Applicant will provide for the Project;
  - 5.2.4. If the Project involves the construction of a new Public School Facility or a major renovation of an existing Public School Facility, a demonstration of the ability and willingness of the Applicant to renew the Project over time that includes, at a minimum, the establishment of a capital renewal budget and a commitment to make annual contributions to a Capital Renewal Reserve within a School District's capital reserve fund or any functionally similar reserve fund separately maintained by an Applicant that is not a School District;

- 5.2.5. If the Application is for Financial Assistance for the renovation, reconstruction, expansion, or replacement of an existing Public School Facility, a description of the condition of the Public School Facility at the time the Applicant purchased or completed the construction of the Public School Facility and, if the Public School Facility was not new or was not adequate at that time, the rationale of the Applicant for purchasing the Public School Facility or constructing it in the manner in which it did;
- 5.2.6. A statement regarding the means by which the Applicant intends to provide Matching Moneys required for the project, including but not limited to voter-approved multiple-fiscal year debt or other financial obligations, utility cost savings associated with any utility costs-savings contract, as defined in § 24-30-2001 (6), gifts, grants, donations, or any other means of financing permitted by law, or the intent of the Applicant to seek a waiver of the Matching Moneys requirement. If an Applicant that is a School District or a Board of Cooperative Educational Services with a participating School District intends to raise Matching Moneys by obtaining voter approval to enter into a sublease-purchase agreement that constitutes an indebtedness of the district as pursuant to § 22-32-127 C.R.S., it shall indicate whether it has received the required voter approval or, if the election has not already been held, the anticipated date of the election;
- 5.2.7. A description of any efforts by the Applicant to coordinate Capital Construction projects with local governmental entities or community-based or other organizations that provide facilities or services that benefit the community in order to more efficiently or effectively provide such facilities or services, including but not limited to a description of any financial commitment received from any such entity or organization that will allow better leveraging of any Financial Assistance awarded;
- 5.2.8. If deemed relevant by the applicant, a statement of the applicant's annualized utility costs, including electricity, natural gas, propane, water, sewer, waste removal, telecommunications, internet, or other monthly billed utility services, and the amount of any reduction in such costs expected to result if the applicant receives financial assistance;
- 5.2.9. A copy of any existing Master Plan or facility assessment relating to the facility(ies) for which Financial Assistance is sought;
- 5.2.10. If the Application is for Financial Assistance for either the construction of a new Public School Facility that will replace one or more existing Public School Facilities or the reconstruction or expansion of an existing Public School Facility and if the Applicant will stop using an existing Public School Facility for its current use if it receives the Grant, the Applicant will include a plan for the future use or disposition of the existing Public School Facility and the estimated cost of implementing the plan.
- 5.2.11. Any other information that the Board may require for the evaluation of the project;
- 5.2.12. An Application from a School District shall include signatures of the Superintendent and a District Board Officer;
- 5.2.13. An Application from a Charter School shall include signatures of the District Superintendent, School Board Officer, and the Charter School Director;
- 5.2.14. An Application from an Institute Charter School shall include signatures of the Charter School Institute Director and the Institute Charter School Director;
- 5.2.15. An Application from a Board of Cooperative Educational Services shall include signatures of the BOCES Director and a BOCES Board Officer;

5.2.16. An Application from the Colorado School for the Deaf and Blind shall include signatures of the Colorado School for the Deaf and Blind Director and a Colorado School for the Deaf and Blind Board Officer.

**5.3. BEST Lease-Purchase Funding**

5.3.1. In addition to the information required in section 5.2 above, the Applicant shall agree to provide any necessary documentation related to securing the lease-purchase agreement.

**5.4. BEST Emergency Grants**

5.4.1. Applicant shall contact the Division by phone, fax, or email. Appropriate follow up documentation will be determined based on type and severity of emergency, including financial need.

5.4.2. In the event the Governor declares a disaster emergency, pursuant to § 24-33.5-704(4) C.R.S., the Division shall, as soon as possible following the declaration of the disaster emergency, contact each affected school facility in any area of the State in which the Governor declared the disaster emergency to assess any facility needs resulting from the declared disaster emergency.

5.4.2.1. The Division must report its findings to the Board as soon as possible following its outreach.

5.4.2.2. In determining whether to recommend to the State Board that Emergency Financial Assistance be provided, the Board shall consider the findings that the Division provided to the Board.

5.4.3. The Board shall meet within fifteen days of receiving the Application for a BEST Emergency Grant to determine whether to recommend to the State Board that emergency Financial Assistance be provided, the amount of any assistance recommended to be provided, and any conditions that the Applicant shall meet to receive the assistance.

5.5. Applications that are incomplete may be rejected without further review.

5.6. The Board may request supplementation of an Application with additional information or supporting documentation.

**6. Application Review**

**6.1. Time for Review**

6.1.1. The Board, with the support of the Division, will review the Applications;

6.1.2. The Board will submit the prioritized list of Projects to the State Board for which the Board is recommending Financial Assistance according to the timeline established by the Board;

6.1.3. In the case of Financial Assistance that involves lease-purchase agreements, the prioritized list is subject to both the preliminary approval of the state board and the final approval of the capital development committee.

6.1.4. The Board may, in its discretion, extend these deadlines.

- 6.2. The Board, taking into consideration the Statewide Financial Assistance Priority Assessment, conducted pursuant to § 22-43.7-108 shall prioritize and determine the type and amount of the grant or matching grant for Applications for Projects deemed eligible for Financial Assistance based on the following criteria, in descending order of importance:
  - 6.2.1. Projects that will address safety hazards or health concerns at existing Public School Facilities, including concerns relating to Public School Facility security, and projects that are designed to incorporate technology into the educational environment
  - 6.2.2. As used in § 22-43.7-109(5)(a)(1), “technology” means hardware, devices, or equipment necessary for individual student learning and classroom instruction, including access to electronic instructional materials, or necessary for professional use by a classroom teacher.
    - 6.2.2.1. In prioritizing an Application for a Public School Facility renovation project that will address safety hazards or health concerns, the Board shall consider the condition of the entire Public School Facility for which the project is proposed and determine whether it would be more fiscally prudent to replace the entire facility than to provide Financial Assistance for the renovation project.
  - 6.2.3. Projects that will relieve overcrowding in Public School Facilities, including but not limited to projects that will allow students to move from temporary instructional facilities into permanent facilities, and.
  - 6.2.4. Projects that will provide career and technical education capital construction in public school facilities; and
  - 6.2.5. Projects that assist public schools to replace prohibited American Indian mascots as required by Section 22-1-133
  - 6.2.6. All other projects.
  - 6.2.7. Among other considerations, the Board may take into account the following in reviewing Applications:
    - 6.2.7.1. The amount of the matching contribution being provided in excess of or less than the minimum;
    - 6.2.7.2. Whether the Applicant has been placed on financial watch by the Colorado Department of Education;
    - 6.2.7.3. Overall condition of the Applicant’s existing facilities;
    - 6.2.7.4. The project cost per pupil based on number of pupils affected by the proposed Project;
    - 6.2.7.5. The project life cycle.
    - 6.2.7.6. The Public School Facility’s Facility Condition Index (FCI), Colorado Facility Index (CFI), school priority score and construction guidelines score.
    - 6.2.7.7. The Applicants ability to help itself, including available bonding capacity, planning and criteria in sections 4.1.1 or 4.1.2 or 4.1.3.
- 6.3. Additional actions the Board may take when reviewing an Application:

- 6.3.1. The Board may modify the amount of Financial Assistance requested or modify the amount of Matching Moneys required; **and**
  - 6.3.2. The Board may recommend funding a **P**project in its entirety or recommend a partial award to the **P**project;
    - 6.3.2.1. If a **P**project is partially funded a written explanation will be provided.
    - 6.3.2.2. **If the Board recommends partial funding for a Project and the Applicant declines such funding, the Board will deem the Applicant to have withdrawn its Application.**
  - 6.4. The Board shall submit to the State Board the prioritized list of Projects. **~~The prioritized list shall include:~~**
    - 6.4.1. The **prioritized list shall include** the Board's recommendation to the State Board as to the amount of Financial Assistance to be provided to each Applicant approved by the Board to receive funding and whether the assistance should be in the form of a BEST Cash Grant, BEST Lease-purchase Funding or a BEST Emergency Grant.
    - 6.4.2. **When funding State Board-approved alternate Projects, the Board may offer funding to a Project in its entirety or may offer a partial award, based on available appropriations. If the Board offers partial funding to a Project and the Applicant declines such funding, the Board will deem the Applicant to have withdrawn solely for purposes of allowing the next-highest priority alternate Projects to be funded.**
  - 6.5. In considering the amount of each recommended award of Financial Assistance, the Board shall seek to be as equitable as practical in considering the total financial capacity of each Applicant.
- 7. BEST Lease-purchase Funding**
- 7.1. Subject to the following limitations, the Board may instruct the State Treasurer to enter into lease-purchase agreements on behalf of the state to provide Lease-purchase Funding for Projects for which the State Board has authorized provision of Financial Assistance.
  - 7.2. Whenever the State Treasurer enters into a lease-purchase agreement pursuant to § 22-43.7-110 C.R.S., the Applicant that will use the facility funded with the Lease-purchase Funding shall enter into a sublease-purchase agreement with the state that includes, but is not limited to, the following requirements:
    - 7.2.1. The Applicant shall perform all the duties of the state to maintain and operate the Public School Facility that are required by the lease-purchase agreement;
    - 7.2.2. The Applicant shall make periodic rental payments to the state, which payments shall be credited to the Assistance Fund as Matching Moneys of the Applicant;
    - 7.2.3. Ownership of the Public School Facility shall be transferred by the state to the Applicant upon fulfillment of both the state's obligations under the lease-purchase agreement and the Applicant's obligations under the sublease-purchase agreement.
- 8. Payment and Oversight**
- 8.1. Payment.



- 8.1.1. All Cash Grant Financial Assistance Grantees must sign a grant contract with CDE outlining the terms and conditions associated with the Financial Assistance.
- 8.1.2. All Financial Assistance awarded is expressly conditioned on the availability of funds.
- 8.1.3. Payment of Financial Assistance will be on a draw basis. As a Grantee expends funds on a Project, the Grantee may submit a request for funds to the Division on a fund request form provided by the Division. The fund request shall be accompanied by copies of invoices from the vendors for which reimbursement is being requested and any other documentation requested by the Division.
  - 8.1.3.1. The Division will review the fund request and make payment. Payments will only be made for work that is included in the Project scope of work defined in the Application.
  - 8.1.3.2. If the Grantee is a School District, request for payment shall come from the School District. Requests will not be accepted from individual School District schools.
  - 8.1.3.3. If the Grantee is a District Charter School, request for payment shall come from the School District. Payment shall be made to the School District and the School District shall make payment to the charter school. The School District may not retain any portion of the moneys for any reason.
  - 8.1.3.4. If the Grantee is an Institute Charter School, request for payment shall come from the Charter School Institute and the Charter School Institute shall make payment to the Institute Charter School. Payment shall be made directly to the Charter School Institute.
  - 8.1.3.5. If the Grantee is a Board of Cooperative Educational Services, request for payment shall come from the Board of Cooperative Educational Services. Requests will not be accepted from individual Board of Cooperative Educational Services schools.
  - 8.1.3.6. If the Grantee is the Colorado School for the Deaf and Blind, request for payment shall come from the Colorado School for the Deaf and Blind.
- 8.1.4. Payment of BEST Lease-purchase Funding will be determined by the terms of the lease-purchase agreement and any subsequent sublease-purchase agreements.
- ~~8.1.5. Each grant cycle the Board may make a motion to authorize up to 5% of the assistance fund dollars be used to address grant reserves for projects awarded in that given year.~~
  - ~~8.1.5.1. Grant reserve requests shall be submitted on a Division provided application;~~
  - ~~8.1.5.2. Grant reserve applications will be submitted to the Board as an action item at the board meeting following the date the grant reserve application was submitted to the Division.~~
  - ~~8.1.5.3. Grant reserve draws shall be limited to issues that were unforeseen, unanticipated and could not have been known about or planned for at the time the Application was submitted.~~

8.2. Oversight

- 8.2.1. When a Grantee completes Project, it shall submit a final report to the Division on a Division provided form before final payment will be made. Once the final report is submitted and final payment is made, the Project shall be considered closed.
- 8.2.2. If a Grantee has not used all Financial Assistance on a closed out BEST Cash Grant, the unused balance will be returned to the Assistance Fund.
- 8.2.3. If a Grantee has not used all Financial Assistance on a closed out Lease-Purchase Grant, the unused balance will be treated in accordance with the Board policy on returning Matching Moneys.
- 8.2.4. The Division may make site visits to review Project progress or to review a completed Project;
- 8.2.5. The Division may require a Grantee to hire additional independent professional construction management to represent the Applicant's interests, if the Division deems it necessary due to the size of the Project, the complexity of the Project, or the Grantee's ability to manage the Project with Grantee personnel.
- 8.2.6. Upon completion of a new school, major renovation or addition Project, the Grantee shall affix a permanent sign that reads: "Funding for this school was provided through the Building Excellent Schools Today Program from local matching dollars, Colorado State Land Board, School Trust Lands, the Colorado Lottery, and excise taxes." with modifications if waived in writing by the Division.

## **9. Technical Consultation**

- 9.1. The Division will provide technical consultation and administrative services to School Districts, Charter Schools, Institute Charter Schools, BOCES and the Colorado School for the Deaf and Blind.

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## **Editor's Notes**

### **History**

Entire rule emer. rule eff. 11/19/2008; expired 02/19/2009.

Entire rule eff. 03/30/2009.

Entire rule eff. 12/30/2009.

Entire rule eff. 08/14/2011.

Entire rule eff. 12/30/2012.

Entire rule eff. 05/15/2014.

Rules 3.1.3-3.1.4, 4.3.8.3, 5.4, 8.1.5 eff. 01/30/2015. Rule 6.1.5 repealed eff. 01/30/2015.

Rules 1.13, 1.14, 2.3-2.5, 6.2.1-6.2.4.7, 8.1.3.5, 8.1.5 eff. 11/30/2016.

Rules 1.11, 2.31, 2.32, 3.1.4.4, 4.3.3, 5.2.6, 5.2.8-5.2.15, 5.4.2, 6.2 eff. 12/30/2017.

Rules 5.2.10-5.2.16, 8.2.6 eff. 01/30/2019.

Rules 6.24-6.26 eff. 01/01/2020.

Rules 6.25-6.2.7.7 eff. 04/30/2022.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00608

**Department**

400 - Department of Natural Resources

**Agency**

405 - Colorado Parks and Wildlife (405 Series, Parks)

**CCR number**

2 CCR 405-3

**Rule title**

CHAPTER P-3 - RIVER OUTFITTERS

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter P-3 - River Outfitters - 2 CCR 405-3 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
November 17-18, 2022**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **November 17-18, 2022**. **The Parks and Wildlife Commission meeting will be held at Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522. For up-to-date information on the meeting, please refer to the Parks and Wildlife Commission website: <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>. The public is encouraged to comment before the meeting by submitting written comments to the Commission's email address at: [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).**

**Comment deadlines:** Written comments will be accepted at any time. However, to ensure sufficient time for consideration prior to the meeting, **comments should be provided to the Division of Parks and Wildlife by noon on the following date:**

**November 3, 2022**, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 4, 2022**.

Comments received by the Division between noon on **November 3, 2022** and noon on **November 10, 2022**, will be provided to the Commission two business days before the meeting. Comments received after noon on **November 10, 2022** will be held and shared with the Commission as part of the subsequent meeting mailing.

More information on submitting public comments is available at:  
<https://cpw.state.co.us/aboutus/Pages/Submit-Public-Comments.aspx>.

**The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-9-101 to 111, C.R.S. ("Administration of Parks and Wildlife"), in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act"), and especially sections 33-1-104, 33-1-105, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the November 2022 Parks and Wildlife Commission meeting: January 1, 2023, unless otherwise noted.

**FINAL REGULATIONS**

**PARK REGULATIONS**

**Chapter P-3 - "River Outfitters" - 2 CCR 405-3**

Open for final consideration of the following:

- Revising personal floatation device types to match U.S. Coast Guard changes.

*\*Please reference the Commission agenda, to be posted on or after November 7, 2022, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

## **Chapter P-7 - “Passes, Permits and Registrations” - 2 CCR 405-7**

Open for final consideration of the following:

- Modifications to the Centennial pass.
- Removing the high-use fee at certain parks, and changing the daily vehicle pass fee to be \$10.00 at all parks.
- Removing Panorama Point, at Golden Gate Canyon, from the designated event facility list.
- Revising regulations to provide discounted camping rates for seniors who purchase the non-motor vehicle individual annual pass and adopting regulation for the replacement of a lost or stolen non-motor vehicle individual annual pass.

## **WILDLIFE REGULATIONS**

**Chapter W-0 - “General Provisions” 2 CCR 406-0, and those related provisions of Chapter W-2 (“Big Game” 2 CCR 406-2), Chapter W-3 (“Furbearers and Small Game, Except Migratory Birds” 2 CCR 406-3), Chapter W-11 (“Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11), Chapter W-15 (“Division Agents” 2 CCR 406-15), and Chapter P-7 (“Passes, Permits and Registrations” – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0**

Open for final consideration of the following:

- Revising license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
- Revising a Bighorn Sheep Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifications to the low-income annual Colorado State Wildlife Area pass.

## **Chapter W-1- “Fishing” 2 CCR 406-1**

Open for final consideration of the following:

- Revising the walleye bag and possession limits at Rifle Gap.
- Revising a fishing restriction in Vallecito Creek from the CR 501 Bridge to the standing water line of Vallecito Reservoir.

These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

## **Chapter W-2- “Big Game” 2 CCR 406-2**

Open for final consideration of the following:

- Revising Game Management Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifying the limited license application and drawing allocation processes for deer, elk, pronghorn and bear to include a rolling three-year average for licenses requiring ten or more preference points.

## **Chapter W-3 - “Furbearers and Small Game, except Migratory Birds” 2 CCR 406-3**

Open for final consideration of the following:

- Expanding the southwest youth extended season for fall turkey to all available Game Management Units (GMU) in the state.
- Adopting regulation to allow air gun hunting of turkey in the fall and late seasons.
- Annual changes to turkey seasons and quotas.

## **ISSUES IDENTIFICATION**

### **WILDLIFE REGULATIONS**

#### **Chapter W-0 - “General Provisions” 2 CCR 406-0**

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

#### **Chapter W-2 - “Big Game” 2 CCR 406-2 and those related provisions of Chapter W-0 (“General Provisions” 2 CCR 406-0) necessary to accommodate changes to or ensure consistency with Chapter W-2**

Open for annual review of the entire chapter, including, but not limited to:

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.

**Except for the day and time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission's schedule.**

**Viewing of Proposed Rules:** copies of the proposed rules (together with a proposed statement of basis and purpose and specific statutory authority), will be available for inspection online at <https://cpw.state.co.us/aboutus/pages/commission.aspx> and copies can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing Hilary Hernandez at [hilary.hernandez@state.co.us](mailto:hilary.hernandez@state.co.us) at least five (5) days prior to the date of hearing. Such copies, however, are only proposals to be submitted to the Commission by the Division of Parks and Wildlife.

**Modification of Proposed Rules prior to adoption:** subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife or the Commission before the Commission promulgates final rules and regulations on the above topics.

**Opportunity to submit alternate proposals and provide comment:** the Commission will afford all interested persons an opportunity to submit alternate proposals, written data, views or arguments and to present them orally, if time permits, at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be e-mailed to [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).

#### **Use of Consent Agenda:**

In order to increase the Parks and Wildlife Commission's efficiency and allow more time for consideration of parks and wildlife policy and contested issues, some or all of this regulatory agenda may be listed for action by the Commission as part of a “Consent Agenda” for this meeting.

*The process for placing matters on the Consent Agenda is as follows:*

*The Director identifies matters where the recommended action follows established policy or precedent, there has been agreement reached or the matter is expected to be uncontested and non-controversial.*

*Regulatory Matters on the Consent Agenda are noticed for hearing at the same time and in the same manner as other Consent Agenda items. If a member of the Commission requests further consideration of an item on the Consent Agenda, that item will be withdrawn from the Consent Agenda and discussed at the end of the meeting or at the next meeting. The Consent Agenda may be voted on without the necessity of reading individual items. Any Commission member may request clarification from the Director of any matter on the Consent Agenda.*

**OTHER AGENDA ITEMS:** The Parks and Wildlife Commission may consider and make policy, program implementation, and other non-regulatory decisions, which may be of public interest at this meeting. A copy of the complete meeting agenda can be viewed on the Division of Parks and Wildlife's internet home page at <https://cpw.state.co.us>, on or after **November 7, 2022**.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00609

**Department**

400 - Department of Natural Resources

**Agency**

405 - Colorado Parks and Wildlife (405 Series, Parks)

**CCR number**

2 CCR 405-7

**Rule title**

CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter P-7 - Passes, Permits and Registrations - 2 CCR 405-7 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us



September 30, 2022

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
November 17-18, 2022**

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**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

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**FINAL REGULATIONS**

**PARK REGULATIONS**

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Open for final consideration of the following:

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*\*Please reference the Commission agenda, to be posted on or after November 7, 2022, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

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- Removing Panorama Point, at Golden Gate Canyon, from the designated event facility list.
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**Chapter W-0 - “General Provisions” 2 CCR 406-0, and those related provisions of Chapter W-2 (“Big Game” 2 CCR 406-2), Chapter W-3 (“Furbearers and Small Game, Except Migratory Birds” 2 CCR 406-3), Chapter W-11 (“Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11), Chapter W-15 (“Division Agents” 2 CCR 406-15), and Chapter P-7 (“Passes, Permits and Registrations” – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0**

Open for final consideration of the following:

- Revising license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
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- Modifications to the low-income annual Colorado State Wildlife Area pass.

## **Chapter W-1- “Fishing” 2 CCR 406-1**

Open for final consideration of the following:

- Revising the walleye bag and possession limits at Rifle Gap.
- Revising a fishing restriction in Vallecito Creek from the CR 501 Bridge to the standing water line of Vallecito Reservoir.

These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

## **Chapter W-2- “Big Game” 2 CCR 406-2**

Open for final consideration of the following:

- Revising Game Management Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifying the limited license application and drawing allocation processes for deer, elk, pronghorn and bear to include a rolling three-year average for licenses requiring ten or more preference points.

## **Chapter W-3 - “Furbearers and Small Game, except Migratory Birds” 2 CCR 406-3**

Open for final consideration of the following:

- Expanding the southwest youth extended season for fall turkey to all available Game Management Units (GMU) in the state.
- Adopting regulation to allow air gun hunting of turkey in the fall and late seasons.
- Annual changes to turkey seasons and quotas.

## **ISSUES IDENTIFICATION**

### **WILDLIFE REGULATIONS**

#### **Chapter W-0 - “General Provisions” 2 CCR 406-0**

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

#### **Chapter W-2 - “Big Game” 2 CCR 406-2 and those related provisions of Chapter W-0 (“General Provisions” 2 CCR 406-0) necessary to accommodate changes to or ensure consistency with Chapter W-2**

Open for annual review of the entire chapter, including, but not limited to:

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.

**Except for the day and time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission's schedule.**

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**Opportunity to submit alternate proposals and provide comment:** the Commission will afford all interested persons an opportunity to submit alternate proposals, written data, views or arguments and to present them orally, if time permits, at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be e-mailed to [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).

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**OTHER AGENDA ITEMS:** The Parks and Wildlife Commission may consider and make policy, program implementation, and other non-regulatory decisions, which may be of public interest at this meeting. A copy of the complete meeting agenda can be viewed on the Division of Parks and Wildlife's internet home page at <https://cpw.state.co.us>, on or after **November 7, 2022**.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00610

**Department**

400 - Department of Natural Resources

**Agency**

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

**CCR number**

2 CCR 406-0

**Rule title**

CHAPTER W-0 - GENERAL PROVISIONS

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter W-0 - General Provisions 2 CCR 406-0 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
November 17-18, 2022**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **November 17-18, 2022**. **The Parks and Wildlife Commission meeting will be held at Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522. For up-to-date information on the meeting, please refer to the Parks and Wildlife Commission website: <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>. The public is encouraged to comment before the meeting by submitting written comments to the Commission's email address at: [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).**

**Comment deadlines:** Written comments will be accepted at any time. However, to ensure sufficient time for consideration prior to the meeting, **comments should be provided to the Division of Parks and Wildlife by noon on the following date:**

**November 3, 2022**, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 4, 2022**.

Comments received by the Division between noon on **November 3, 2022** and noon on **November 10, 2022**, will be provided to the Commission two business days before the meeting. Comments received after noon on **November 10, 2022** will be held and shared with the Commission as part of the subsequent meeting mailing.

More information on submitting public comments is available at:  
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**The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-9-101 to 111, C.R.S. ("Administration of Parks and Wildlife"), in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act"), and especially sections 33-1-104, 33-1-105, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the November 2022 Parks and Wildlife Commission meeting: January 1, 2023, unless otherwise noted.

**FINAL REGULATIONS**

**PARK REGULATIONS**

**Chapter P-3 - "River Outfitters" - 2 CCR 405-3**

Open for final consideration of the following:

- Revising personal floatation device types to match U.S. Coast Guard changes.

*\*Please reference the Commission agenda, to be posted on or after November 7, 2022, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

## **Chapter P-7 - “Passes, Permits and Registrations” - 2 CCR 405-7**

Open for final consideration of the following:

- Modifications to the Centennial pass.
- Removing the high-use fee at certain parks, and changing the daily vehicle pass fee to be \$10.00 at all parks.
- Removing Panorama Point, at Golden Gate Canyon, from the designated event facility list.
- Revising regulations to provide discounted camping rates for seniors who purchase the non-motor vehicle individual annual pass and adopting regulation for the replacement of a lost or stolen non-motor vehicle individual annual pass.

## **WILDLIFE REGULATIONS**

**Chapter W-0 - “General Provisions” 2 CCR 406-0, and those related provisions of Chapter W-2 (“Big Game” 2 CCR 406-2), Chapter W-3 (“Furbearers and Small Game, Except Migratory Birds” 2 CCR 406-3), Chapter W-11 (“Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11), Chapter W-15 (“Division Agents” 2 CCR 406-15), and Chapter P-7 (“Passes, Permits and Registrations” – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0**

Open for final consideration of the following:

- Revising license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
- Revising a Bighorn Sheep Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifications to the low-income annual Colorado State Wildlife Area pass.

## **Chapter W-1- “Fishing” 2 CCR 406-1**

Open for final consideration of the following:

- Revising the walleye bag and possession limits at Rifle Gap.
- Revising a fishing restriction in Vallecito Creek from the CR 501 Bridge to the standing water line of Vallecito Reservoir.

These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

## **Chapter W-2- “Big Game” 2 CCR 406-2**

Open for final consideration of the following:

- Revising Game Management Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifying the limited license application and drawing allocation processes for deer, elk, pronghorn and bear to include a rolling three-year average for licenses requiring ten or more preference points.

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- Annual changes to turkey seasons and quotas.

## **ISSUES IDENTIFICATION**

### **WILDLIFE REGULATIONS**

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Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

#### **Chapter W-2 - “Big Game” 2 CCR 406-2 and those related provisions of Chapter W-0 (“General Provisions” 2 CCR 406-0) necessary to accommodate changes to or ensure consistency with Chapter W-2**

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# Notice of Proposed Rulemaking

**Tracking number**

2022-00611

**Department**

400 - Department of Natural Resources

**Agency**

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

**CCR number**

2 CCR 406-1

**Rule title**

CHAPTER W-1 - FISHING

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter W-1- Fishing 2 CCR 406-1 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
November 17-18, 2022**

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**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the November 2022 Parks and Wildlife Commission meeting: January 1, 2023, unless otherwise noted.

**FINAL REGULATIONS**

**PARK REGULATIONS**

**Chapter P-3 - "River Outfitters" - 2 CCR 405-3**

Open for final consideration of the following:

- Revising personal floatation device types to match U.S. Coast Guard changes.

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These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

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# Notice of Proposed Rulemaking

**Tracking number**

2022-00612

**Department**

400 - Department of Natural Resources

**Agency**

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

**CCR number**

2 CCR 406-2

**Rule title**

CHAPTER W-2 - BIG GAME

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter W-2- Big Game 2 CCR 406-2 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

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November 17-18, 2022**

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**FINAL REGULATIONS**

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## **Chapter P-7 - “Passes, Permits and Registrations” - 2 CCR 405-7**

Open for final consideration of the following:

- Modifications to the Centennial pass.
- Removing the high-use fee at certain parks, and changing the daily vehicle pass fee to be \$10.00 at all parks.
- Removing Panorama Point, at Golden Gate Canyon, from the designated event facility list.
- Revising regulations to provide discounted camping rates for seniors who purchase the non-motor vehicle individual annual pass and adopting regulation for the replacement of a lost or stolen non-motor vehicle individual annual pass.

## **WILDLIFE REGULATIONS**

**Chapter W-0 - “General Provisions” 2 CCR 406-0, and those related provisions of Chapter W-2 (“Big Game” 2 CCR 406-2), Chapter W-3 (“Furbearers and Small Game, Except Migratory Birds” 2 CCR 406-3), Chapter W-11 (“Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11), Chapter W-15 (“Division Agents” 2 CCR 406-15), and Chapter P-7 (“Passes, Permits and Registrations” – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0**

Open for final consideration of the following:

- Revising license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
- Revising a Bighorn Sheep Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifications to the low-income annual Colorado State Wildlife Area pass.

## **Chapter W-1- “Fishing” 2 CCR 406-1**

Open for final consideration of the following:

- Revising the walleye bag and possession limits at Rifle Gap.
- Revising a fishing restriction in Vallecito Creek from the CR 501 Bridge to the standing water line of Vallecito Reservoir.

These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

## **Chapter W-2- “Big Game” 2 CCR 406-2**

Open for final consideration of the following:

- Revising Game Management Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifying the limited license application and drawing allocation processes for deer, elk, pronghorn and bear to include a rolling three-year average for licenses requiring ten or more preference points.

## **Chapter W-3 - “Furbearers and Small Game, except Migratory Birds” 2 CCR 406-3**

Open for final consideration of the following:

- Expanding the southwest youth extended season for fall turkey to all available Game Management Units (GMU) in the state.
- Adopting regulation to allow air gun hunting of turkey in the fall and late seasons.
- Annual changes to turkey seasons and quotas.

## **ISSUES IDENTIFICATION**

### **WILDLIFE REGULATIONS**

#### **Chapter W-0 - “General Provisions” 2 CCR 406-0**

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

#### **Chapter W-2 - “Big Game” 2 CCR 406-2 and those related provisions of Chapter W-0 (“General Provisions” 2 CCR 406-0) necessary to accommodate changes to or ensure consistency with Chapter W-2**

Open for annual review of the entire chapter, including, but not limited to:

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.

**Except for the day and time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission's schedule.**

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**Modification of Proposed Rules prior to adoption:** subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife or the Commission before the Commission promulgates final rules and regulations on the above topics.

**Opportunity to submit alternate proposals and provide comment:** the Commission will afford all interested persons an opportunity to submit alternate proposals, written data, views or arguments and to present them orally, if time permits, at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be e-mailed to [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).

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**OTHER AGENDA ITEMS:** The Parks and Wildlife Commission may consider and make policy, program implementation, and other non-regulatory decisions, which may be of public interest at this meeting. A copy of the complete meeting agenda can be viewed on the Division of Parks and Wildlife's internet home page at <https://cpw.state.co.us>, on or after **November 7, 2022**.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00613

**Department**

400 - Department of Natural Resources

**Agency**

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

**CCR number**

2 CCR 406-3

**Rule title**

CHAPTER W-3 - FURBEARERS AND SMALL GAME, EXCEPT MIGRATORY BIRDS

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter W-3 - Furbearers and Small Game, except Migratory Birds 2 CCR 406-3 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
November 17-18, 2022**

In accordance with the State Administrative Procedure Act, section 24-4-103, C.R.S., the Parks and Wildlife Commission gives notice that regulations will be considered for adoption at their next meeting on **November 17-18, 2022**. **The Parks and Wildlife Commission meeting will be held at Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522. For up-to-date information on the meeting, please refer to the Parks and Wildlife Commission website: <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>. The public is encouraged to comment before the meeting by submitting written comments to the Commission's email address at: [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).**

**Comment deadlines:** Written comments will be accepted at any time. However, to ensure sufficient time for consideration prior to the meeting, **comments should be provided to the Division of Parks and Wildlife by noon on the following date:**

**November 3, 2022**, for mailing by the Division of Parks and Wildlife to the Parks and Wildlife Commission on **November 4, 2022**.

Comments received by the Division between noon on **November 3, 2022** and noon on **November 10, 2022**, will be provided to the Commission two business days before the meeting. Comments received after noon on **November 10, 2022** will be held and shared with the Commission as part of the subsequent meeting mailing.

More information on submitting public comments is available at:  
<https://cpw.state.co.us/aboutus/Pages/Submit-Public-Comments.aspx>.

**The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-9-101 to 111, C.R.S. ("Administration of Parks and Wildlife"), in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act"), and especially sections 33-1-104, 33-1-105, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the November 2022 Parks and Wildlife Commission meeting: January 1, 2023, unless otherwise noted.

**FINAL REGULATIONS**

**PARK REGULATIONS**

**Chapter P-3 - "River Outfitters" - 2 CCR 405-3**

Open for final consideration of the following:

- Revising personal floatation device types to match U.S. Coast Guard changes.

*\*Please reference the Commission agenda, to be posted on or after November 7, 2022, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

## **Chapter P-7 - “Passes, Permits and Registrations” - 2 CCR 405-7**

Open for final consideration of the following:

- Modifications to the Centennial pass.
- Removing the high-use fee at certain parks, and changing the daily vehicle pass fee to be \$10.00 at all parks.
- Removing Panorama Point, at Golden Gate Canyon, from the designated event facility list.
- Revising regulations to provide discounted camping rates for seniors who purchase the non-motor vehicle individual annual pass and adopting regulation for the replacement of a lost or stolen non-motor vehicle individual annual pass.

## **WILDLIFE REGULATIONS**

**Chapter W-0 - “General Provisions” 2 CCR 406-0, and those related provisions of Chapter W-2 (“Big Game” 2 CCR 406-2), Chapter W-3 (“Furbearers and Small Game, Except Migratory Birds” 2 CCR 406-3), Chapter W-11 (“Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11), Chapter W-15 (“Division Agents” 2 CCR 406-15), and Chapter P-7 (“Passes, Permits and Registrations” – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0**

Open for final consideration of the following:

- Revising license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
- Revising a Bighorn Sheep Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifications to the low-income annual Colorado State Wildlife Area pass.

## **Chapter W-1- “Fishing” 2 CCR 406-1**

Open for final consideration of the following:

- Revising the walleye bag and possession limits at Rifle Gap.
- Revising a fishing restriction in Vallecito Creek from the CR 501 Bridge to the standing water line of Vallecito Reservoir.

These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

## **Chapter W-2- “Big Game” 2 CCR 406-2**

Open for final consideration of the following:

- Revising Game Management Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifying the limited license application and drawing allocation processes for deer, elk, pronghorn and bear to include a rolling three-year average for licenses requiring ten or more preference points.

## **Chapter W-3 - “Furbearers and Small Game, except Migratory Birds” 2 CCR 406-3**

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- Expanding the southwest youth extended season for fall turkey to all available Game Management Units (GMU) in the state.
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- Annual changes to turkey seasons and quotas.

## **ISSUES IDENTIFICATION**

### **WILDLIFE REGULATIONS**

#### **Chapter W-0 - “General Provisions” 2 CCR 406-0**

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

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# Notice of Proposed Rulemaking

**Tracking number**

2022-00614

**Department**

400 - Department of Natural Resources

**Agency**

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

**CCR number**

2 CCR 406-11

**Rule title**

CHAPTER W-11 - WILDLIFE PARKS AND UNREGULATED WILDLIFE

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter W-11 - Wildlife Parks and Unregulated Wildlife 2 CCR 406-11 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

**RULE-MAKING NOTICE  
PARKS AND WILDLIFE COMMISSION MEETING  
November 17-18, 2022**

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**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the November 2022 Parks and Wildlife Commission meeting: January 1, 2023, unless otherwise noted.

**FINAL REGULATIONS**

**PARK REGULATIONS**

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Open for final consideration of the following:

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# Notice of Proposed Rulemaking

**Tracking number**

2022-00615

**Department**

400 - Department of Natural Resources

**Agency**

406 - Colorado Parks and Wildlife (406 Series, Wildlife)

**CCR number**

2 CCR 406-15

**Rule title**

CHAPTER W-15 - DIVISION AGENTS

**Rulemaking Hearing****Date**

11/17/2022

**Time**

08:00 AM

**Location**

Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522

**Subjects and issues involved**

Chapter W-15 - Division Agents 2 CCR 406-15 - see attached

**Statutory authority**

See attached

**Contact information****Name**

Hilary Hernandez

**Title**

Regulations Manager

**Telephone**

303-291-7226

**Email**

hilary.hernandez@state.co.us

September 30, 2022

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More information on submitting public comments is available at:  
<https://cpw.state.co.us/aboutus/Pages/Submit-Public-Comments.aspx>.

**The following regulatory subjects and issues shall be considered** pursuant to the Commission's authority in sections 33-9-101 to 111, C.R.S. ("Administration of Parks and Wildlife"), in sections 33-1-101 to 33-6-209, C.R.S. (the "Wildlife Act"), and especially sections 33-1-104, 33-1-105, 33-1-106, 33-1-107, 33-1-108, 33-1-121, 33-2-104, 33-2-105, 33-2-106, 33-3-104, 33-4-101, 33-4-102 and 33-5.5-102, 33-6-107, 33-6-109, 33-6-112, 33-6-113, 33-6-114, 33-6-114.5, 33-6-117, 33-6-119, 33-6-121, 33-6-124, 33-6-125, 33-6-127, 33-6-128, 33-6-130, 33-6-205, 33-6-206, 33-6-207, 33-6-208, 33-6-209, C.R.S., and in sections 33-10-101 to 33-33-113, C.R.S. (the "Parks Act"), and especially sections 33-10-106, 33-10-107, 33-10.5-107, 33-11-109, 33-12-101, 33-12-103, 33-12-103.5, 33-12-106, 33-12.5-103, 33-13-103, 33-13-104, 33-13-106, 33-13-109, 33-13-110, 33-13-111, 33-14-107, 33-14.5-107, 33-32-103 and 33-33-105. C.R.S.

**FINAL REGULATORY ADOPTION** – **November 17-18, 2022**, beginning at **8:00 a.m.\***

**EFFECTIVE DATE OF REGULATIONS** approved during the November 2022 Parks and Wildlife Commission meeting: January 1, 2023, unless otherwise noted.

**FINAL REGULATIONS**

**PARK REGULATIONS**

**Chapter P-3 - "River Outfitters" - 2 CCR 405-3**

Open for final consideration of the following:

- Revising personal floatation device types to match U.S. Coast Guard changes.

*\*Please reference the Commission agenda, to be posted on or after November 7, 2022, to ensure when each regulatory item will be addressed by the Commission. The agenda will be posted at <https://cpw.state.co.us/aboutus/Pages/CommissionMeetings.aspx>.*

## **Chapter P-7 - “Passes, Permits and Registrations” - 2 CCR 405-7**

Open for final consideration of the following:

- Modifications to the Centennial pass.
- Removing the high-use fee at certain parks, and changing the daily vehicle pass fee to be \$10.00 at all parks.
- Removing Panorama Point, at Golden Gate Canyon, from the designated event facility list.
- Revising regulations to provide discounted camping rates for seniors who purchase the non-motor vehicle individual annual pass and adopting regulation for the replacement of a lost or stolen non-motor vehicle individual annual pass.

## **WILDLIFE REGULATIONS**

**Chapter W-0 - “General Provisions” 2 CCR 406-0, and those related provisions of Chapter W-2 (“Big Game” 2 CCR 406-2), Chapter W-3 (“Furbearers and Small Game, Except Migratory Birds” 2 CCR 406-3), Chapter W-11 (“Wildlife Parks and Unregulated Wildlife” 2 CCR 406-11), Chapter W-15 (“Division Agents” 2 CCR 406-15), and Chapter P-7 (“Passes, Permits and Registrations” – 2 CCR 405-7) necessary to accommodate changes to or ensure consistency with Chapter W-0**

Open for final consideration of the following:

- Revising license fees and license agent commission rates according to adjustments to the Denver-Aurora-Lakewood Consumer Price Index.
- Revising a Bighorn Sheep Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifications to the low-income annual Colorado State Wildlife Area pass.

## **Chapter W-1- “Fishing” 2 CCR 406-1**

Open for final consideration of the following:

- Revising the walleye bag and possession limits at Rifle Gap.
- Revising a fishing restriction in Vallecito Creek from the CR 501 Bridge to the standing water line of Vallecito Reservoir.

These Chapter W-1 - Fishing regulations will become effective April 1, 2023.

## **Chapter W-2- “Big Game” 2 CCR 406-2**

Open for final consideration of the following:

- Revising Game Management Unit boundary name that was changed by the U.S. Board on Geographic Names.
- Modifying the limited license application and drawing allocation processes for deer, elk, pronghorn and bear to include a rolling three-year average for licenses requiring ten or more preference points.

## **Chapter W-3 - “Furbearers and Small Game, except Migratory Birds” 2 CCR 406-3**

Open for final consideration of the following:



- Expanding the southwest youth extended season for fall turkey to all available Game Management Units (GMU) in the state.
- Adopting regulation to allow air gun hunting of turkey in the fall and late seasons.
- Annual changes to turkey seasons and quotas.

## **ISSUES IDENTIFICATION**

### **WILDLIFE REGULATIONS**

#### **Chapter W-0 - “General Provisions” 2 CCR 406-0**

Open for annual review of the entire chapter, including but not limited to, Game Management Unit boundary modifications, regulations relating to fish management, health, importation, prohibited species, and other annual changes.

#### **Chapter W-2 - “Big Game” 2 CCR 406-2 and those related provisions of Chapter W-0 (“General Provisions” 2 CCR 406-0) necessary to accommodate changes to or ensure consistency with Chapter W-2**

Open for annual review of the entire chapter, including, but not limited to:

- Annual changes to season dates, limited license areas and manner of take provisions for deer, elk, pronghorn antelope, moose, bighorn sheep, mountain goat, mountain lion, and bear.

**Except for the day and time indicated for when the meeting is scheduled to begin, the order indicated for each agenda item is approximate and subject to change when necessary to accommodate the Commission's schedule.**

**Viewing of Proposed Rules:** copies of the proposed rules (together with a proposed statement of basis and purpose and specific statutory authority), will be available for inspection online at <https://cpw.state.co.us/aboutus/pages/commission.aspx> and copies can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing Hilary Hernandez at [hilary.hernandez@state.co.us](mailto:hilary.hernandez@state.co.us) at least five (5) days prior to the date of hearing. Such copies, however, are only proposals to be submitted to the Commission by the Division of Parks and Wildlife.

**Modification of Proposed Rules prior to adoption:** subject to the provisions of Section 24-4-103, C.R.S., modification of these proposals may be made by the Division of Parks and Wildlife or the Commission before the Commission promulgates final rules and regulations on the above topics.

**Opportunity to submit alternate proposals and provide comment:** the Commission will afford all interested persons an opportunity to submit alternate proposals, written data, views or arguments and to present them orally, if time permits, at the meeting unless it deems such oral presentation unnecessary. Written alternate proposals, data, views or arguments and other written statements should be e-mailed to [dnr\\_cpwcommission@state.co.us](mailto:dnr_cpwcommission@state.co.us).

#### **Use of Consent Agenda:**

In order to increase the Parks and Wildlife Commission's efficiency and allow more time for consideration of parks and wildlife policy and contested issues, some or all of this regulatory agenda may be listed for action by the Commission as part of a “Consent Agenda” for this meeting.

*The process for placing matters on the Consent Agenda is as follows:*

*The Director identifies matters where the recommended action follows established policy or precedent, there has been agreement reached or the matter is expected to be uncontested and non-controversial.*

*Regulatory Matters on the Consent Agenda are noticed for hearing at the same time and in the same manner as other Consent Agenda items. If a member of the Commission requests further consideration of an item on the Consent Agenda, that item will be withdrawn from the Consent Agenda and discussed at the end of the meeting or at the next meeting. The Consent Agenda may be voted on without the necessity of reading individual items. Any Commission member may request clarification from the Director of any matter on the Consent Agenda.*

**OTHER AGENDA ITEMS:** The Parks and Wildlife Commission may consider and make policy, program implementation, and other non-regulatory decisions, which may be of public interest at this meeting. A copy of the complete meeting agenda can be viewed on the Division of Parks and Wildlife's internet home page at <https://cpw.state.co.us>, on or after **November 7, 2022**.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00620

**Department**

700 - Department of Regulatory Agencies

**Agency**

702 - Division of Insurance

**CCR number**

3 CCR 702-3

**Rule title**

FINANCIAL ISSUES

**Rulemaking Hearing****Date**

11/01/2022

**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 set forth minimum standards for reserves of insurers providing individual and group health insurance.

**Statutory authority**

§§ 10-1-109, 10-16-109 and 10-16-220, C.R.S.

**Contact information****Name**

Jill Mullen

**Title**

Policy Advisor

**Telephone**

720-5564952

**Email**

jill.mullen@state.co.us

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-3

#### FINANCIAL ISSUES

DRAFT Proposed Amended Regulation 3-1-9

#### MINIMUM RESERVE STANDARDS FOR INDIVIDUAL AND GROUP HEALTH INSURANCE CONTRACTS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Adequacy of Reserves
Section 6	Categories of Reserves
Section 7	Appendices
Section 8	Claim Reserves
Section 9	Premium Reserves
Section 10	Contract Reserves
Section 11	Reinsurance
Section 12	Severability
Section 13	Incorporated Materials
Section 14	Enforcement
Section 15	Effective Date
Section 16	History
Appendix A	Specific Standards for Morbidity, Interest and Mortality

#### **Section 1 Authority**

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 10-16-109 and 10-16-220, C.R.S.

#### **Section 2 Scope and Purpose**

The purpose of this regulation is to set forth minimum standards for reserves of insurers providing individual and group health insurance.

#### **Section 3 Applicability**

These standards apply to all individual and group health sickness and accident insurance coverages except credit insurance regulated under Article 10 of Title 10 of the Colorado Revised Statutes.

#### **Section 4 Definitions**

- A. "Annual statement" means that statement required by §§ 10-3-208 and 10-14-602, C.R.S. to be filed annually, by the insurer, with the Commissioner.
- B. "Commissioner" means the Insurance Commissioner of the State of Colorado.
- C. "Qualified actuary" means an actuary meeting the qualifications set forth in Colorado Insurance Regulation 1-1-1 (3 CCR 702-1).

## **Section 5      Adequacy of Reserves**

When an insurer determines that adequacy of its health insurance reserves requires reserves in excess of the minimum standards specified herein, such increased reserves must be held and shall be considered the minimum reserves for that insurer.

With respect to any block of contracts, or with respect to an insurer's health business as a whole, a prospective gross premium valuation is the ultimate test of reserve adequacy as of a given valuation date. Such a gross premium valuation will take into account, for contracts in force, in a claims status, or in a continuation of benefits status on the valuation date, the present value as of the valuation date of; all expected benefits unpaid, all expected expenses unpaid, and all unearned or expected premiums, adjusted for future premium increases reasonably expected to be put into effect.

Such a gross premium valuation is to be performed whenever a significant doubt exists as to reserve adequacy with respect to any major block of contracts, or with respect to the insurer's health business as a whole. In the event inadequacy is found to exist, immediate loss recognition shall be made and the reserves restored to adequacy. Adequate reserves (inclusive of claim, premium and contract reserves, if any) shall be held with respect to all contracts, regardless of whether contract reserves are required for such contracts under these standards.

Whenever minimum reserves, as defined in these standards, exceed reserve requirements as determined by a prospective gross premium valuation, such minimum reserves remain the minimum requirement under these standards.

## **Section 6      Categories of Reserves**

The following sections set forth minimum standards for three categories of health insurance reserves: claim reserves, premium reserves and contract reserves.

Adequacy of an insurer's health insurance reserves is to be determined on the basis of all three categories combined. However, these standards emphasize the importance of determining appropriate reserves for each of the three categories separately.

## **Section 7      Appendices**

These standards contain two appendices which are an integral part of the standards, and one additional "supplementary" appendix which is not part of the standards as such, but is included for explanatory and illustrative purposes only.

Appendix A. Specific minimum standards with respect to morbidity, mortality and interest, which apply to claim reserves according to year of incurral and to contract reserves according to year of issue.

Appendix B. Glossary of Technical Terms used.

Appendix C. (Supplementary) Waiver of Premium Reserves.

## **Section 8      Claim Reserves**

### **A.      General**

1. Claim reserves are required for all incurred but unpaid claims on all health insurance policies. For contracts with an elimination period, the duration of disablement shall be measured as dating from the time that benefits would have begun to accrue had there been no elimination period.

2. Appropriate claim expense reserves are required with respect to the estimated expense of settlement of all incurred but unpaid claims.
3. All such reserves for prior valuation years are to be tested for adequacy and reasonableness along the lines of claim runoff schedules in accordance with the statutory financial statement including consideration of any residual unpaid liability.
4. For claim reserves on policies that require contract reserves, the claim incurral date is to be considered the "issue date" for determining the table and interest rate to be used for claim reserves.
5. The maximum interest rate for claim reserves is specified in Appendix A.
6. With respect to claim reserves for policies issued before the operative date of the Valuation Manual, the requirements for claim reserves on claims incurred after that date shall be as described in the Valuation Manual based on the incurred date of the claim.

B. Minimum Standards for Claim Reserves

1. Disability Income

- a. Interest. The maximum interest rate for claim reserves is specified in Appendix A.
- b. Morbidity. Minimum standards with respect to morbidity are those specified in Appendix A, except that, at the option of the insurer:
  - (1) For all claims with a duration from date of disablement of less than two (2) years, reserves may be based on the insurer's experience, if such experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.
  - (2) For group disability income claims with a duration from date of disablement of at least two (2) years but less than five (5) years, reserves may, with the prior written approval of the Commissioner, be based on the insurer's experience for which the insurer maintains underwriting and claim administration control. The request for such approval of a plan of modification to the reserve basis must include:
    - (a) An analysis of the credibility of the experience;
    - (b) A description of how all of the insurer's experience is proposed to be used in setting reserves;
    - (c) A description and quantification of the contingent risk margins in the reserves;
    - (d) A summary of the financial impact that the proposed plan of modification would have had on the insurer's last filed annual statement;
    - (e) A copy of the approval of the proposed plan of modification by the commissioner of the state of domicile; and
    - (f) Any other information deemed necessary by the Commissioner.

(3) Each insurer may elect which of the following to use as the minimum morbidity standard for group long-term disability income claim reserves:

(a) The minimum morbidity standard in effect for claim reserves as of the date the claim was incurred, or

(b) The standards with respect to morbidity may be based on the 2012 GLTD termination table or subsequent table with considerations of:

(i) The insurer's own experience computed in accordance with Actuarial Guideline XLVII, as included in the most current version of the NAIC Accounting Practices and Procedures Manual, and

(ii) An adjustment to include an own experience measurement margin derived in accordance with Actuarial Guideline XLVII, as included in the most current version of the NAIC Accounting Practices and Procedures Manual, and

(iii) A credibility factor derived in accordance with Actuarial Guideline XLVII, as included in the most current version of the NAIC Accounting Practices and Procedures Manual.

Once an insurer elects to calculate reserves for all open claims on a more recent standard then all future valuations must be on that basis.

c. Duration of Disablement. For contracts with an elimination period, the duration of disablement should be measured as dating from the time that benefits would have begun to accrue had there been no elimination period.

## 2. All Other Benefits

a. Interest. The maximum interest rate for claim reserves is specified in Appendix A.

b. Morbidity or Other Contingency. The reserve should be based on the insurer's experience, if such experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

## C. Claim Reserve Methods Generally

Any generally accepted or reasonable actuarial method or combination of methods may be used to estimate all claim liabilities. The methods used for estimating liabilities generally may be aggregate methods, or various reserve items may be separately valued. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves, however, shall be determined in the aggregate.

## Section 9 Premium Reserves

### A. General

1. Unearned premium reserves are required for all contracts with respect to the period of coverage for which premiums, other than premiums paid in advance, have been paid beyond the date of valuation.
2. If premiums due and unpaid are carried as an asset, such premiums must be treated as premiums in force, subject to unearned premium reserve determination. The value of unpaid commissions, premium taxes, and the cost of collection associated with due and unpaid premiums must be carried as an offsetting liability or as a reduction to the otherwise allowable asset.
3. The gross premiums paid in advance for a period of coverage commencing after the next premium due date which follows the date of valuation may be appropriately discounted to the valuation date and shall be held either as a separate liability or as an addition to the unearned premium reserve which would otherwise be required as a minimum.

**B. Minimum Standards for Unearned Premium Reserves**

1. The minimum unearned premium reserve with respect to any contract is the pro rata unearned modal premium that applies to the premium period beyond the valuation date, with such premium determined on the basis of:
  - a. The valuation net modal premium on the contract reserve basis applying to the contract; or
  - b. The gross modal premium for the contract if no contract reserve applies.
2. However, in no event may the sum of the unearned premium and contract reserves for any contract of the insurer subject to contract reserve requirements be less than the gross modal unearned premium reserve on any such contract, as of the date of valuation. In addition, such reserve shall never be less than the expected claims for the period beyond the valuation date represented by such unearned premium reserve, to the extent not provided for elsewhere.

**C. Premium Reserve Methods Generally**

The insurer may employ suitable approximations and estimates; including, but not limited to groupings, averages and aggregate estimation; in computing premium reserves. Such approximations or estimates should be tested periodically to determine their continuing adequacy and reliability.

**Section 10 Contract Reserves**

**A. General**

1. Contract reserves are required, unless otherwise specified in Paragraph 2 below, for:
  - a. All individual and group contracts with which level premiums are used; or
  - b. All individual and group contracts with respect to which, due to the gross premium pricing structure at issue, the value of the future benefits at any time exceeds the value of any appropriate future valuation net premiums at that time. This evaluation may be applied on a rating block basis if the total premiums for the block were developed to support the total risk assumed and expected expenses for the block each year, and a qualified actuary certifies the premium development. The actuary should state in the certification that premiums for the rating block were developed such that each year's premium was intended to



cover that year's costs without any prefunding. If the premium is also intended to recover costs for any prior years, the actuary should also disclose the reasons for and magnitude of such recovery. The values specified in this subparagraph must be determined on the basis specified in Subsection B of this section.

2. Contracts not requiring a contract reserve are:
  - a. Contracts which cannot be continued after one year from issue; or
  - b. Contracts already in force on the effective date of these standards for which no contract reserve was required under the immediately preceding standards.
3. The contract reserve is in addition to claim reserves and premium reserves.
4. The methods and procedures for contract reserves should be consistent with those for claim reserves for any contract, or else appropriate adjustment shall be made when necessary to assure provision for the aggregate liability. The definition of the date of incurral must be the same in both determinations.
5. For contracts issued on or after January 1, 2013, the total contract reserve established must incorporate provisions for moderately adverse deviations.

B. Basis for Minimum Standards for Contract Reserves

1. Morbidity or other Contingency. Minimum standards with respect to morbidity are those set forth in Appendix A. Valuation net premiums used under each contract shall have a structure consistent with the gross premium structure at issue of the contract as this relates to advancing age of insured, contract duration and period for which gross premiums have been calculated. Contracts for which tabular morbidity standards are not specified in Appendix A shall be valued using tables established for reserve purposes by a qualified actuary and acceptable to the Commissioner. The morbidity tables shall contain a pattern of incurred claims cost that reflects the underlying morbidity and must not be constructed for the primary purpose of minimizing reserves.
  - a. In determining the morbidity assumptions, the actuary shall use assumptions that represent the best estimate of anticipated future experience, but shall not incorporate any expectation of future morbidity improvement. Morbidity improvement is a change, in the combined effect of claim frequency and the present value of future expected claim payments given that a claim has occurred, from the current morbidity tables or experience that will result in a reduction to reserves. It is not the intent of this provision to restrict the ability of the actuary to reflect the morbidity impact for a specific known event that has occurred and that is able to be evaluated and quantified.
  - b. Business in force as of the effective date of Section 10(B)(3) may be permitted to retain the original reserve basis which may not meet the provisions of item (a) above, subject to the acceptability to the Commissioner.
2. Interest. The maximum interest rate is specified in Appendix A.
3. Termination Rates. Termination rates used in the computation of reserves shall be on the basis of a mortality table as specified in Appendix A except as noted under Subparagraphs (a) and (b) below:
  - a. Under contracts for which premium rates are not guaranteed, and where the effects of insurer underwriting are specifically used by policy duration in the

valuation morbidity standard or for return of premium or other deferred cash benefits, total termination rates may be used at ages and durations where these exceed specified mortality table rates, but not in excess of the lesser of:

- (1) Eighty percent (80%) of the total termination rate used in the calculation of the gross premiums, or
    - (2) Eight percent (8%).
  - b. For long-term care individual policies or group certificates issued on or after January 1, 2013, the contract reserves may be established on a basis of separate:
    - (1) Mortality as specified in Appendix A; and
    - (2) Terminations other than mortality, where the termination rate is not to exceed:
      - (a) For policy year one, the lesser of eighty percent (80%) of the voluntary lapse rate used in the calculation of gross premiums or six percent (6%);
      - (b) For policy years two (2) through four (4), the lesser of eighty percent (80%) of the voluntary lapse rate used in the calculation of gross premiums or four percent (4%); and
      - (c) For policy years five (5) and later, the lesser of one hundred percent (100%) of the voluntary lapse rate used in the calculation of gross premiums or two percent (2%), except for group insurance as defined in § 10-19-103(4)(a), C.R.S., where the 2% shall be three percent (3%).
  - c. Where a morbidity standard specified in Appendix A is on an aggregate basis, such morbidity standard may be adjusted to reflect the effect of insurer underwriting by policy duration. The adjustments must be appropriate to the underwriting and be acceptable to the Commissioner.
4. Reserve Method.
- a. For insurance except long-term care and return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated on the two-year full preliminary term method; that is, under which the terminal reserve is zero at the first and also the second contract anniversary.
  - b. For long-term care insurance, the minimum reserve is the reserve calculated on the one-year full preliminary term method.
  - c. For return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated as follows:
    - (1) On the one-year full preliminary term method if such benefits are provided at any time before the twentieth anniversary; or
    - (2) On the two-year full preliminary term method if such benefits are only provided on or after the twentieth anniversary.

- d. The preliminary term method may be applied only in relation to the date of issue of a contract. Reserve adjustments introduced later, as a result of rate increases, revisions in assumptions (e.g., projected inflation rates) or for other reasons, are to be applied immediately as of the effective date of adoption of the adjusted basis.
  - 5. Negative Reserves. Negative reserves on any benefit may be offset against positive reserves for other benefits in the same contract, but the total contract reserve with respect to all benefits combined may not be less than zero.
  - 6. Nonforfeiture Benefits for Long-Term Care Insurance. The contract reserve on a policy or certificate basis must not be less than the net single premium for the nonforfeiture benefits at the appropriate policy or certificate duration, where the net single premium is computed according to the specifications in this subsection.
- C. Alternative Valuation Methods and Assumptions Generally
- Provided the contract reserve on all contracts to which an alternative method or basis is applied is not less in the aggregate than the amount determined according to the applicable standards specified above, an insurer may use any reasonable assumptions as to interest rates, termination and/or mortality rates, and rates of morbidity or other contingency. Also, subject to the preceding condition, the insurer may employ methods other than the methods stated above in determining a sound value of its liabilities under such contracts, including, but not limited to the following: the net level premium method; the one-year full preliminary term method; prospective valuation on the basis of actual gross premiums with reasonable allowance for future expenses; the use of approximations such as those involving age groupings, groupings of several years of issue, average amounts of indemnity, grouping of similar contract forms; the computation of the reserve for one contract benefit as a percentage of, or by other relation to, the aggregate contract reserves exclusive of the benefit or benefits so valued; and the use of a composite annual claim cost for all or any combination of the benefits included in the contracts valued.
- D. Tests for Adequacy and Reasonableness of Contract Reserves
- Annually, an appropriate review shall be made of the insurer's prospective contract liabilities on contracts valued by tabular reserves, to determine the continuing adequacy and reasonableness of the tabular reserves giving consideration to future gross premiums. The insurer shall make appropriate increments to such tabular reserves if such tests indicate that the basis of such reserves is no longer adequate, subject to the minimum standards of Section 10(B).
- In the event an insurer has a contract or a group of related similar contracts, for which future gross premiums will be restricted by contract, insurance department regulations, or for other reasons, such that the future gross premiums reduced by expenses for administration, commissions, and taxes will be insufficient to cover future claims, the insurer must establish contract reserves for such shortfall in the aggregate.

## **Section 11 Reinsurance**

Increases to, or credits against reserves carried, arising because of reinsurance assumed or reinsurance ceded, must be determined in a manner consistent with these minimum reserve standards and with all applicable provisions of the reinsurance contracts which affect the insurer's liabilities.

## **Section 12 Severability**

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

### **Section 13 — Incorporated Materials**

~~The 2001 CSO Mortality Table and 2001 CSO Preferred Class Structure Mortality Table published by the American Academy of Actuaries shall mean the 2001 CSO Mortality Table and the 2001 CSO Preferred Class Structure Mortality Table as published on the effective date of this regulation and does not include later amendments to or editions of the CSO Mortality Table and the 2001 CSO Preferred Class Structure Mortality Table. A copy of the 2001 CSO Mortality Table and 2001 CSO Preferred Class Structure Mortality Table may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202, or may be found online at [www.actuary.org](http://www.actuary.org).~~

~~A Certified copy of the 2001 CSO Mortality Table and 2001 CSO Preferred Class Structure Mortality Table may be requested from the Division of Insurance's Chief Actuary. A charge for certification or copies may apply.~~

### **Section 134 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 145 Effective Date**

This amended regulation shall become effective on January 1, 20213.

### **Section 156 History**

Regulation 3-1-9 effective January 31, 1993.  
Amended regulation effective January 1, 2013.  
Amended regulation effective January 1, 2023.

## APPENDIX A. SPECIFIC STANDARDS FOR MORBIDITY, INTEREST AND MORTALITY

### I. MORBIDITY

#### A. Minimum morbidity standards for valuation of specified individual contract health insurance benefits are as follows:

##### 1. Disability Income Benefits Due to Accident or Sickness

###### a. Contract Reserves:

- (1) Contracts issued on or after January 1, 1965 and prior to January 1, 1987:

The 1964 Commissioners Disability Table (64 CDT) (published by the Health Insurance Association, copyright 1965).

- (2) Contracts issued on or after January 1, 1996:

(a) The 1985 Commissioners Individual Disability Tables A (85CIDA) (published in the *Transactions of the Society of Actuaries*, Volume XXXVII, pp.449-601); or

(b) The 1985 Commissioners Individual Disability Tables B (85CIDB) (published in the *Proceedings of the National Association of Insurance Commissioners*, Volume 1, 1985, pp. 494-540).

- (3) Contracts issued during the years 1987 through 1995:

Optional use of either the 1964 Table or the 1985 Tables.

- (4) Each insurer shall elect, with respect to all individual contracts issued in any one statement year, whether it will use Tables A or Tables B as the minimum standard. The insurer may, however, elect to use the other tables with respect to any subsequent statement year.

###### b. Claim Reserves:

- (1) For claims incurred on or after January 1, 2013:

The 1985 Commissioners Individual Disability Tables A (85CIDA) with claim termination rates multiplied by the following adjustment factors:

Duration	Adjustment Factor	Adjusted Duration Rates*
Week 1	0.366	0.04831
2	0.366	0.04172
3	0.366	0.04063
4	0.366	0.04355
5	0.365	0.04088

6	0.365	0.04271
7	0.365	0.04380
8	0.365	0.04344
9	0.370	0.04292
10	0.370	0.04107
11	0.370	0.03848
12	0.370	0.03478
13	0.370	0.03034
Month 4	0.391	0.08758
5	0.371	0.07346
6	0.435	0.07531
7	0.500	0.07245
8	0.564	0.06655
9	0.613	0.05520
10	0.663	0.04705
11	0.712	0.04486
12	0.756	0.04309
13	0.800	0.04080
14	0.844	0.03882
15	0.888	0.03730
16	0.932	0.03448
17	0.976	0.03026
18	1.020	0.02856
19	1.049	0.02518
20	1.078	0.02264
21	1.107	0.02104
22	1.136	0.01932
23	1.165	0.01865
24	1.195	0.01792
Year 3	1.369	0.16839
4	1.204	0.10114
5	1.199	0.07434
6 and later	1.000	**

\*The adjusted duration rates derived from the application of the adjustment factors to the DTS Valuation Table duration rates shown in exhibits 3a, 3b, 3c, 4 and 5, *Transactions of the Society of Actuaries* (TSA) XXXVII, pp. 457-463, are displayed.

\*\*Applicable DTS Valuation Table duration rate from exhibits 3c and 4 (TSA XXXVII, pp. 462-463).

The 85CIDA table so adjusted for the computation of claim reserves shall be known as the 85CIDC (The 1985 Commissioners Individual Disability Table C).

- (2) For claims incurred prior to January 1, 2013:

- (a) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the claim is incurred, or
- (b) The standard as defined in Item I.A.1.b(1) above, applied to all open claims. Once an insurer elects to calculate reserves for all open claims on the standard defined in Item I.A.1.b(1), all future valuations must be on that basis.

2. Hospital Benefits, Surgical Benefits and Maternity Benefits (Scheduled benefits or fixed time period benefits only)

a. Contract Reserves:

- (1) Contracts issued on or after January 1, 1955, and before January 1, 1982:

The 1956 Intercompany Hospital-Surgical Tables (published in the 1957 Proceedings of the National Association of Insurance Commissioners).

- (2) Contracts issued on or after January 1, 1982:

The 1974 Medical Expense Tables, Table A (published in the *Transactions of the Society of Actuaries* (TSA), Volume XXX, pg. 63. Refer to the paper (in the same volume, pg. 9) to which this table is appended, including its discussions, for methods of adjustment for benefits not directly valued in Table A: "Development of the 1974 Medical Expense Benefits," Houghton and Wolf).

b. Claim Reserves:

No specific standard. See Item I.A.5, below.

3. Cancer Expense Benefits (~~Scheduled benefits or fixed time period benefits only~~)

a. Contract Reserves:

- (1) Contracts issued on or after January 1, 1986, and before January 1, 2019:

The 1985 NAIC Cancer Claim Cost Tables (published in the *Proceedings of the National Association of Insurance Commissioners*, Volume 1, 1986, pp. 601-624).

- (2) Contracts issued on or after January 1, 2019:

- (a) For first occurrence and hospitalization benefits:

The 2016 Cancer Claim Cost Valuation Tables (2016 CCCVT):  
[http://www.naic.org/documents/01\\_naic\\_2017\\_cancer\\_claim\\_cost\\_valuation\\_table.xlsx](http://www.naic.org/documents/01_naic_2017_cancer_claim_cost_valuation_table.xlsx)

- (b) For all other benefits:

Assumptions based on company experience, relevant industry experience, and actuarial judgement. Such assumptions should

be appropriate for valuation which considers margin for adverse experience.

(3) For contracts issued on or after January 1, 2018 and before January 1, 2019, a company may elect to use morbidity basis described in subsection (2) above. Once a company begins use of the 2016 CCCVT for new issues, it may not revert to the 1985 CCCT.

b. Claim Reserves: No specific standard. See Item I.A.5, below.

4. Accidental Death Benefits

a. Contract Reserves:

Contracts issued on or after January 1, 1965:

The 1959 Accidental Death Benefits Table (1959 ADB) (published by the Society of Actuaries, copyright 1962).

b. Claim Reserves:

Actual amount incurred.

5. Other Individual Contract Benefits.

a. Contract Reserves:

For all other individual contract benefits, morbidity assumptions are to be determined as provided in the reserve standards.

b. Claim Reserves:

For all benefits other than disability, claim reserves are to be determined as provided in the standards.

B. Minimum morbidity standards for valuation of specified group contract health insurance benefits are as follows:

1. Disability Income Benefits Due to Accident or Sickness

a. Contract Reserves:

(1) Contracts issued prior to January 1, 1993:

The same basis, if any, as that employed by the insurer as of January 1, 1993;

(2) Contracts issued on or after January 1, 1993:

The 1987 Commissioners Group Disability Income Table (87CGDT) (published in the *Transactions of the Society of Actuaries*, Volume XXXIX, pp. 393-458).

b. Claim Reserves:



- (1) For claims incurred on or after January 1, 1993:

The 1987 Commissioners Group Disability Income Table (87CGDT) (published in the *Transactions of the Society of Actuaries*, Volume XXXIX, pp. 393-458);

- (2) For claims incurred prior to January 1, 1993:

Use of the 87CGDT is optional.

## 2. Other Group Contract Benefits

### a. Contract Reserves:

For all other group contract benefits, morbidity assumptions are to be determined as provided in the reserve standards.

### b. Claim Reserves:

For all benefits other than disability, claim reserves are to be determined as provided in the standards.

## II. INTEREST

- A. For contract reserves the maximum interest rate is the maximum rate permitted by Article 7 of Title 10, C.R.S., for the valuation of whole life insurance issued on the same date as the health insurance contract.

- B. For claim reserves, for which interest discounting is expressly permitted:

1. On policies or certificates that require contract reserves, the maximum interest rate is the maximum rate permitted by Article 7 of Title 10, C.R.S., for the valuation of whole life insurance issued on the same date as the claim incurral date.
2. On policies or certificates not requiring contract reserves, the maximum interest rate is the maximum rate permitted by law in the valuation of single premium immediate annuities issued on the same date as the claim incurral date, reduced by one hundred basis points.

## III. MORTALITY

- A. Unless Subsection B or C applies, the mortality basis used shall be according to a table (but without use of selection factors) permitted by Article 7 of Title 10, C.R.S. for the valuation of whole life insurance issued on the same date as the health insurance contract.
- B. For long-term care individual policies and group certificates issued on or after January 1, 2013, the mortality basis used shall be the 1994 Group Annuity Mortality Static Table [with Projection Scale AA](#) (1994 GARM). The 1994 GARM table can be found in Appendix [AB](#) of Colorado Insurance Regulation 4-1-7.
- C. Other mortality tables adopted by the National Association of Insurance Commissioners and promulgated by the Commissioner may be requested to be used in the calculation of the minimum reserves if appropriate for the type of benefits and if approved by the Commissioner. The request for such approval must include the proposed mortality table and the reason that the standard specified in Subsection A is inappropriate.

## APPENDIX B. GLOSSARY OF TECHNICAL TERMS USED

As used in this valuation standard, the following terms have the following meaning:

**ANNUAL CLAIM COST.** The net annual cost per unit of benefit before the addition of expenses, including claim settlement expenses, and a margin for profit or contingencies. For example, the annual claim cost for a \$100 monthly disability benefit, for a maximum disability benefit period of one year, with an elimination period of one week, with respect to a male at age 35, in a certain occupation might be \$12, while the gross premium for this benefit might be \$18. The additional \$6 would cover expenses and profit or contingencies.

**CLAIMS ACCRUED.** That portion of claims incurred on or prior to the valuation date which result in liability of the insurer for the payment of benefits for medical services which have been rendered on or prior to the valuation date, and for the payment of benefits for days of hospitalization and days of disability which have occurred on or prior to the valuation date, which the insurer has not paid as of the valuation date, but for which it is liable, and will have to pay after the valuation date. This liability is sometimes referred to as a liability for "accrued" benefits. A claim reserve, which represents an estimate of this accrued claim liability, must be established.

**CLAIMS REPORTED.** When an insurer has been informed that a claim has been incurred, if the date reported is on or prior to the valuation date, the claim is considered as a reported claim for annual statement purposes.

**CLAIMS UNACCRUED.** That portion of claims incurred on or prior to the valuation date which result in liability of the insurer for the payment of benefits for medical services expected to be rendered after the valuation date, and for benefits expected to be payable for days of hospitalization and days of disability occurring after the valuation date. This liability is sometimes referred to as a liability for unaccrued benefits. A claim reserve, which represents an estimate of the unaccrued claim payments expected to be made, must be established.

**CLAIMS UNREPORTED.** When an insurer has not been informed, on or before the valuation date, concerning a claim that has been incurred on or prior to the valuation date, the claim is considered as an unreported claim for annual statement purposes.

**DATE OF DISABLEMENT.** The earliest date the insured is considered as being disabled under the definition of disability in the contract, based on a doctor's evaluation or other evidence. Normally this date will coincide with the start of any elimination period.

**ELIMINATION PERIOD.** A specified number of days, weeks, or months starting at the beginning of each period of loss, during which no benefits are payable.

**GROSS PREMIUM.** The amount of premium charged by the insurer. It includes the net premium (based on claim cost) for the risk, together with any loading for expenses, profit or contingencies.

**GROUP INSURANCE.** The term group insurance includes blanket insurance and franchise insurance and any other forms of group insurance.

**GROUP LONG-TERM DISABILITY INCOME.** The term group long-term disability income includes group contracts providing group disability income coverage with a maximum benefit duration longer than two years. Group long-term disability income contracts are based on a group pricing structure. The term group long-term disability does not include group short-term disability (coverage with benefit periods of two years or less in maximum duration). It also does not include voluntary group disability income coverage that is priced on an individual risk structure and generally sold in the workplace.

**LEVEL PREMIUM.** A premium calculated to remain unchanged throughout either the lifetime of the policy, or for some shorter projected period of years. The premium need not be guaranteed; in which case, although it is calculated to remain level, it may be changed if any of the assumptions on which it was based are revised at a later time. Generally, the annual claim costs are expected to increase each year and the insurer, instead of charging premiums that correspondingly increase each year, charges a premium calculated to remain level for a period of years or for the lifetime of the contract. In this case the benefit portion of the premium is more than needed to provide for the cost of benefits during the earlier years of the policy and less than the actual cost in the later years. The building of a prospective contract reserve is a natural result of level premiums.

**MODAL PREMIUM.** This refers to the gross premium paid on a contract based on a premium term which could be annual, semiannual, quarterly, monthly, or weekly. Thus, if the annual premium is \$100 and if, instead, monthly premiums of \$9 are paid then the modal premium is \$9.

**NEGATIVE RESERVE.** Normally the terminal reserve is a positive value. However, if the values of the benefits are decreasing with advancing age or duration it could be a negative value, called a negative reserve.

**PRELIMINARY TERM RESERVE METHOD.** Under this method of valuation, the valuation net premium for each year falling within the preliminary term period is exactly sufficient to cover the expected incurred claims of that year, so that the terminal reserves will be zero at the end of the year. As of the end of the preliminary term period, a new constant valuation net premium (or stream of changing valuation premiums) becomes applicable such that the present value of all such premiums is equal to the present value of all claims expected to be incurred following the end of the preliminary term period.

**PRESENT VALUE OF AMOUNTS NOT YET DUE ON CLAIMS.** The reserve for "claims unaccrued" (see definition), which may be discounted at interest.

**RATING BLOCK.** "Rating block" means a grouping of contracts based on common characteristics, such as a policy form or forms having similar benefit designs.

**RESERVE.** The term "reserve" is used to include all items of benefit liability, whether in the nature of incurred claim liability or in the nature of contract liability relating to future periods of coverage, and whether the liability is accrued or unaccrued.

An insurer under its contracts promises benefits which result in:

- a. Claims which have been incurred, that is, for which the insurer has become obligated to make payment, on or prior to the valuation date. On these claims, payments expected to be made after the valuation date for accrued and unaccrued benefits are liabilities of the insurer which should be provided for by establishing claim reserves; or
- b. Claims which are expected to be incurred after the valuation date. Any present liability of the insurer for these future claims should be provided for by the establishment of contract reserves and unearned premium reserves.

**TERMINAL RESERVE.** This is the reserve at the end of a contract year, and is defined as the present value of benefits expected to be incurred after that contract year minus the present value of future valuation net premiums.

**UNEARNED PREMIUM RESERVE.** This reserve values that portion of the premium paid or due to the insurer which is applicable to the period of coverage extending beyond the valuation date. Thus, if an annual premium of \$120 was paid on November 1, \$20 would be earned as of December 31 and the remaining \$100 would be unearned. The unearned premium reserve could be on a gross basis as in this example, or on a valuation net premium basis.

VALUATION NET MODAL PREMIUM. This is the modal fraction of the valuation net annual premium that corresponds to the gross modal premium in effect on any contract to which contract reserves apply. Thus, if the mode of payment in effect is quarterly, the valuation net modal premium is the quarterly equivalent of the valuation net annual premium.

WORKSITE DISABILITY POLICIES. The term worksite disability policy refers to individual short-term disability policies that are sold at the worksite through employer-sponsored enrollment, cover normal pregnancy, and that have benefit periods up to 24 months. Worksite disability policies do not include personal disability policies sold to an individual and not associated with employer-sponsored enrollment. They also do not include business overhead expense, disability buyout, or key person policies, in whatever manner those policies are sold.

## APPENDIX C. RESERVES FOR WAIVER OF PREMIUM

(Supplementary explanatory material)

Waiver of premium reserves involve several special considerations. First, the disability valuation tables promulgated by the National Association of Insurance Commissioners are based on exposures that include contracts on premium waiver as in-force contracts. Hence, contract reserves based on these tables are NOT reserves on "active lives" but rather reserves on contracts "in force." This is true for the 1964 CDT and for the 1985CIDA, 1985CIDB and 1985CIDC tables.

Accordingly, tabular reserves using any of these tables should value reserves on the following basis:

Claim reserves should include reserves for premiums expected to be waived, valuing as a minimum the valuation net premium being waived.

Premium reserves should include contracts on premium waiver as in-force contracts, valuing as a minimum the unearned modal valuation net premium being waived.

Contract reserves should include recognition of the waiver of premium benefit in addition to other contract benefits provided for, valuing as a minimum the valuation net premium to be waived.

If an insurer is, instead, valuing reserves on what is truly an active life table, or if a specific valuation table is not being used but the insurer's gross premiums are calculated on a basis that includes in the projected exposure only those contracts for which premiums are being paid, then it may not be necessary to provide specifically for waiver of premium reserves. Any insurer using such a true "active life" basis should carefully consider, however, whether or not additional liability should be recognized on account of premiums waived during periods of disability or during claim continuation.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00625

**Department**

700 - Department of Regulatory Agencies

**Agency**

702 - Division of Insurance

**CCR number**

3 CCR 702-4 Series 4-1

**Rule title**

LIFE, ACCIDENT AND HEALTH, Series 4-1 Life Insurance

## Rulemaking Hearing

**Date**

11/01/2022

**Time**

11:00 AM

**Location**

Webinar or 1560 Broadway, STE 850, Denver CO 80202

**Subjects and issues involved**

The purpose and intent of this regulation is to establish uniform, national standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed nonlevel gross premiums, guaranteed nonlevel benefits and universal life insurance policies with secondary guarantees; and to ensure that, with respect to each such financing arrangement, funds consisting of Primary Security and Other Security, as defined in Section 4, are held by or on behalf of ceding insurers in the forms and amounts required herein. In general, reinsurance ceded for reserve financing purposes has one or more of the following characteristics: some or all of the assets used to secure the reinsurance treaty or to capitalize the reinsurer (1) are issued by the ceding insurer or its affiliates; or (2) are not unconditionally available to satisfy the general account obligations of the ceding insurer; or (3) create a reimbursement, indemnification or other similar obligation on the part of the ceding insurer or any of its affiliates (other than a payment obligation under a derivative contract acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty).

**Statutory authority**

§§ 10-7-101; 10-7-309 - 10-7-316; 10-7-114, C.R.S.

## Contact information

**Name**

Jill Mullen

**Title**

Policy Advisor

**Telephone**

7205564952

**Email**

jill.mullen@state.co.us

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-4

#### LIFE, ACCIDENT AND HEALTH

##### DRAFT Proposed New Regulation 4-1-16

##### TERM AND UNIVERSAL LIFE INSURANCE RESERVE FINANCING

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Exemptions from this Regulation
Section 6	The Actuarial Method
Section 7	Requirements Applicable to Covered Policies to Obtain Credit for Reinsurance; Opportunity for Remediation
Section 8	Severability
Section 9	Enforcement
Section 10	Effective Date
Section 11	History

##### **Section 1 Authority**

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-7-101; 10-7-309 - 10-7-316; 10-7-114, C.R.S.

##### **Section 2 Scope and Purpose**

The purpose and intent of this regulation is to establish uniform, national standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed nonlevel gross premiums, guaranteed nonlevel benefits and universal life insurance policies with secondary guarantees; and to ensure that, with respect to each such financing arrangement, funds consisting of Primary Security and Other Security, as defined in Section 4, are held by or on behalf of ceding insurers in the forms and amounts required herein. In general, reinsurance ceded for reserve financing purposes has one or more of the following characteristics: some or all of the assets used to secure the reinsurance treaty or to capitalize the reinsurer (1) are issued by the ceding insurer or its affiliates; or (2) are not unconditionally available to satisfy the general account obligations of the ceding insurer; or (3) create a reimbursement, indemnification or other similar obligation on the part of the ceding insurer or any of its affiliates (other than a payment obligation under a derivative contract acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty).

##### **Section 3 Applicability**

This regulation shall apply to reinsurance treaties that cede liabilities pertaining to Covered Policies, as that term is defined in Section 4.B., issued by any life insurance company domiciled in this state. This regulation and Colorado Regulation 3-3-3 shall both apply to such reinsurance treaties; provided, that in the event of a direct conflict between the provisions of this regulation and Colorado Regulation 3-3-3, the provisions of this regulation shall apply, but only to the extent of the conflict.

##### **Section 4 Definitions**

- A. "Actuarial Method" means the methodology used to determine the Required Level of Primary Security, as described in Section 6.
- B. "Covered Policies" means the following: Subject to the exemptions described in Section 5, Covered Policies are those policies, other than Grandfathered Policies, of the following policy types:
1. Life insurance policies with guaranteed nonlevel gross premiums and/or guaranteed nonlevel benefits, except for flexible premium universal life insurance policies; or,
  2. Flexible premium universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period.
- C. "Grandfathered Policies" means policies of the types described in Subsections B1 and B2 above that were:
1. Issued prior to January 1, 2015; and
  2. Ceded, as of December 31, 2014, as part of a reinsurance treaty that would not have met one of the exemptions set forth in Section 5 had that section then been in effect.
- D. "Non-Covered Policies" means any policy that does not meet the definition of Covered Policies, including Grandfathered Policies.
- E. "Required Level of Primary Security" means the dollar amount determined by applying the Actuarial Method to the risks ceded with respect to Covered Policies, but not more than the total reserve ceded.
- F. "Primary Security" means the following forms of security:
1. Cash meeting the requirements of Section 10-3-703(1)(a), C.R.S.;
  2. Securities listed by the Securities Valuation Office meeting the requirements of Section 10-3-703(1)(b), C.R.S., but excluding any synthetic letter of credit, contingent note, credit-linked note or other similar security that operates in a manner similar to a letter of credit, and excluding any securities issued by the ceding insurer or any of its affiliates; and
  3. For security held in connection with funds-withheld and modified coinsurance reinsurance treaties:
    - a. Commercial loans in good standing of CM3 quality and higher;
    - b. Policy Loans; and
    - c. Derivatives acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty.
- G. "Other Security" means any security acceptable to the commissioner other than security meeting the definition of Primary Security.
- H. "Valuation Manual" shall have the same meaning as found at Section 10-7-301.5(12), C.R.S..
- I. "VM-20" means "Requirements for Principle-Based Reserves for Life Products," including all relevant definitions, from the Valuation Manual.



## **Section 5      Exemptions from this Regulation**

This regulation does not apply to the situations described in Subsections A through E.

**A.      Reinsurance of:**

1.      Policies that satisfy the criteria set forth in Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies or Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies in Colorado Regulation 4-1-9; and which are issued before the later of:
  - a.      The effective date of this regulation, and
  - b.      The date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than Jan 1, 2020;
2.      Portions of policies that satisfy the criteria for exemption set forth in Optional Exemption for Yearly Renewable Term (YRT) Reinsurance in Colorado Regulation 4-1-9 and which are issued before the later of:
  - a.      The effective date of this regulation, and
  - b.      The date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than Jan. 1, 2020;
3.      Any universal life policy that meets all of the following requirements:
  - a.      Secondary guarantee period, if any, is five (5) years or less;
  - b.      Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the Commissioners Standard Ordinary (CSO) valuation tables and valuation interest rate applicable to the issue year of the policy; and
  - c.      The initial surrender charge is not less than one hundred percent (100%) of the first year annualized specified premium for the secondary guarantee period;
4.      Credit life insurance;
5.      Any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts; or
6.      Any group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

**B.      Reinsurance ceded to an assuming insurer that meets the applicable requirements of Section 10-3-702(5), C.R.S.; or**

**C.      Reinsurance ceded to an assuming insurer that meets the applicable requirements of Section 10-3-702(2) or 10-3-702(3) or 10-3-702(4), C.R.S., and that, in addition:**

1. Prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual, without any departures from NAIC statutory accounting practices and procedures pertaining to the admissibility or valuation of assets or liabilities that increase the assuming insurer's reported surplus and are material enough that they need to be disclosed in the financial statement of the assuming insurer pursuant to Statement of Statutory Accounting Principles No. 1 ("SSAP 1"); and
  2. Is not in a Company Action Level Event, Regulatory Action Level Event, Authorized Control Level Event, or Mandatory Control Level Event as those terms are defined in Colorado Regulation 3-1-11 when its RBC is calculated in accordance with the life risk-based capital report including overview and instructions for companies, as the same may be amended by the NAIC from time to time, without deviation; or
- D. Reinsurance ceded to an assuming insurer that meets the applicable requirements of Section 10-3-702(2) or 10-3-702(3) or 10-3-702(4), C.R.S., and that, in addition:
1. Is not an affiliate, as that term is defined in Section 10-3-801(1), C.R.S., of:
    - a. The insurer ceding the business to the assuming insurer; or
    - b. Any insurer that directly or indirectly ceded the business to that ceding insurer;
  2. Prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual;
  3. Is both:
    - a. Licensed or accredited in at least 10 states (including its state of domicile), and
    - b. Not licensed in any state as a captive, special purpose vehicle, special purpose financial captive, special purpose life reinsurance company, limited purpose subsidiary, or any other similar licensing regime; and
  4. Is not, or would not be, below 500% of the Authorized Control Level RBC as that term is defined in Colorado Regulation 3-1-11 when its Risk-Based Capital (RBC) is calculated in accordance with the life risk-based capital report including overview and instructions for companies, as the same may be amended by the NAIC from time to time, without deviation, and without recognition of any departures from NAIC statutory accounting practices and procedures pertaining to the admission or valuation of assets or liabilities that increase the assuming insurer's reported surplus; or
- E. Reinsurance not otherwise exempt under Subsections A through D if the commissioner, after consulting with the NAIC Financial Analysis Working Group (FAWG) or other group of regulators designated by the NAIC, as applicable, determines under all the facts and circumstances that all of the following apply:
1. The risks are clearly outside of the intent and purpose of this regulation (as described in Section 2 above);
  2. The risks are included within the scope of this regulation only as a technicality; and
  3. The application of this regulation to those risks is not necessary to provide appropriate protection to policyholders. The commissioner shall publicly disclose any decision made pursuant to this Section 5.E. to exempt a reinsurance treaty from this regulation, as well as the general basis therefor (including a summary description of the treaty).

## Section 6      The Actuarial Method

### A.      Actuarial Method

The Actuarial Method to establish the Required Level of Primary Security for each reinsurance treaty subject to this regulation shall be VM-20, applied on a treaty-by-treaty basis, including all relevant definitions, from the Valuation Manual as then in effect, applied as follows:

1. For Covered Policies described in Section 4.B.1. above, the Actuarial Method is the greater of the Deterministic Reserve or the Net Premium Reserve (NPR) regardless of whether the criteria for exemption testing can be met. However, if the Covered Policies do not meet the requirements of the Stochastic Reserve exclusion test in the Valuation Manual, then the Actuarial Method is the greatest of the Deterministic Reserve, the Stochastic Reserve, or the NPR. In addition, if such Covered Policies are reinsured in a reinsurance treaty that also contains Covered Policies described in Section 4.B.2 above, the ceding insurer may elect to instead use Section 6.A.2. as the Actuarial Method for the entire reinsurance agreement. Whether Section 6.A.1 or Section 6.A.2. are used, the Actuarial Method must comply with any requirements or restrictions that the Valuation Manual imposes when aggregating these policy types for purposes of principle-based reserve calculations.
2. For Covered Policies described in Section 4.B.2. above, the Actuarial Method is the greatest of the Deterministic Reserve, the Stochastic Reserve, or the NPR regardless of whether the criteria for exemption testing can be met.
3. Except as provided in Section 6.A.4 , the Actuarial Method is to be applied on a gross basis to all risks with respect to the Covered Policies as originally issued or assumed by the ceding insurer.
4. If the reinsurance treaty cedes less than one hundred percent (100%) of the risk with respect to the Covered Policies then the Required Level of Primary Security may be reduced as follows:
  - a. If a reinsurance treaty cedes only a quota share of some or all of the risks pertaining to the Covered Policies, the Required Level of Primary Security, as well as any adjustment under Section 6.A.4.c, may be reduced to a pro rata portion in accordance with the percentage of the risk ceded;
  - b. If the reinsurance treaty in a non-exempt arrangement cedes only the risks pertaining to a secondary guarantee, the Required Level of Primary Security may be reduced by an amount determined by applying the Actuarial Method on a gross basis to all risks, other than risks related to the secondary guarantee, pertaining to the Covered Policies, except that for Covered Policies for which the ceding insurer did not elect to apply the provisions of VM-20 to establish statutory reserves, the Required Level of Primary Security may be reduced by the statutory reserve retained by the ceding insurer on those Covered Policies, where the retained reserve of those Covered Policies should be reflective of any reduction pursuant to the cession of mortality risk on a yearly renewable term basis in an exempt arrangement;
  - c. If a portion of the Covered Policy risk is ceded to another reinsurer on a yearly renewable term basis in an exempt arrangement, the Required Level of Primary Security may be reduced by the amount resulting by applying the Actuarial Method including the reinsurance section of VM-20 to the portion of the Covered Policy risks ceded in the exempt arrangement, except that for Covered Policies

issued prior to Jan 1, 2017, this adjustment is not to exceed  $[c_x / (2 * \text{number of reinsurance premiums per year})]$  where  $c_x$  is calculated using the same mortality table used in calculating the Net Premium Reserve; and

- d. For any other treaty ceding a portion of risk to a different reinsurer, including but not limited to stop loss, excess of loss and other non-proportional reinsurance treaties, there will be no reduction in the Required Level of Primary Security.

It is possible for any combination of Section 6.A.4 to apply. Such adjustments to the Required Level of Primary Security will be done in the sequence that accurately reflects the portion of the risk ceded via the treaty. The ceding insurer should document the rationale and steps taken to accomplish the adjustments to the Required Level of Primary Security due to the cession of less than one hundred percent (100%) of the risk.

The Adjustments for other reinsurance will be made only with respect to reinsurance treaties entered into directly by the ceding insurer. The ceding insurer will make no adjustment as a result of a retrocession treaty entered into by the assuming insurers.

- 5. In no event will the Required Level of Primary Security resulting from application of the Actuarial Method exceed the amount of statutory reserves ceded.
- 6. If the ceding insurer cedes risks with respect to Covered Policies, including any riders, in more than one reinsurance treaty subject to this regulation, in no event will the aggregate Required Level of Primary Security for those reinsurance treaties be less than the Required Level of Primary Security calculated using the Actuarial Method as if all risks ceded in those treaties were ceded in a single treaty subject to this regulation;
- 7. If a reinsurance treaty subject to this regulation cedes risk on both Covered and Non-Covered Policies, credit for the ceded reserves shall be determined as follows:
  - a. The Actuarial Method shall be used to determine the Required Level of Primary Security for the Covered Policies, and Section 7 shall be used to determine the reinsurance credit for the Covered Policy reserves; and
  - b. Credit for the Non-Covered Policy reserves shall be granted only to the extent that security, in addition to the security held to satisfy the requirements of Subparagraph (a), is held by or on behalf of the ceding insurer in accordance with Sections 10-3-702 — 10-3-703, C.R.S.. Any Primary Security used to meet the requirements of this Subparagraph may not be used to satisfy the Required Level of Primary Security for the Covered Policies.

#### B. Valuation used for Purposes of Calculations

For the purposes of both calculating the Required Level of Primary Security pursuant to the Actuarial Method and determining the amount of Primary Security and Other Security, as applicable, held by or on behalf of the ceding insurer, the following shall apply:

- 1. For assets, including any such assets held in trust, that would be admitted under the NAIC Accounting Practices and Procedures Manual if they were held by the ceding insurer, the valuations are to be determined according to statutory accounting procedures as if such assets were held in the ceding insurer's general account and without taking into consideration the effect of any prescribed or permitted practices; and
- 2. For all other assets, the valuations are to be those that were assigned to the assets for the purpose of determining the amount of reserve credit taken. In addition, the asset

spread tables and asset default cost tables required by VM-20 shall be included in the Actuarial Method if adopted by the NAIC's Life Actuarial (A) Task Force no later than the Dec. 31st on or immediately preceding the valuation date for which the Required Level of Primary Security is being calculated. The tables of asset spreads and asset default costs shall be incorporated into the Actuarial Method in the manner specified in VM-20.

## **Section 7      Requirements Applicable to Covered Policies to Obtain Credit for Reinsurance; Opportunity for Remediation**

### **A.      Requirements**

Subject to the exemptions described in Section 5 and the provisions of Section 7.B., credit for reinsurance shall be allowed with respect to ceded liabilities pertaining to Covered Policies pursuant to Section 10-3-702 or 10-3-703, C.R.S. if, and only if, in addition to all other requirements imposed by law or regulation, the following requirements are met on a treaty-by-treaty basis:

1.      The ceding insurer's statutory policy reserves with respect to the Covered Policies are established in full and in accordance with the applicable requirements of Sections 10-7-101; 10-7-309 - 10-7-316; 10-7-114, C.R.S., and related regulations and actuarial guidelines, and credit claimed for any reinsurance treaty subject to this regulation does not exceed the proportionate share of those reserves ceded under the contract; and
2.      The ceding insurer determines the Required Level of Primary Security with respect to each reinsurance treaty subject to this regulation and provides support for its calculation as determined to be acceptable to the commissioner; and
3.      Funds consisting of Primary Security, in an amount at least equal to the Required Level of Primary Security, are held by or on behalf of the ceding insurer, as security under the reinsurance treaty within the meaning of Section 10-3-703, C.R.S., on a funds withheld, trust, or modified coinsurance basis; and
4.      Funds consisting of Other Security, in an amount at least equal to any portion of the statutory reserves as to which Primary Security is not held pursuant to Section 7.A.3., are held by or on behalf of the ceding insurer as security under the reinsurance treaty within the meaning of Section 10-3-703, C.R.S.; and
5.      Any trust used to satisfy the requirements of this Section 7 shall comply with all of the conditions and qualifications of Colorado Regulation 3-3-3, except that:
  - a.      Funds consisting of Primary Security or Other Security held in trust, shall for the purposes identified in Section 6.B., be valued according to the valuation rules set forth in Section 6.B., as applicable; and
  - b.      There are no affiliate investment limitations with respect to any security held in such trust if such security is not needed to satisfy the requirements of Section 7.A.3; and
  - c.      The reinsurance treaty must prohibit withdrawals or substitutions of trust assets that would leave the fair market value of the Primary Security within the trust (when aggregated with Primary Security outside the trust that is held by or on behalf of the ceding insurer in the manner required by Section 7.A.3. below 102% of the level required by Section 7.A.3. at the time of the withdrawal or substitution; and

- d. The determination of reserve credit under Colorado Regulation 3-3-3 shall be determined according to the valuation rules set forth in Section 6.B., as applicable; and
  - 6. The reinsurance treaty has been approved by the commissioner.
- B. Requirements at Inception Date and on an On-going Basis; Remediation
- 1. The requirements of Section 7.A. must be satisfied as of the date that risks under Covered Policies are ceded (if such date is on or after the effective date of this regulation) and on an ongoing basis thereafter. Under no circumstances shall a ceding insurer take or consent to any action or series of actions that would result in a deficiency under Section 7.A.3 or 7.A.4 with respect to any reinsurance treaty under which Covered Policies have been ceded, and in the event that a ceding insurer becomes aware at any time that such a deficiency exists, it shall use its best efforts to arrange for the deficiency to be eliminated as expeditiously as possible.
  - 2. Prior to the due date of each Quarterly or Annual Statement, each life insurance company that has ceded reinsurance within the scope of Section 3 shall perform an analysis, on a treaty-by-treaty basis, to determine, as to each reinsurance treaty under which Covered Policies have been ceded, whether as of the end of the immediately preceding calendar quarter (the valuation date) the requirements of Sections 7.A.3 and Section 7.A.4 were satisfied. The ceding insurer shall establish a liability equal to the excess of the credit for reinsurance taken over the amount of Primary Security actually held pursuant to Section 7.A.3., unless either:
    - a. The requirements of Section 7.A.3. and Section 7.A.4. were fully satisfied as of the valuation date as to such reinsurance treaty; or
    - b. Any deficiency has been eliminated before the due date of the Quarterly or Annual Statement to which the valuation date relates through the addition of Primary Security and/or Other Security, as the case may be, in such amount and in such form as would have caused the requirements of Section 7.A.3. and 7.A.4. to be fully satisfied as of the valuation date.
  - 3. Nothing in Section 7.B.2. shall be construed to allow a ceding company to maintain any deficiency under Section 7.A.3. or Section 7.A.4. for any period of time longer than is reasonably necessary to eliminate it.

## **Section 8 Severability**

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

## **Section 9 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 10 Effective Date**

This regulation shall be effective January 1, 2023

## **Section 11      History**

New regulation effective January 1, 2023.

DRAFT

# Notice of Proposed Rulemaking

**Tracking number**

2022-00624

**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**

11/01/2022

**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 require carriers to provide access to COVID-19 vaccines without cost-sharing.

**Statutory authority**

§§ 10-1-108(7), 10-1-109(1), 10-16-109, and 10-16-708, C.R.S.

**Contact information****Name**

Jill Mullen

**Title**

Policy Advisor

**Telephone**

720-5564952

**Email**

jill.mullen@state.co.us



# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-4

#### LIFE, ACCIDENT AND HEALTH

#### DRAFT Proposed Emergency Regulation 4-2-9022-E-12

#### **CONCERNING COVERAGE ~~AND REIMBURSEMENT~~ FOR COVID-19 VACCINES DURING THE COVID-19 RECOVERY**

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Coverage <del>and Reimbursement</del> for COVID-19 Vaccines
Section 6	Severability
Section 7	Incorporation by Reference
Section 8	Enforcement
Section 9	Effective Date
Section 10	History

#### **Section 1 Authority**

This ~~emergency~~ regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108(7), 10-1-109(1), 10-16-109, and 10-16-708, C.R.S. ~~Further, this emergency regulation is promulgated pursuant to the Governor's Executive Order D-2021-122, rescinding Executive Order D-2020-003, as amended and extended, and directing the ongoing facilitation of the administration of the lifesaving COVID-19 vaccine.~~

COVID-19 vaccines and associated administration costs are intended to be available free of cost to all consumers. In interim final rules effective November 2, 2020, the Department of Health and Human Services (HHS) requires carriers to reimburse providers with whom they do not have a negotiated rate at an amount that is reasonable for qualifying coronavirus preventive services. 45 CFR § 147.130. Qualifying coronavirus preventive services include an immunization and its administration.

#### **Section 2 Scope and Purpose**

The purpose of this ~~emergency~~ regulation is to require carriers to provide access to COVID-19 vaccines without cost-sharing ~~during the state's COVID-19 recovery. This emergency regulation also sets COVID-19 vaccine administration reimbursement requirements.~~

~~The Division of Insurance finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as allowing individuals safe access to COVID-19 vaccines and ensuring facilities have adequate resources and availability to treat COVID-19 patients is imperative to preserve the health of the citizens of Colorado. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.~~

### **Section 3      Applicability**

This regulation shall apply to all carriers offering individual, small group, large group plans, student health plans, and managed care plans subject to the insurance laws of Colorado. Carriers who are third-party administrators for self-funded plans are strongly encouraged to follow the requirements of this regulation ~~in order to create uniform billing structures during the COVID-19 recovery.~~

### **Section 4      Definitions**

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Covered person" shall have the same meaning as found at § 10-16-102(15), C.R.S.

### **Section 5      Coverage and Reimbursement for COVID-19 Vaccines**

Carriers shall ~~immediately~~ cover all FDA authorized or approved vaccines for COVID-19 ~~throughout the duration of the COVID-19 recovery~~, including all associated costs of administration, at no cost-sharing. The requirement to cover the vaccine applies upon FDA authorization or approval and is not contingent on the issuance of a recommendation by the Center for Disease Control's Advisory Committee on Immunization Practices.

~~Pursuant to Executive Order D 2021 122, and any further extensions of that Order, and based upon COVID-19 vaccine administration payment rates established by Medicare and Medicaid, a reasonable rate for COVID-19 vaccine administration is \$41.18. Carriers shall reimburse out-of-network providers administering COVID-19 vaccines at no less than this rate for these services.~~

### **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      Incorporation by Reference**

45 CFR § 147.130 published by the Government Printing Office shall mean 45 CFR § 147.130 as published on the effective date of this regulation and does not include later amendments to or editions of 45 CFR § 147.130. A copy of 45 CFR § 147.130 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of 45 CFR § 147.130 may be requested from the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at [www.ecfr.gov](http://www.ecfr.gov).

## **Section 8      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 9      Effective Date**

This ~~emergency~~ regulation shall be effective ~~May 19, 2022~~ January 1, 2023.

## **Section 10      History**

~~This emergency regulation replaces e~~Emergency regulation 21-E-11, ~~which~~ became effective July 22, 2021, ~~in its entirety~~.

~~This emergency regulation replaces e~~Emergency regulation 21-E-13, ~~which~~ became effective September 21, 2021.

~~This emergency regulation replaces E~~Emergency regulation 22-E-04, ~~which~~ became effective January 19, 2022.

Emergency regulation 22-E-12, became effective May 19, 2022.

This ~~emergency~~ regulation shall be effective ~~May 19, 2022~~ January 1, 2023.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00622

**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**

11/01/2022

**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 rules for carriers regarding non-discriminatory cost-sharing and tiering requirements for prescription drugs.

**Statutory authority**

§§ 10-3-1110, 10-16-103.6(2), 10-16-108.5(8), 10-16-109, C.R.S.

**Contact information****Name**

Jill Mullen

**Title**

Policy Advisor

**Telephone**

720-5564952

**Email**

jill.mullen@state.co.us

# DEPARTMENT OF REGULATORY AGENCIES

## DIVISION OF INSURANCE

### 3 CCR 702-4

#### LIFE, ACCIDENT AND HEALTH

**DRAFT Proposed** Amended Regulation 4-2-58

#### **NON-DISCRIMINATORY COST-SHARING AND TIERING REQUIREMENTS FOR PRESCRIPTION DRUGS**

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Drug Tiering and Non-Discriminatory Plan Design
Section 6	Required Drug Copayment-only Payment Structures
Section 7	Required Methodology
Section 8	Severability
Section 9	Enforcement
Section 10	Effective Date
Section 11	History

#### **Section 1 Authority**

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-3-1110, [10-16-103.6\(2\)](#), 10-16-108.5(8), 10-16-109, C.R.S.

#### **Section 2 Scope and Purpose**

The purpose of this regulation is to establish rules for carriers regarding non-discriminatory cost-sharing and tiering requirements for prescription drugs.

#### **Section 3 Applicability**

This regulation applies to all Affordable Care Act-compliant individual and small employer health benefit plans issued or renewed on or after January 1, 2023<sup>32</sup>. This regulation does not apply to catastrophic plans, grandfathered plans, large group [health benefit](#) plans, Health Savings Account (HSA)-qualified high deductible health benefit plans, limited benefit plans or short-term limited duration health insurance policies.

#### **Section 4 Definitions**

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Catastrophic plan" shall have the same meaning as found at § 10-16-102(10), C.R.S.
- C. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- D. "Grandfathered health benefit plan" and "grandfathered plan" shall have the same meaning as found at § 10-16-102(31), C.R.S.

- E. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- F. "Limited benefit health plans" means, for the purposes of this regulation, any type of health coverage that is not provided by a health benefit plan, as defined in § 10-16-102(32)(a), C.R.S.
- G. "Meaningful difference" means, for the purposes of this regulation, ten percent (10%) or greater.
- H. "Medical service drugs" means, for the purposes of this regulation, prescription drugs that are administered by a physician or other provider in the provider's office or other outpatient setting and covered under the plan's medical benefits. Medical Service Drugs are not generally covered under the plan's pharmacy benefits.
- I. "Preventive care drugs" means, for the purposes of this regulation, drugs designated as preventive under state or federal law.
- J. "Service area" means, for the purposes of this regulation, the [geographic](#) area a carrier offers a plan or plans. Service areas may [be limited to include](#) specific zip codes, counties or may be statewide.
- K. "Short-term limited duration health insurance policy" and "short-term policy" shall have the same meaning as found at § 10-16-102(60), C.R.S.
- L. "Small employer" shall have the same meaning as found at § 10-16-102(61), C.R.S.

## **Section 5 Drug Tiering and Non-Discriminatory Plan Design**

- A. Individual and small employer carriers shall not discriminate against individuals based on health status or claims experience. Carriers shall not encourage or direct individuals or small employers to refrain from filing an application for coverage because of health status or claims experience by ensuring that:
  - 1. No more than fifty percent (50%) of drugs on a formulary used to treat a specific condition are placed in the highest cost tier;
    - a. Carriers shall use the RxCUI to evaluate the fifty percent (50%) requirement specified in Section 5.A.1.;
    - b. The primary category and class for each drug will be utilized when calculating the fifty percent (50%) requirement; secondary uses and off-label usage shall not be included in the calculation; and
    - c. Drugs not included on a carrier's formulary shall not be considered as part of the fifty percent (50%) requirement calculation, including any drugs approved as part of the exception process.
  - 2. The most recent clinical studies shall be used in developing formularies to ensure consumers have access to screening and treatment in a timely manner.
- B. Carriers may use appropriate disease management or utilization reviews as part of a formulary design.
- C. Carriers shall use "Rx Copay" at the end of the marketing names for the copayment plans.
- D. Carriers shall list all preventive care drugs in the first (1<sup>st</sup>) tier of the formulary. Carriers shall not apply any cost sharing (e.g. deductibles, copayments or coinsurance) to preventive drugs.

- E. Carriers shall list all drugs considered medical service drugs that the carrier has included in the formulary on a separate tier.
- F. Carriers may list other drugs in any other tier offered.

## **Section 6 Required Drug Copayment-only Payment Structures**

For each of a carrier's service areas, no fewer than twenty-five percent (25%) of the plans offered for each metal level (Platinum, Gold, Silver and Bronze) must contain a copayment-only payment structure for all drug tiers. Carriers shall not apply the deductible or any coinsurance amount for these plans.

- A. The highest allowable copayment for the highest cost drug tier(s) must be no greater than 1/12<sup>th</sup> of the plan's "individual" annual out-of-pocket maximum.
- B. Copayments between the two highest cost tiers shall have a meaningful difference of at least ten percent (10%).
- C. For all tiers, carriers shall not employ benefit designs that will have the effect of discouraging individuals with significant prescription needs from enrolling in certain health benefit plans.
- D. Cost-sharing arrangements that utilize coinsurance up to a capped dollar amount maximum are not considered copayments and cannot be used to meet the all-copayment structure requirement.
- E. Carriers must meet the requirements of Section 6 separately for plans offered on the Exchange and plans that are offered off the Exchange.

## **Section 7 Required Methodology**

In order to determine compliance with the copayment requirements, carriers shall use the following calculation methodology:

- A. The numerator shall contain the count of all plans that have a copayment-only payment structure for all drug tiers for each metal level in a service area.
- B. The denominator shall contain the count of all plans, including plans with a copayment or coinsurance benefit, for each metal level in a service area. Catastrophic plans, grandfathered plans, large group plans and high deductible health plans that are HSA-qualified shall not be included in the total.
- C. This calculation shall be completed and submitted separately for plans that are offered on the Exchange and for plans offered off the Exchange.
- D. Plans that are marketed both on and off the Exchange must be included in the separate calculations for on-Exchange plans and off-Exchange plans.
- E. Carriers that market all plans on the Exchange and off of the Exchange shall submit one calculation.

## **Section 8 Severability**

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

## **Section 9 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 10      Effective Date**

This regulation shall become effective on ~~June 1, 2021~~[January 1, 2023](#).

#### **Section 11      History**

New regulation effective June 1, 2018.

Amended regulation effective June 1, 2021.

[Amended regulation effective January 1, 2023.](#)



# Notice of Proposed Rulemaking

**Tracking number**

2022-00631

**Department**

700 - Department of Regulatory Agencies

**Agency**

709 - Division of Professions and Occupations - Colorado Dental Board

**CCR number**

3 CCR 709-1

**Rule title**

DENTISTS & DENTAL HYGIENISTS RULES AND REGULATIONS

**Rulemaking Hearing****Date**

11/03/2022

**Time**

01:15 PM

**Location**

Webinar Only: [https://us06web.zoom.us/webinar/register/WN\\_rHVOseh6RwOiOEoA1-AHaA](https://us06web.zoom.us/webinar/register/WN_rHVOseh6RwOiOEoA1-AHaA)

**Subjects and issues involved**

The purpose of this Permanent Rulemaking Hearing is for the Board to consider adopting new and revised rules to implement Colorado Senate Bill 22-116 (Concerning the ability of an individual to obtain an occupational credential through the occupational credential portability program); Colorado Senate Bill 22-058 (Concerning the creation of a peer health assistance program for dental hygienists); Colorado Senate Bill 22-219 (Concerning the regulation of dental therapists); OLLS Correction to HB21-1276; Colorado House Bill 22-1115 (Concerning the prescription drug monitoring program); Colorado House Bill 22-1284 (Concerning updates to state surprise billing laws to facilitate the implementation of surprise billing protections, and, in connection therewith, aligning state law with the federal "No Surprises Act"); Executive Order D-2022-032 (Directing State Agencies to Protect Access to Reproductive HealthCare in Colorado); and Executive Order D-2022-034 (Protecting Colorado's Workforce and Expanding Licensing Opportunities).

**Statutory authority**

Sections 12-20-202(3), 12-20-204(1), 12-30-112(3), 12-220-106(1)(a), and 24-4-103, C.R.S.; and Executive Orders D 2022-032 and D 2022-034.

**Contact information****Name**

Elena M. Kemp

**Title**

Regulatory Coordinator

**Telephone**

303-894-7426

**Email**

[Dora\\_dpo\\_rulemaking@state.co.us](mailto:Dora_dpo_rulemaking@state.co.us)

## DEPARTMENT OF REGULATORY AGENCIES

### Colorado Dental Board

#### DENTISTS, [DENTAL THERAPISTS](#) & DENTAL HYGIENISTS RULES AND REGULATIONS

#### 3 CCR 709-1

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

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##### 1.1 Authority

These regulations are adopted pursuant to the authority in sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 *et seq.* (the "APA"), C.R.S., and the Dental Practice Act, sections 12-220-101 *et seq.* (the "Practice Act"), C.R.S.

##### 1.2 Scope and Purpose

These regulations shall govern the process to become a Colorado licensed dentist, [a Colorado licensed dental therapist](#) or a Colorado licensed dental hygienist and the practice of dental medicine in Colorado.

##### 1.3 Applicability

The provisions of this section shall be applicable to the practice of dentistry and dental hygiene in Colorado.

##### 1.4 Definitions

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

- A. The Board hereby incorporates by reference all definitions as contained in section 12-220-104, C.R.S., as amended.
- B. "Regularly announced office location" as specified in section 12-220-501(3)(d)(II), C.R.S., means those offices of which a dentist, [dental therapist](#) or a dental hygienist is the proprietor and in which the dentist, [dental therapist](#) or dental hygienist regularly practices dentistry, [dental therapy](#) or dental hygiene. This may include the occasional practice in other health care facilities such as hospitals, nursing homes, and/or other facilities under the jurisdiction of the Colorado Department of Public Health and Environment.
- C. "Regularly" means fixed intervals or periods as used in these Rules.
- D. "Certify or Certification" means to declare in writing on the patient's record.
- E. "Doctor's Office Notes" as used in section 25-1-802, C.R.S., and applied to dental, [dental therapy](#) and dental hygiene practice means a separate record within the patient's file that does not contain anything that relates to or constitutes diagnosis, treatment plan, radiograph interpretation, treatment progress or outcome. All such clinical information is considered the treatment record or progress notes.

- F. "Malpractice Judgment" or "Malpractice Settlement" as used in section 12-220-201(1)(r), C.R.S., means when a payment is made to a patient in an amount which exceeds the actual cost of the dental services.
- G. "Therapeutic Agents" as used in these Rules means any agent approved by the United States Food and Drug Administration (FDA) for use in controlled drug delivery systems in the course of periodontal pocket treatment.
- H. "Unprofessional Conduct" as used in section 12-220-203(3), C.R.S., means any cause that is grounds for disciplinary action pursuant to the "Dental Practice Act," section 12-220-201(1), C.R.S., and the "Healthcare Professions Profiling Program," section 12-30-102, C.R.S.

(Amended December 2, 2002; Amended and Re-numbered November 2, 2011, Effective December 30, 2011; Amended January 22, 2015, Effective March 30, 2015; Amended April 28, 2016, Effective June 30, 2016; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

### 1.5 Financial Responsibility Exemptions

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, 12-220-307, and 13-64-301(1)(a), C.R.S. Financial liability requirements pursuant to sections 13-64-301(1)(a) and 12-220-307, C.R.S., do not apply to a dentist, [dental therapist](#) or dental hygienist who:

- A. Is a public employee of the state of Colorado under the Colorado Governmental Immunity Act, section 24-10-101, C.R.S., et seq.;
- B. Performs dental services exclusively as an employee of the United States government;
- C. Holds an inactive license;
- D. Holds a retired license;
- E. Holds an active dental license, but does not engage in any patient care within Colorado or any of the acts constituting the practice of dentistry as defined by sections 12-220-104(6) and 12-220-305, C.R.S., including but not limited to the prescribing of medications, diagnosis, and development of a treatment plan;
- ~~F.~~ [Holds an active dental therapy license. but does not engage in any patient care within Colorado or any of the acts constituting the practice of dental therapy as defined by sections 12-220-104\(5.5\), 12-220-305 and 12-220-508, C.R.S.](#)
- ~~GF.~~ Holds an active dental hygiene license. but does not engage in any patient care within Colorado or any of the acts constituting the practice of dental hygiene as defined by sections 12-220-104(4), 12-220-104(5), 12-220-503, 12-220-504, and 12-220-501, C.R.S.; or
- ~~HG.~~ Provides uncompensated dental care and who does not otherwise engage in any compensated patient care whatsoever.

(Amended December 2, 2002; Amended and Re-numbered November 2, 2011, Effective December 30, 2011; Amended January 22, 2015, Effective March 30, 2015; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

### 1.6 Licensure of Dentists, [Dental Therapists](#) and Dental Hygienists

This Rule is promulgated pursuant to sections 12-20-202(3), 12-20-204, 12-220-105(3), ~~and~~ 12-220-106, [12-220-407.2 and 12-220-407.5](#) C.R.S.

A. General Requirements for Licensees and Applicants

1. Any person who practices or offers or attempts to practice dentistry, [dental therapy](#) or dental hygiene without an active license issued under the Dental Practice Act and in accordance with Board Rules commits a class 2 misdemeanor for the first offense and a class 6 felony for the second or any subsequent offense.
2. Any notification by the Board to a licensee or applicant, required or permitted under section 12-220-101 *et seq.*, C.R.S., or the State Administrative Procedure Act, section 24-4-101 *et seq.*, C.R.S., shall be served personally, by first class mail, or by electronic mail to the last address of record provided in writing to the Board. Service by electronic mail shall be deemed sufficient and proper upon a licensee or applicant.
3. Pursuant to section 12-280-403(2), C.R.S., dentists who hold a current registration issued by the federal drug enforcement administration shall register and maintain a user account with the electronic prescription drug monitoring program created in part 4 of article 280 of title 12.

**Licensees**

4. If a dentist [or dental hygienist](#) who holds an active license, including an academic license, is arrested for a drug or alcohol related offense, the dentist [or dental hygienist](#) shall refer himself/herself to the Board's peer health assistance program within thirty days after the arrest for an evaluation and referral for treatment as necessary. If the dentist [or dental hygienist](#) self refers, the evaluation by the program is confidential and cannot be used as evidence in any proceedings other than before the Board.
5. Change of name and address
  - a. A licensee shall inform the Board in clear, explicit, and unambiguous written statement of any name, business address, electronic mail address, or preferred physical mailing 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. A licensee may update the licensee's address(es) online electronically through the Division of Professions and Occupations.
    - (1) A licensee is required to keep all business addresses up-to-date.
    - (2) The Division of Professions and Occupations maintains one physical mailing address and electronic mail address for each licensee, regardless of the number of different professional licenses the licensee may hold.
    - (3) All communication from the Board to a licensee will be to the physical mailing address or the electronic mail address maintained with the Division of Professions and Occupations.
  - b. 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:
    - (1) Marriage license;
    - (2) Divorce decree;

- (3) Court order;
  - (4) Documentation from the Internal Revenue Service verifying the licensee's valid individual taxpayer identification number, or
  - (5) A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Division of Professions and Occupations.
6. A licensed dentist, including one issued an academic license, [a dental therapist](#) or dental hygienist is required to renew the license to practice dentistry, [dental therapy](#) or dental hygiene in Colorado every two years and submit the applicable renewal fee. This includes renewing to an active, inactive, or retired status. A dentist issued an academic license is not eligible for retired or inactive status.
7. A dentist, [dental therapist](#) or dental hygienist in retired status may provide dental services on a voluntary basis to the indigent, if such services are provided on a limited basis and no fee is charged by the dentist or dental hygienist.
8. A dentist, [dental therapist](#) or dental hygienist in inactive status shall not provide dental or dental hygiene services in this state while the license to practice dentistry or dental hygiene in Colorado is inactive.
9. A dentist, [dental therapist](#) or dental hygienist with an expired license shall not provide dental, [dental therapy](#) or dental hygiene services in this state while the license to practice dentistry, [dental therapy](#) or dental hygiene in Colorado is expired.

#### **Applicants**

10. A foreign-trained dentist is required to complete a program in clinical dentistry and obtain a doctorate of dental surgery or a doctorate of dental medicine from a dental school approved by the Commission on Dental Accreditation (CODA) in order to be eligible for licensure in this state. Exceptions shall only be considered for licensure applications via endorsement, when the applicant has over five years of continuous full-time active dentistry practice in another U.S. State and has no discipline actions taken. If requesting an exception the applicant must submit a detailed request for consideration with their specific qualifications, work history, license history, complaint/discipline history, etc., to the Board with their application. Each exception request will be reviewed and approved on a case-by-case basis at the Board's discretion.

The only exception is if a foreign-trained dentist satisfies the requirements for an academic license.

11. Under section 12-20-404(3)(a)(I), C.R.S., any person whose license to practice is revoked is ineligible to apply for any license under the Dental Practice Act for at least two years after the date of revocation of the license. Any subsequent application for licensure is an application for an original license.
12. It is unlawful for any person to file with the Board a forged document or credentials of another person as part of an application for licensure.
13. All documents required as part of a licensure application, except for license renewal, must be received within one year of the date of receipt of application. An application is incomplete until the Board receives all additional information requested or required to determine whether to grant or deny the application. If all required information is not

submitted within the one year period, then the original application materials will be destroyed and the applicant will be required to submit a new application, fee, and all required documentation.

14. The Board may deny an application for licensure upon a finding that the applicant has violated any provisions of the Dental Practice Act and Board Rules.
15. An applicant for licensure may not begin practicing as a dentist, [dental therapist](#) or dental hygienist in this state until the applicant has been issued an active license number, this includes an application to reinstate an expired license or reactivate an inactive license which will require that license number to be activated again before active practice may resume.
16. A dentist applying for a license must be at least twenty-one years of age.
17. Education, training, or service gained in military services outlined in section 12-20-202(4), C.R.S., to be accepted and applied towards receiving a license, must be equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case-by-case basis.
18. Licensure and Regulation of Military Spouses.
  - a. Licensure of Military Spouses is governed by section 12-20-202(3)(f), C.R.S.
  - b. Regulation of the Military Spouse temporary licensure to practice dentistry, [dental therapy](#) and dental hygiene is governed by the Dental and Dental Hygienist Practice Act.

B. Original Licensure for Dentists

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that the applicant:
  - a. Graduated with a DDS or DMD degree from an accredited dental school or college, which at the time of the applicant's graduation was accredited by the Commission on Dental Accreditation as evidenced by an official transcript of credits with the date of graduation and degree obtained or submitted a detailed request for an exception to the education accredited requirement to the Board for consideration per Rule 1.6(A)(10), only applicable for licensure via endorsement;
  - b. Successfully passed the examination administered by the Joint Commission on National Dental Examinations; and
  - c. Successfully passed an examination or other methodology, as determined by the Board, designed to test the applicant's clinical skills and knowledge, which may include residency and/or portfolio models.
2. Each applicant must verify that the applicant:
  - a. Obtained or will obtain prior to practicing as a licensed dentist in this state commercial professional liability insurance coverage with an insurance company authorized to do business in Colorado pursuant to Article 5 of Title 10, C.R.S., in

a minimum indemnity amount of \$500,000 per incident and \$1,500,000 annual aggregate per year, or is covered under a financial responsibility exemption listed in Rule 1.52.

- (1) For the purpose of this rule, the term “licensed” includes temporary and permanent licensure
  - b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Act and provided a written explanation of the circumstances of such act(s) and what steps have been taken to remediate the act(s), omission(s), or discipline, including supporting documentation.
  - c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the action(s), omission(s), or discipline that led to the final disciplinary action(s), including supporting documentation.
  - d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s) and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the action(s) that led to the settlement(s), including supporting documentation. The applicant must request a verification of coverage history for the past ten years from the applicant's current and all previous malpractice insurance carriers. Any settlement or final judgment during the applicant's practice history must be reported.
3. Demonstrates current clinical competency and professional ability through at least one of the following:
- a. Graduated within the twelve months immediately preceding the date the application is received with a DDS or DMD degree from an accredited dental school or college, which at the time of the applicant's graduation was accredited by the Commission on Dental Accreditation.
  - b. Engaged in the active clinical practice of dentistry for at least one year of the five years immediately preceding the date the application is received. Experience from postgraduate training, residency programs, internships, or research during this time will be evaluated on a case-by-case basis.
  - c. Engaged in teaching dentistry in an accredited program for at least one year of the five years immediately preceding the date the application is received.
  - d. Engaged in service as a dentist in the military for at least one year of the five years immediately preceding the date the application is received.
  - e. Passed a Board approved clinical examination within one year of the date the application is received.
  - f. Successfully completed a Board approved evaluation by a Commission on Dental Accreditation accredited institution or another Board approved entity within one year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. Before

undertaking such evaluation, an applicant must submit a proposed evaluation for pre-approval by the Board. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.

- g. If a dentist with a revoked license, a license suspended for two or more years, or any other disciplined license preventing him/her from actively practicing for two or more years in Colorado, another state/jurisdiction, or country is applying for a license, then the Board may require him/her to comply with more than one of the above competency requirements.
- h. In addition to the requirements above, the Board may, in its discretion, apply one or more of the following towards demonstration of current clinical competency, except as to applicants described in section (B)(3)(g) of this Rule.
  - (1) Practice under a probationary or otherwise restricted license for a specified period of time;
  - (2) Successful completion of courses approved by the Board; or
  - (3) Any other professional standard or measure of continued competency as determined by the Board.

C. Dentist Licensure by Endorsement through the Occupational Credential Portability Program

- 1. In order to be qualified for licensure by endorsement through the Occupational Credential Portability Program pursuant to section 12-20-202(3), C.R.S., the applicant shall submit a completed Board approved application along with the required fee and verify that the applicant holds an active license to practice dentistry in good standing in another state or United States territory or through the federal government, or holds a military occupational specialty, as defined in section 24-4-201, C.R.S.
- 2. In order to be granted licensure through endorsement, the applicant must meet the requirements listed under section (B)(1) of this Rule.
- 3. An applicant for endorsement must verify, as part of the application, fulfillment of the requirements listed under section (B)(2) of this Rule.
- 4. An applicant for endorsement must demonstrate current clinical competency and professional ability through at least one of the following:
  - a. Engaged in the active practice of clinical dentistry under a current and valid license for a minimum of one year in the U.S. or one of its territories or Canada for a minimum of 300 hours per year, for a minimum of five years out of the seven years immediately preceding the date the application was received, another jurisdiction with a scope of practice substantially similar to the scope of practice as specified in the Dental Practice Act and these Rules.—Calculations will be based on the first full month prior to receipt of the application. Experience from postgraduate training, residency programs, internships, or research will be evaluated on a case-by-case basis.
  - b. Engaged in teaching dentistry, which involves personally providing care to patients for not less than 300 hours annually in an accredited dental school for a minimum of five years out of the seven years immediately preceding the date the application was received. Calculations will be based on the first full month prior to receipt of the application.



- c. For the dentists practicing in the military, a report from a senior officer with a recommendation and verification of clinical experience comparable to the requirement in section (C)(4)(a) of this Rule.
- d. Passed a Board approved clinical examination within one year of the date the application is received.
- e. Successfully completed a Board approved evaluation by a Commission on Dental Accreditation accredited institution or another Board approved entity within one year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. Before undertaking such evaluation, an applicant must submit a proposed evaluation for pre-approval by the Board. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
- f. The Board may also apply one or more of the following towards demonstration of current clinical competency:
  - (1) Practice under a probationary or otherwise restricted license for a specified period of time;
  - (2) Successful completion of courses approved by the Board; or
  - (3) Any other professional standard or measure of continued competency as determined by the Board.
- g. The Board may deny a license if, after notice and opportunity for a hearing, the Board demonstrates by a preponderance of the evidence that the applicant:
  - (1) Lacks the requisite substantially equivalent education, experience, or credentials to practice dentistry in the state as provided under section (B) of this Rule; or
  - (2) Has committed an act that would be grounds for disciplinary action under the Dental Practice Act and these Rules.

D. Academic License

- 1. A dentist who is employed at an accredited school or college of dentistry in this state and who practices dentistry in the course of the dentist's employment responsibilities and is applying for an academic license shall submit with the application and fee the following credentials and qualifications for review and approval by the Board:
  - a. Proof of graduation with a DDS or DMD degree or equivalent from a school of dentistry located in the United States or another country.
  - b. Evidence of the applicant's employment by an accredited school or college of dentistry in this state; actual practice is to commence only once licensure has been granted.
- 2. An applicant for an academic license shall satisfy the credentialing standards of the accredited school or college of dentistry that employs the applicant.
- 3. Pursuant to section 12-220-402(4), C.R.S., an academic license shall authorize the licensee to practice dentistry only while engaged in the performance of official duties as

an employee of the accredited school or college of dentistry and only in connection with programs affiliated or endorsed by the school or college. A dentist issued an academic license may not use it to practice dentistry outside of the licensee's academic responsibilities.

4. A dentist with an academic license is subject to discipline pursuant to sections 12-30-108, 12-220-201, 12-220-202, 12-220-203, 12-220-205, 12-220-206, and 12-220-207, C.R.S.

E. Original Licensure for Dental Therapists

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that the applicant:

- a. Graduated from a school of dental therapy that, at the time of the applicant's graduation, was accredited by the Commission on Dental Accreditation (CODA) or was developed prior to February 6, 2015, and at the time of graduation was accredited by the Minnesota Board of Dentistry or certified by the Alaska Community Health Aide Program Certification Board. An official school transcript of credits with the date of graduation and degree obtained shall be deemed sufficient evidence;

- b. Successfully completed an examination designed to test the applicant's clinical dental therapy skills and knowledge, which includes dental therapy restorative and dental hygiene clinical skill evaluation and is administered by a regional testing agency composed of at least four states or an examination of another state or successfully passed the examination administered by the Joint Commission on National Dental Examinations for Dental Hygienists.

2. Each applicant will also be required to verify that the applicant:

- a. Obtained or will obtain prior to practicing as a licensed dentist in this state commercial professional liability insurance coverage with an insurance company authorized to do business in Colorado pursuant to Article 5 of Title 10, C.R.S., in a minimum indemnity amount of \$500,000 per incident and \$1,500,000 annual aggregate per year, or is covered under a financial responsibility exemption listed in Rule 1.5.

- (1) For the purpose of this rule, the term "licensed" includes temporary and permanent licensure.

- b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Act and provided a written explanation of the circumstances of such act(s) and what steps have been taken to remediate the act(s), omission(s), or discipline, including supporting documentation;

- c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the action(s), omission(s), or discipline that led to the final disciplinary action(s), including supporting documentation; and

- d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the

applicant's malpractice insurance carrier(s) and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the practice that led to the settlement(s), including supporting documentation. The applicant must request a verification of coverage history for the past ten years from the applicant's current and all previous malpractice insurance carriers. Any settlement or final judgment during the applicant's practice history must be reported.

3. Demonstrates current clinical competency and professional ability through at least one of the following:

- a. Graduated within the twelve months immediately preceding the date the application was received from an academic program of dental therapy that, at the time of the applicant's graduation, was accredited by the Commission on Dental Accreditation or was developed prior to February 6, 2015, and at the time of graduation was accredited by the Minnesota Board of Dentistry or certified by the Alaska Community Health Aide Program Certification Board.
- b. Engaged in the active clinical practice of dental therapy for a minimum of 300 hours per year, for at least one year of the five years immediately preceding the date the application is received.
- c. Engaged in teaching dental therapy in an academic program that was accredited by the Commission on Dental Accreditation or was developed prior to February 6, 2015, and at the time of graduation was accredited by the Minnesota Board of Dentistry or certified by the Alaska Community Health Aide Program Certification Board, for at least one year of the five years immediately preceding the date the application is received.
- d. Engaged in service as a licensed dental therapist in the military for at least one year of the five years immediately preceding the date the application is received.
- e. Passed a Board approved regional or state clinical examination within one year of the date the application is received.
- f. Successfully completed a Board approved evaluation by a Commission on Dental Accreditation accredited institution or another Board approved entity within one year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. Before undertaking such evaluation, an applicant must submit a proposed evaluation for pre-approval by the Board. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
- g. If a dental therapist with a revoked license, a license suspended for two or more years, or any other disciplined license preventing him/her from actively practicing for two or more years in Colorado, another state/jurisdiction, or country is applying for a license, then the Board may require him/her to comply with more than one of the above competency requirements.
- h. The Board may, in its discretion, apply one or more of the following towards demonstration of current clinical competency (cannot be considered in lieu of the requirements of section (E)(3)(g) of this Rule, but may be considered as an additional requirement by the Board):

(1) Practice under a probationary or otherwise restricted license for a specified period of time;

(2) Successful completion of courses approved by the Board; or

(3) Any other professional standard or measure of continued competency as determined by the Board.

F. ~~E.~~ Original Licensure for Dental Hygienists

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that the applicant:
  - a. Graduated from a school of dental hygiene that, at the time of the applicant's graduation, was approved by the Commission on Dental Accreditation (CODA), and proof that the program offered by the accredited school of dental hygiene was at least two academic years or the equivalent of two academic years. An official school transcript of credits with the date of graduation and degree obtained shall be deemed sufficient evidence;
  - b. Successfully passed the examination administered by the Joint Commission on National Dental Examinations; and
  - c. Successfully completed an examination designed to test the applicant's clinical skills and knowledge administered by a regional testing agency composed of at least four states or an examination of another state.
2. Each applicant will also be required to verify that the applicant:
  - a. Obtained or will obtain prior to practicing as a licensed dental hygienist in this state professional liability insurance in the amount of not less than \$50,000 per claim and an aggregate liability for all claims during a calendar year of not less than \$300,000, or is covered under a financial responsibility exemption listed in Rule 1.5. Coverage may be maintained by the dental hygienist or through a supervising licensed dentist;
    - (1) For the purpose of this rule, the term "licensed" includes temporary and permanent licensure.
  - b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Act and provided a written explanation of the circumstances of such act(s) and what steps have been taken to remediate the act(s), omission(s), or discipline, including supporting documentation;
  - c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the action(s), omission(s), or discipline that led to the final disciplinary action(s), including supporting documentation; and
  - d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s) and provided a written explanation of

the circumstances of such action(s) and what steps have been taken to remediate the practice that led to the settlement(s), including supporting documentation. The applicant must request a verification of coverage history for the past ten years from the applicant's current and all previous malpractice insurance carriers. Any settlement or final judgment during the applicant's practice history must be reported.

3. Demonstrates current clinical competency and professional ability through at least one of the following:
  - a. Graduated within the twelve months immediately preceding the date the application was received from an academic program of dental hygiene that, at the time of the applicant's graduation, was accredited by the Commission on Dental Accreditation and which was at least two academic years or the equivalent of two academic years.
  - b. Engaged in the active clinical practice of dental hygiene for a minimum of 300 hours per year, for at least one year of the three years immediately preceding the date the application is received.
  - c. Engaged in teaching dental hygiene or dentistry in an academic program that was accredited by the Commission on Dental Accreditation for at least one year of the five years immediately preceding the date the application is received.
  - d. Engaged in service as a licensed dental hygienist in the military for at least one year of the five years immediately preceding the date the application is received.
  - e. Passed a Board approved regional or state clinical examination within one year of the date the application is received.
  - f. Successfully completed a Board approved evaluation by a Commission on Dental Accreditation accredited institution or another Board approved entity within one year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. Before undertaking such evaluation, an applicant must submit a proposed evaluation for pre-approval by the Board. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
  - g. If a dental hygienist with a revoked license, a license suspended for two or more years, or any other disciplined license preventing him/her from actively practicing for two or more years in Colorado, another state/jurisdiction, or country is applying for a license, then the Board may require him/her to comply with more than one of the above competency requirements.
  - h. The Board may, in its discretion, apply one or more of the following towards demonstration of current clinical competency (cannot be considered in lieu of the requirements of section (FE)(3)(g) of this Rule, but may be considered as an additional requirement by the Board):
    - (1) Practice under a probationary or otherwise restricted license for a specified period of time;
    - (2) Successful completion of courses approved by the Board; or

- (3) Any other professional standard or measure of continued competency as determined by the Board.

**GF.** Dental Hygienists Licensure by Endorsement through the Occupational Credential Portability Program

1. In order to be qualified for licensure by endorsement through the Occupational Credential Portability Program pursuant to section 12-20-202(3), C.R.S., an applicant shall submit a completed Board approved application along with the required fee and verify that the applicant holds an active license to practice dental hygiene in good standing in another state or United States territory.
2. In order to be granted licensure through endorsement, the applicant must meet the requirements listed under section **FE**(1) of this Rule.
3. An applicant for endorsement must verify, as part of the application, fulfillment of the requirements listed under section **FE**(2) of this Rule.
4. The applicant must disclose the existence of any dental hygiene or other health care license previously held or currently held in any other state or jurisdiction, including dates and status.
5. An applicant for endorsement must demonstrate current clinical competency and professional ability through at least one of the following:
  - a. Engaged in the active practice of clinical dental hygiene in the U.S. or one of its territories or Canada for a minimum of 300 hours per year, for a minimum of one year out of three years immediately preceding the date the application was received. Calculations will be based on the first full month prior to receipt of the application.
  - b. Engaged in teaching dental hygiene or dentistry, which involves personally providing care to patients for not less than 300 hours annually in an accredited program for a minimum of one year out of the three years immediately preceding the date the application was received. Calculations will be based on the first full month prior to receipt of the application.
  - c. For the licensed dental hygienists practicing in the military, a report from a senior officer with a recommendation and verification of clinical experience comparable to the requirement in section **GF**(5)(a) of this Rule.
  - d. Passed a Board approved regional or state clinical examination within one year of the date the application is received.
  - e. Successfully completed a Board approved evaluation by a Commission on Dental Accreditation approved institution or another Board approved entity within one year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. Before undertaking such evaluation, an applicant must submit a proposed evaluation for pre-approval by the Board. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
  - f. The Board may also apply one or more of the following towards demonstration of current clinical competency:

- (1) Practice under a probationary or otherwise restricted license for a specified period of time;
- (2) Successful completion of courses approved by the Board; or
- (3) Any other professional standard or measure of continued competency as determined by the Board.

**HG.** Continuing Education Requirements for Dentists, Dentists Issued an Academic License, [Dental Therapists](#) and Dental Hygienists

1. Every licensee with an active license in Colorado is required to complete thirty hours of Board approved continuing education during the two years preceding the next renewal period to ensure patient safety and professional competency, pursuant to section 12-220-308, C.R.S. Continuing education hours may only be applied to the renewal period in which they were completed.
2. This requirement does not apply to a licensee placing the licensee's license into inactive or retired status, or renewing such status. It only applies if renewing a license in active status, or reinstating or reactivating a license pursuant to section ([HG](#))(3) of this Rule.
3. A licensee with an expired license of less than two years or who has inactivated the license for less than two years is required to submit proof of having completed the required thirty hours of continuing education credit for the previous renewal period prior to reinstating/reactivating the licensee's license and may not apply those hours to the next renewal period.
4. If a license is issued within one year of a renewal date, no continuing education will be required for that first renewal period. If a license is issued outside of one year of a renewal date, then fifteen hours of Board approved continuing education will be required for that first renewal period.
5. For dentists, including those issued an academic license, [as well as dental therapists](#), the Board automatically accepts any course or program recognized by any of the following organizations (or a successor organization):
  - a. American Dental Association (ADA) Continuing Education Recognition Program (CERP);
  - b. Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE);
  - c. American Medical Association (AMA) Physician Recognition Award (PRA) and credit system as Category 1 Credit; or
  - d. Commission on Dental Accreditation (CODA) accredited institutions.
6. For dental hygienists, the Board automatically accepts any course recognized in section ([HG](#))(5) of this Rule and sponsored or recognized by (or a successor organization):
  - a. The American Dental Hygienists' Association (ADHA) and its constituents and component societies; or



- b. Local, state, regional, national, or international dental, dental hygiene, dental assisting, medical related professional organization, or study group that has a sound scientific basis, proven efficacy, and ensures public safety.

7. For dental therapists, the Board does not automatically accept any courses, however the Board will consider courses sponsored or recognized by:

- a. Local, state, regional, national, or international dental, dental therapy, dental hygiene, dental assisting, medical related professional organization, or study group that has a sound scientific basis, proven efficacy, and ensures public safety.

87. Current Basic Life Support (BLS) for healthcare providers is required of all licensees and all licensees will receive a maximum of two hours continuing education credit (not to be applied towards renewal of an anesthesia permit) for successful completion.

- a. Basic Life Support, or BLS, generally refers to the type of care that first-responders, healthcare providers and public safety professionals provide to anyone who is experiencing cardiac arrest, respiratory distress or an obstructed airway. It requires knowledge and skills in cardiopulmonary resuscitation (CPR), using automated external defibrillators (AED) and relieving airway obstructions in patients of every age.
- b. BLS training courses shall be consistent with the most current science and treatment recommendations from the International Liaison Committee on Resuscitation (ILCOR). Consensus on Science and Treatment Recommendations (CoSTR), and the American Heart Association Guidelines for CPR and Emergency Cardiovascular Care (ECC).
  - (1) Initial training shall include a minimum of three hours of training, including skills practice and skills testing.
  - (2) Renewal courses shall include a minimum of two hours of training, including skills practice and testing.

98. At least sixteen of the required thirty hours must be clinical or science based, or eight of the required fifteen if section (H)(4) of this Rule applies.

109. At least fifty percent of the required hours must be live and interactive.

1110. A presenter of courses may submit course hours presented, up to six total credits, towards the continuing education requirement. The presenter may receive credit one time for each course presented in a renewal period, up to six total credits for that renewal period.

1211. A dentist renewing an anesthesia or sedation permit may apply continuing education credits specific to renewing the dentist's permit for anesthesia or sedation administration (seventeen hours every five years) to the thirty hours required to renew a license every two years. Anesthesia related hours may only be applied to the renewal period in which they were completed.

1312. At the conclusion of each renewal period, licensees may be subject to a Board audit to verify compliance with continuing education requirements. Licensees shall assist the Board in its audit by providing timely and complete responses to the Board's inquiries.



1413. A licensee must maintain copies of all completed Board approved coursework, including any certificates of completion, for at least two renewal periods after the continuing education was completed. The records shall document the licensee's course attendance and participation, and shall include at a minimum course sponsor, title, date(s), hours, and the course verification of completion certificate or form. Failure to meet this requirement may result in credit not being accepted for a course or courses, which may result in violation of the continuing education requirements of section 12-220-308, C.R.S., and this Rule 1.6.

1514. Failure to comply with the requirements of this Rule is grounds for discipline, pursuant to section 12-220-201(1)(i), C.R.S.

1615. The Board may excuse a licensee from all or any part of the requirements of this Rule or grant an extension because of an unusual circumstance, emergency, special hardship, or military service. The licensee may apply for a waiver or an extension by submitting a written request, including supporting documentation for Board consideration at least forty-five days before the renewal date.

1716. Continuing education required as a condition of a disciplinary action cannot be applied towards the renewal requirements of a license or anesthesia/sedation permit.

I.H. Reinstatement/Reactivation Requirements for Dentists, Dental Therapists and Dental Hygienists with Expired, Inactive, or Retired Licenses

1. In order to reinstate or reactivate a license back into active status, each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that the applicant:
  - a. Obtained or will obtain prior to active practice in this state professional liability insurance as required pursuant to section 12-220-307, C.R.S., or is covered under a financial responsibility exemption listed in Rule 1.5.
  - b. Accurately and completely listed any acts that would be grounds for disciplinary action under the Dental Practice Act and provided a written explanation of the circumstances of such act(s) and what steps have been taken to remediate the act(s), omission(s), or discipline, including supporting documentation since last renewing the license to practice dentistry or dental hygiene to an active, retired, or inactive status in this state.
  - c. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed since last renewing his/her license to an active, retired, or inactive status in this state and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the action(s), omission(s), or discipline that led to the final disciplinary action(s), including supporting documentation.
  - d. Accurately and completely provided any and all information pertaining to any pending or final malpractice actions against the applicant, verified by the applicant's malpractice insurance carrier(s) since last renewing the license to practice dentistry or dental hygiene to an active, retired, or inactive status in this state and provided a written explanation of the circumstances of such action(s) and what steps have been taken to remediate the practice that led to the settlement(s), including supporting documentation.

2. If the license has been expired, retired, or inactive for two or more years, then an applicant is required to demonstrate continued clinical competency. An applicant who applies for an active license and has not practiced at least 300 hours in a twelve-month period during the five years immediately preceding the application for reinstatement/reactivation to an active status must demonstrate to the Board how the applicant has maintained professional ability, knowledge, and skills. The Board may request documentation of the 300 hours for a twelve-month period or may accept the following qualifications as fulfillment of the practice requirement, which will be reviewed on a case-by-case basis:
  - a. Time spent in postgraduate training, residency programs, or an internship.
  - b. Time spent in research and in teaching in an accredited program.
  - c. Time spent practicing in the military or public health service. For licensed dentists and dental hygienists practicing in the military, a report from a senior officer with a recommendation and verification of clinical experience may be accepted.
  - d. Passed a Board approved clinical examination within one year of the date the application is received.
  - e. Successfully completed a Board approved evaluation by a Commission on Dental Accreditation accredited institution or another Board approved entity within one year of the date the application is received, which demonstrates the applicant's proficiency as equivalent to the current school graduate. Before undertaking such evaluation, an applicant must submit a proposed evaluation for pre-approval by the Board. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
  - f. The Board may also consider applying one or more of the following towards demonstration of current clinical competency (cannot be considered in lieu of the competency requirements above if the licensee has not practiced in over two years due to a disciplinary action, but may be considered as an additional requirement by the Board):
    - (1) Practice under a probationary or otherwise restricted license for a specified period of time;
    - (2) Successful completion of courses approved by the Board; or
    - (3) Any other professional standard or measure of continued competency as determined by the Board.

#### [J.](#) Temporary Licenses

1. By invitation only:
  - a. A dentist, [dental therapist](#) or dental hygienist who lawfully practices dentistry or dental hygiene in another state or United States territory may be granted a temporary license to practice dentistry or dental hygiene in this state pursuant to section 12-220-106(1)(d), C.R.S., if:
    - (1) Such dentist or dental hygienist has been invited by a program provided through a lawful agency of Colorado local, county, state, or federal government or a Colorado non-profit tax exempt organized under section

501(c)(3) of the federal "Internal Revenue Code of 1986," as amended to provide dental or dental hygiene services to persons identified through such program;

(2) The governmental entity or nonprofit private foundation as defined in section (J)(1)(a)(1) of this Rule certifies the name of the applicant and the dates within which the applicant has been invited to provide dental or dental hygiene services in this state, the applicant's full dental or dental hygiene license history with verification of licensure in each state, and an active license in at least one state on a form provided by the Board; and

(3) Such applicant's practice in this state, if granted by the Board, is limited to that required by the entities specified in section (J)(1)(a)(1) and (2) of this Rule and shall not exceed 120 consecutive days in a twelve-month period, renewable once in a one year period for a maximum of 240 consecutive days in a one year period.

b. A temporary licensee shall provide dental, [dental therapy](#) or dental hygiene services only to persons identified through an entity as described in section (IH)(1)(a)(1) of this Rule and will not accept any compensation above what the temporary licensee has agreed to be paid by the entity.

2. The Board may also issue a temporary license to an applicant for licensure to demonstrate clinical competency in compliance with sections (B)(3)(f), (C)(4)(e), [\(E\)\(3\)\(f\)](#), [\(FE\)\(3\)\(f\)](#), [\(GF\)\(5\)\(e\)](#), and [\(IH\)\(2\)\(e\)](#) under direct supervision of a licensed dentist, [dental therapist](#) or dental hygienist.

3. A temporary licensee may be subject to discipline by the Board as defined in 12-220-201, C.R.S., et seq., and shall be subject to the professional liability insurance requirement as defined in section 12-220-307, C.R.S.

[KJ](#). Substance Use Prevention Training for License Renewal, Reactivation, or Reinstatement

1. Pursuant to section 12-30-114, C.R.S., every dentist, including every academic dentist, is required to complete at least one hour of training per renewal period in order to demonstrate competency regarding at least one of the topics/areas specified in section 12-30-114(1)(a), C.R.S.

2. Training, for the purposes of this section includes, but is not limited to, relevant continuing education courses; self-study of relevant scholarly articles or relevant policies/guidelines; peer review proceedings that involve opioid prescribing; attendance at a relevant conference (or portion of a conference); teaching a relevant class/course; or participation in a relevant presentation, such as with your practice. All such training must cover or be related to the topics specified in section 12-30-114(1)(a), C.R.S.

3. The Board shall exempt a dentist from the requirements of this section who qualifies for either exemption set forth in section 12-30-114(1)(b), C.R.S.

4. This section shall apply to any applicant for renewal, reinstatement, or reactivation of an active, expired or inactive license.

5. Applicants for license renewal, reactivation, or reinstatement shall attest during the application process to either their compliance with this substance use training requirement or their qualifying for an exemption, as specified in section ([KJ](#))(3) of this Rule.

6. The Board may audit compliance with this section. Dentists should be prepared to submit documentation of their compliance with this substance use training requirement or their qualification for an exemption, upon request by the Board.
7. Subject to the approval of the Board, completed substance use prevention training hours that also meet the requirements for continuing education, as specified in section (HG) of this Rule, may be applied towards the minimum continuing education hours required in section (HG) of this Rule.

(Amended and Re-numbered November 5, 2020; Effective December 30, 2020; Amended November 4, 2021; Effective December 30, 2021)

### 1.7 License Presentation

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 12-220-303(2)(a), C.R.S.

- A. A dentist's, [dental therapist's](#) or dental hygienist's license, or a copy thereof, shall be available on the premises where the dentist, [dental therapist](#) or dental hygienist practices.
- B. Pursuant to section 12-220-303(2)(a), C.R.S., a proprietor of a dental, [dental therapy](#) or dental hygiene practice, including an unlicensed heir who is the temporary proprietor of the practice, shall make available at the reception desk during the practice's hours of operation a completed Colorado Dental Board "Practice Ownership Form" and shall promptly make an updated copy available to a requesting person.

(Amended December 2, 2002; Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

### 1.8 Practice in Education and Research Programs

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 12-220-302(1)(f), C.R.S.

- A. Pursuant to section 12-220-302(1)(f), C.R.S., dentists, [dental therapists](#) and dental hygienists may engage in the practice of dentistry, [dental therapy](#) or dental hygiene while appearing in accredited programs of dental education or research in this state without a Colorado issued license as long as the following occurs:
  1. The dentists, [dental therapist](#) or dental hygienists are licensed in good standing by other states or countries;
  2. The dentists, [dental therapist](#) or dental hygienists are invited by a group of licensed dentists or dental hygienists in this state who are in good standing; and
  3. The group of dentists, [dental therapists](#) or dental hygienists licensed in this state providing such an invitation must submit the name of each dentist, [dental therapist](#) or dental hygienist not licensed in Colorado to the Board on a Board-approved form at least ten days before the person participates in the program.
- B. Information provided to the Board by any group of Colorado licensed dentists, [dental therapist](#) or dental hygienists inviting dentists, [dental therapists](#) and/or dental hygienists to practice while appearing in a program of dental education shall include the following:
  1. Name of program;

2. Goals or objectives of program;
  3. Instructors in program;
  4. Syllabus of content; and
  5. Method of program evaluation.
- C. Information provided to the Board by any group of Colorado licensed dentists, [dental therapists](#) or dental hygienists inviting dentists, [dental therapists](#) and/or dental hygienists to practice while appearing in a program of dental research shall include the following:
1. Name of program;
  2. Research goals or objectives;
  3. Research design; and
  4. Evidence of approval of research by an Institutional Review Board which meets the requirements of the Office of Human Subjects Research Protections, National Institutes of Health or any successor organization.
- D. The dentists, [dental therapists](#) and/or dental hygienists licensed in Colorado who invited dentists, [dental therapists](#) or dental hygienists, who are not licensed to practice in Colorado, to participate in the educational or research program shall submit evidence to the Board that each participant understands the limitations in such practice to 5 consecutive days in a 12-month period as specified pursuant to section 12-220-302(1)(f), C.R.S.
- E. The Board shall approve participation if, in the judgment of the Board, the information submitted indicates the program is in compliance with the requirements of section 12-220-302(1)(f), C.R.S.
- F. The Board may deny participation if, in the judgment of the Board, the information submitted indicates the program is not in compliance with the requirements of section 12-220-302(1)(f), C.R.S.

(Promulgated as Emergency Rule XXVIII on July 7, 2004; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

### **1.9 Record Keeping Requirements**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

A. Treatment Provider Identification

1. Patient records shall note at the time of the treatment or service the name of any dentist, [dental therapist](#), dental hygienist, or dental assistant who performs any treatment or service upon a patient.
2. When patient treatment or service is performed which requires supervision, the patient record must also note the name of the supervising dentist for the treatment or service performed on the patient.

B. Access to Patient Records

1. A patient's record in the custody of a dentist, [dental therapist](#) or dental hygienist, dental or dental hygiene practice (treatment provider no longer works there), or other entity (treatment provider no longer has access to the records through bankruptcy, foreclosure, eviction, etc.), shall be available to a patient, the patient's designated representative ("representative"), or any former treatment provider during normal business hours within seven calendar days. The custodian of the record shall make a copy of the record available or make the record available for inspection within seven calendar days.
2. The patient record does not include a "doctor's office notes" as defined in Rule 1.4(E).
3. A patient, representative, or any former treatment provider may inspect or obtain a copy of the patient record after submitting a signed and dated request to the custodian of the patient record. The provider or the custodian of record shall acknowledge in writing the patient's, representative's, or any former treatment provider's request. If an inspection of the record occurred, the patient, representative, or any former treatment provider shall sign and date the record to acknowledge inspection.
4. A patient, representative, or any former treatment provider may not be charged for inspection of records.
5. Records may not be withheld for past due fees relating to dental treatment.
6. The patient, representative, or any former treatment provider shall pay for the reasonable cost of obtaining a copy of the patient record, not to exceed the actual cost of the medium and shall not be charged any labor fees. Actual postage costs may also be charged.
7. Pursuant to section 25-1-802(1)(b)(I)(B), C.R.S., if the patient's original records are stored and readily producible in electronic format and the patient, representative, or any former treatment provider requests it in that format, then the custodian of records must provide it electronically.
8. If the patient, representative, or any former treatment provider so approves, the custodian may supply a written interpretation by the attending provider or representative of patient records, such as radiographs, diagnostic casts, or non-written records which cannot be reproduced without special equipment. If the requestor prefers to obtain a copy of such patient records, the requestor must pay the actual cost of such reproduction.
9. If changes, corrections, deletions, or other modifications are made to any portion of a patient record, the person must note in the record date, time, nature, reason, correction, deletion, or other modification, and the licensee's name. If records are electronic they must be date-stamped without the ability to be subsequently altered.
10. Nothing in this Rule shall be construed to limit a right to inspect patient records that is otherwise granted by state statute to the patient, representative, or any former treatment provider.
11. Nothing in this Rule shall be construed to waive the responsibility of a custodian of records to maintain confidentiality of those records in the possession of the custodian.

C. Evaluation Diagnosis, and Documentation

1. Prior to initiating a dental exam, a licensee must establish and document the reason for the patient's visit in order to clearly identify an appropriate type of exam.

2. All relevant findings and periodontal diagnosis must be documented, if applicable, including a finding of WNL (within normal limits), indicating that an evaluation took place. The periodontal examination may not be applicable to certain dental subspecialty examinations.
3. The comprehensive evaluation – if the patient desires a comprehensive evaluation, then the following components are required to be documented in order to appropriately evaluate the patient's dental status
  - a. Obtaining a relevant medical and dental history;
  - b. Conducting a thorough clinical and radiographic examination (within ALARA guidelines) with evaluation of extraoral and intraoral structures;
  - c. Oral cancer screening;
  - d. Assessment of any prosthesis; and
  - e. Complete periodontal charting for adult patients.
4. The limited evaluation – if a referring dentist, [dental therapist](#), dental hygienist, other health care professional, or the patient is requesting an evaluation for an emergency condition or specific area of concern including dental subspecialty evaluations, then the examination can be limited to the specific problem and the following components are required to be documented in order to appropriately evaluate the patient's dental status:
  - a. Obtaining a relevant medical and dental history;
  - b. Conducting a thorough clinical and radiographic evaluation (within ALARA guidelines) of the area of concern and evaluation of extraoral and intraoral structures in the area of concern;
  - c. Assessment of any prosthesis as it relates to the area of concern; and
  - d. Periodontal charting in the area of concern, unless not clinically indicated.
5. The periodic evaluation – if treating a patient for follow-up/maintenance care, then the following components are required to be documented in order to appropriately evaluate the patient's dental status:
  - a. Obtaining a relevant medical and dental history;
  - b. Conducting a thorough clinical and radiographic examination (within ALARA guidelines) with evaluation of extraoral and intraoral structures as clinically indicated;
  - c. Oral cancer screening;
  - d. Assessment of any prosthesis; and
  - e. Periodontal charting, including a full periodontal charting (evaluation) every twelve to eighteen months.
6. Periodontal evaluation/diagnosis – a licensee is required to document the following components in the patient record:

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- a. At a minimum, the following current diagnostic information is required in order to diagnose the periodontal condition of the patient:
    - (1) Periodontal measurements for the teeth to be treated.
    - (2) Radiographs, which demonstrate the crestal bone.
    - (3) Bleeding upon probing data for the areas to be treated.
  - b. If periodontal therapy has been performed, a licensee is required to conduct a follow-up exam to evaluate and inform the patient of the patient's response to the therapy, and to discuss any further treatment that may be necessary, including but not limited to, the referral to a dentist qualified and trained to treat advanced periodontal disease.
7. Root canal therapy procedure – if performing one, a licensee is required to document use of a rubber dam.
8. A licensee must document in the patient's record:
- a. Discussion of recommended treatment as well as alternatives, risks, benefits, and prognosis.
  - b. Timely referral for any needed specialist care.
  - c. Patient's election for treatment. If the treatment elected by the patient differs from the recommended treatment and/or sequence, then the licensee must document the reason for the deviation of the recommended course of treatment and/or sequence. If proceeding with the patient's elected deviation does not cause harm, then the licensee must retain documentation supporting the request to deviate from the recommended course of treatment and/or sequence.
  - d. If a patient declines recommended treatment.
  - e. A rationale for omission of or exception from any required component.
  - f. If verbal consent is obtained prior to treatment.
9. All prescriptions shall bear:
- a. Full name and date of birth of patient;
  - b. Drug name, strength, and dosage form;
  - c. Quantity prescribed;
  - d. Directions for use;
  - e. Authorized refills, if applicable; and
  - f. Name and address of prescribing dentist.
- D. Controlled Substances



Every dentist, including one issued an academic license, with a current registration issued by the United States Drug Enforcement Administration (DEA) is required to register and maintain a user account with the Prescription Drug Monitoring Program (PDMP) in compliance with section 12-280-403(2)(a), C.R.S. If the dentist fails to register and maintain a PDMP user account, then the dentist's administering, dispensing, or prescribing a controlled substance pursuant to sections 12-220-305(1)(p) and (2), and 12-220-306, C.R.S., falls outside the course of legitimate professional practice and violates section 12-220-201(1)(c), C.R.S.

**1. Controlled Substance Prescribing**

- a. The prescribing dentist shall follow all laws and regulations pursuant to the Federal Controlled Substance Act (CSA), 21 USC 801-890; and the DEA regulations, Title 21, Code of Federal Regulations (CFR), Parts 1300 to 1316.
- b. All prescriptions for controlled substances shall bear:
  - (1) Full name and address of the patient;
  - (2) Drug name, strength, and dosage form;
  - (3) Quantity prescribed (numeric and written);
  - (4) Directions for use;
  - (5) Authorized refills, if applicable; and
  - (6) Name, address, and DEA registration number of the prescribing dentist.
- c. In addition to the information in section (D)(1)(b) of this Rule, the following shall be recorded on the patient's record:
  - (1) Date of prescribing;
  - (2) Name of authorized practitioner dispensing drug; and
  - (3) Medical purpose, diagnosis, condition being treated or services performed.
- d. All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued.
- e. Electronic prescription orders must include an individualized, electronic and unalterable electronic signature from the prescribing dentist. The prescribing dentist must use an electronic prescription application that retains a digitally signed record of the information required in this subsection. The electronic prescription application must retain an internal audit trail that complies with applicable DEA regulations. A prescribing dentist must retain any security incident reports filed with the DEA related to electronic prescriptions for at least two years.
- f. On or before July 1, 2023, when an oral order or electronic prescription is not permitted, prescriptions shall be written or digitally printed in ink or indelible pencil and manually signed by the dentist in the same manner as the dentist would sign a check or legal document (e.g. J. H. Smith or John H. Smith). Written prescription orders must include original signatures from the prescribing dentist.

Prescriptions may be prepared by an assigned agent or staff member prior to the prescribing dentist's signature, but the prescribing dentist assumes full responsibility in the case the prescription does not conform to all aspects of the law and regulations. Prescribing dentists may not make use of rubber stamped, pre-printed, or pre-signed prescriptions.

2. Controlled Substance Dispensing and Administration – every dentist shall maintain records in the dentist's office regarding such dentist's ordering, dispensing, administration, and inventory of controlled substances for a period of at least two years. The dispensing and administration records kept by the dentist must be legible, comprehensive, and organized in a manner that accurately tracks inventory and renders them capable of objective review for compliance.
  - a. A dentist dispensing and/or administering any controlled substance shall follow all laws and regulations pursuant to the Federal Controlled Substance Act (CSA), 21 USC 801-890; and the DEA regulations, Title 21, Code of Federal Regulations (CFR), Parts 1300 to 1316.
  - b. When a dentist dispenses and/or administers any controlled substance, the following shall be recorded in the patient's record:
    - (1) Name and address of the patient;
    - (2) Medical purpose, diagnosis, and condition being treated or services performed;
    - (3) Name and strength of drug(s) dispensed and/or administered;
    - (4) Quantity of drug(s) dispensed and/or administered;
    - (5) Date of dispensing and/or administering of such drugs; and
    - (6) Name of authorized practitioner dispensing and/or administering the drug.
  - c. With respect to drugs listed in Schedule II, III, IV, and V of the Federal Controlled Substance Act and the Rules and Regulations adopted pursuant thereto, the dentist shall maintain a record of dispensing or administration which shall be separate from the individual patient's record. This separate record shall include the following information:
    - (1) Name of the patient;
    - (2) Name and strength of the drug;
    - (3) Quantity of the drug dispensed or administered;
    - (4) Date such drug was administered or dispensed; and
    - (5) Name of the authorized practitioner dispensing the drug.
  - d. A dentist dispensing and/or administering any controlled substance shall keep a complete and accurate inventory of all stocks of controlled substances on hand in the dentist's office. Every two years, in accordance with the DEA inventory

requirements, the dentist shall conduct a new inventory of all such controlled substances. The inventory must include drug manufacturer samples.

- e. A dentist dispensing and/or administering any controlled substance must comply with applicable DEA storage and security requirements (Title 21, CFR Section 1301.71(a) requires that all registrants provide effective controls and procedures to guard against theft and diversion of controlled substances), including but not limited to a securely locked, substantially constructed cabinet with limited access to ensure the safe management of controlled substances. The physical location of the secure storage must match the registered location that is present on the dentist's DEA registration.
  - f. A dentist shall maintain a record of any controlled substance(s) lost, destroyed, or stolen, and the record shall include the kind and quantity of such controlled substance(s) and the date of such loss, destruction, or theft. In addition, the dentist must report such loss or theft to the DEA District Office.
  - g. Expired or unwanted drugs must be disposed of in accordance with applicable DEA regulations (Title 21, CFR Section 1317) and Colorado Department of Public Health & Environment (CDPHE) regulations (6 CCR 1007-2, hazardous waste pharmaceuticals, and 6 CCR 1007-3, non-hazardous, non DEA pharmaceuticals).
- 3. Records must be available for inspection and copying by authorized DEA and Board representatives.
  - 4. Electronic Prescribing of Controlled Substances

Pursuant to section 12-30-111(1)(b), C.R.S., and effective on and after July 1, 2023, a prescriber shall prescribe a controlled substance as set forth in section 12-30-111(1)(a), C.R.S., only by electronic prescription transmitted to a pharmacy unless an exception in section 12-30-111(1)(a), C.R.S., applies.

- a. A “temporary technological failure,” for purposes of section 12-30-111(1)(a)(I), C.R.S., is when a necessary business software programs is inaccessible or otherwise not operational, required technology fails to start, or when a virus has put patient data and transmission at risk for at least forty-eight hours or two consecutive business days.
- b. A “temporary electrical failure,” for purposes of section 12-30-111(1)(a)(I), C.R.S., is a short-term loss of electrical power at the place of business that lasts no more than forty-eight hours or two consecutive business days.
- c. An “economic hardship,” for purposes of section 12-30-111(1)(a)(XI), C.R.S., is a measurement of relative need taking into consideration the individual gross receipts and net profits, cost of compliance, and type of software upgrade required. In order for a prescriber to demonstrate economic hardship, the prescriber must submit to the Board for a final determination:
  - (1) A written statement explaining the economic hardship, including supporting documentation to demonstrate economic hardship. Supporting documentation must include the most recent tax return or other business records that show gross receipts and net profits. The request must also include the requested duration of the economic hardship.

- (2) If the Board determines there should be an economic hardship exception for the prescriber, then the Board will determine the duration of the economic hardship exception, which shall not exceed one year from the date the exception was granted.
- (3) In order to renew a request for an economic hardship exception, the prescriber must submit a request to renew the exception in writing to the Board no less than two months prior to the expiration of the economic hardship exception. The prescriber must provide a written statement explaining the need to renew the economic hardship, including supporting documentation.

E. Patient Records Retention

1. Records for minors shall be kept for a minimum of seven years after the patient reaches the age of majority (age eighteen).
2. Records for adult patients shall be kept for a minimum of seven years after the last date of dental treatment or examination, whichever occurs at the latest date.
3. This Rule does not apply to records kept by educational, not-for-profit, and/or public health programs, which are subject to CDPHE statutes (section 25-1-802, C.R.S.).
4. When the destruction cycle is imminent, written notice to the patient's last known email address, mailing address, or notice by publication, must be made sixty days prior to destruction. Destruction cannot take place until a thirty day period has elapsed wherein the patient may claim the records.
5. Notice by publication may be accomplished by publishing or posting online in a major newspaper and a newspaper broadly circulated in the local community one day per week for four consecutive weeks.
6. When the destruction cycle is imminent, records will be provided to the patient or legal guardian at no charge; however, reasonable postage and handling costs are permitted or actual costs associated with the electronic medium, if applicable.
7. Destruction shall be accomplished by a means which renders the records unable to be identified or read. Examples include, but are not limited to:
  - a. For paper records, by:
    - (1) Incinerating; or
    - (2) Shredding.
  - b. For electronic records, by:
    - (1) Clearing (using software or hardware products to overwrite media);
    - (2) Purging (degaussing or exposing the media to a strong magnetic field in order to disrupt the recorded magnetic domains); or
    - (3) Destroying (disintegrating, pulverizing, melting, incinerating, or shredding).

- F. Anesthesia – refer to Rule 1.14(O) for these documentation requirements.
- G. Pediatric Case Management and Protective Stabilization – refer to Rule 1.15(A)(1) and Rule 1.15(E) for these documentation requirements.
- H. Use of Lasers – refer to Rule 1.22(F) for these documentation requirements.

(Promulgated as Emergency Rule XXVIII on July 7, 2004; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016; Amended and Re-numbered November 5, 2020; Effective December 30, 2020; Amended November 4, 2021; Effective December 30, 2021)

**1.10 Minimum Standards for Qualifications, Training and Education for Unlicensed Personnel Exposing Patients to Ionizing Radiation**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 12-220-602, C.R.S.

Pursuant to section 12-220-602, C.R.S., a licensed dentist, [dental therapist](#) or dental hygienist shall not allow an unlicensed person to operate a machine source of ionizing radiation or to administer radiation to any patient unless the person meets the requirements of this Rule and any applicable rules of the Colorado Department of Public Health and Environment. These requirements apply to all persons in dental settings other than hospitals and similar facilities licensed by the Colorado Department of Public Health and Environment pursuant to section 25-1.5-103, C.R.S.

- A. All unlicensed dental personnel who expose patients to ionizing radiation must:
  - 1. Be a minimum of eighteen years of age.
  - 2. Successfully complete minimum safety education and training for operating machine sources of ionizing radiation and administering such radiation to patients.
- B. Such education and training shall include at least eight-and-a-half hours in the following areas, but not limited to:
  - 1. Dental nomenclature - half hour;
  - 2. Machine operation exposure factors - two hours;
  - 3. Operator and patient safety - one hour; and
  - 4. Practical or clinical experience in:
    - a. Intra/extra - oral techniques for exposing radiographic images - four hours;
    - b. Appropriate film handling and storage when it applies – one-quarter hour;
    - c. Appropriate processing procedures - half hour; and
    - d. Appropriate patient record documentation for radiographic images – one-quarter hour.
- C. Written verification of education and training shall be provided by the sponsoring agency, educational institution or licensee to each participant upon completion. This written verification shall also be signed by the unlicensed person; one copy shall be kept in each unlicensed

person's employment record located at the employment site, the other kept by the unlicensed person. Written verification of completion of education and training must include:

1. Name of agency, educational institution or licensee who provided such education and training;
2. Verification of hours;
3. Date of completion; and
4. Exposure techniques for which education and training have been provided, i.e. bitewings, periapicals, occlusals, and panoramic.

D. Satisfaction of the education and training requirements may be achieved by successfully completing one of the following:

1. Programs approved by the Commission on Dental Accreditation, Colorado Commission on Higher Education, the State Board of Community Colleges and Occupational Education, the Private Occupational School Division, or the equivalent in any other state. Such programs shall include the education and training as specified in section (B) of this Rule.
2. On the job training by a licensed dentist or dental hygienist providing a Board-approved educational module which complies with section (B) of this Rule is used as the basis for such training.
3. The "Radiation Health and Safety" (RHS) or "Certified Dental Assistant" (CDA) examination administered by the Dental Assisting National Board, Inc. (DANB).

E. All licensees must ensure that newly hired untrained dental personnel comply with these Rules within three months of becoming employed in a capacity in which they will be delegated the task of exposing radiographic images.

F. It shall be the duty of each licensee to ensure that:

1. Tasks are assigned only to those individuals who have successfully completed the education and training and meet the qualifications for those tasks, which are being delegated; and
2. The properly executed verification documentation of all unlicensed personnel who are operating machine sources of ionizing radiation and exposing such radiation be submitted to the Colorado Dental Board upon request.

(Amended April 28, 2016, Effective June 30, 2016; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

### **1.11 Laboratory Work Order Forms**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 12-220-104(11), C.R.S.

Laboratory work order forms, written or electronic, as defined in section 12-220-104(11), C.R.S., shall be retained by the dentist and lab for two years and contain the following information pursuant to section 12-220-502, C.R.S.:

- A. Name of laboratory.
- B. Name of dentist.
- C. Address of dentist.
- D. License number of dentist.
- E. Patient name or I.D. number.
- F. Instructions to laboratory.
  - 1. Include adequate space for instructions or directions.
  - 2. Date of try in or delivery.
- G. Personal signature of the authorizing dentist shall be written in ink or provided electronically and shall be manually entered by the dentist for each order. The use of rubber stamped, pre-printed, or a pre-signed signature on work orders is not acceptable.
- H. Date of directions.

(Re-numbered December 30, 2011; Amended January 22, 2015, Effective March 30, 2015; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

#### **1.12 Denture Construction by Assistants and Unlicensed Technicians**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, 12-220-501(3)(d), and 12-220-502, C.R.S. This Rule relates to tasks authorized to be performed by dental assistants as defined in section 12-220-501(3)(d), C.R.S., and tasks authorized to be performed by unlicensed technicians as defined in section 12-220-502, C.R.S.

- A. Dentures are defined as fixed, removable, full, or partial appliances designed to replace teeth.
- B. Dental assistants who render direct patient treatment as allowed by section 12-220-501(3)(d), C.R.S., necessary for the construction of dentures, shall be supervised by the dentist.
- C. A dental assistant or unlicensed technician shall not practice dentistry as defined in section 12-220-305, C.R.S., unless pursuant to sections 12-220-501 and 12-220-502, C.R.S.
- D. All tasks authorized to be performed by a dental assistant pursuant to section 12-220-501(3)(d), C.R.S., shall be performed in the “regularly announced office location” of a dentist where the dentist is the proprietor and in which the dentist regularly practices dentistry, unless that person is operating as an unlicensed technician pursuant to section 12-220-502(1)(b), C.R.S., which allows an unlicensed technician that possesses a valid laboratory work order to provide extraoral construction, manufacture, fabrication, supply, or repair of identified dental and orthodontic devices. Intraoral service in a human mouth by a dental assistant or unlicensed technician is authorized and permissible only if under the direct supervision of a dentist pursuant to section 12-220-501(3)(d), C.R.S.
- E. Nothing in this Rule shall prevent the filling of a valid work order pursuant to section 12-220-502, C.R.S., by any unlicensed technician, association, corporation, or other entity for the construction, reproduction, or repair of prosthetic dentures, bridges, plates, or appliances to be used or worn as substitutes for natural teeth or for restoration of natural teeth.

(Effective February 1, 1999; Amended October 1, 1999, December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended January 22, 2015, Effective March 30, 2015; Amended and Re-numbered November 5, 2020; Effective December 30, 2020)

**1.13 Limited Prescriptive Authority for Dental Hygienists and Dental Therapists**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 12-220-503(1)(g), and 12-220-508 C.R.S.

- A. Pursuant to section 12-220-503(1)(g)(I)and 12-220-508(1)(c)(VIII), C.R.S., a dental hygienist and a dental therapist without supervision of a dentist may prescribe, administer, and dispense fluoride, fluoride varnish, antimicrobial solutions for mouth rinsing, and other non-systemic antimicrobial agents, and related emergency drugs and reversal agents in collaboration with a licensed dentist and, if applicable, when issued a National Provider Identifier (NPI) number by the Centers for Medicare & Medicaid Services (CMS) under the U.S. Department of Health and Human Services.
1. Collaboration with a dentist requires the dental hygienist or dental therapist to develop an articulated plan for safe prescribing which documents how the dental hygienist or dental therapist intends to maintain ongoing collaboration with a dentist in connection with the dental hygienist's or dental therapist's practice of prescribing as allowed in section 12-220-503(1)(g), C.R.S., and section (C) of this Rule.
  2. The articulated plan shall guide the dental hygienist's or dental therapist's prescriptive practice and shall include at least the following:
    - a. A mechanism for consultation and referral to a dentist when the dental hygienist or dental therapist detects a condition that requires care beyond the scope of practicing unsupervised dental hygiene or dental therapy;
    - b. A quality assurance plan;
    - c. Decision support tools; and
      - (1) A decision support tool is an assistive tool commonly recognized by healthcare professionals as a valid resource for information on pharmaceutical agents or to aid the dental hygienist or dental therapist in making appropriate judgments regarding safe prescribing.
      - (2) Such tools may include, but are not limited to, electronic prescribing databases, evidence-based guidelines, antimicrobial reference guides, and professional journals and textbooks.
    - d. Emergency protocols and standing orders, including use of emergency drugs.
  3. The dental hygienist or dental therapist shall:
    - a. Retain the written articulated plan with the collaborating dentist's signature on file;
    - b. Review the plan annually; and
    - c. Update the plan as necessary.



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- 4. The articulated plan is subject to Board review and the dental hygienist [or dental therapist](#) shall provide the plan to the Board upon request.
  - B. A dental hygienist [or dental therapist](#) shall not prescribe, administer, or dispense the following:
    - 1. Drugs whose primary effect is systemic, with the exception of fluoride supplements permitted under section 12-220-503(1)(g)(III)(A), C.R.S.; and
    - 2. Dangerous drugs or controlled substances.
  - C. The related emergency and reversal agents a dental hygienist [or dental therapist](#) may prescribe, administer, and dispense in collaboration with a licensed dentist include the following:
    - 1. Epinephrine (Epi-Pen) up to .3mg
    - 2. Nitroglycerine up to .6mg
    - 3. Albuterol up to 200mcg inhalation powder
    - 4. Diphenhydramine
    - 5. Glucose (Dextrose or Glucagon)
    - 6. Oxygen
    - 7. Narcan (naloxone)
  - D. A dental hygienist [or dental therapist](#) shall maintain clear documentation in the patient record of the:
    - 1. Agent or drug prescribed, administered, or dispensed, including dose, amount, and refills;
    - 2. Date of the action; and
    - 3. Rationale for prescribing, administering, or dispensing the agent or drug.
  - E. A prescriptive order shall include:
    - 1. Name of the patient,
    - 2. Date of action,
    - 3. Agent or drug prescribed including dose, amount and refills, and
    - 4. Rationale for prescribing the agent or drug.
  - F. If a dental hygienist [or dental therapist](#) prescribes, administers, or dispenses without supervision of a dentist but fails to develop the required articulated plan, or fails to maintain clear documentation in the patient record; or prescribes, administers, or dispenses outside of what is allowed pursuant to section 12-220-503(1)(g), C.R.S., or in this Rule, then such conduct constitutes grounds for discipline pursuant to section 12-220-201(1)(i), C.R.S.
  - G. Any dental hygienist [or dental therapist](#) placing therapeutic agents or prescribing drugs shall have proof of current Basic Life Support (BLS) for healthcare providers.
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- H. The placement and removal of therapeutic agents in periodontal pockets and limited prescriptive authority may not be delegated or assigned to a dental assistant.

(Effective June 30, 1996 as Rule XXIV; Amended December 2, 2002; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended January 22, 2015, Effective March 30, 2015; Amended April 30, 2015, Effective June 30, 2015; Amended January 17, 2018, Effective March 17, 2018; Amended an Re-numbered November 5, 2020; Effective December 30, 2020)

#### **1.14 Anesthesia**

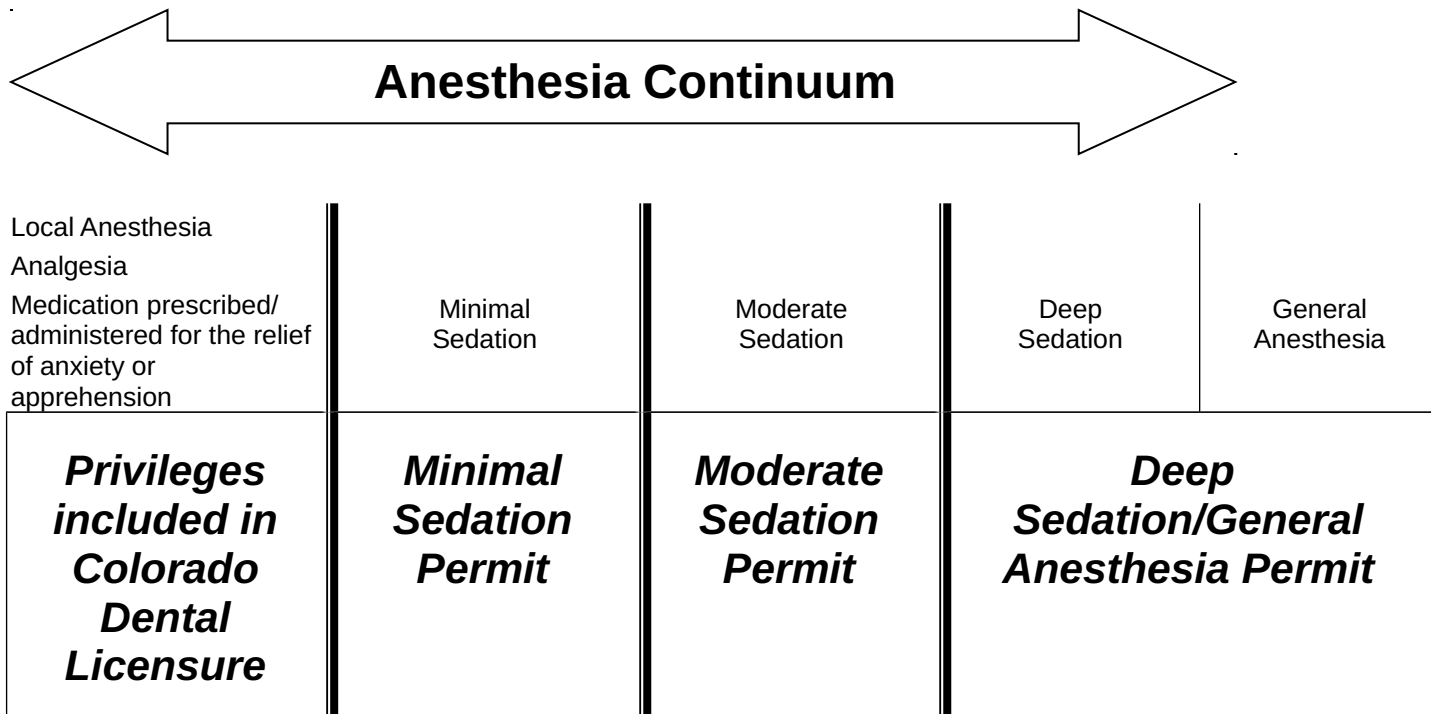
(Amended February 1, 1998, August 1, 2000; August 11, 2004; October 27, 2004; October 26, 2006; July 9, 2009, Effective December 31, 2006; Amended January 21, 2010, Effective March 30, 2010; Amended April 30, 2015, Effective June 30, 2015; Amended April 28, 2016, Effective June 30, 2016)

##### **A. Introduction**

1. This Rule 1.14 is authorized by the Dental Practice Act including, but not limited to, sections 12-220-106(1)(a)(II-III), and (f), 12-220-305(1)(p) and (q), 12-220-306, 12-220-504(1)(c), 12-220-501(3)(a)(V), 12-220-201(1)(cc) and (II), [and 12-220-411 and 12-220-508\(1\)\(c\)\(VI\)](#), C.R.S.
2. The purpose of this Rule 1.14 is to make the process for obtaining an anesthesia permit well defined, transparent, and consistent for the dental professionals while at the same time protecting and promoting patient safety.

##### **B. The Anesthesia Continuum**

1. The anesthesia continuum represents a spectrum encompassing analgesia, local anesthesia, sedation, and general anesthesia along which no single part can be simply distinguished from neighboring parts. It is not the route of administration that determines or defines the level of anesthesia administered. The location on the continuum defines the level of anesthesia administered.



2. The level of anesthesia on the continuum is determined by the definitions listed under section (C) of this Rule 1.14. Elements used to determine the level of anesthesia include the level of consciousness and the likelihood of anesthesia provider intervention(s), based upon the following patient parameters:

- a. Responsiveness;
- b. Airway;
- c. Respiratory (breathing); and
- d. Cardiovascular.

C. Definitions Related to Anesthesia

1. Anesthesia - The art and science of managing anxiety, pain, and awareness. It includes analgesia, local anesthesia, minimal sedation, moderate sedation, deep sedation, and general anesthesia.
2. Analgesia - The diminution or elimination of pain.
3. Local Anesthesia - The elimination of sensation, especially pain, in one part of the body by the topical application or regional injection of a drug.
4. Minimal Sedation - A minimally depressed level of consciousness produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command. Although cognitive function and coordination may be modestly impaired, ventilatory and cardiovascular functions are unaffected.

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5. Moderate Sedation - A drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.
  6. Deep Sedation - A drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.
  7. General Anesthesia - A drug-induced loss of consciousness during which patients are not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.
  8. Monitoring - Evaluation of patients to assess physical condition and level of anesthesia.
  9. Peri-anesthesia Period - The time from the beginning of the pre-anesthesia assessment until the patient is discharged from anesthesia care.
  10. Anesthesia Provider - The licensed and legally authorized individual responsible for administering medications that provide analgesia, local anesthesia, minimal, moderate or deep sedation, or general anesthesia.
  11. Pediatric Designation – Board-granted designation required, in addition to an anesthesia permit, if administering minimal sedation, moderate sedation, or deep sedation/general anesthesia to a patient under twelve years old.
- D. General Rules for the Safe Administration of Anesthesia
1. The anesthesia provider's education, training, experience, and current competence must correlate with the progression of a patient along the anesthesia continuum.
  2. The anesthesia provider must be prepared to manage deeper than intended levels of anesthesia as it is not always possible to predict how a given patient will respond to anesthesia.
  3. The anesthesia provider's ultimate responsibility is to protect the patient. This includes, but is not limited to, identification and management of any complication(s) occurring during the peri-anesthesia period.
  4. No dentist shall administer or employ any agent(s) with a narrow margin for maintaining consciousness including, but not limited to, ultra-short acting barbiturates, propofol, parenteral ketamine, and similarly acting drugs, or quantity of agent(s), or technique(s), or any combination thereof that would likely render a patient deeply sedated, generally anesthetized or otherwise not meeting the conditions of the definition of minimal sedation or moderate sedation in section C of this Rule 1.14, unless he/she holds a valid Deep Sedation/General Anesthesia Permit issued by the Colorado Dental Board.

**E. Anesthesia Privileges Included in Colorado Dental Licensure**

1. The following anesthesia privileges are included with a Colorado issued dentist license and academic license:
  - a. Local Anesthesia;
  - b. Analgesia;
  - c. Medication prescribed/administered for the relief of anxiety or apprehension to non-pediatric patients, limited to the following:
    - (1) A dose of a single drug (no more than the maximum recommended dose) that can be prescribed for unmonitored home use; or
    - (2) The above plus nitrous oxide; and
  - d. Nitrous Oxide/Oxygen Inhalation Analgesia in compliance with section G of this Rule 1.14.
2. A dentist who elects to engage the services of another anesthesia provider in order to provide anesthesia in his/her dental office is responsible for ensuring that the office meets the requirements outlined in this Rule 1.14.

**F. Anesthesia Permits**

1. Local Anesthesia Permit for [dental therapists and](#) dental hygienists -
  - a. To administer local anesthetic or local anesthetic reversal agents under the indirect supervision of a dentist, a [dental therapist and a](#) dental hygienist shall obtain a Local Anesthesia Permit.
  - b. A Local Anesthesia Permit will be issued once and will remain valid as long as the licensee maintains an active license to practice, except as otherwise provided in section 12-220-411, C.R.S., or this Rule 1.14.
  - c. In order to initially apply for, renew, or reinstate a Local Anesthesia Permit pursuant to this Rule 1.14, an applicant must pay a fee established by the Director of the Division of Professions and Occupations pursuant to section 12-20-105, C.R.S.
2. Inspection Permit -
  - a. A dentist will be issued an Inspection Permit upon meeting the educational and/or experience requirements for a Moderate Sedation Permit or for a Deep Sedation/General Anesthesia Permit as outlined in this Rule 1.14 prior to successfully completing his/her clinical onsite inspection.
  - b. Unless otherwise authorized by the Board, the Inspection Permit will be issued once and will remain valid for a maximum of ninety days.
  - c. An Inspection Permit can only be used to administer anesthesia for purposes of a Board authorized inspection.

3. Minimal Sedation Permit -

- a. To administer minimal sedation, a dentist shall have a Minimal Sedation Permit, Moderate Sedation Permit, or a Deep Sedation/General Anesthesia Permit issued in accordance with this Rule 1.14.
- b. A Minimal Sedation Permit shall be valid for a period of five years, after which such permit may be renewed upon reapplication.
- c. In order to initially apply for, renew, or reinstate a Minimal Sedation Permit pursuant to this Rule 1.14, an applicant must pay a fee established by the Director of the Division of Professions and Occupations pursuant to section 12-20-105, C.R.S.

4. Moderate Sedation Permit -

- a. To administer moderate sedation, a dentist shall have a Moderate Sedation Permit or a Deep Sedation/General Anesthesia Permit issued in accordance with this Rule 1.14.
- b. A Moderate Sedation Permit shall be valid for a period of five years after which such permit may be renewed upon reapplication.
- c. In order to initially apply for, renew, or reinstate a Moderate Sedation Permit pursuant to this Rule 1.14, an applicant must pay a fee established by the Director of the Division of Professions and Occupations pursuant to section 12-20-105, C.R.S.

5. Deep Sedation/General Anesthesia Permit -

- a. To administer deep sedation/and or general anesthesia, a dentist shall have a Deep Sedation/General Anesthesia Permit issued in accordance with this Rule 1.14.
- b. A Deep Sedation/General Anesthesia Permit shall be valid for a period of five years after which such permit may be renewed upon reapplication.
- c. In order to initially apply for, renew, or reinstate a Deep Sedation/General Anesthesia Permit pursuant to this Rule 1.14, an applicant must pay a fee established by the Director of the Division of Professions and Occupations pursuant to section 12-20-105, C.R.S.

G. Nitrous Oxide/Oxygen Inhalation Requirements

- 1. A dentist may delegate under direct supervision the monitoring and administration of nitrous oxide/oxygen inhalation to appropriately trained dental personnel, pursuant to sections 12-220-305(1)(p) and (q), 12-220-501(3)(c), and 12-220-411(4), C.R.S.
- 2. The supervising dentist is responsible for determining and documenting the maximum percent-dosage of nitrous oxide administered to the patient. Documentation shall include the length of time nitrous oxide was delivered.
- 3. It is the responsibility of the supervising dentist to ensure that dental personnel who administer and/or monitor nitrous oxide/oxygen inhalation are appropriately trained.

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4. If nitrous oxide is used in the practice of dentistry, then the supervising dentist shall provide and ensure the following:
    - a. Fail safe mechanisms in the delivery system and an appropriate scavenging system;
    - b. The inhalation equipment must be evaluated for proper operation and delivery of inhalation agents;
    - c. Any administration or monitoring of nitrous oxide/oxygen inhalation to patients by dental personnel is performed in accordance with generally accepted standards of dental, [dental therapy](#) or dental hygiene practice.
  - H. Local Anesthesia Permit for [Dental Therapists and](#) Dental Hygienists
    1. A [dental therapist and a](#) dental hygienist may obtain a Local Anesthesia Permit after submitting a Board-approved application and upon successful completion of courses conducted by a school accredited by the Commission on Dental Accreditation (CODA).
    2. Courses must meet the following requirements:
      - a. Twelve hours of didactic training, including but not limited to:
        - (1) Anatomy;
        - (2) Pharmacology;
        - (3) Techniques;
        - (4) Physiology; and
        - (5) Medical Emergencies.
      - b. Twelve hours of clinical training that includes the administration of at least six infiltration and six block injections.
  - I. Minimal Sedation Permit - A dentist may obtain a Minimal Sedation Permit after submitting a Board-approved application and upon successful completion of the educational requirements, or by endorsement of authorized administration in another state/jurisdiction set forth below:
    1. A specialty residency or general practice residency recognized by the Commission on Dental Accreditation (CODA) that includes comprehensive and appropriate training to administer and manage minimal sedation; or
    2. Educational criteria for a Moderate Sedation Permit or for a Deep Sedation/General Anesthesia Permit; or
    3. A minimum of sixteen hours of Board-approved coursework completed within the past 5 years that provides training in the administration and induction of minimal sedation techniques and management of complications and emergencies associated with sedation commensurate with the American Dental Association (ADA) 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students".
      - a. The coursework must contain an appropriate combination of didactic instruction and practical skills training.
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- b. The applicant must submit for Board approval documentation of the training course(s) to include, but not be limited to, a syllabus or course outline of the program and a certificate or other documentation from course sponsors or instructors indicating the number of course hours, content of such courses and date of successful completion.
      - c. Course content leading to current Basic Life Support (BLS) and/or Advanced Cardiac Life Support (ACLS) and/or Pediatric Advanced Life Support (PALS) cannot be considered as part of the sixteen hours of classroom and clinical instruction.
    - 4. At its discretion, the Board may consider qualifications accepted in another state or jurisdiction that resulted in a comparable permit to be issued by that state or jurisdiction which is substantially equivalent to the requirements for a Minimal Sedation Permit in Colorado. At a minimum, the applicant must demonstrate that he/she has successfully administered minimal sedation in twenty cases within the last two years prior to applying, and has had no discipline, morbidity to a patient requiring hospital admission, or patient mortality associated with the administration of sedation.
    - 5. Pediatric Designation - A dentist is only eligible for a Pediatric Designation on his/her Minimal Sedation Permit by successfully completing one of the following:
      - a. Completing a pediatric residency pursuant to paragraph (1)(a) of Rule 1.14(J) below.
      - b. Meeting the educational criteria pursuant to paragraph (1)(b) of Rule 1.14(J) below, or
      - c. Completing:
        - (1) A minimum of thirty hours of education specific to pediatric patients in addition to or as part of the residency pursuant to paragraph (1)(a), or the sixty hours of education pursuant to paragraph (2)(a) of Rule 1.14(J) below; and
        - (2) Ten pediatric cases in addition to or as part of the residency pursuant to paragraph (1)(a), or the twenty cases of experience pursuant to paragraph (2)(b) of Rule 1.14(J) below.
  - J. Moderate Sedation Permit - A dentist may obtain a Moderate Sedation Permit after submitting a Board-approved application and upon successful completion of education only, or a combination of approved education and experience, or by endorsement of authorized administration in another state or jurisdiction as set forth below:
    - 1. Education Only Route - Must submit proof of having successfully completed one of the following:
      - a. A specialty residency or general practice residency recognized by the Commission on Dental Accreditation (CODA) that at a minimum includes:
        - (1) Sixty hours of training in the administration and induction of moderate sedation techniques and management of complications and emergencies associated with sedation commensurate with the American Dental Association (ADA) 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students"; and



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- (2) Sedation cases performed by the applicant on twenty unique patients that were completed as part of the residency where the applicant is both the primary provider of the sedation and direct provider of dental care; or
    - b. Educational criteria for a Deep Sedation/General Anesthesia Permit.
  - 2. Education/Experience Route - Must submit proof of successfully completing moderate sedation course(s) and acceptable sedation cases as follows:
    - a. Education
      - (1) Sixty hours of Board-approved coursework completed within the past five years that provides training in the administration and induction of moderate sedation techniques and management of complications and emergencies associated with sedation commensurate with the American Dental Association (ADA) 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students".
      - (2) Such coursework must include an appropriate combination of didactic instruction and practical skills training. Coursework must also include documented training in parenteral techniques in order to perform parenteral sedation once a Moderate Sedation Permit is issued.
      - (3) The applicant must submit for Board approval documentation of the training course(s) to include, but not be limited to, a syllabus or course outline of the program and a certificate or other documentation from course sponsors or instructors indicating the number of course hours, content of such courses and date of successful completion.
      - (4) Course content leading to current Basic Life Support (BLS) and/or Advanced Cardiac Life Support (ACLS) and/or Pediatric Advanced Life Support (PALS) cannot be considered as part of the sixty hours of classroom and clinical instruction.
    - b. Experience
      - (1) Sedation cases performed by the applicant on twenty unique patients that were completed as part of or separate from the Board-approved sedation training course.
      - (2) If completed as part of a Board-approved sedation training course, then time spent on cases does not count towards the sixty-hour course requirement.
      - (3) If completed separate from the course, then all cases must be completed during the one year period immediately after completion of the approved training program.
      - (4) All of the cases must be performed and documented under the on-site instruction and supervision of a person qualified to administer anesthesia at a deep sedation/general anesthesia level.
      - (5) Pursuant to section 12-220-411(4)(b), C.R.S., the applicant must both be the primary provider of the sedation and directly provide dental care for all required casework.

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- (6) Cases may be performed on live patients or as part of a hands-on high-fidelity sedation simulation center or program; however, a maximum of five hands-on high fidelity simulation cases may be accepted as part of the required twenty sedation cases.
      - (7) Cases must meet the documentation and monitoring requirements for moderate sedation set forth in sections (O) and (P) of Rule 1.14. The cases must meet generally accepted standards for the provision and documentation of moderate sedation in Colorado, regardless of where the cases occurred.
    - 3. Endorsement Route – At its discretion, the Board may consider qualifications accepted in another state or jurisdiction that resulted in a comparable permit to be issued by that state or jurisdiction which is substantially equivalent to the requirements for a Moderate Sedation Permit in Colorado. At a minimum, the applicant must demonstrate that he/she has successfully administered moderate sedation in twenty cases within the last two years prior to applying, and has had no discipline, morbidity to a patient requiring hospital admission, or patient mortality associated with the administration of sedation.
    - 4. Pediatric Designation - A dentist is only eligible for a Pediatric Designation on his/her Moderate Sedation Permit by successfully completing one of the following:
      - a. Completing a pediatric residency pursuant to paragraph (1)(a) of this Rule 1.14(J).
      - b. Meeting the educational criteria pursuant to paragraph (1)(b) of this Rule 1.14(J), or
      - c. Completing:
        - (1) A minimum of thirty hours of education specific to pediatric patients in addition to or as part of the residency pursuant to paragraph (1)(a), or the sixty hours of education pursuant to paragraph (2)(a) of this Rule 1.14(J); and
        - (2) Ten pediatric cases in addition to or as part of the residency pursuant to paragraph (1)(a), or the twenty cases of experience pursuant to paragraph (2)(b) of this Rule 1.14(J).
  - K. Deep Sedation/General Anesthesia Permit - A dentist may obtain a Deep Sedation/General Anesthesia Permit after submitting a Board-approved application and upon successful completion of one of the following educational requirements:
    - 1. A residency program in general anesthesia that is approved by the Commission on Dental Accreditation (CODA), the Accreditation Council for Graduate Medical Education, or any successor organization to any of the foregoing; or
    - 2. An acceptable post-doctoral training program (e.g. oral and maxillofacial surgery or dental anesthesiology) that affords comprehensive and appropriate training necessary to administer and manage deep sedation and general anesthesia commensurate with the American Dental Association (ADA) 2012 "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students".
    - 3. A dentist issued a Deep Sedation/General Anesthesia Permit is automatically eligible to obtain a Pediatric Designation.
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- L. Clinical On-Site Inspection for Obtaining, Renewing, or Reinstating a Moderate Sedation or Deep Sedation/General Anesthesia Permit
1. Applications for a Moderate Sedation Permit or Deep Sedation/General Anesthesia Permit
    - a. Any dentist applying for a Moderate Sedation Permit or a Deep Sedation/General Anesthesia Permit must successfully complete a clinical on-site inspection as a condition of obtaining a Moderate Sedation Permit or Deep Sedation/General Anesthesia Permit.
    - b. Upon satisfying the requirements of section (J) or (K) of Rule 1.14, the dentist applying for a Moderate Sedation Permit or Deep Sedation/General Anesthesia Permit will initially be issued an Inspection Permit. The dentist must then undergo a clinical on-site inspection. The Inspection Permit may only be utilized for purposes of undergoing the Board-approved clinical on-site inspection.
    - c. Upon issuance, an Inspection Permit is effective for ninety days, and unless otherwise authorized by the Board, the clinical on-site inspection must be successfully completed within those ninety days while the Inspection Permit is in effect.
  2. Applications for Renewing (only available to those licensed dentists actively administering anesthesia in Colorado) or Reinstating a Moderate Sedation Permit or Deep Sedation/General Anesthesia Permit
    - a. Any dentist applying to renew or reinstate a Moderate Sedation Permit or a Deep Sedation/General Anesthesia Permit must submit an updated clinical on-site inspection as required pursuant to section 12-220-411(5), C.R.S.
    - b. Any dentist who has his/her dental office inspected pursuant to paragraphs (4) and (8)(b)(3) of Rule 1.14(L) must submit an updated clinical on-site inspection every five years.
    - c. To renew an active permit a clinical on-site inspection must be completed within the three months before the expiration date of the permit or within a three month grace-period after the expiration date of the permit; otherwise the permit will expire and the dentist will no longer be authorized to administer any level of anesthesia requiring a permit.
    - d. Any dentist whose Moderate Sedation Permit or Deep Sedation/General Anesthesia Permit has expired is required to first obtain an Inspection Permit before proceeding with a clinical on-site inspection.
  3. A separate clinical on-site inspection is not required for dentists who receive a Moderate Sedation Permit or a Deep Sedation/General Anesthesia Permit pursuant to this Rule 1.14 for one dental office and travel to other dental office locations in Colorado to administer anesthesia. However, it is the responsibility of the anesthesia provider to ensure that each dental office where moderate sedation and/or deep sedation/general anesthesia is administered meets the requirements outlined in this Rule. This responsibility also extends to a dentist without a Moderate Sedation Permit or a Deep Sedation/General Anesthesia Permit who elects to engage the services of another anesthesia provider to provide such anesthesia in his/her dental office.

4. A clinical on-site inspection is also required of any dentist who is not issued a Moderate Sedation Permit or Deep Sedation/General Anesthesia Permit and instead contracts with an anesthesia provider that is not subject to the rules and regulations of the Colorado Dental Board (i.e. Colorado licensed physician or certified registered nurse anesthetist (CRNA)) prior to the administration of moderate sedation and/or deep sedation/general anesthesia in his/her dental office.
5. A clinical on-site inspection is not required for dentists administering only in a hospital setting.
6. In the case of a dentist who practices exclusively from a mobile or portable facility, a clinical on-site inspection shall be conducted in the office of a Colorado licensed dentist. A written list of all monitors, emergency equipment, and other materials which the mobile anesthesia provider agrees to have available at all times while administering in multiple locations shall be provided to the inspector, who in turn will provide it with his/her inspection report to the Board.
7. The dentist requiring the clinical on-site inspection is responsible for all fees associated with and must bear the cost of the inspection. The dentist must pay any fee incurred directly to the approved inspector. The inspector may charge a reasonable inspection fee, plus actual travel expenses for lodging, meals, and mileage at the current United States Internal Revenue Service (IRS) rate per mile. An inspection fee up to \$500 is reasonable.
8. The clinical on-site inspection shall consist of the following parts:
  - a. Review of the office equipment, records, and emergency medications required in sections (M), (N), (O), (P)(3), and (P)(4) of Rule 1.14.
  - b. Surgical/Anesthetic Techniques.
    - (1) The inspector shall observe at least one case while the dentist administers anesthesia at the level for which he/she is making application to the Board. The inspector may require additional cases to observe at his/her discretion.
    - (2) Any dentist requesting a Pediatric Designation that is applying for, renewing, or reinstating a Moderate Sedation Permit and is eligible for the designation through completion of a pediatric specialty training program or a combination of acceptable pediatric education (thirty hours) and experience (ten pediatric cases) is required to have at least one pediatric case observed as part of his/her inspection.
    - (3) If the dentist is undergoing a clinical on-site inspection pursuant to paragraph (4) of Rule 1.14(L), then he/she is not required to have his/her surgical/anesthetic techniques evaluated in accordance to paragraph (8) (b) of Rule 1.14(L). Rather, a separate on-site inspection form will be used to review the facility, office equipment, and emergency medications available; and the on-site inspection will be completed with both the dentist and an anesthesia provider of his/her choice participating with the goal of facilitating communications between the non-anesthetizing dentist and his/her staff in case of an anesthetic emergency.
  - c. Simulated Emergencies. The dentist and his/her team must demonstrate adequately managing a minimum of eight emergencies.

- d. Discussion Period.
- 9. The inspector shall be a Board-approved Colorado licensed physician or certified registered nurse anesthetist (CRNA) trained in dental outpatient deep sedation/general anesthesia and moderate sedation, or a dentist issued a Deep Sedation/General Anesthesia Permit pursuant to section 12-220-411(5)(a), C.R.S. A dentist issued a Moderate Sedation Permit may perform the clinical on-site inspection for another dentist renewing a Moderate Sedation Permit only.
- 10. The inspector shall not have an unethical agreement or conflict of interest with an applicant.
- 11. Inspectors shall be considered consultants for the Board and shall be immune from liability in any civil action brought against him/her occurring while acting in this capacity as set forth in section 12-20-402, C.R.S.
- 12. The documentation of the anesthesia inspection must be completed on Board-approved forms and submitted for review along with the anesthesia record(s).
- M. Office Facilities and Equipment for Provision of Minimal Sedation, Moderate Sedation, Deep Sedation and/or General Anesthesia
  - 1. Any dentist whose practice includes the administration of minimal sedation by any anesthesia provider must provide the following office facilities and equipment, which are required to be functional at all times:
    - a. Emergency equipment and facilities, including:
      - (1) An appropriate size bag-valve-mask apparatus or equivalent with an oxygen hook-up;
      - (2) Oral and nasopharyngeal airways;
      - (3) Appropriate emergency medications; and
      - (4) An external defibrillator - manual or automatic.
    - b. Equipment to monitor vital signs and oxygenation/ventilation, including:
      - (1) A continuous pulse oximeter; and
      - (2) A blood pressure cuff of appropriate size and stethoscope, or equivalent blood pressure monitoring devices.
    - c. Oxygen, suction, and a pulse oximeter must be immediately available during the recovery period.
  - 2. Any dentist whose practice includes the administration of moderate sedation by any anesthesia provider must provide the following office facilities and equipment, which are required to be functional at all times:
    - a. Emergency equipment and facilities, including:
      - (1) An appropriate size bag-valve-mask apparatus or equivalent with an oxygen hook-up;

- (2) Oral and nasopharyngeal airways;
    - (3) Appropriate emergency medications; and
    - (4) An external defibrillator - manual or automatic.
  - b. Equipment to monitor vital signs and oxygenation/ventilation, including:
    - (1) A continuous pulse oximeter; and
    - (2) A blood pressure cuff of appropriate size and stethoscope, or equivalent blood pressure monitoring devices.
  - c. Oxygen, suction, and a pulse oximeter must be immediately available during the recovery period.
  - d. Back-up suction equipment.
  - e. Back-up lighting system.
  - f. Parenteral access or the ability to gain parenteral access, if clinically indicated.
  - g. Electrocardiograph, if clinically indicated.
  - h. End-tidal carbon dioxide monitor (capnography) by July 1, 2016.
- 3. Any dentist whose practice includes the administration of deep sedation and/or general anesthesia by any anesthesia provider must provide the following office facilities and equipment, which are required to be functional at all times:
  - a. Emergency equipment and facilities, including:
    - (1) An appropriate size bag-valve-mask apparatus or equivalent with an oxygen hook-up;
    - (2) Oral and nasopharyngeal airways;
    - (3) Appropriate emergency medications; and
    - (4) An external defibrillator - manual or automatic.
  - b. Equipment to monitor vital signs and oxygenation/ventilation, including:
    - (1) A continuous pulse oximeter; and
    - (2) A blood pressure cuff of appropriate size and stethoscope, or equivalent blood pressure monitoring devices.
  - c. Oxygen, suction, and a pulse oximeter must be immediately available during the recovery period.
  - d. Back-up suction equipment.
  - e. Back-up lighting system.

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- f. Parenteral access or the ability to gain parenteral access, if clinically indicated.
    - g. Electrocardiograph.
    - h. End-tidal carbon dioxide monitor (capnography) by July 1, 2016.
    - i. Additional emergency equipment and facilities, including:
      - (1) Endotracheal tubes suitable for patients being treated;
      - (2) A laryngoscope with reserve batteries and bulbs,
      - (3) Endotracheal tube forceps (i.e. magill); and
      - (4) At least 1 additional airway device.
  - N. Anesthesia Gas Delivery Systems - Shall include:
    - 1. Capability to deliver oxygen to a patient under positive pressure, including a back-up oxygen system;
    - 2. Gas outlets that meet generally accepted safety standards preventing accidental administration of inappropriate gases or gas mixture;
    - 3. Fail-safe mechanisms for inhalation of nitrous oxide analgesia;
    - 4. The inhalation equipment must have an appropriate scavenging system if inhalation anesthetics are used; and
    - 5. Gas storage facilities, which meet generally accepted safety standards.
  - O. Documentation - Shall include, but is not limited to:
    - 1. For administration of local anesthesia and analgesia -
      - a. Pertinent medical history, including weight; and
      - b. Medication(s) administered and dosage(s).
    - 2. For administration of minimal sedation, moderate sedation, deep sedation or general anesthesia
      - a. Medical History - current and comprehensive, to include current medications;
      - b. Informed Consent - for the administration of anesthesia;
      - c. Anesthesia Record, which includes:
        - (1) Height and Weight of the patient to allow for the calculation of Body Mass Index (BMI) and dosage of emergency medications;
        - (2) American Society of Anesthesiology (ASA) Classification;
        - (3) NPO status;

- (4) Dental Procedure(s);
  - (5) Time anesthesia commenced and ended;
  - (6) Parenteral access site and method, if utilized;
  - (7) Medication(s) administered - medication (including oxygen), dosage, route, and time given;
  - (8) Vital signs before and after anesthesia is utilized, to include heart rate, blood pressure, respiratory rate and oxygen saturation for all patients, and to include temperature for pediatric patients;
  - (9) Intravenous fluids, if utilized;
  - (10) Response to anesthesia, including any complications; and
  - (11) Condition of patient at discharge.
- 3. In addition, for administration of minimal sedation (pediatric only), moderate sedation, deep sedation or general anesthesia -
  - a. Airway assessment (day of procedure for pediatric patients); and
  - b. Anesthesia record, which includes:
    - (1) At least every five minutes – oxygen saturation (SpO2), blood pressure, and heart rate.
    - (2) At least every fifteen minutes - respiratory rate.
    - (3) At least every fifteen minutes - electrocardiograph (ECG) rhythm for the administration of deep sedation/general anesthesia.
    - (4) At least every fifteen minutes - electrocardiograph (ECG) rhythm for the administration of moderate sedation, if clinically indicated by patient history, medical condition(s), or age.
    - (5) At least every fifteen minutes – ventilatory status (spontaneous, assisted, controlled) for the administration of general anesthesia to a patient with an advanced airway in place (e.g. endotracheal tube or laryngeal mask airway).
    - (6) At least every fifteen minutes – temperature for the administration of volatile anesthesia gases or medications which are known triggers of Malignant Hyperthermia (MH); otherwise the ability to measure temperature should be readily available.
- P. Patient Monitoring - Shall include, but is not limited to the following for the administration of:
  - 1. Local Anesthesia and Analgesia - General state of the patient.
  - 2. Minimal Sedation
    - a. Continuous heart rate and respiratory rate;



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- b. Continuous oxygen saturation (SpO<sub>2</sub>);
    - c. Pre and post procedure blood pressure; and
    - d. Level of anesthesia on the continuum.
  - 3. Moderate Sedation
    - a. Continuous heart rate, respiratory rate, and oxygen saturation;
    - b. Intermittent blood pressure every five minutes or more frequently;
    - c. Continuous electrocardiograph, if clinically indicated by patient history, medical condition(s), or age;
    - d. End-tidal carbon dioxide monitoring (capnography) by July 1, 2016; and
    - e. Level of anesthesia on the continuum.
  - 4. Deep Sedation or General Anesthesia -
    - a. Continuous heart rate, respiratory rate, and oxygen saturation;
    - b. Continuous ventilatory status (spontaneous, assisted, controlled) for the administration of general anesthesia to a patient with an advanced airway in place (e.g. endotracheal tube or laryngeal mask airway);
    - c. Intermittent blood pressure every five minutes or more frequently;
    - d. Continuous electrocardiograph;
    - e. Continuous temperature for the administration of volatile anesthesia gases or medications which are known triggers of Malignant Hyperthermia (MH); otherwise the ability to measure temperature should be readily available;
    - f. End-tidal carbon dioxide monitoring (capnography) by July 1, 2016; and
    - g. Level of anesthesia on the continuum.
  - 5. When the level of cooperation in the pediatric or special needs patient does not reasonably allow for full compliance with some monitoring requirements, the treating dentist shall use professional judgment and shall document available monitoring parameters to the best of his/her ability.
- Q. Miscellaneous Requirements
- 1. Life Support Certification(s)
    - a. Successful completion and continuous certification of Basic Life Support (BLS) training for health care providers that meets the requirements of Rule 1.36(HG) is required for:
      - (1) All dentists and dental personnel utilizing, administering, or monitoring local anesthesia, analgesia (including nitrous oxide), minimal sedation, moderate sedation, deep sedation, or general anesthesia; and

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- (2) All [dental therapists and](#) dental hygienists utilizing, administering, or monitoring local anesthesia.
    - b. Additionally, any dentist applying for or maintaining a Moderate Sedation Permit or a Deep Sedation/General Anesthesia Permit must have successfully completed current Advanced Cardiac Life Support (ACLS) or Pediatric Advanced Life Support (PALS), as appropriate for the dentist's practice, and maintain continuous certification.
    - c. Successful completion of PALS training and continuous certification is required for a dentist that applies for and/or maintains a Pediatric Designation.
  - 2. Personnel
    - a. Minimal/Moderate Sedation - During the administration of minimal or moderate sedation, the supervising dentist and at least one other individual who is experienced in patient monitoring and documentation must be present.
    - b. Deep sedation/general anesthesia - During the administration of deep sedation or general anesthesia, the supervising dentist and at least two other individuals, one of whom is experienced in patient monitoring and documentation, must be present.
  - 3. Monitoring and medication administration - The supervising dentist retains full accountability, but delegation to trained dental personnel may occur under:
    - a. Direct supervision by the dentist when a patient is being monitored; or
    - b. Direct, continuous, and visual supervision by the dentist when medication, excluding local anesthetic, is being administered to a patient.
  - 4. Discharge - Patient discharge after sedation and/or general anesthesia must be specifically authorized by the anesthesia provider.
- R. Additional Requirements for Permits: Demonstration of Continued Competency and Reinstatement of Expired Permits
- 1. An applicant for a Local Anesthesia Permit, Minimal Sedation Permit, Moderate Sedation Permit, or a Deep Sedation/General Anesthesia Permit shall demonstrate to the Board that he/she has maintained the professional ability and knowledge required to perform anesthesia when the applicant has not completed a residency program or the coursework set forth in this Rule 1.14 within the past five years immediately preceding the application. The applicant may demonstrate competency as follows:
    - a. Submit proof satisfactory to the Board that he/she has engaged in the level of administration of anesthesia within generally accepted standards of dental or dental hygiene practice and in compliance with sections (O) and (P) of this Rule at or above the level for which the applicant is pursuing a permit for at least one of the five years immediately preceding the application; or
    - b. Submit proof satisfactory to the Board of an evaluation, completed within one year preceding the application by a person or entity approved by the Board that certifies the applicant's ability to administer anesthesia within generally accepted standards of dental or dental hygiene practice and in compliance with sections (O) and (P) of this Rule at or above the level for which he/she is requesting a

permit. The proposed procedure for the evaluation and the proposed evaluating person or entity must be submitted and be pre-approved by the Board.

2. If a dentist allows his/her Colorado dental license to expire then his/her Minimal Sedation Permit, Moderate Sedation Permit, or Deep Sedation/General Anesthesia Permit shall also expire. The dentist may apply for reinstatement of his/her Minimal Sedation Permit, Moderate Sedation Permit, or Deep Sedation/General Anesthesia Permit simultaneously with or subsequent to application for reinstatement of licensure.
3. If a [dental therapist or a](#) dental hygienist allows his/her Colorado ~~dental hygienist~~ license to expire then his/her Local Anesthesia Permit shall also expire. The [dental therapist or](#) dental hygienist may apply for reinstatement of his/her Local Anesthesia Permit simultaneously with or subsequent to application for reinstatement of licensure.
4. If a dentist, [dental therapist](#) or dental hygienist has not had a permit within the two years immediately preceding an application for reinstatement of his/her permit, he/she shall demonstrate to the Board the same competency requirements set forth in section (R)(1) of this Rule.
5. Effective March 1, 2016, a dentist renewing his/her permit is required to complete seventeen hours of Board-approved continuing education credits specific to anesthesia or sedation administration during the five-year permit renewal period as a condition of renewing it.
  - a. These credits may also be applied to the thirty continuing education hours required every two years as part of licensure renewal. However, they may only apply to the license renewal period in which they were earned and cannot be re-applied towards a subsequent license renewal period.
  - b. A dentist permitted to administer either minimal sedation, moderate sedation, or deep sedation/general anesthesia may not apply time spent maintaining current BLS, ACLS, or PALS towards this requirement.
  - c. Board-approved continuing education credits in anesthesia or sedation administration are limited to any course or program recognized by the (or successor organization):
    - (1) American Dental Association (ADA) Continuing Education Recognition Program (CERP);
    - (2) Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE);
    - (3) American Medical Association (AMA); or
    - (4) Commission on Dental Accreditation (CODA) accredited institution.
- S. Anesthesia Morbidity/Mortality Reporting Requirements - A complete written report shall be submitted to the Board by the anesthetizing dentist or [dental therapist](#)/dental hygienist and his/her supervising dentist, or the dentist contracting with an anesthesia provider that is not subject to the rules and regulations of the Colorado Dental Board in order to anesthetize patients in his/her dental office within fifteen days of any anesthesia related incident resulting in morbidity to a

patient requiring hospital admission or patient mortality. A morbidity or mortality report shall include:

1. The complete anesthesia record for the patient at issue;
2. The anesthetizing dentist's, [dental therapist's](#) or dental hygienist's narrative of all events, or a narrative of all events provided by the dentist contracting with an anesthesia provider that is not subject to the rules and regulations of the Colorado Dental Board; and
3. All records related to the incident.

**T. Effect of Pediatric Designation Requirements**

1. Any dentist whose Board-issued permit to perform deep sedation/general anesthesia is active on June 30, 2015, may elect to automatically obtain a Pediatric Designation on his/her permit.
2. Any dentist whose Board-issued permit to perform moderate sedation is active on June 30, 2015, may elect to automatically obtain a Pediatric Designation on his/her permit for one year. In order to continue or regain that designation, he/she will be required to apply for and obtain a Pediatric Designation in accordance with section (J)(4) of this Rule.
3. Any dentist whose Board-issued permit to perform minimal sedation is active on June 30, 2015, may elect to automatically obtain a Pediatric Designation on his/her permit for one year. In order to continue or regain that designation, he/she will be required to apply for and obtain a Pediatric Designation in accordance with section (I)(5) of this Rule.

**U. Board Reserved Rights**

1. Dentists, [dental therapists](#) or dental hygienists utilizing anesthesia that requires a permit shall be responsible for practicing within generally accepted standards of dental or dental hygiene practice in administering anesthesia and complying with the terms of this Rule, pursuant to section 12-220-201(1), C.R.S.
2. Dentists, [dental therapists](#) or dental hygienists utilizing anesthesia that requires a permit, under this Rule without first obtaining the required permit, or utilizing such anesthesia with an expired permit, may be disciplined pursuant to section 12-220-201(1)(cc) and (II), C.R.S.
3. Upon a specific finding of a violation of this Rule, and/or upon reasonable cause, the Board may require a supervising dentist to submit proof demonstrating that applicable staff has the appropriate education/training in order to administer nitrous oxide/oxygen and/or are otherwise acting in compliance with this Rule.
4. The Board may discipline a license or deny an application for a violation of this Rule, unprofessional conduct, and/or any other grounds pursuant to section 12-220-201(1), C.R.S.
5. In addition to the remedies set forth above, nothing in this Rule shall limit the authority of the Board, upon objective and reasonable grounds, to order summary suspension of an anesthesia permit pursuant to section 24-4-104(4), C.R.S.
6. In addition to the remedies set forth above, nothing in this Rule shall limit the authority of the Board, upon objective and reasonable grounds, to order summary suspension of a

license to practice dentistry, [dental therapy](#) or dental hygiene, pursuant to section 24-4-104(4), C.R.S.

7. Upon review of a morbidity/mortality report and/or upon reasonable concern regarding the use of anesthesia, the Board may require an on-site inspection of the dental office utilized by the anesthesia provider in administering anesthesia.
8. The Board reserves all other powers and authorities set forth in the Dental Practice Act, Article 220 of Title 12, C.R.S. and the Administrative Procedure Act, Article 4 of Title 24, C.R.S.

### **1.15 Pediatric Case Management and Protective Stabilization**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

The purpose of this Rule is to recognize that all infants, children, adolescents, and individuals with special health care needs are entitled to receive oral health care that meets the treatment and ethical standard of care. These groups of individuals may need special case management in order to receive timely diagnosis and treatment, as well as to ensure the safety of the patient, practitioner, and staff. The use of protective stabilization (formerly referred to as physical restraint and medical immobilization) is an advanced behavior guidance technique which must be integrated into an overall behavior guidance approach that is individualized for each patient in the context of promoting a positive dental attitude for the patient, while ensuring patient safety and quality care. This necessitates that the dentist establishes communication with the dental staff, the patient, and the parent or guardian. It is important that the dentist and dental team promote a positive attitude towards oral and dental health in order to alleviate fear and anxiety and to deliver quality dental care.

#### **A. Pediatric Case Management**

1. Parents or legal guardians cannot be denied access to the patient during treatment in the dental office unless the health and safety of the patient, parent or guardian, or dental staff would be at risk. The parent(s) or guardian(s) shall be informed of the reason they are denied access to the patient and both the incident of the denial and the reason for the denial shall be documented in the patient's dental record.
2. This provision shall not apply to dental care delivered in an accredited hospital or acute care facility.

#### **B. Training – prior to utilizing protective stabilization, the dentist shall successfully complete training beyond basic dental education through either:**

1. A residency or graduate program that contains content and experiences in advanced behavior management; or
2. A continuing education course of no less than six hours in advanced behavior management that involves both didactic and demonstration components.

#### **C. Methods, Indications, and Considerations for Protective Stabilization**

1. Any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a patient to move his or her arms, legs, torso, or head freely is considered protective stabilization.

- a. Active stabilization involves restraint by another person, such as a parent/guardian, dentist, or dental staff. This may include hand holding, head guarding, and therapeutic holding.
  - b. Passive stabilization utilizes a restraining device.
2. The use of protective stabilization must not cause serious or permanent injury and it must involve the least possible discomfort to the patient.
3. Protective stabilization may be performed (with or without a stabilization device) by the:
  - a. Dentist; or
  - b. Parent or legal guardian.
4. [Dental therapists](#), dental hygienists and dental assistants shall not use protective stabilization by themselves, but may assist the dentist as necessary.
5. Protective stabilization during diagnostic and/or dental treatment may be utilized when the following indications are present:
  - a. A patient requires immediate diagnosis and/or urgent limited treatment and cannot cooperate due to emotional and cognitive developmental levels, lack of maturity, medical and physical conditions, or some combination thereof.
  - b. Emergent care is needed and uncontrolled movements risk the safety of the patient, staff, dentist, or parent/guardian.
  - c. A previously cooperative patient quickly becomes uncooperative during the appointment and protective stabilization is necessary to protect the patient's safety and to help expedite the completion of treatment already initiated.
  - d. A sedated patient becomes uncooperative during treatment.
  - e. A patient with special health care needs experiences uncontrolled movements that significantly interfere with the quality of care.
6. Protective stabilization shall not be utilized when the following contraindications are present:
  - a. A cooperative non-sedated patient.
  - b. A patient who cannot be stabilized safely due to associated medical, psychological, or physical conditions.
  - c. A patient with a history of physical or psychological trauma due to restraints (unless there are no alternatives).
  - d. A patient with non-emergent treatment needs in order to accomplish full mouth or multiple quadrant dental rehabilitation.
7. The dentist must consider the following when determining whether to recommend the use of protective stabilization techniques:
  - a. Patient's oral health needs.

- b. Effect on quality of dental care.
  - c. Emotional and cognitive development levels as it relates to the patient's ability to understand and cooperate during dental treatment.
  - d. Medical and physical conditions.
  - e. Parental/guardian preferences.
  - f. Utilizing alternative, less restrictive, behavior guidance methods.
- D. Prior to Utilizing Protective Stabilization
  - 1. Obtain informed consent – protective stabilization, with or without a restrictive device, performed by the dentist requires informed consent from the parent or legal guardian; except when a sedated patient becomes uncooperative during treatment.
    - a. Benefits and risks of protective stabilization, as well as alternative behavior guidance techniques, i.e. deferring treatment, or utilizing sedation or general anesthesia must be explained to the parent or guardian.
    - b. A detailed written consent identifying the specific technique of protective stabilization must be obtained separately from the consent for other procedures as it increases the parent's or guardian's awareness of the procedure. The consent must also identify the reason why protective stabilization is required.
  - 2. Obtain an accurate, comprehensive, and up-to-date medical history. This should include:
    - a. Conditions that may compromise respiratory function, e.g. asthma.
    - b. Neuromuscular or bone/skeletal disorders that may require additional positioning aids.
    - c. Previous trauma from having movement restricted.
- E. Documentation – the following must be included in the patient's record:
  - 1. Indication for stabilization.
  - 2. Type of stabilization utilized and by whom, including parent or guardian.
  - 3. Signed informed consent for protective stabilization.
  - 4. Reason for parental/guardian exclusion during protective stabilization, if applicable.
  - 5. Duration of application of stabilization (start time and end time).
  - 6. Status of airway, peripheral circulation, and proper positioning of stabilization device/method at least every 15 minutes throughout duration of stabilization.
  - 7. Behavior evaluation/rating during stabilization.
  - 8. Any unexpected outcomes, such as skin markings.

9. Whether the parent/guardian, if not present in the room, was given progress updates at least once per hour. Verbal consent for continued stabilization must be obtained at least once per hour and documented in the dental record.
10. If the protective stabilization technique changes during the procedure from that presented to the parent or legal guardian in the initial informed consent discussion, the parent or legal guardian shall be notified, consulted immediately, and verbal consent documented for continued treatment.
11. Management implications of future appointments.

(Amended October 24, 2007, Effective December 31, 2007; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016; Amended November 5, 2020; Effective December 30, 2020)

### **1.16 Infection Control**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

In addition to meeting applicable standards of care, dentists, [dental therapists](#) and dental hygienists must follow, and the Board incorporates by reference the following standards: 1) the Centers for Disease Control and Prevention (CDC) 2003 "Guidelines for Infection Control in Dental Health-Care Settings," found at CDC MMWR Morbidity and Mortality Report, Guidelines for Infection Control in Dental Health-Care Settings-2003, December 19, 2003, Vol. 52, No. RR-17 as supplemented by the Centers for Disease Control and Prevention, Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care, Atlanta, GA: Centers for Disease Control and Prevention, US Dept of Health and Human Services; October 2016; and 2) the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens Standard (29 CFR 1910.1030) as amended pursuant to the 2000 Needlestick Safety and Prevention Act. The rule does not include any later amendments or editions of the standards. A licensee is also responsible for the compliance of unlicensed dental personnel.

The standards incorporated by reference may be examined at the Colorado Department of Regulatory Agencies, Colorado Dental Board, 1560 Broadway, Suite 1350, Denver, CO 80202, during normal business hours, Monday through Friday, except when such days are state holidays. The Board shall provide the requester with information on how to obtain a certified copy of the material incorporated by reference from the agency of the United States issuing the standards.

(Effective August 1, 2000; Amended January 5, 2001; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Repealed January 22, 2015, Effective March 30, 2015; Adopted April 28, 2016, Effective June 30, 2016; Amended November 5, 2020; Effective December 30, 2020)

### **1.17 Advertising**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

This Rule applies to advertising in all types of media that is directed to the public. No dentist, [dental therapist](#) or dental hygienist shall advertise in any form of communication in a manner that is misleading, deceptive, or false.

#### **A. General Requirements.**

1. At the time any type of advertisement is placed, the dentist, [dental therapist](#) or dental hygienist must in good faith possess information that would substantiate the truthfulness of any assertion, omission, or claim set forth in the advertisement.



2. The Board recognizes that clinical judgment must be exercised by a dentist, [dental therapist](#) or dental hygienist. Therefore, a good faith diagnosis that the patient is not an appropriate candidate for the advertised dental or dental hygiene service or product is not a violation of this Rule.
  3. A licensed dentist, [dental therapist](#) or dental hygienist shall be responsible for, and shall approve any advertisement made on behalf of the dental or dental hygiene practice, except for brand advertising, i.e. advertising that is limited to promotion of the name of the practice or dental corporation. The dentist, [dental therapist](#) or dental hygienist shall maintain a listing stating the name and license number of the dentists, [dental therapist](#) or dental hygienists who approved and are responsible for the advertisement and shall maintain such list for a period of three years.
- B. Misleading, deceptive, or false advertising includes, but is not limited to the following, and if proven is a violation of section 12-220-201(1)(l), C.R.S.:
1. A known material misrepresentation of fact;
  2. The omission of a fact necessary to make the statement considered as a whole not materially misleading;
  3. Advertising that is intended to be or is likely to create an unjustified expectation about the results the dentist or dental hygienist can achieve;
  4. Advertising that contains a material, objective representation, whether express or implied, that the advertised services are superior in quality to those of other dental or dental hygiene services if that representation is not subject to reasonable substantiation. For the purposes of this subsection, reasonable substantiation is defined as tests, analysis, research, studies, or other evidence based on the expertise of professionals in the relevant area that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results. Individual experiences are not a substitute for scientific research. Evidence about the individual experience of consumers may assist in the substantiation, but a determination as to whether reasonable substantiation exists is a question of fact on a case-by-case basis;
  5. Claims that state or imply a specialty practice by a dentist in violation of section (C) of this Rule;
  6. The false or misleading use of a claim regarding licensure, certification, registration, permitting, listing, education, or an unearned degree;
  7. Advertising that uses patient testimonials unless the following conditions are met:
    - a. The patient's name, address, and telephone number as of the time the advertisement was made must be maintained by the dentist, [dental therapist](#) or dental hygienist and that identifying information shall be made available to the Board within ten days of a request for the information by the Board.
    - b. Dentists, [dental therapist](#) or dental hygienists who advertise dental, [dental therapy](#) or dental hygiene services, which are the subject of the patient testimonial, must have actually provided these services to the patient making the testimonial.

- c. If compensation, remuneration, a fee, or benefit of any kind has been provided to the person in exchange for consideration of the testimonial, such testimonial must include a statement that the patient has been compensated for such testimonial.
    - d. A specific release and consent for the testimonial from the patient shall be obtained from the patient and shall be made available to the Board within ten days of request of that information.
    - e. Any testimonial shall indicate that results may vary in individual cases.
    - f. Patient testimonials attesting to the technical quality or technical competence of a service or treatment offered by a licensee must have reasonable substantiation.
  - 8. Advertising that makes an unsubstantiated medical claim or is outside the scope of dentistry, unless the dentist, [dental therapist](#) or dental hygienist holds a license, certification, or registration in another profession and the advertising and/or claim is within the scope authorized by the license, certification, or registration in another profession;
  - 9. Advertising that makes unsubstantiated promises or claims, including but not limited to claims that the patient will be cured;
  - 10. The use of "bait and switch" in advertisements. "Bait and switch" advertising is defined as set forth in the Colorado Consumer Protection Act, section 6-1-105, C.R.S.;
  - 11. Advertising that includes an endorsement by a third party in which there is compensation, remuneration, fee paid, or benefit of any kind if it does not indicate that it is a paid endorsement;
  - 12. Advertising that infers or gives the appearance that such advertisement is a news item without using the phrase "paid advertisement";
  - 13. The promotion of a professional service which the licensee knows or should know is beyond the licensee's ability to perform;
  - 14. The use of any personal testimonial by the licensed provider attesting to a quality or competence of a service or treatment offered by a licensee that is not reasonably verifiable;
  - 15. Advertising that claims to provide services at a specific rate and fails to disclose that the patient's insurance may provide payment for all or part of the services.
- C. Specialty Practice and Advertising.
- 1. A licensed dentist has the legal authority to practice in any and all areas of dentistry as defined in section 12-220-104(6), C.R.S., and pursuant to section 12-220-305, C.R.S., and also the authority to confine the areas in which he or she chooses to practice, so long as the dentist is practicing within the scope of the dentist's education, training, and experience and in accordance with applicable law and rules of the Colorado Dental Board.
  - 2. Pursuant to section 12-220-201(1)(ii), C.R.S., the Board may discipline a dentist for advertising or otherwise holding oneself out to the public as practicing a dental specialty

in which he or she has not successfully completed the education specified for the dental specialty as defined by the American Dental Association (ADA).

- a. Dental specialties currently defined by the ADA and recognized by the Board include the following:
    - (1) Dental public health;
    - (2) Endodontics;
    - (3) Oral and maxillofacial pathology;
    - (4) Oral and maxillofacial radiology;
    - (5) Oral and maxillofacial surgery;
    - (6) Orthodontics and dentofacial orthopedics;
    - (7) Pediatric dentistry;
    - (8) Periodontics;
    - (9) Prosthodontics;
    - (10) Oral Medicine;
    - (11) Oro Facial Pain; and
    - (12) Dentist Anesthesiologist.
  - b. Dentists advertising a specialty that is defined by the ADA must clearly state in all such advertising and/or public promotions that their specialty has been defined by the American Dental Association, provide the full name of the CODA approved school where their residency was completed, and upon request, promptly provide additional information to the public.
3. The Board may also recognize dental specialties not defined by the ADA. Dentists advertising a specialty that is not defined by the ADA must clearly state in all such advertising and/or public promotions that their specialty has not been defined by the American Dental Association. Advertising dentists must also provide the full name of the entity that has defined their specialty and upon request, promptly provide additional information to the public.
  4. ADA defined dental specialists are those dentists who have successfully completed a Commission on Dental Accreditation (CODA) approved specialty program. The Board recognizes that dentists advertising a non-ADA defined specialty may or may not have successfully completed a CODA approved specialty program. Therefore:
    - a. Dentists who have successfully completed a CODA approved specialty program, whether defined or not defined by the ADA, may advertise the practice of that specialty subject to the provisions of paragraphs (2) or (3) of this Rule, including providing the full name of the CODA approved school where their residency was completed.

- b. In addition to the requirements of paragraphs (2) and (3) of this Rule, dentists who have not completed a CODA approved specialty program and are advertising a non-ADA defined specialty, must clearly state in all advertising and/or public promotions that their specialty program is not approved by the Commission on Dental Accreditation. Such dentists must also identify their specific training completed (credential awarded) in order to receive their specialty designation and upon request, promptly provide additional information to the public.
- 5. A dentist who practices general dentistry and advertises performance of a specialty procedure but has not successfully completed a CODA approved specialty program in that area of practice, must clearly state in all advertising and/or public promotions, that he or she is a general dentist by disclosing "General Dentistry" in print larger and/or bolder and noticeably more prominent than any other area of practice or service advertised.
- 6. A dentist who advertises in any medium under a specialty heading or section and is not in compliance with this Rule may be in violation of section 12-220-201(1), C.R.S., for engaging in misleading, deceptive, or false advertising.
- 7. Those group practices which include general dentists and specialists must list the phrase "General Dentistry and Specialty Practice" larger and/or bolder and noticeably more prominent than any service offered in an advertisement. Names and qualifications shall be made available to the public upon request.

D. Acronyms

In addition to those acronyms required by law pertaining to one's business entity such as Professional Corporation (P.C.) or Limited Liability Company (L.L.C.), dentists or dental hygienists may only use those acronyms earned at a program accredited by a regional or professional accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation. Any credential that does not meet this requirement must be completely spelled out.

(Effective August 1, 2000; Temporarily Expired December 2, 2002; Effective July 1, 2003; Amended October 27, 2004; Amended October 26, 2006, Effective December 30, 2006; Amended April 25, 2007, Effective July 1, 2007; Amended October 24, 2007, Effective December 31, 2007; Amended October 22, 2008, Effective November 30, 2008; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended July 13, 2016, Effective September 14, 2016; Amended November 5, 2020; Effective December 30, 2020; Amended November 4, 2021; Effective December 30, 2021)

**1.18 Protocol upon Revocation, Relinquishment, Suspension, or Cessation of Practice of a Dental, [Dental Therapist](#) or Dental Hygiene License**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

- A. Upon revocation, relinquishment, suspension (including summary suspension), or execution of an interim cessation of practice agreement of the dental, [dental therapist](#) or dental hygiene license, the licensee shall immediately stop the practice of dentistry, [dental therapy](#) or dental hygiene.
- B. If the license is:
  - 1. Revoked or relinquished, the licensee is required to notify all patients within 7 calendar days of the effective date of the revocation or relinquishment that the licensee has

- ceased the practice of dentistry, [dental therapy](#) or dental hygiene (if practicing unsupervised as authorized pursuant to section 12-220-503, C.R.S.).
2. Suspended or under an interim cessation of practice agreement for a duration that exceeds 90 calendar days, the licensee is required to notify all patients within 97 calendar days of the effective date of the suspension or interim cessation of practice agreement that the licensee has ceased the practice of dentistry, [dental therapy](#) or dental hygiene (if practicing unsupervised as authorized pursuant to section 12-220-503, C.R.S.).
- C. If the license is revoked, relinquished, or suspended/under an interim cessation of practice agreement for any period of time, the licensee shall assure the continued care of patients with a qualified practitioner and must make arrangements for the transfer of patient records if requested by the patient and/or if patient care is terminated. The licensee shall make the patient records or copies of the patient records available to the patient, to a dentist, [dental therapist](#) or dental hygienist designated by the patient, or if the licensee's practice is sold, to the dentist, [dental therapist](#) or dental hygienist who purchases the practice. The transfer of patient records must be completed within thirty calendar days, if care is transferred to a different practice.
- D. Notice of revocation, relinquishment, or suspension/interim cessation of practice agreement for more than ninety calendar days, and if applicable, the termination of a practice must be made to all patients of the practice as set forth in Rule 1.9(E).
- E. A dentist, [dental therapist](#) or dental hygienist with a revoked or relinquished license must completely divest himself/herself from any and all dental, [dental therapy](#) and dental hygiene practices operating in Colorado within 180 days of the effective date of the revocation or relinquishment.
- F. A suspended practitioner or one under an interim cessation of practice agreement may be subject to any of the following at the discretion of the Board:
1. Cannot employ any licensed dentist, [licensed dental therapist](#), licensed dental hygienist, or dental assistant;
  2. Cannot be on the premises of the dental office to observe, monitor, or participate in any way in care given;
  3. May derive no income from the dental, [dental therapy](#) or dental hygiene practice either directly or indirectly for patient care provided by other licensees during the period of suspension/interim cessation of practice, except for treatment provided before the beginning of the suspension/interim cessation of practice; and
  4. May provide administrative duties only at the practice.

(Amended December 2, 2002; Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016; Amended November 5, 2020; Effective December 30, 2020)

### 1.19 Compliance with Board Subpoena

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), and 12-220-106, C.R.S.

- A. When the Board requests a patient's complete patient record, pursuant to subpoena, the patient chart or record shall include, but may not be limited to all: medical/dental histories for the patient; patient notes, including "doctor's office notes" as defined in Rule 1.4(E); labeled and dated

radiographs, photographs, scans, and/or models; billing and/or all insurance records that are compiled for a specific patient; prescription records; and email correspondence (if applicable).

- B. It is the responsibility of the licensed dentist, [dental therapist](#) or dental hygienist to assure that all records submitted are legible and, if necessary, to have records transcribed to assure legibility.
- C. Failure by a licensed dentist, [dental therapist](#) or dental hygienist to submit the complete patient record to the Board, or any relevant papers, books, records, documentary evidence, and/or other materials, as requested pursuant to subpoena is a violation of section 12-220-201(1)(i), C.R.S.

(Effective December 31, 2007; Amended January 21, 2010, Effective March 30, 2010; Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016 Amended November 5, 2020; Effective December 30, 2020)

### 1.20 Declaratory Orders

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 24-4-105(11), C.R.S.

- A. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.
- B. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:
  - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to the petitioner of any statutory provision or rule or order of the Board.
  - 2. Whether the petition involves any subject, question or issue which is the focus of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
  - 3. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  - 4. 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.
- D. Any petition filed pursuant to this Rule shall set forth the following:
  - 1. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of 12-220-101, C.R.S., *et seq.*, as amended.
  - 2. The statute, rule or order to which the petition relates.
  - 3. 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.

- E. If the Board determines that it will rule on the petition, the following procedures apply:
1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case, any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
  2. The Board may order the petitioner to file a written brief, memorandum or statement of position.
  3. The Board may set the petition, upon due notice to the petitioner, for a non-evidentiary hearing.
  4. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
  5. The Board 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. The Board may take administrative notice of the facts pursuant to the Administrative Procedure Act (24-4-105(8), C.R.S.) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
  6. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
  7. The Board may, in its discretion, set the petition for hearing, upon due notice to the 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.
  8. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.
  9. For the purpose of such a hearing, to the extent necessary, the petitioner shall 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 Board to consider.
- F. The parties to any proceeding pursuant to this Rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section (D) of this Rule. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Board.

(Re-numbered December 30, 2011; Amended April 28, 2016, Effective June 30, 2016; Amended November 5, 2020; Effective December 30, 2020)

### **1.21 Fining Schedule for Violations of the Dental Practice Act and Board Rules**

Pursuant to section 12-220-202(5), C.R.S., when a licensed dentist, including one issued an academic license, [dental therapist](#), or dental hygienist violates a provision of the Dental Practice Act or a Board Rule, the Board may impose a fine on the licensee. The amount of an administrative fine assessed will be based on the following criteria:

- Severity of the violation;

- Type of violation; and
- Whether the licensee committed repeated violations

A. If the licensee is a dentist, the fine must not exceed \$5,000. If the violation(s) involve:

1. Substandard Care, Fraud, or Attempting to Deceive the Board
  - 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.
2. Record Keeping Violations
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.
  - c. Third or subsequent offense, may be fined up to \$5,000.
3. Failure to Maintain or Provide Complete Records
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.
  - c. Third or subsequent offense, may be fined up to \$5,000.
4. Failure to Comply with Continuing Education Requirements
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.
  - c. Third or subsequent offense, may be fined up to \$5,000.
5. Practicing without a License or with an Expired License
  - a. First offense:
    - (1) 0-12 months, may be fined up to \$1,250.
    - (2) 1-2 years, may be fined up to \$2,500.
    - (3) 2 or more years, may be fined up to \$3,750.
  - b. Second offense:
    - (1) 0-12 months, may be fined up to \$2,500.
    - (2) 1-2 years, may be fined up to \$3,750.
    - (3) 2 or more years, may be fined up to \$5,000.



- c. Third or subsequent offense of any duration, may be fined up to \$5,000.
- 6. Administering Anesthesia/Sedation without a Permit or with an Expired Permit
  - a. First offense:
    - (1) 0-12 months, may be fined up to \$1,250.
    - (2) 1-2 years, may be fined up to \$2,500.
    - (3) 2 or more years, may be fined up to \$3,750.
  - b. Second offense:
    - (1) 0-12 months, may be fined up to \$2,500.
    - (2) 1-2 years, may be fined up to \$3,750.
    - (3) 2 or more years, may be fined up to \$5,000.
  - c. Third or subsequent offense of any duration, may be fined up to \$5,000.
- 7. Failure to Appropriately Supervise Dental Personnel
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.
  - c. Third or subsequent offense, may be fined up to \$5,000.
- 8. Failure to Meet Generally Accepted Standards for Infection Control – each day a violation continues or occurs may be considered a separate violation for the purpose of imposing a fine under this category
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.
  - c. Third or subsequent offense, may be fined up to \$5,000.
- 9. False Advertising
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.
  - c. Third or subsequent offense, may be fined up to \$5,000.
- 10. Failure to Register for the Prescription Drug Monitoring Program (PDMP) – applicable only if the licensee maintains a current United States Drug Enforcement Agency (DEA) registration
  - a. First offense, may be fined up to \$1,250.
  - b. Second offense, may be fined up to \$2,500.

- c. Third or subsequent offense, may be fined up to \$5,000.
  - 11. Failure to Respond in an Honest, Materially Responsive, and Timely Manner to a Complaint
    - a. First offense, may be fined up to \$1,250.
    - b. Second offense, may be fined up to \$2,500.
    - c. Third or subsequent offense, may be fined up to \$5,000.
  - 12. Failure to Maintain Professional Liability Insurance
    - a. First offense, may be fined up to \$1,250.
    - b. Second offense, may be fined up to \$2,500.
    - c. Third or subsequent offense, may be fined up to \$5,000.
  - 13. Violation of the Practice Ownership Laws
    - a. First offense, may be fined up to \$1,250.
    - b. Second offense, may be fined up to \$2,500.
    - c. Third or subsequent offense, may be fined up to \$5,000.
  - 14. Aiding and Abetting the Unlicensed Practice of Dentistry or Dental Hygiene
    - a. First offense, may be fined up to \$1,250.
    - b. Second offense, may be fined up to \$2,500.
    - c. Third or subsequent offense, may be fined up to \$5,000.
  - 15. Failure to Comply with a Board Order or Subpoena
    - a. First offense, may be fined up to \$1,250.
    - b. Second offense, may be fined up to \$2,500.
    - c. Third or subsequent offense, may be fined up to \$5,000.
  - 16. Other Violations
    - a. First offense, may be fined up to \$1,250.
    - b. Second offense, may be fined up to \$2,500.
    - c. Third or subsequent offense, may be fined up to \$5,000.
- B. If the licensee is a [dental therapist or](#) dental hygienist, the fine must not exceed \$3,000. If the violation(s) involve:
- 1. Substandard Care, Fraud, or Attempting to Deceive the Board

- a. First offense, may be fined up to \$1,000.
  - b. Second offense, may be fined up to \$2,000.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 2. Record Keeping Violations
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 3. Failure to Maintain or Provide Complete Records
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 4. Failure to Comply with Continuing Education Requirements
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 5. Practicing without a License or with an Expired License
  - a. First offense:
    - (1) 0-12 months, may be fined up to \$750.
    - (2) 1-2 years, may be fined up to \$1,500.
    - (3) 2 or more years, may be fined up to \$2,250.
  - b. Second offense:
    - (1) 0-12 months, may be fined up to \$1,500.
    - (2) 1-2 years, may be fined up to \$2,250.
    - (3) 2 or more years, may be fined up to \$3,000.
  - c. Third or subsequent offense of any duration, may be fined up to \$3,000.
- 6. Administering Local Anesthesia without a Permit or with an Expired Permit
  - a. First offense:
    - (1) 0-12 months, may be fined up to \$750.

- (2) 1-2 years, may be fined up to \$1,500.
    - (3) 2 or more years, may be fined up to \$2,250.
  - b. Second offense:
    - (1) 0-12 months, may be fined up to \$1,500.
    - (2) 1-2 years, may be fined up to \$2,250.
    - (3) 2 or more years, may be fined up to \$3,000.
  - c. Third or subsequent offense of any duration, may be fined up to \$3,000.
- 7. Failure to Meet Generally Accepted Standards for Infection Control – each day a violation continues or occurs may be considered a separate violation for the purpose of imposing a fine under this category
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 8. False Advertising
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 9. Failure to Respond in an Honest, Materially Responsive, and Timely Manner to a Complaint
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 10. Failure to Maintain Professional Liability Insurance
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 11. Violation of the Practice Ownership Laws
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.

- c. Third or subsequent offense, may be fined up to \$3,000.
- 12. Aiding and Abetting the Unlicensed Practice of Dentistry or Dental Hygiene
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 13. Failure to Comply with a Board Order or Subpoena
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- 14. Other Violations
  - a. First offense, may be fined up to \$750.
  - b. Second offense, may be fined up to \$1,500.
  - c. Third or subsequent offense, may be fined up to \$3,000.
- C. A fine is subject to an additional surcharge imposed by the Executive Director of the Department of Regulatory Agencies (DORA), pursuant to section 24-34-108, C.R.S.

(Adopted January 22, 2015, Effective March 30, 2015; Amended January 20, 2016, Effective March 16, 2016; Amended April 28, 2016, Effective June 30, 2016; Amended November 5, 2020; Effective December 30, 2020; Amended November 4, 2021; Effective December 30, 2021)

## **1.22 Use of Lasers**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106(1)(a), and 12-220-106(1)(a)(I), C.R.S.

- A. The requirements in this Rule do not apply to use of non-adjustable laser units for purposes of diagnosis and curing.
- B. A dentist may use a laser capable of the removal of hard and soft tissue in the treatment of a dental patient.
- C. Laser use by [a dental therapist or](#) a dental hygienist can only be performed on soft tissue under the indirect or direct supervision of a dentist and must be within [the dental therapy or](#) the dental hygiene scope of practice.
- D. A licensee who is a laser user or supervises a laser user must first successfully complete training that covers a minimum of eight hours of laser physics, safety, and appropriate use, to include a hands on component, prior to utilizing the laser.
  - 1. Training must be obtained through a course provided or recognized by any of the following organizations (or a successor organization):

- a. A Commission on Dental Accreditation (CODA) approved institution;
    - b. The American Dental Association (ADA) Continuing Education Recognition Program (CERP);
    - c. The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE); or
    - d. The American Medical Association (AMA).
  2. A licensee utilizing a laser, other than what is described in section (A) of this Rule, must maintain evidence of training as required in section (D)(1) of this Rule. Upon request of the Board, the licensee must submit evidence of such training.
  3. A licensee must also complete live and interactive training that addresses operation of the specific laser(s) utilized in the practice.
- E. All lasers must be used in accordance with accepted safety guidelines.
- F. When utilizing a laser pursuant to this Rule, at a minimum, the following must be documented in the patient's record:
1. Type of laser, including wavelength;
  2. Settings used (pulse or continuous wave, power setting);
  3. Size of fiber, tip, or aperture of tip; and
  4. Procedure performed with details to include hard and/or soft tissue removal.

(Adopted January 22, 2015, Effective March 30, 2015; Amended April 30, 2015, Effective June 30, 2015; Amended April 28, 2016, Effective June 30, 2016; Amended May 3, 2018, Effective July 3, 2018; Amended November 5, 2020; Effective December 30, 2020)

#### **1.25 Placement of Interim Therapeutic Restorations by Dental Therapists and Dental Hygienists**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, 12-220-504(1)(d), ~~and~~ 12-220-505, and 12-220-508(1)(c)(VIII) C.R.S.

- A. Once issued a permit by the Board, a dental hygienist or a dental therapist may place interim therapeutic restorations in a dental practice setting under "direct supervision" as defined in section 12-220-104(7), C.R.S or "indirect supervision" as defined in section 12-220-104(9), C.R.S., of a dentist with an active license in good standing issued by the Board, or through "telehealth supervision" as defined in section 12-220-104(15), C.R.S., for purposes of communication with the supervising dentist.
- B. A dentist shall not supervise more than 5 full-time equivalent dental hygienists who place interim therapeutic restorations under telehealth supervision unless granted a waiver by the Board pursuant to section 12-220-505(6)(b), C.R.S.
  1. Application Process
    - a. The applicant requesting a waiver must submit a written application on a form approved by the Board detailing the basis for the waiver request.

- b. The written request should address why there is good cause to waive the supervision requirement as set forth in section 12-220-505(6)(a), C.R.S., and should include any documentation necessary to support the request.
- c. Upon receipt of the waiver request and documentation, the matter will be considered at the next Board meeting. The applicant will receive the Board's decision in writing.

2. Waiver Requirements

- a. Upon a showing of good cause, the Board may permit a waiver of the supervision requirement as set forth in section 12-220-505(6)(a), C.R.S.
- b. Factors to be considered in granting such waivers include, but are not limited to:
  - (1) The quality of protocols setting out the responsibilities of the supervision of the dental hygienist with regard to placing interim therapeutic restorations; and
  - (2) Any disciplinary history on the part of the supervising dentist or dental hygienist.
- c. All such waivers shall be in the sole discretion of the Board. All waivers shall be strictly limited to the terms provided by the Board. The Board reserves the right to withdraw or cancel the waiver upon a finding of disciplinary action. No waivers shall be granted if in conflict with State law.
- d. The waiver shall be valid for up to two years, and the dentist must reapply for the waiver every license renewal cycle.

C. In order to be eligible for a permit to place an ITR, a dental hygienist [or a dental therapist](#) must:

- 1. Hold a license in good standing to practice dental hygiene [or dental therapy](#) in Colorado;
- 2. Complete a course developed at the postsecondary education level offered under the direct supervision of a member of the faculty of a Colorado dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) or its successor agency that complies with the following uniform training standards:
  - a. Four hours of didactic instruction, including but not limited to:
    - (1) Pulpal anatomy;
    - (2) Principles of adhesive restorative materials;
    - (3) Preparation of the tooth and placement techniques;
    - (4) Diagnostic criteria for interim therapeutic restorations;
    - (5) Evaluation of proper placement and technique; and
    - (6) Protocols for handling sensitivity, complications, or unsuccessful completion and follow-up;

- b. Four hours of laboratory instruction that includes placement of interim therapeutic restorations on typodont teeth;
  - c. Criteria for evaluating competency through placement of interim therapeutic restorations on a minimum of four teeth under direct supervision of faculty; and
  - d. Clinical evaluations of students must be performed by a dentist with a faculty appointment at an accredited Colorado dental or dental hygiene school.
- D. A dental hygienist or a dental therapist shall not use local anesthesia for the purpose of placing interim therapeutic restorations.
- E. A dental hygienist or a dental therapist shall inform the patient or the patient's legal guardian that the interim therapeutic restorations (ITR) will require routine monitoring and follow up or maintenance with a dentist, as appropriate. This informed consent shall be documented in the patient's records.
- F. Pursuant to 12-220-201(1)(nn), C.R.S., the Board may take disciplinary action against an applicant or licensee for failing to comply with the requirements regarding the placement of interim therapeutic restorations.

(Adopted April 28, 2016, Effective June 30, 2016, Amended July 14, 2021, Effective September 14, 2021)

**1.26 Application of Silver Diamine Fluoride by Dental Therapists and Dental Hygienists**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, 12-220-503, ~~and 12-220-504(1)(e)~~, and 12-220-508(1)(c)(VIII) C.R.S.

- A. A dental hygienist or a dental therapist may prescribe and apply silver diamine fluoride if the dental hygienist/licensee meets the statutory requirements in sections 12-220-503, C.R.S.
- B. The application of silver diamine fluoride may not be assigned to an unlicensed professional.
- C. Pursuant to section 12-220-503(1)(g)(IV), C.R.S., the postsecondary course or continuing education course of a minimum of one hour developed at a postsecondary level must include the following requirements:
  - 1. Instruction on the use of proper placement and techniques of silver diamine fluoride (SDF);
  - 2. Limitations of SDF;
  - 3. Uses for SDF in clinical practice;
  - 4. Mechanisms of action of SDF;
  - 5. Diagnostic criteria, contraindications and limitations of SDF; and
  - 6. Protocols for handling sensitivity, complications, or unsuccessful completion and follow up.
  - 7. Training must be obtained through a course provided or recognized by any of the following organizations (or a successor organization):
    - a. A Commission on Dental Accreditation (CODA) accredited institution;



- b. The American Dental Association (ADA) Continuing Education Recognition Program (CERP);
  - c. The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE);
  - d. The American Medical Association (AMA); or
  - e. The American Dental Hygienists' Association (ADHA) or Colorado Dental Hygienists' Association.
- D. The articulated plan with a collaborating dentist for dental hygiene prescribing as set forth in section 12-220-503(1)(g)(1), C.R.S., is subject to Board review and the dental hygienist shall provide the plan to the Board upon request.
- E. When applying silver diamine fluoride pursuant to this Rule, at a minimum, the following must be documented in the patient's record:
  - 1. Teeth treated;
  - 2. Date of the procedure;
  - 3. Rationale for applying the agent; and
  - 4. Any required disclosures.
- F. Pursuant to 12-220-201(1)(oo), C.R.S., the Board may take disciplinary action against an applicant or licensee for failing to comply with the requirements regarding the application of silver diamine fluoride.

(Adopted June 14, 2018, Effective August 14, 2018, Amended July 14, 2021, Effective September 14, 2021)

**1.27 EXPANDED SCOPE OF PRACTICE FOR DENTISTS PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER D 2022 010**

- A. Basis. Through Executive Order D 2022 010, amending and extending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, and D 2022 003, Governor Jared Polis temporarily suspended the emergency rulemaking authorities for the Colorado Dental Board ("Board") set forth in section 24-1-122(3)(k), C.R.S., and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2022 010 issued by Governor Jared Polis pursuant to the Colorado COVID-19 Disaster Recovery Order and Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.
- B. Purpose. These Emergency Rules are adopted by the Executive Director of the Department of Regulatory Agencies, through the Division Director, to effectuate Executive Order D 2022 010, amending and extending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, and D 2022 003, and directing the immediate expansion of the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.

- C. Expanded Scope of Practice. Dentists may perform services while working in a hospital or inpatient facility as delegated by physicians, physician assistants, advanced practice registered nurses, certified registered nurse anesthetists, professional nurses and respiratory therapists.
1. Dentists are authorized to perform delegated services upon adequate cross-training as determined necessary by the hospital or inpatient facility.
  2. Dentists shall not accept delegation of a service for which the licensee does not possess the knowledge, skill or training to perform.
  3. Dentists shall not perform a delegated service for which the licensee does not possess the knowledge, skill or training to perform.
  4. Delegated services shall not be re-delegated to another person or licensee by the delegatee.
  5. Dentists shall not prescribe or select medications, perform surgical or other invasive procedures or perform anesthesia services outside of statutory scope of practice regardless of delegation.

**1.28 EXPANDED SCOPE OF PRACTICE FOR DENTISTS AND DENTAL HYGIENISTS IN ORDER TO ADMINISTER VACCINATIONS PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER D 2022 010**

- A. Through Executive Order D 2022 010, amending and extending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, and D 2022 003, Governor Jared Polis temporarily suspended the emergency rulemaking authorities for the Colorado Dental Board ("Board") set forth in section 24-1-122(3)(k), C.R.S., and directed the Executive Director of DORA, through the Director of the Division of Professions and Occupations (Division Director), to promulgate and issue temporary emergency rules consistent with the Executive Order. The basis for these emergency rules is Executive Order D 2022 010 issued by Governor Jared Polis pursuant to the Colorado COVID-19 Disaster Recovery Order and Article IV, Section 2 of the Colorado Constitution, and the Colorado Disaster Emergency Act, sections 24-33.5-701, *et. seq.*, C.R.S.
- B. Purpose. These Emergency Rules are adopted by the Executive Director of DORA, through the Division Director, to effectuate Executive Order D 2022 010, amending and extending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, and D 2022 003, and directing the immediate expansion of the workforce of trained medical personnel available to administer the coronavirus disease 2019 (COVID-19) vaccinations within inpatient facilities and outpatient settings due to the coronavirus disease 2019 (COVID-19) pandemic in Colorado.
- C. Expanded Scope of Practice In Order to Administer the COVID-19 Vaccination.
1. Dentists and dental hygienists may counsel patients and administer the COVID-19 vaccination while working in a hospital, inpatient facility or outpatient setting.
    - a. Dentists and dental hygienists are authorized to perform this delegated service upon adequate cross-training as determined necessary by the hospital, inpatient facility, or outpatient setting.
    - b. Dentists and dental hygienists shall not administer the COVID-19 vaccination if the licensee does not possess the knowledge, skill or training to administer the vaccination or treat a reaction to the vaccination.

- c. This service shall not be delegated to another person or licensee by the licensee.

**1.29 CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE FOR PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL OR MENTAL HEALTH DISORDER**

This Rule is promulgated pursuant to sections 12-20-204, 12-30-108, 12-220-105(3), 12-220-106, 12-220-201(1)(j), and 12-220-207, C.R.S.

- A. These requirements apply to a dentist, [dental therapist](#) or dental hygienist who holds an active license issued by the Board, including a dentist issued an academic license
- B. No later than thirty days from the date a physical illness, physical condition, or behavioral or mental health disorder impacts a licensee's ability to practice with reasonable skill and safety, the licensee shall provide the Board, in writing, the following information:
1. The diagnosis and a description of the illness, condition, or disorder;
  2. The date the illness, condition, or disorder was first diagnosed;
  3. The name of the current treatment provider and documentation from the current treatment provider confirming the diagnosis, date of onset, and treatment plan;
  4. A description of the licensee's practice and any modifications, limitations or restrictions to that practice that have been made as a result of the illness, condition, or disorder;
  5. Whether the licensee has been evaluated by, or is currently receiving services from the Board's authorized Peer Health Assistance Program related to the illness, condition, or disorder, and, if so, the date of initial contact and whether services are ongoing.
- C. Compliance with this Rule is a prerequisite for eligibility to enter into a Confidential Agreement with the Board pursuant to sections 12-220-207 and 12-30-108, C.R.S. However, mere compliance with this Rule does not require the Board to negotiate regarding, or enter into, a Confidential Agreement. Rather, the Board will evaluate all facts and circumstances to determine if a Confidential Agreement is appropriate.
- D. If the Board discovers that a licensee has a physical illness, physical condition, or behavioral or mental health disorder that impacts the licensee's ability to practice with reasonable skill and safety and the licensee has not notified the Board as required under these Rules of such illness, condition, or disorder, the licensee shall not be eligible for a Confidential Agreement and may be subject to disciplinary action for failure to notify under section 12-220-201(1)(j), C.R.S.

(Adopted November 5, 2020; Effective December 30, 2020; Amended November 4, 2021; Effective December 30, 2021)

**1.30 REQUIRED DISCLOSURE TO PATIENTS - CONVICTION OF OR DISCIPLINE BASED ON SEXUAL MISCONDUCT**

This Rule is promulgated pursuant to sections 12-20-204, 12-220-105(3), 12-220-106, and 12-30-115, C.R.S.

- A. On or after March 1, 2021, a licensee shall provide a written disclosure to a patient, as defined in section 12-30-115(1)(a), C.R.S., instances of sexual misconduct, including a conviction or guilty plea as set forth in section 12-30-115(2)(a) C.R.S., or final agency action resulting in probation or limitation of licensee's ability to practice as set forth in section 12-30-115(2)(b), C.R.S.

- B. Form of Disclosure: The written disclosure shall include all information specified in section 12-30-115(3), C.R.S., in a manner consistent with the sample model disclosure form as set forth in Appendix A to these rules. The patient must, through signature on the disclosure form, acknowledge the receipt of the disclosure and agree to treatment with the licensee.
- C. Timing of Disclosure: This disclosure shall be provided to a patient the same day the patient schedules a professional services appointment with the licensee. If an appointment is scheduled the same day that services will be provided, or if an appointment is not required such as in an inpatient facility, the disclosure must be provided in advance of the treatment.
  - 1. The written disclosure and agreement to treatment must be completed prior to each treatment appointment with a patient, unless the treatment will occur in a series over multiple appointments or a patient schedules follow-up treatment appointments.
  - 2. For treatment series or follow-up treatment appointments, one disclosure prior to the first appointment is sufficient, unless the information the licensee is required to disclose pursuant to section 12-30-115, C.R.S., has changed since the most recent disclosure, in which case an updated disclosure must be provided to a patient and signed before treatment may continue.
- D. As set forth in section 12-30-115(3)(e), C.R.S., the requirement to disclose the conviction, guilty plea, or agency action ends when the licensee has satisfied the requirements of the probation or other limitation and is no longer on probation or otherwise subject to a limitation on the ability to practice the licensee's profession.
- E. A provider need not make the disclosure required by this Rule before providing professional services to the patient if any of the following applies as set forth in section 12-30-115(4), C.R.S.:
  - 1. The patient is unconscious or otherwise unable to comprehend the disclosure and sign an acknowledgment of receipt of the disclosure pursuant to section 12-30-115(3)(d), C.R.S., and a guardian of the patient is unavailable to comprehend the disclosure and sign the acknowledgment;
  - 2. The visit occurs in an emergency room or freestanding emergency department or the visit is unscheduled, including consultations in inpatient facilities; or
  - 3. The provider who will be treating the patient during the visit is not known to the patient until immediately prior to the start of the visit.
- F. A provider who does not have a direct treatment relationship or have direct contact with the patient is not required to make the disclosure required by this Rule.

(Adopted November 5, 2020; Effective December 30, 2020)

### **1.31 RULES REGARDING THE USE OF BENZODIAZEPINE**

The authority for promulgation of these rules and regulations by the Colorado Dental Board is set forth in sections 12-20-204(1), 12-220-105(3), 12-220-106, and 12-30-109(6), C.R.S.

The purpose of these Rules and regulations is to implement rules required by section 12-30-109(6), C.R.S., related to requirements for prescribing benzodiazepines to patients for whom licensees have not previously been prescribed benzodiazepines within the last twelve months.

A. Licensees must limit any prescription for a continuous benzodiazepine to a 30-day supply, for any patient ~~whoto whom the licensee~~ has not been prescribed a benzodiazepine in the last 12 months.

~~B. Prior to prescribing the second fill of a benzodiazepine for a condition that is not exempt under section 12-280-404(4)(a.5), C.R.S., a licensee must comply with the requirements of section 12-280-404(4), C.R.S.~~

~~Failure to comply with section 12-280-404(4), C.R.S., constitutes unprofessional conduct or grounds for discipline under section 12-220-201(1), C.R.S.~~

B.C. The limitation stated in section (A) of this Rule does not apply to patients for whom licensees prescribe benzodiazepines for the following conditions:

1. Epilepsy;
2. A seizure, a seizure disorder, or a suspected seizure disorder;
3. Spasticity;
4. Alcohol withdrawal; or
5. A neurological condition, including a post-traumatic brain injury or catatonia.

D. These rules do not require or encourage abrupt discontinuation, limitation, or withdrawal of benzodiazepines. Licensees are expected to follow generally accepted standards of the practice of dentistry based on an individual patient's needs, in tapering benzodiazepine prescriptions.

(Promulgated as an Emergency Rule on November 4, 2021; Effective on November 1, 2021)

### 1.32 Protections for Provision of Reproductive Health Care in Colorado

This Rule is promulgated pursuant to Executive Order D 2022 032, and sections 25-6-401 et seq., 12-220-105(3), and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
2. "Assisting in the provision reproductive health care" means aiding, abetting or complicity in the provision of reproductive health care.
2. "Certificate holder" or "certificant" means as defined in section 12-20-102(3), C.R.S.
3. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
4. "Criminal judgment" means criminal conviction as defined in Rule 1.1.
5. "Licensee" means as defined in section 12-20-102(10), C.R.S.
6. "Provision of reproductive health care," includes but is not limited to, transportation for reproductive health care, referrals for reproductive health care and related services, funding or assisting with payment of reproductive health care, prescribing, shipping or dispensing medications for reproductive health care in accordance with state and federal law, all options and mental health counseling and treatment related to reproductive health

care. The “provision of reproductive health care” also includes all treatment contemplated in the definition of section 25-6-402(4), C.R.S.

7. “Regulator” means as defined in section 12-20-102(14), C.R.S.

8. “Reproductive health care” means as defined in section 25-6-402(4), C.R.S.

B. The regulator shall not deny certification, or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on the applicant's provision of or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice as defined in Colorado law and did not otherwise violate Colorado law.

C. The regulator shall not deny certification or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on a civil or criminal judgment against the applicant or registrant arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

D. The regulator shall not deny certification or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on a professional disciplinary action or any other sanction against the applicant's professional certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

E. The regulator shall not deny certification or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on the applicant/licensee's own personal effort to seek or obtain reproductive health care for themselves. The regulator shall not deny certification or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on a civil or criminal judgment against the applicant arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

### **1.33 Protecting Colorado's Workforce and Expanding Licensing Opportunities**

This Rule is promulgated pursuant to Executive Order D 2022 034, and sections 12-220-105(3), and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. “Applicant” means as defined in section 12-20-102(2), C.R.S.

2. “Certificate holder” or “certificant” means as defined in section 12-20-102(3), C.R.S.

3. “Civil judgment” means a final court decision and order resulting from a civil lawsuit.

4. “Criminal judgment” means criminal conviction as defined in Rule 1.1.

5. “Licensee” means as defined in section 12-20-102(10), C.R.S.

6. “Regulator” means as defined in section 12-20-102(14), C.R.S.

B. The regulator shall not deny certification or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on a civil or criminal judgment against the applicant regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

C. The regulator shall not deny certification or licensure to an applicant or impose disciplinary action against an individual's certificate or license based solely on a professional disciplinary action against the applicant's or professional certification or licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**1.34 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider**

This Rule is promulgated pursuant to sections 12-20-204, 12-30-112, and 12-220-106(1)(a), C.R.S., in consultation with the Commissioner of Insurance and the State Board of Health.

The purpose of this Rule is to establish requirements for health care providers to provide disclosures to consumers about the potential effects of receiving emergency or non-emergency services from an out-of-network provider.

This Rule applies to health care providers as defined in section 10-16-102(56), C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Publicly available" means, for the purposes of this regulation, searchable on the health care provider's public website, displayed in a manner that is easily accessible, without barriers, and that ensures that the information is accessible to the general public, including that it is findable through public search engines. The health care provider's public website must be accessible free of charge, without having to establish a user account, password, or other credentials, accept any terms or conditions, and without having to submit any personal identifying information.

B. Disclosure requirements.

1. An out of network provider may balance bill a covered person for post-stabilization services in accordance with section 10-16-704, C.R.S., and covered nonemergency services in an in-network facility that are not ancillary services if the provider meets the requirements set forth in section 12-30-112(3.5), C.R.S. If a consumer has incurred a claim for emergency or nonemergency health care services from an out-of-network provider, the health care provider shall provide the disclosures contained in Appendix B in compliance with section 12-30-112(3.5), C.R.S.

2. The health care provider shall provide the disclosure contained in Appendix B as set forth in section 12-30-112(3.5), C.R.S.

C. Noncompliance with this Rule may result in the imposition of any of discipline made available by section 12-220-201(1)(i), C.R.S.

## APPENDIX A

### MODEL SEXUAL MISCONDUCT DISCLOSURE STATEMENT

DISCLAIMER: This Model Sexual Misconduct Disclosure Statement is to be used as a guide only and is aimed only to assist the practitioner in complying with section 12-30-115, C.R.S., and Rule 1.23. As a licensed, registered, and/or certified health care provider in the State of Colorado, you are responsible for ensuring that you are in compliance with state statutes and rules. While the information below must be included in your Sexual Misconduct Disclosure Statement pursuant to section 12-30-115, C.R.S., you may to include additional information that specifically applies to your situation and practice.

- A. Licensee information, including, at a minimum: name, business address, and business telephone number.
- B. A listing of any final convictions of or a guilty plea to a sex offense, as defined in section 16-11.7-102(3), C.R.S.
- C. For each such conviction or guilty plea, the licensee shall provide, at a minimum:
  - 1. The date that the final judgment of conviction or guilty plea was entered;
  - 2. The nature of the offense or conduct that led to the final conviction or guilty plea;
  - 3. The type, scope, and duration of the sentence or other penalty imposed, including whether:
    - a. The provider entered a guilty plea or was convicted pursuant to a criminal adjudication;
    - b. The provider was placed on probation and, if so, the duration and terms of the probation and the date the probation ends; and,
    - c. The jurisdiction that imposed the final conviction or issued an order approving the guilty plea.
- D. A listing of any final agency action by a professional regulatory board or agency that results in probationary status or other limitation on the licensee's ability to practice if the final agency action is based in whole or in part on:
  - 1. a conviction for or a guilty plea to a sex offense, as defined in section 16-11.7-102(3), C.R.S., or a finding by the professional regulatory board or Director that the provider committed a sex offense, as defined in as defined in section 16-11.7-102(3), C.R.S.; OR
  - 2. a finding by a professional regulatory board or agency that the provider engaged in unprofessional conduct or other conduct that is grounds for discipline under the part or article of Title 12 of the Colorado Revised Statutes that regulates the provider's profession, where the failure or conduct is related to, includes, or involves sexual misconduct that results in harm to a patient or presents a significant risk of public harm to patients.
- E. For each such final agency action by a professional regulatory board or agency the provider shall provide, at a minimum:
  - 1. The type, scope, and duration of the agency action imposed, including whether:



- a. the regulator and licensee entered into a stipulation;
  - b. the agency action resulted from an adjudicated decision;
  - c. the licensee was placed on probation and, if so, the duration and terms of probation; and
  - d. the professional regulatory board or agency imposed any limitations on the licensee's practice and, if so, a description of the specific limitations and the duration of the limitations.
2. The nature of the offense or conduct, including the grounds for probation or practice limitations specified in the final agency action;
3. The date the final agency action was issued
4. The date the probation status or practice limitation ends; and
5. The contact information for the professional regulatory board or agency that imposed the final agency action on the licensee, including information on how to file a complaint.

**Sample Signature Block**

I have received and read the sexual misconduct disclosure by [Provider Name] and I agree to treatment by [Provider Name].

\_\_\_\_\_  
Print Patient Name

\_\_\_\_\_  
Patient or Responsible Party's Signature

\_\_\_\_\_  
Date

If signed by Responsible Party (parent, legal guardian, or custodian), print Responsible Party's name and relationship to patient:

\_\_\_\_\_  
Print Responsible Party Name

\_\_\_\_\_  
Print Relationship to Patient

\_\_\_\_\_  
Licensee Signature

\_\_\_\_\_  
Date

|  
  
|

APPENDIX B

**Your Rights and Protections Against Surprise Medical Bills**

When you get emergency care or get treated by an out-of-network provider at an in-network hospital or ambulatory surgical center, you are protected from surprise billing or balance billing.

**What is “balance billing” (sometimes called “surprise billing”)?**

When you see a doctor or other health care provider, you may owe certain out-of-pocket costs, like a copayment, coinsurance, or deductible. You may have additional costs or have to pay the entire bill if you see a provider or visit a health care facility that isn't in your health plan's network.

“Out-of-network” means providers and facilities that haven't signed a contract with your health plan to provide services. Out-of-network providers may be allowed to bill you for the difference between what your plan pays and the full amount charged for a service. This is called “balance billing.” This amount is likely more than in-network costs for the same service and might not count toward your plan's deductible or annual out-of-pocket limit.

“Surprise billing” is an unexpected balance bill. This can happen when you can't control who is involved in your care—like when you have an emergency or when you schedule a visit at an in-network facility but are unexpectedly treated by an out-of-network provider. Surprise medical bills could cost thousands of dollars depending on the procedure or service.

**You're protected from balance billing for:**

**Emergency services**

If you have an emergency medical condition and get emergency services from an out-of-network provider or facility, the most they can bill you is your plan's in-network cost-sharing amount (such as copayments, coinsurance, and deductibles). You can't be balance billed for these emergency services. This includes services you may get after you're in stable condition, unless you give written consent and give up your protections not to be balance billed for these post-stabilization services.

If you believe you've been wrongly billed by a healthcare provider, please contact the Colorado Dental Board at 303-894-7800 or [dora\\_dentalboard@state.co.us](mailto:dora_dentalboard@state.co.us).

Visit the CMS No Surprises Act website (<https://www.cms.gov/nosurprises/consumers>) for more information about your rights under federal law.

Review section 12-30-112, C.R.S., for more information about your rights under Colorado state law. ~~[Insert plain language summary of any applicable state balance billing laws or requirements OR state-developed language as appropriate]~~

**Certain services at an in-network hospital or ambulatory surgical center**

When you get services from an in-network hospital or ambulatory surgical center, certain providers there may be out-of-network. In these cases, the most those providers can bill you is your plan's in-network cost-sharing amount. This applies to emergency medicine, anesthesia, pathology, radiology, laboratory, neonatology, assistant surgeon, hospitalist, or intensivist services. These providers **can't** balance bill you and may **not** ask you to give up your protections not to be balance billed.

If you get other types of services at these in-network facilities, out-of-network providers can't balance bill you, unless you give written consent and give up your protections.

**You're never required to give up your protections from balance billing. You also aren't required to get out-of-network care. You can choose a provider or facility in your plan's network.**

[Insert plain language summary of any applicable state balance billing laws or requirements OR state-developed language regarding applicable state law requirements as appropriate]

**When balance billing isn't allowed, you also have these protections:**

- You're only responsible for paying your share of the cost (like the copayments, coinsurance, and deductible that you would pay if the provider or facility was in-network). Your health plan will pay any additional costs to out-of-network providers and facilities directly.
- Generally, your health plan must:
  - o Cover emergency services without requiring you to get approval for services in advance (also known as "prior authorization").
  - o Cover emergency services by out-of-network providers.
  - o Base what you owe the provider or facility (cost-sharing) on what it would pay an in-network provider or facility and show that amount in your explanation of benefits.
  - o Count any amount you pay for emergency services or out-of-network services toward your in-network deductible and out-of-pocket limit.

**If you believe you've been wrongly billed by a healthcare provider,** please contact the Colorado Dental Board at 303-894-7800 or [dora\\_dentalboard@state.co.us](mailto:dora_dentalboard@state.co.us). The federal phone number for information and complaints is: 1-800-985-3059.

Visit [www.cms.gov/nosurprises/consumers](http://www.cms.gov/nosurprises/consumers) for more information about your rights under federal law.

Visit <https://dpo.colorado.gov/Dental> for more information about your rights under Colorado state law, pursuant to section 12-30-112, C.R.S.

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## Editor's Notes

### History

Rules XVII, XXVI eff. 07/01/2007.

Rules XXVI, XXIX, XXX eff. 12/31/2007.

Rule XXVI eff. 11/30/2008.

Rule III eff. 05/30/2009.

Rule III eff. 12/30/2009.

Rules III, XIV-XXX eff. 03/30/2010.

Rules I-IX, XI-XIII, XV-XXII eff. 12/30/2011.

Rules I-III, IX, XI-XIII, XXIII-XXIV eff. 03/30/2015. Rule XVI repealed eff. 03/30/2015.

Rules XIII, XIV, XXIV eff. 06/30/2015.

Rule XXIII eff. 03/16/2016.

Rules I, III, IV, V, IX, X, XIV, XV, XVI, XVIII, XX, XXI, XXIII, XXIV, XXV eff. 06/30/2016. Rules VI, VII, VIII, XIX, XXII repealed eff. 06/30/2016.

Rule XVII eff. 09/14/2016.

Rule XIII eff. 03/17/2018.

Rule XXIV eff. 07/03/2018.

Rule XXVI eff. 08/14/2018.

Rules III, XXVI eff. 07/01/2019.

Rule 1.3 J eff. 12/30/2019.

Rule 1.27 emer. rule eff. 05/01/2020; expired 08/29/2020.

Rule 1.28 emer. rule eff. 05/11/2020; expired 09/08/2020.

Rule 1.27 emer. rule eff. 08/30/2020.

Rule 1.28 emer. rule eff. 09/09/2020.

Rules 1.27, 1.28 emer. rules eff. 12/28/2020.

Rules 1.1-1.13, 1.15-1.18, 1.21, 1.22, 1.29, Appendix A eff. 12/30/2020. Rules 1.19, 1.22 repealed eff 12/30/2020.

Rule 1.31 emer. rule eff. 01/11/2021.

Rule 1.32 emer. rule eff. 03/02/2021; expired 06/30/2021.

Rules 1.27, 1.28 emer. rules eff. 04/27/2021.

Rule 1.31 emer. rule eff. 05/11/2021.

Rule 1.30 E-F eff. 06/30/2021.

Rules 1.27, 1.28 emer. rules eff. 07/12/2021.

Rules 1.27, 1.28 emer. rules eff. 08/17/2021.

Rules 1.25, 1.26 eff. 09/14/2021.

Rules 1.27, 1.28 emer. rules eff. 11/02/2021.

Rule 1.31 emer. rule eff. 11/04/2021.

Rules 1.6 A.5.b, 1.6 A.11, 1.6 B.2.a, 1.6 E.2.a, 1.6 F.1, 1.6 H.1.a, 1.6 I.1.a, 1.9 H, 1.13, 1.17 C.2-4, 1.21, 1.29, 1.30 A, 1.31 eff. 12/30/2021.

Rules 1.27, 1.28 emer. rules eff. 03/02/2022.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00632

**Department**

700 - Department of Regulatory Agencies

**Agency**

718 - Passenger Tramway Safety Board

**CCR number**

3 CCR 718-1

**Rule title**

PASSENGER TRAMWAYS

**Rulemaking Hearing****Date**

11/02/2022

**Time**

09:15 AM

**Location**

Webinar Only: [https://us06web.zoom.us/webinar/register/WN\\_saj0XoNvT1itbxGReyHWiQ](https://us06web.zoom.us/webinar/register/WN_saj0XoNvT1itbxGReyHWiQ)

**Subjects and issues involved**

The purposes of this Permanent Rulemaking Hearing is for the Board to consider adopting revisions throughout the Colorado Passenger Tramway Safety Boards rules pursuant to the rule review mandated by section 24-4-103.3, C.R.S., to assess the continuing need, appropriateness, and cost-effectiveness of the rules to determine if they should be continued in their current form, modified, or repealed.

**Statutory authority**

Sections 12-20-204(1), 12-150-105(1)(a), 24-4-103, and 24-4-103.3, C.R.S.

**Contact information****Name**

Elena M. Kemp

**Title**

Regulatory Coordinator

**Telephone**

303-894-7426

**Email**

[Dora\\_dpo\\_rulemaking@state.co.us](mailto:Dora_dpo_rulemaking@state.co.us)



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

DATE: Sept 15, 2022

TO: All Interested Parties

FROM: Lawrence R. Smith, P.E.  
Supervisory Tramway Engineer  
Colorado Passenger Tramway Safety Board

RE: Adoption of the ANSI B77.1-2022 - Draft Proposal

New ANSI B77.1-22 has been issued and Colorado will adopt the new ANSI by reference beginning May 2, 2023.

### Proposed Rule:

#### TABLE OF CONTENTS Colorado Passenger Tramway Safety Board Rules and Regulations Booklet

##### Rules/Annexes

Section	Subject	Page
	Forward	3
	Preamble and incorporation by reference	4
1.	General requirements	1-1
2.	Aerial tramways	2-1
3.	Detachable grip aerial lifts	3-1
4.	Fixed grip aerial lifts	4-1
5.	Surface lifts	5-1
6.	Tows	6-1
7.	Conveyors	7-1
8.	Reserved	7-2



## COLORADO

### Department of Regulatory Agencies

Division of Professions and Occupations

9.	Funicular	9-1
10.	Reserved	9-1
11.	Reserved	9-1
12.	Reserved	9-1
13.	Reserved	9-1
14.	Reserved	9-1
15.	Reserved	9-1
16.	Reserved	9-1
17.	Reserved	9-1
18.	Reserved	9-1
19.	Reserved	9-1
20.	Tramway licensing	20-1
21.	New installations and modifications	21-1
22.	Inspections	22-1
23.	Passenger tramway incidents	23-1
24.	Rules of board procedure	24-1
<u>Annex</u>	<u>Subject</u>	<u>Page</u>
Annex E.	Operator control devices	Annex E-1
Annex F.	Combustion engine(s) and fuel handling	Annex F-1
Annex G.	Welded link chain	Annex G-1

### [Policies/Statutes](#)

Policy statements

Colorado Revised Statutes 25-5-701 through 25-5-721



**COLORADO**

**Department of  
Regulatory Agencies**

Division of Professions and Occupations

## **FOREWORD**

This booklet contains rules, statutes, and policies which pertain to the licensure of passenger tramways in Colorado. Passenger tramways must be licensed annually by the Colorado Passenger Tramway Safety Board before they can lawfully operate in Colorado. The Board has established standards of design and operation practices for all recreational tramways, and requires inspections of each device at least twice annually.

Colorado Revised Statutes Title 25, Article 5, Part 7 is the legal authority for the Board and is the basis for all Board activities. This statute is located at the end of this booklet.

The Board's rules and regulations are comprised of two documents: the "American National Standard for Passenger Tramways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements" and the "American National Standard for Funiculars - Safety Requirements" known simply as "ANSI", and the Colorado Rules and Regulations.

The ANSI documents are available for review at the Board's office during normal working hours or can be obtained by contacting the National Ski Areas Association at 303/987-1111.

The Colorado Rules and Regulations that contain technical rules not found in ANSI, ANSI rules which have been revised by the Board, and the Board's administrative rules are found in this booklet. Revision of these rules is an ongoing process. You will be notified when any rules are added, deleted, or revised by the Board.

Also included in this booklet are general policies adopted by the Board and a list of rules, which have been revised, added, or deleted since the last publication.

You are encouraged to contact the Colorado Passenger Tramway Safety Board at 303/894-7785 if you have any questions regarding the contents of this booklet.





## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

**Rule 0.1 Preamble and incorporation by reference.** Section 25-5-704(1)(a) of the Colorado Revised Statutes allows the Colorado Passenger Tramway Safety Board (“Board”) to “use as general guidelines the standards contained in the 'American Standard Safety Code for Aerial Passenger Tramways', as adopted by the American Standards Association, Incorporated, as amended from time to time.” Since 1965, when this provision was enacted, the American Standards Association, Inc., has been succeeded by the American National Standards Institute, Inc. and the American Standard Safety Code updated. The relevant publications are now known as the “American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements” (“ANSI B77.1-2011”) and the “American National Standard for Funiculars – Safety Requirements” (“ANSI B77.2-2004”).

The Board adopts and incorporates by reference, with certain additions, revisions, and deletions, the ANSI standards as listed below:

B77.1-1960	June 8, 1960	USA standard Safety Code for Aerial Passenger Tramways
B77.1a-1963	July 1, 1963	Addenda to USA standard Safety Code for Aerial Passenger Tramways
B77.1b-1965	July 26, 1965	Addenda to USA standard Safety Code for Aerial Passenger Tramways
B77.1-1970	March 17, 1970	American National Standard - Safety Requirements for Aerial Passenger Tramways
B77.1-1973	January 25, 1973	American National Standard - Safety Requirements for Aerial Passenger Tramways
B77.1-1976	November 19, 1975	American National Standard - Safety Requirements for Aerial Passenger Tramways
B77.1a-1978	January 17, 1978	Addendum to American National Standard - Safety Requirements for Aerial Passenger Tramways
B77.1-1982	July 16, 1982	American National Standard - for passenger tramways - aerial tramways and lifts, surface lifts and tows – Safety Requirements
B77.1a-1986	December 2, 1985	Supplement to American National Standard - for passenger tramways - aerial tramways and lifts, surface lifts and tows - Safety Requirements



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

B77.1b-1988	March 14, 1988	Supplement to American National Standard - for passenger tramways - aerial tramways and lifts, surface lifts and tows – Safety Requirements
B77.1-1990	March 26, 1990	American National Standard for Passenger Tramways - Aerial Tramways and Lifts, Surface Lifts and Tows - Safety Requirements
B77.1-1992	December 2, 1992	American National Standard for Passenger Tramways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows - Safety Requirements
B77.1-1999	March 11, 1999	American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements
B77.2-2004	December 31, 2003	American National Standard for Funiculars- Safety Requirements Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements
B77.1-2006	April 17, 2006	American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements
B77.1-2011	May 2, 2011	American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements
B77.1-2017	Feb 2, 2019	American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements
B77.1-2022	May 2, 2023	American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements
<u>B77.1-2022</u>	<u>May 1, 2023</u>	<u>American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements</u>

As used in this document, the term “rules and regulations” means the referenced ANSI Standards and the “State of Colorado Department of Regulatory Agencies Passenger Tramway Safety



Board Rules and Regulations.” The Board Rules and Regulations do not include any later amendments to or editions of the standards listed above.

A copy of each of the standards, codes, and guidelines listed above are available for public inspection at the Board office at the Division of Professions and Occupations, Department of Regulatory Agencies, 1560 Broadway, Suite 1350, Denver, Colorado, 80202, and at any state publications depository library. For further information regarding how this material can be obtained or examined, contact the Board's Program Director at 1560 Broadway, Suite 1350, Denver, Colorado, 80202, (303) 894-7785.



**COLORADO**

**Department of  
Regulatory Agencies**

Division of Professions and Occupations

**DATE:** Sept. 15, 2022

**TO:** All Interested Parties

**FROM:** Lawrence R. Smith, P.E.  
Supervisory Tramway Engineer  
Colorado Passenger Tramway Safety Board

**RE:** Section 4 Missed Rules - Draft Proposal

During the adoption of multiple rules to correspond with the adoption of the ANSI B77.1-2017 new Standard, an entire page was inadvertently omitted from the CPTSB Rules and regulations.

The proposed Rules are dated correctly for the rule requirements and the appropriate equipment age. The ANSI B77.1-2017 has new requirements that existing equipment cannot comply with and require the adoption of the then current rules into the CPTSB Rule and Regulations to cover the existing equipment.

This proposal aims to correct that omission by the adoption of the following rules;



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Department of  
Regulatory Agencies

Division of Professions and Occupations

## Proposed Rule:

Table 4-3 - Required stopping devices

Lift category	Service Brake	Drive Sheave Brake	Rollback device	Drive train backstop	Retarding device (see 4.1.2.4)
<b>Self-braking:</b> A lift that decelerates, stops, & remains stopped within the service brake performance requirements without a braking device	Not Required	Required	Not Required	Not Required	Not Required
<b>Nonoverhauling:</b> A lift that will not accelerate in either direction when it is not driven, but is not self-braking	Required*	Required	Not Required	Not Required	Not Required
<b>Overhauling, reverse direction:</b> A lift that will accelerate in the reverse direction when it is not driven	Required	Required	Required	Required †	Not Required
<b>Overhauling, forward direction:</b> A lift that will accelerate in forward direction when it is not driven	Required	Required	Not Required	Not Required	Required
<p>* A service brake is not required if the overhauling, reverse direction lift will meet the service brake stopping requirements under most unfavorable design loading conditions.</p> <p>† A drive train backstop is not required if the condition of 4.1.2.6 (b) is met</p>					



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

### 4.2.4 Operation circuits

Prior to April 15, 2019:

An operation circuit is a circuit that provides power to or controls the aerial lift machinery.

The designer or manufacturer shall identify the operation circuits that require periodic testing and develop procedures and frequency for testing. As a minimum, all operation circuits shall be tested and calibrated annually.

Operation circuits include, but are not limited to:

- a) power circuits;
- b) drive fault circuits;
- c) normal stop (see 1.4 - normal stop and 4.1.2.5);
- d) speed command circuits (i.e., fast, slow, etc.);
- e) internal combustion engine speed control;
- f) power unit interlock (see 4.1.2.1.3);

### 4.2.5 Supervision circuits

Prior to April 15, 2019:

Supervision circuits include all communications systems. In addition, supervision circuits may be provided to monitor or supervise the performance of various aerial lift systems or provide the aerial lift operator with system information.

The designer or manufacturer shall identify supervision circuits that require periodic testing and develop procedures and frequency for testing supervision circuits. As a minimum, all supervision circuits shall be calibrated and tested annually.

Supervision circuits may include, but are not limited to:



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

- a) telephone and sound powered systems (see 4.1.1.7);
- b) information display circuits;
- c) audible warning devices (see 4.2.10);
- d) overhead cable supervision (4.2.1.4);
- e) wind speed and direction sensors and display units;
- f) gearbox oil pressure, oil flow and temperature;
- g) pneumatic and hydraulic tension system pressure (see 4.2.5.1);
- h) unauthorized passenger detection;
- i) rope position detectors (see 4.2.5.2);
- j) acceleration/deceleration error (see 4.2.5.3).

### **4.2.5.1 Pneumatic and hydraulic tension systems**

Prior to April 15, 2019:

When pneumatic or hydraulic tension systems are used, pressure-sensing devices shall also be incorporated that will stop the aerial lift system in case the operating pressure goes above or below the design pressure range. Such pressure-sensing devices shall be located close to the actual tensioning device. It shall not be possible to isolate the pressure sensor from the actual tensioning device.

### **4.2.5.2 Rope Position Detection**

Prior to April 15, 2019:

On lifts where the carrier speed exceeds 600 feet per minute (3.0 meters per second), at least one device that senses the position of the rope shall be installed on each sheave unit. The device shall initiate a stop before the rope leaves the sheave in the horizontal direction or when the rope is displaced in the vertical direction by



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

one rope diameter plus the distance that the rope is displaced vertically from the sheave by the grip (see 4.1.3.3.2(g)).

When the device that senses the position of the rope is the only deropement switch, it shall meet the requirements of a protection circuit as described in section 4.2.3. An aerial lift system may utilize a rope position detector as a supervision circuit as described in section 4.2.5 only if it has another deropement detection system that meets the requirements of a protection circuit.

### 4.2.5.3 Acceleration/deceleration monitoring.

Prior to April 15, 2019:

The rate of acceleration and deceleration of the aerial lift shall be monitored. In the event that the acceleration or deceleration exceeds the provisions of 4.1.2.4, the aerial lift shall stop and annunciate the error.

EXCEPTION: Prime movers equipped with fluid couplings, centrifugal clutches, or wound rotor motors.

Prior to May 15, 2006  
Not Required

### 4.2.6 Bypass circuits

Prior to April 15, 2019:

A temporary circuit may be installed for the purpose of bypassing failed electrical circuits. These bypass circuits when used must meet the requirements of 4.3.2.5.9.

### 4.2.7 Electrical prime mover

Prior to April 15, 2019:

All aerial lift systems equipped with electrical prime movers (electrical motors) shall have phase-loss protection on all power phases and under-voltage protection or over-voltage protection, or both, when speed regulation can be adversely affected by such voltage variations.





## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

DATE: Sept 15, 2022

TO: All Interested Parties

FROM: Lawrence R. Smith, P.E.  
Supervisory Tramway Engineer  
Colorado Passenger Tramway Safety Board

RE: **22.3.5 Additional required inspection - Draft Proposal**

There has been some confusion in recent years as to the application of the ANSI B-77.1 requirement for additional inspections beyond the original 2 inspections per 2000 hours.

With tramways operating during winter AND summer season, as well as tramways operating year-round, this is an attempt to clarify and codify the requirements for additional inspections.

### **Proposed Rule:**

**22.3.5 Additional required inspection.** In addition to the annual licensing and unannounced inspections for each passenger tramway, there may be additional required inspections ~~after each 2000 hours of operation.~~ These inspections include:

#### **a) Single Season/Less than 2000 hours per year Operation**

For a passenger tramway that operate for a single season (winter or summer), or for less than 2000 hours per calendar year if operating on a year-round schedule (three seasons or more), the tramway shall incur two inspections: one mechanical licensing inspection prior to licensure and one unannounced operational inspection during the operating season.

#### **b) Two Season Operations (Winter-Summer)**

For a passenger tramway operating for both a winter AND summer season, the tramway shall incur a minimum of three inspections: one mechanical licensing inspection prior to licensure, one unannounced operational inspection during the winter operating season and one unannounced operational inspection during the summer operating season.



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

### **c) Tramways Operating MORE than 3000 hours per year**

For a passenger tramway that operates for more than 3000 hours per calendar year (regardless of seasonal or year-round operation), the tramway shall incur three (3) inspections:

- a) One mechanical licensing inspection
- b) Two unannounced operational inspections during the operating season (i.e. winter/summer)

### **d) Tramways Operating MORE than 4000 hours per year**

For a passenger tramway that operates for more than 4000 hours per calendar year, the tramway shall incur four (4) inspections:

- a) One mechanical licensing inspection prior to licensure
- b) One mechanical licensing inspection mid-year
- c) Two unannounced operational inspections during the operating season typically between the mechanical inspections.

Note: 22.3.4(a),(b), (c) and (d) do not exclude other possible required inspections, such as 22.3.4 Special Inspections or Major or Minor Modification Inspections,



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Department of  
Regulatory Agencies

Division of Professions and Occupations

DATE: Sept 15, 2022

TO: All Interested Parties

FROM: Lawrence R. Smith, P.E.  
Supervisory Tramway Engineer  
Colorado Passenger Tramway Safety Board

RE: **22.4.4 Inspection report - Proposed Draft Revisions**

Recent licensing inspections has led to a discussion of CPTSB Rule 22.4.4 concerning deficiencies and how the deficiency reports are written.

Rule 22.4.4 states:

***“22.4.4 Inspection report.** Upon completion of the inspection, the inspector shall provide the area operator of the passenger tramway(s) being inspected, or his agent, with a copy of the preliminary report of observations made during the inspection. As soon as possible, but no later than fifteen (15) days after the completion of the inspection, the inspector shall transmit to the Board a final report. This report shall include a statement as to whether it reasonably appears to the inspector that the passenger tramway(s) inspected comply with the statutes, these rules and regulations, and any other applicable orders of the Board, and that the inspection of such passenger tramway(s) disclosed no unreasonable safety hazards.*

*For each passenger tramway inspected, the inspector shall list the items not in compliance with these rules and regulations. The area operator of the passenger tramway(s) inspected shall also receive a copy of the inspector's final report.*

*Deficiencies stated in the annual inspection report shall be remedied as set forth in section 20.*

*Deficiencies stated in the annual unannounced inspection report and in any additional required inspection report(s) shall be remedied. A letter from the area's designated agent or appointed substitute designee stating that all the deficiencies listed in the inspection report have been corrected, must be received by the Board office within twenty-eight (28) days from the completion of the*



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

*inspection. Such letter shall bear a recognizable signature, printed name, and title and be submitted as an original or transmitted by electronic means.*

*Deficiencies stated in an acceptance test report(s) as required in 22.3.3.1 shall be remedied. A letter from the area's designated agent or appointed substitute designee stating that all the deficiencies listed in the inspection report have been corrected, must be received and acknowledged by the Board office before the tramway can open for public operation. Such letter shall bear a recognizable signature, printed name, and title and be submitted as an original or transmitted by electronic means.*

*The inspection completion date shall be noted on both the preliminary and final inspection report."*

This wording has been in place since the first version of the CPTSB Rules and Regulations issued in 1977.

During an initial Acceptance Test Inspection this past fall, a request was made for the possibility of licensing the next day after the test was complete. As usual, there were specific ANSI deficiencies, but there were also several deficiencies that were "non-specific" to ANSI. Those "non-specific" deficiencies listed were not an immediate hazard, but may have become hazards if the items were not completed or addressed in a timely manner.

In order for the area to obtain a license from the CPTSB, **ALL** deficiencies listed in the Acceptance Test would have to be completed prior to licensing. With this, the "non-specific" deficiencies would delay the licensing and opening of the tramway.

For years, the CPTSB Inspectors have been writing deficiencies under the ANSI X.3.3 Maintenance that involve maintenance items that need attention but are not specifically detailed in the ANSI Standard or CPTSB Rules. This occurs in both Acceptance Test Inspections as well as Annual Licensing Inspections.

Such items may include, but not limited to:

- Completing steps into Operator enclosures
- Adjusting floor plates for non-trip hazards
- Sealing terminal section seams to prevent leakage onto equip.
- Carrier parking rails and switches that attach to the terminals
- Replacing Burned out lights on Control panels
- Repair Broken Door Handle
- Replacing or repairing torn air filters for Electric Motors



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

- Completing Lift operator enclosures
- Complete terminal downspouts and install heat tapes
- Repairing or installing windows

However, when the licensee is under a short licensing time frame, such as opening a new tramway, those “non-specific” ANSI deficiencies have the potential of being completed after a tramway has opened to the public.

Potentially many such issues are non-specific safety-related items that may affect the operation or maintenance of the tramway. In the past, the CPTSB Inspectors have written many of these items up under “general maintenance” rule numbers in ANSI such as X.3.3.1 General and the licensees have corrected those deficiencies in the normal process.

We would like to begin a discussion of the rules to review for possible revisions to better define the expectations of “Observations” and “Deficiencies.”

The following is a draft of a proposed revision of Rule 22.4.4 for discussion:

***“22.4.4 Inspection report.** Upon completion of the inspection, the inspector shall provide the area operator of the passenger tramway(s) being inspected, or his agent, with a copy of the preliminary report of observations made during the inspection. As soon as possible, but no later than fifteen (15) days after the completion of the inspection, the inspector shall transmit to the Board a final report. This report shall include a statement as to whether it reasonably appears to the inspector that the passenger tramway(s) inspected comply with the statutes, these rules and regulations, and any other applicable orders of the Board, and that the inspection of such passenger tramway(s) disclosed no unreasonable safety hazards.*

*For each passenger tramway inspected, the inspector shall list ~~these items~~ the deficiencies not in compliance with these rules and regulations, and observations requiring attention that may affect the safety, maintenance and operations of the tramway. The area operator of the passenger tramway(s) inspected shall also receive a copy of the inspector’s final report.*

*Observations shall be remedied within 28 days from the completion of the inspection. If the observation is not corrected when the deficiency response letter is submitted, a proposed remedy to correct the observation shall be included in the deficiency response letter and shall be subject to rejection by the Supervisory Tramway Engineer.*



**COLORADO**

**Department of  
Regulatory Agencies**

Division of Professions and Occupations

*Deficiencies stated in the annual inspection report shall be remedied as set forth in section 20.*

*Deficiencies stated in the annual unannounced inspection report and in any additional required inspection report(s) shall be remedied. A letter from the area's designated agent or appointed substitute designee stating that all the deficiencies listed in the inspection report have been corrected, must be received by the Board office within twenty-eight (28) days from the completion of the inspection. Such letter shall bear a recognizable signature, printed name, and title and be submitted as an original or transmitted by electronic means.*

*Deficiencies stated in an acceptance test report(s) as required in 22.3.3.1 shall be remedied. A letter from the area's designated agent or appointed substitute designee stating that all the deficiencies listed in the inspection report have been corrected, must be received and acknowledged by the Board office before the tramway can open for public operation. Such letter shall bear a recognizable signature, printed name, and title and be submitted as an original or transmitted by electronic means.*

*The inspection completion date shall be noted on both the preliminary and final inspection report."*



## COLORADO

Department of  
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Division of Professions and Occupations

DATE: Sept 15, 2022

TO: All Interested Parties

FROM: Lawrence R. Smith, P.E.  
Supervisory Tramway Engineer  
Colorado Passenger Tramway Safety Board

RE: **Section 23 Passenger tramway incidents - Draft Proposal**

The original Passenger Tramway Reporting requirements developed in 1996 do not accurately reflect advancements in multi-media electronic communications in reporting injuries and fatalities that may occur on tramways.

The major revision proposed is in Sec. 23.1 Definitions, in which an injury involving a possible Passenger Tramway Failure or ANY Fatality involving the Passenger Tramway is reportable to the Board within a **ONE HOUR** time period. The requirement for a tramway mechanical failure has not changed and is still covered in Sec. 23.1(g).

Please review the proposed revisions and return your comments and thoughts. This is a Major change to the reporting requirements and there is no set timeframe for adopting these revisions.

### 23.1 Definitions

"Reportable passenger tramway incident" is defined as the following.

(a) Any incident from a possible malfunction of a passenger tramway in which a person is injured, or ~~killed~~ any trauma-related fatality involving the passenger tramway that occurs between the load board and unload board of the tramway. The tramway shall cease operation as defined by Section 23.3 Limitation of operation.

For the purposes of Section 23, the term "injured" is defined as bodily damage requiring immediate ~~medical attention~~ transport to a third-party medical facility.



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

(b) Any incident in which a passenger is injured falling or jumping from a chair which is outside of the load or unload zone.

For the purposes of this rule, the "load zone" is defined as the area from the "wait here" sign to a point where the "no ski closure" ends or in the event there are no ski closures, at a point where the vertical clearance of the lift line is greater than eight (8) feet. This is measured from the bottom of the chair seat of an open carrier to the terrain or snow surface.

For the purposes of this rule, the "unload zone" is defined is the area approaching the unload area where the vertical clearance is less than eight (8) feet. This is measured from the bottom of an open carrier to the terrain or snow surface.

(c) Any unintentional deropement of an aerial tramway regardless of whether or not the tramway is evacuated. This does not apply to Surface Lifts, Tows and Conveyors.

(d) Any unplanned evacuation other than by prime mover or auxiliary power unit, regardless of cause. This does not apply to Surface Lifts, Tows and Conveyors.

(e) Any fire involving tramway equipment or structures that poses a risk to passengers, operating personnel or the structural integrity of the tramway.

(f) Failure of any electrical or mechanical component which results in the loss of control of the tramway, unless the loss of control is a direct result of the malfunction of a single manual stop or speed control switch. Any of the following five (5) conditions is considered a loss of control:

- (1) tramway will not slow down when given the command to do so;
- (2) tramway will not stop when given the command to do so;
- (3) tramway accelerates faster than normal design acceleration;
- (4) tramway self starts or self accelerates without the command to do so;
- (5) tramway reverses direction unintentionally and without the command to do so.

(g) The failure of the following components or their primary connections are reportable:

Failure is defined as the inability of the listed components to continue to function as designed and continued operation would represent a hazard.

- (1) Terminal Structure;
- (2) Bullwheel;
- (3) Brake System Components;
- (4) Tower Structure;
- (5) Sheave, Axle or Sheave Assembly;
- (6) Carrier;





## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

- (7) Grip;
- (8) Haul, Track or Counterweight Cable.

### 23.2 Reporting to the board.

(a) All reportable passenger tramway incidents involving a fatality or injury as defined in Section 23.1 (a), shall be orally reported to a Board member or the authority appointed by the Board as soon as reasonably possible, but in all events within three (3) hours of the incident.

(b) All critical component failures requiring the closure of the passenger tramway for more than one hour shall be orally reported to a Board member or the authority appointed by the Board as soon as reasonably possible, but in all events within twenty-four (24) hours of the incident becoming known to the area personnel. A written report shall be delivered to the Board on forms approved by the Board postmarked within five (5) days of such incident or postmarked within five (5) days after the incident becomes known to the area personnel.

(bc) A reportable incident (*other than 23.2(a)*) discovered on dates when the lift is not open to the public shall be orally reported to a Board member or the authority appointed by the Board as soon as reasonably possible, but no later than seventy-two (72) hours after such incident becomes known to the area personnel. A written report shall be delivered to the Board on forms approved by the Board or postmarked within fifteen (15) days following the verbal report. However, all oral reports must be made prior to reopening a lift.

Area personnel is defined as personnel involved with the operation, supervision, and maintenance of the tramway. This includes, but is not limited to, lift maintenance, lift operations, ski patrol and all supervisory staff.

**23.3 Limitation of operation.** ~~When a death or injury results from a possible malfunction of a passenger tramway, as defined in Section 23.1 (a), the owner or area personnel of the tramway shall immediately cease operation and notify the Supervisory Tramway Engineer or a member of the Board by telephone.~~ When a reportable tramway incident as defined in Section 23.1 (a) occurs, the owner or area personnel of the tramway shall immediately cease operation and notify the Supervisory Tramway Engineer or a member of the Board by telephone. No part of the tramway shall be removed or disturbed before permission has been given by a Board member, the Supervisory Tramway Engineer, or his designated representative, except to the extent that such action is necessary to avoid further death or serious injury.

~~An investigation of the occurrence shall then be initiated within 24 hours and shall precede any authorization to resume public operation of the tramway. The report of investigation shall include a factual account of the incident, the nature and extent of injuries to persons, damage to~~



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

~~the passenger tramway, any witness statements, any other pertinent details, and recommendations for remedial measures to be taken prior to resuming operation.~~ An investigation of the occurrence may be initiated at the discretion of the Supervisory Tramway Engineer in agreement with the Board chair and, if initiated, shall be initiated within twenty-four (24) hours and shall precede any authorization to resume public operation of the tramway. A summary report of such investigations may include, as appropriate to the circumstances as they are known at the time, a factual account of the incident, the nature and extent of injuries to persons, damage to the passenger tramway, pertinent observations of witnesses, any other pertinent details, and recommendations for remedial measures to be taken prior to resuming operating. Information that identifies witness names or details of injuries that would invade the privacy of the individuals involved in the incident shall not be included in summary reports. The Board shall review and approve summary reports before they are available to the public.

**23.4 Logs - components.** Area operators shall maintain a log in a format approved by the Board which shall contain reports of components replaced or repaired that do not meet the definitions of CPTSB section 23.1(g) and are not part of maintenance due to normal wear. These reports shall be submitted during public operation to the Board at monthly intervals not to exceed 60 days from the date of occurrence. When the lift is not open to the public, the Component Log shall be submitted on a monthly basis when routine maintenance is being performed.

This log shall be available for inspection and, if requested by the Board or its duly authorized representative, the area operator shall make copies available of the relevant records relating to any of the components.

**23.5 Logs – stoppages.** Area operators shall maintain a passenger tramway log which shall contain reports of all passenger tramway stoppages over ten (10) minutes. For each such stoppage, the log shall contain the following information:

- (a) name and/or number of the passenger tramway;
- (b) date of stoppage;
- (c) reason for stoppage;
- (d) description of any mechanical, structural, electrical, or other problem (if known);
- (e) under investigation (yes or no);
- (f) action taken, if any;
- (g) length of time the tramway was down.

This log shall be available for inspection and, if requested by the Board or its duly authorized representative, the area operator shall make copies available of the relevant records relating to any of the stoppages.



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

**23.6 Logs - loading, unloading incidents and passengers falling or jumping from lifts.** Area operators shall maintain a log which shall contain reports of all loading and unloading incidents in which injury occurs. This log shall also contain any incident in which a passenger falls or jumps from a chair with no injury, of which the area personnel has knowledge, that is outside the load or unload zone. For the purposes of this rule, the "load zone" and "unload zone" is defined in 23.1(b).

For each such loading and unloading incident, the log shall contain the following information:

- (a) name and/or number of the passenger tramway;
- (b) date the incident occurred;
- (c) name, address and age of person injured;
- (d) description of the injury;
- (e) description of the incident;
- (f) under investigation (yes or no).

For each such fall or jumping incident, the log shall contain the following information:

- (a) name and/or number of the passenger tramway;
- (b) date the incident occurred;
- (c) age and gender of person involved, if known;
- (d) location of incident;
- (e) under investigation (yes or no).

This log shall be available for inspection and, if requested by the Board or its duly authorized representative, the area operator shall make copies available of the relevant records relating to any of the incidents.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00573

**Department**

700 - Department of Regulatory Agencies

**Agency**

723 - Public Utilities Commission

**CCR number**

4 CCR 723-6

**Rule title**

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

## Rulemaking Hearing

**Date**

11/10/2022

**Time**

09:00 AM

**Location**

By video conference using Zoom at a link in the calendar of events on the Commissions website, available at:  
<https://puc.colorado.gov/>

**Subjects and issues involved**

The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) to consider amendments to the Commissions Transportation Network Company (TNC) rules, 4 Code of Colorado Regulations (CCR) 723-6. The statutory authority for adoption of these rules is set forth in §§ 40-2-108 and 40-10.1-601 through 609, C.R.S., House Bill (HB) 22-1089, enacted May 17, 2022 and effective August 10, 2022, and Senate Bill (SB) 22-144, enacted and effective May 27, 2022. The Commission issues this NOPR to review, examine, and consider revisions to its rules regarding TNCs, as it pertains to legislative and statutory changes incorporated by multiple bills passed by the Colorado Legislature during the 2022 session. The proposed amendments reflect the Commissions intent to amend and update TNC rules to make them congruent with the recent statutory changes and to expand upon certain minimum safety requirements and other criteria, pursuant to statutory directive. The rules adopted through this proceeding will supersede the temporary rules currently in effect to implement SB 22-144, adopted by the Commission through Decision No. C22-0552, issued September 19, 2022.

**Statutory authority**

The statutory authority for adoption of these rules is set forth in §§ 40-2-108 and 40-10.1-601 through 609, C.R.S., House Bill (HB) 22-1089, enacted May 17, 2022 and effective August 10, 2022, and Senate Bill (SB) 22-144, enacted and effective May 27, 2022.

**Contact information****Name**

Nathan Riley

**Title**

Section Chief - Transportation

**Telephone**

303-894-2848

**Email**

[nate.riley@state.co.us](mailto:nate.riley@state.co.us)

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-6**

#### **PART 6**

#### **RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE**

##### **TRANSPORTATION NETWORK COMPANY RULES**

##### **6700. Applicability of Transportation Network Company Rules.**

Rules 6700 through 6724 apply to all transportation network companies (TNCs) as defined by § 40-10.1-602(3), C.R.S. and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

##### **6701. Definitions.**

The following definitions apply throughout rules 6700 through 6724, except where a specific rule or statute provides otherwise.

- (a) "Enforcement official" means:
  - (I) any person appointed or hired by the director, or the director's designee, to perform any function associated with the regulation of transportation network companies; or
  - (II) as defined by § 42-20-103(2), C.R.S.
- (b) "Logged in" means that a driver's credentials have been accepted to connect to a transportation company digital network such that the driver is capable of being matched to a rider [OR a driver has gained access to a transportation company digital network].
- (c) "Logged out" means that a driver is disconnected or not connected to a transportation company's digital network.
- (d) "Matched" means the point in time when a driver accepts a requested ride through a transportation network company's digital network.
- (e) "Permit" means the permit required for the operation of a transportation network company pursuant to Part 6 of Article 10.1 of Title 40, C.R.S.
- (f) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or other legal entity and any person acting as or in the capacity of officer, director, manager, employee, member, partner, lessee, trustee, or receiver thereof, whether appointed by a court or otherwise.

- (g) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing services for a transportation network company that meets the vehicle criteria set forth in § 40-10.1-605(1)(h), C.R.S.
- (h) "Prearranged ride" means a period of time that begins when a driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the personal vehicle.
- (i) "School" means a public school that enrolls students in any of the grades of kindergarten through twelfth grade.
- (j) "Student" means an individual enrolled in a school.
- (k) "Transportation network company" (TNC) means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect riders to drivers for the purpose of providing transportation. A transportation network company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing arrangements, as defined in § 39-22-509 (1) (a) (II), C.R.S. or any transportation service over fixed routes at regular intervals. A transportation network company is not deemed to own, control, operate, or manage the personal vehicles used by transportation network company drivers. A transportation network company does not include a political subdivision or other entity exempted from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.
- (lj) "Transportation network company driver" or "driver" means an individual who uses his or her personal vehicle to provide transportation network company services for riders matched to the driver through a transportation network company's digital network. A driver need not be an employee of a transportation network company.
- (mk) "Transportation network company rider" or "rider" means a passenger in a personal vehicle for whom a driver provides transportation network company services, including:
- (I) an individual who uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle for the individual and anyone in the individual's party; or
  - (II) anyone for whom another individual uses a transportation network company's online application or digital network to connect with a driver to obtain services in the driver's vehicle.
  - (III) "Rider" includes service animals as defined in § 24-34-803, C.R.S., accompanying any passenger.
- (nl) "Transportation network company services" or "services" means the provision of transportation by a driver to a rider with whom the driver is matched through a transportation network company. The term does not include services provided either directly by or under contract with using vehicles owned or leased by a political subdivision or other entity exempt from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended. The term includes services provided under a contract between a transportation network company and a political subdivision or other entity exempt from federal income tax under § 115 of the federal "Internal Revenue Code of 1986", as amended.

\* \* \* \*

[indicates omission of unaffected rules]

**6706. Financial Responsibility.**

- (a) Every TNC shall obtain and keep in force at all times motor vehicle liability insurance coverage that conforms with the requirements of § 40-10.1-604(2), C.R.S. Every TNC shall cause to be filed a Commission-prescribed Form T: TNC Bodily Injury and Property Damage Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (b) If a TNC chooses to maintain primary automobile insurance coverage on behalf of a driver or drivers that conforms with the requirements of § 40-10.1-604(3), C.R.S., it shall cause to be filed a Commission-prescribed Form P: TNC Primary Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (c) Every TNC shall obtain and keep in force at all times insurance protection against uninsured motorists that conforms with the requirements of § 40-10.1-604(2.5), C.R.S. Every TNC shall cause to be filed a Commission-prescribed Form U: Insurance Protection Against Uninsured Motorists Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer. The insurer must be authorized to do business in the state of Colorado.
- (d) For purposes of this rule, surplus line insurers authorized under article 5 of title 10, C.R.S., are within the meaning of an insurer authorized to do business in the state of Colorado.
- (ed) If a TNC chooses not to maintain primary automobile insurance on behalf of a driver or drivers, it shall file a certification that each driver who is authorized by a TNC to log in to the TNC's digital network is in compliance with the provisions of § 40-10.1-604(3), C.R.S.
- (fe) Administrative cancellation of certificates of insurance and/or surety bond.
  - (I) When a new certificate of insurance and/or surety bond is filed with the Commission, all certificates of insurance and/or surety bond for the same type and category of coverage with an older effective date shall be administratively cancelled upon the effective date of the new certificate of insurance and/or surety bond.
  - (II) When the Commission receives notice from a TNC to cancel its permit, all the certificates of insurance and/or surety bond for the TNC shall be administratively cancelled.

\* \* \* \*

[indicates omission of unaffected rules]

**6724. Transportation for Remuneration from a School or School District**

In accordance with § 40-10.1-608(3)(a), C.R.S., the following minimum safety standards are implemented for transportation network companies, personal vehicles, and transportation network company drivers when engaging in services provided under a contract with a school or school district. These minimum safety standards are in addition to all other transportation network company rules present in this section.

- (a) Contracts. A transportation network company that, for remuneration from a school or school district, provides services for students to or from a school, school-related activities, or school-sanctioned activities shall enter into a contract with the appropriate school or school district that may include specific provisions for the safety of student passengers, as determined by the school or school district.
- (b) End-to-end visibility. A transportation network company that, for remuneration from a school or school district, provides services for students to or from a school, school-related activities, or school-sanctioned activities shall use a technology-enabled integrated solution that provides end-to-end visibility into the ride for the transportation network company, the student's legal guardian, and the person that scheduled the ride. This solution must allow for Global Positioning System (GPS) monitoring of the ride in real time for safety-related anomalies.
- (I) The technology-enabled integrated solution shall be maintained and in good working order, at all times, when performing services provided under contract with a school or school district. Any disruption that occurs during a prearranged ride shall be immediately reported to the school or school district and to the parent or legal guardian of the involved student, as applicable.
- (c) Training requirements. A transportation network company that, for remuneration from a school or school district, provides services for students to or from a school, school-related activities, or school-sanctioned activities shall ensure that each driver providing the service receives training in mandatory reporting requirements, safe driving practices, first aid and Cardiopulmonary Resuscitation (CPR), education on special considerations for transporting students with disabilities, emergency preparedness, and safe pick-up and drop-off procedures.
- (I) Any driver training covering the topics outlined in this rule must be approved by the Commission prior to being used to meet this requirement. Commission staff, in consultation with the Colorado Department of Education (CDE) as a subject matter expert, shall be responsible for the review and approval of any related driving training. If a submitted driver training is not approved, a TNC may, within 60 days of Commission staff's notification, file a petition with the Commission for a qualification determination.
- (II) Driver training covering the topics outlined in this rule, as offered by schools or school districts, may meet this requirement, if approved by the Commission.
- (III) A TNC, or a third party on behalf of a TNC, shall maintain records associated with the training requirements outlined in this rule during the driver's period of service and for six months thereafter.
- (IV) The TNC, not the driver, shall pay the cost of providing the training outlined in this rule.
- (V) The driver training outlined in this rule shall be completed prior to the driver performing services provided under a contract with a school or school district.
- (d) Criminal history record checks. If a fingerprint background check for a driver is required, as specified in a contract with a school or school district, the criminal history record check shall be completed pursuant to the procedures set forth in § 40-10.1-110, C.R.S., as supplemented by the Commission's rules, in accordance with § 40-10.1-605(3)(a)(I), C.R.S., or through the background check requirements under the Education Code, in accordance with § 22-32-122, C.R.S.



- (l) In addition to the disqualification provisions under § 40-10.1-605(3)(c), C.R.S., a TNC shall not use a driver to provide services for students to or from a school, school-related activities, or school-sanctioned activities for remuneration from a school or school district if the driver has been convicted of or pled guilty or nolo contendere to an offense described in § 22-32-109.8(6.5), C.R.S.
- (e) Medical fitness. A TNC shall not permit a person to act as a driver, when performing services provided under a contract with a school or school district, unless the driver has been medically examined and certified under the provisions of 49 C.F.R. 391.41.
  - (l) A driver shall keep on their person or in their personal vehicle a copy of their medical certification, as outlined in this rule, in physical or electronic form. This documentation shall be provided to an enforcement official, upon request.
  - (ll) A TNC, or a third party on behalf of a TNC, shall maintain records associated with the driver's medical certification, as outlined in this rule, during the driver's period of service and for six months thereafter. This documentation shall be made available to an enforcement official, upon request.
  - (lll) The medical certification requirements, as outlined in this rule, may substitute the specific provisions of any other rules in this section that reference a driver's self-certification to the TNC that they are physically and mentally fit to drive.
- (f) Vehicle inspections. A TNC shall not permit the use of a personal vehicle, when performing services provided under contract with a school or school district, unless the individual performing the vehicle inspection, as outlined in 6714, is an Automotive Service Excellence (ASE) certified mechanic qualified to perform the inspection and employed by a company authorized to do business in Colorado.
  - (l) If a personal vehicle is equipped with restraints, ramps, lifts, or other special devices, which are used to facilitate the loading, unloading, or transportation of individuals with disabilities, such equipment shall be in good working order.
- (g) Daily Vehicle Inspection Report (DVIR). A TNC shall require a driver, when performing services provided under contract with a school or school district, to prepare a Daily Vehicle Inspection Report (DVIR), in writing, prior to each day's work.
  - (l) The report shall cover at least the following parts and accessories:
    - (A) foot brakes and emergency brakes;
    - (B) steering mechanism;
    - (C) windshield and wipers;
    - (D) doors and windows;
    - (E) head lights, tail lights, stop lights, and turn indicator lights;
    - (F) front seat adjustment mechanism;
    - (G) horn;

(H) speedometer;

(I) bumpers;

(J) mufflers and exhaust system;

(K) tires and wheels;

(L) rear view mirrors; and

(M) safety belts.

(II) The driver, on the DVIR, shall:

(A) identify the vehicle and list any defects or deficiencies discovered by or reported to the driver, which would affect the safety of operation of the vehicle or result in its mechanical breakdown;

(B) if no defects or deficiencies are discovered by or reported to the driver, the report shall so indicate; and

(C) in all instances, the driver shall sign, or otherwise certify, the report.

(III) Prior to requiring or permitting a driver to operate a personal vehicle, when performing services provided under contract with a school or school district, any noted defects or deficiencies listed in the DVIR shall be repaired or corrected.

(IV) For every DVIR which identifies any defects or deficiencies, a certification of the repair must be made that indicates the defects or deficiencies have been repaired or that the repair is unnecessary.

(V) The driver shall review and certify the repair has been made, if applicable.

(VI) The TNC shall maintain a DVIR record for three months after the date the DVIR was prepared.

(h) Emergency procedures. A TNC shall have and enforce emergency procedures, to be followed in the event of a safety or security incident that involves providing services for students to or from a school, school-related activities, or school-sanctioned activities.

(i) Safety restraints. A TNC shall have and enforce a policy that requires a driver to follow all Colorado laws regarding the proper use of safety belt systems and child restraint systems, when performing services provided under a contract with a school or school district.

(j) Unauthorized passengers. A TNC shall have and enforce a policy that prohibits drivers from transporting unauthorized passengers, when performing services provided under a contract with a school or school district.

(k) Reporting requirements. A TNC shall be responsible for the following reporting requirements:

(I) A TNC shall issue a notice of any safety or security incidents that involve providing services for students to or from a school, school-related activities, or school-sanctioned

activities. The notice shall be sent to the Commission, to each school or school district with which the TNC has entered into a contract, and to the parent or legal guardian of the involved student, as applicable. The notice shall be issued as soon as possible, but no later than one business day after the safety or security incident occurs.

(II) Prior to February 1 of each calendar year, a TNC shall report to the Commission any safety or security incidents that occurred during the previous calendar year. Such reports shall include, but are not limited to, the TNC's name; the TNC's permit number; the period being reported; the identity of the involved drivers; the dates of the incidents; the names of the applicable schools or school districts; the nature of the safety or security incidents; and any resulting disciplinary actions. The report shall also contain the signature, printed name, and title of the person completing the report; the printed name and title of an officer authorized to file the report; and an oath that the information is accurate. In addition to this report being submitted to the Commission, the report shall also be submitted to each school or school district with which the TNC has entered into a contract. This report is in addition to, not in lieu of, any other reporting requirements outlined in this rule.

(III) Prior to February 1 of each calendar year, a TNC shall report to the Commission information related to any driver background checks that occurred during the previous calendar year. Such reports shall include, but are not limited to, the TNC's name; the TNC's permit number; the period being reported; the identity of the involved drivers; the dates of the administered background checks; what type of background checks are being administered; the results of the administered background checks, including any disqualifications; and the operational status of the involved drivers. The report shall also contain the signature, printed name, and title of the person completing the report; the printed name and title of an officer authorized to file the report; and an oath that the information is accurate.

(I) Authority to inspect records. An enforcement official has the authority to interview personnel of a TNC, inspect TNC facilities, and inspect records, as it pertains to performing services provided under a contract with a school or school district, as follows:

(I) immediately for any records related to insurance or safety;

(II) within two days for any records related to a complaint or investigation; or

(III) within ten days for all other records.

(m) Higher standards. Nothing in these rules prohibits a school or school district from setting higher standards for transporting a student to or from a school, school-related activity, or school-sanctioned activity.

#### **6725. Violations, Civil Enforcement, and Enhancement of Civil Penalties.**

Civil penalty assessments are in addition to any other penalties provided by law.

TNCs are subject to §§ 40-7-112, C.R.S. and 40-7-113 through 40-7-116, for violations of Part 6 of Title 40, C.R.S., or these rules, and may be assessed civil penalties for any such violation.

(a) \$11,000 per violation.

- (I) Failure to obtain and keep in force liability insurance that conforms with the requirements of § 40-10.1-604.
- (b) \$10,000 per violation.
  - (I) Violation of paragraph 6723(a).
  - (II) Violation of paragraph 6723(b).
- (c) \$2,500 per violation.
  - (I) Violation of paragraph 6723(i) or (j).
  - (II) Violation of rule 6708.
  - (III) Violation of paragraph 6722(a), (c), (d), (e), or (f).
- (d) \$1,100 per violation.
  - (I) Violation of rule 6713.
  - (II) Violation of the periodic inspection requirements of rule 6714.
  - (III) Violation of rule 6702.
  - (IV) Violation of rule 6721.
  - (V) Violation of paragraph 6723(c), (d), (e), (g) or (l).
- (e) \$500 per violation up to \$10,000.
  - (I) Violation of rule 6710.
  - (II) Failure to return the completed DVCR as required by subparagraph 6718(c)(III).
  - (III) Violation of paragraph 6722(g).
- (f) \$275 per violation.
  - (I) Violation of rule 6712.
- (g) \$250 per violation.
  - (I) Violation of any rule not specified above.
- (h) Notwithstanding any provision in these rules to the contrary, the Commission may assess a civil penalty of two times the amount or three times the amount, as provided in § 40-7-113, C.R.S.
  - (I) The amounts in paragraphs (a) through (g) shall be two times the specified amount if:

- (A) the person engaged in prior conduct which resulted in the issuance of a prior civil penalty assessment notice;
  - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notice;
  - (C) the conduct occurred within one year after the date of violation in the prior civil penalty assessment notice; and
  - (D) the conduct occurred after the person's receipt of the prior civil penalty assessment notice.
- (II) The amounts in paragraphs (a) through (g) shall be three times the specified amount if:
- (A) the person engaged in two or more instances of prior conduct which resulted in the issuance of two or more prior civil penalty assessment notices;
  - (B) the conduct is of the same or narrower character as the conduct that was cited in the prior civil penalty assessment notices;
  - (C) the conduct occurred within one year after the two most recent prior instances of conduct cited in the prior civil penalty assessment notices; and
  - (D) the conduct occurred after the person's receipt of two or more prior civil penalty assessment notices.
- (i) The civil penalty assessment notice shall contain the maximum penalty amounts prescribed for the violation; the amount of the penalty surcharge pursuant to § 24-34-108(2); and a separate provision for a reduced penalty of 50 percent of the maximum penalty amount if paid within ten days after the civil penalty assessment notice is tendered.

| 67265. – 6799. [Reserved].

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 22R-0402TR

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IN THE MATTER OF PROPOSED AMENDMENTS TO THE COMMISSION’S  
TRANSPORTATION NETWORK COMPANY RULES, 4 CODE OF COLORADO  
REGULATIONS 723-6, IMPLEMENTING HOUSE BILL 22-1089 AND SENATE BILL 22-  
144 AND ESTABLISHING ADDITIONAL INSURANCE, TRAINING, OPERATIONAL, AND  
REPORTING REQUIREMENTS FOR TRANSPORTATION NETWORK COMPANIES.

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**COMMISSION NOTICE OF PROPOSED RULEMAKING**

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Mailed Date: September 21, 2022

Adopted Date: September 21, 2022

**TABLE OF CONTENTS**

I.	BY THE COMMISSION .....	2
A.	Statement, Findings, and Conclusions.....	2
B.	Background.....	3
C.	Discussion of Proposed Amendments to TNC Rules.....	5
1.	TNC Rule 6701 .....	5
2.	TNC Rule 6706 .....	6
3.	TNC Rule 6724 .....	6
4.	TNC Rule 6725 .....	13
D.	Questions for Stakeholders.....	13
E.	Conclusion.....	14
II.	ORDER.....	14
A.	The Commission Orders That: .....	14
B.	ADOPTED IN COMMISSIONERS' WEEKLY MEETING September 21, 2022.....	16

**I. BY THE COMMISSION****A. Statement, Findings, and Conclusions**

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) to consider amendments to the Commission's Transportation Network Company (TNC) rules, 4 *Code of Colorado Regulations* (CCR) 723-6. The statutory authority for adoption of these rules is set forth in §§ 40-2-108 and 40-10.1-601 through 609, C.R.S., House Bill (HB) 22-1089, enacted May 17, 2022 and effective August 10, 2022, and Senate Bill (SB) 22-144, enacted and effective May 27, 2022.

2. The Commission issues this NOPR to review, examine, and consider revisions to its rules regarding TNCs, as it pertains to legislative and statutory changes incorporated by multiple bills passed by the Colorado Legislature during the 2022 session. The proposed amendments reflect the Commission's intent to amend and update TNC rules to make them congruent with the recent statutory changes and to expand upon certain minimum safety requirements and other criteria, pursuant to statutory directive. The rules adopted through this proceeding will supersede the temporary rules currently in effect to implement SB 22-144, adopted by the Commission through Decision No. C22-0552, issued September 19, 2022.

3. The proposed amendments to the TNC rules are available for review as Attachment A (redline) and Attachment B (clean) to this Decision, through the Commission's Electronic Filings website (Proceeding No. 22R-0402TR) at [https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=22R-0402TR](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0402TR)

4. The Commission welcomes comments from interested rulemaking participants, regarding the amendments proposed in this NOPR. To the extent a participant disagrees with the

proposed amendments, they are encouraged to submit comments that include any suggested revisions to the rule language in legislative (*i.e.*, *strikeout*) format.

**B. Background**

5. On May 17, 2022, Governor Jared Polis signed House Bill 22-1089 (HB22-1089), Rideshares and Uninsured Motorist Insurance Coverage. This bill, in part, amended § 40-10.1-604, C.R.S., to require TNCs to secure insurance coverage against damage caused by uninsured motorists, in amounts of at least \$200,000 per person and \$400,000 per occurrence, to be in effect at all times the driver is engaged in a prearranged ride. The effective date of the statutory changes was August 10, 2022.

6. On May 27, 2022, Governor Jared Polis signed Senate Bill 22-144 (SB 22-144), Public and Nonprofit Entities Rideshare Contracts. SB 22-144 modified the statutory definition of “transportation network company services” to include services provided under a contract between a TNC and a political subdivision or other entity exempt from federal income tax under section 115 of the federal “Internal Revenue Code of 1986”, as amended<sup>1</sup>. In addition, the bill modified the identified areas of transportation not subject to Commission regulation in §§ 40-10.1-105(1)(b) and (j), C.R.S., to expressly exclude TNC services provided under a contract between a TNC and a school or school district and TNC services provided under a contract between a TNC and the federal government, a state, or any agency or political subdivision thereof.

7. SB 22-144 also added several new operational standards in §§ 40-10.1-605(1)(p), (q), and (r), C.R.S., that require a TNC providing subject student transportation to: (1) enter into a contract with the school or school district; (2) use a technology-enabled integrated solution that

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<sup>1</sup> See amended § 40-10.1-602(6)(c), C.R.S.



provides end-to-end visibility into the ride for the TNC, the transported student's legal guardian, and the person that scheduled the ride; and (3) ensure each TNC driver receives training in several specialized areas. The bill also added a new operational requirement in § 40-10.1-605(10), C.R.S., that prohibits a TNC from using for these services a driver convicted of, or who pled guilty or *nolo contendere* to, an offense listed in § 22-32-109.8(6.5), C.R.S.

8. In addition, SB 22-144 implemented new reporting requirements for TNCs. The newly created § 40-10.1-609(1), C.R.S., requires TNCs to notify the Commission of any safety or security incidents that involve providing subject student transportation services. TNCs must also send the same notice to each school or school district with which it has contracted to provide subject services.

9. Finally, SB 22-144 enacted the following rulemaking requirements for the Commission: (1) § 40-10.1-605(1)(r), C.R.S., required the Commission to coordinate with the Colorado Department of Education (CDE) to promulgate, by September 1, 2022, Commission rules providing for approval of the TNC driver training required by SB 22-144; (2) § 40-10.1-608(3)(a), C.R.S., required the Commission to coordinate with CDE to promulgate, by September 1, 2022, Commission rules implementing minimum safety standards for TNCs, personal vehicles, and TNC drivers when engaging in services provided under a contract with a school or school district; and (3) § 40-10.1-609(2)(a), C.R.S., required the Commission to coordinate with CDE to promulgate, by September 1, 2022, Commission rules requiring a TNC to report information related to driver background checks, insurance coverage, and data reporting, consistent with the type of service provide, as it relates to service for students. The effective date of the statutory changes was May 27, 2022.

10. On August 17, 2022, the Commission adopted temporary TNC rules incorporating the statutory provisions outlined in SB 22-144<sup>2</sup>. Furthermore, the Commission coordinated with CDE to develop rules implementing driver training requirements, minimum safety standards, and reporting criteria, per statutory directive. The Commission indicated the temporary rules were to take effect on September 1, 2022. On August 26, 2022, a stakeholder TNC, HopSkipDrive, Inc. (HopSkipDrive), filed an application for rehearing, reargument, or reconsideration (RRR), requesting revision or elimination of certain provisions in the temporary rules. On September 19, 2022, the Commission issued a decision granting the RRR, in part, and denying the RRR, in part. Through Decision No. C22-0552, the Commission adopted revised temporary rules, to be effective for 210 days from the adoption date, April 17, 2023, or until superseded by the permanent rules to be adopted in this Proceeding.<sup>3</sup>

### **C. Discussion of Proposed Amendments to TNC Rules**

11. The proposed amendments to the TNC rules are shown in Attachment A (redline) and Attachment B (clean) to this Decision. These changes are described below, along with discussion of the statutory and policy reasons associated with the proposed amendments.

#### **1. TNC Rule 6701**

12. The proposed amendments add a new definition in TNC Rule 6701(i), defining “school” as a public school that enrolls students in grades kindergarten through twelfth. The proposed amendments also add a new definition in TNC Rule 6701(j), defining “student” as an individual enrolled in a school. These new definitions match the statutory definitions for these terms enacted in SB 22-144, codified at §§ 40-10.1-602(2.5) and (2.6), C.R.S. The remaining

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<sup>2</sup> See Commission Decision No. C22-0486, Proceeding No. 22R-0359TR.

<sup>3</sup> See Commission Decision No. C22-0552, Proceeding No. 22R-0359TR.

definitions in TNC Rule 6701 have also been re-numbered, to accommodate these new definitions.

13. The proposed amendments modify the definition in existing TNC Rule 6701(l), re-numbered as TNC Rule 6701(n), for “transportation network company services” or “services” (TNC services). The modified definition implements the statutory changes enacted in SB 22-144 to the definition of TNC services in §§ 40-10.1-602(6)(b) and (c), C.R.S., and the areas of transportation not subject to Commission regulation identified in §§ 40-10.1-105(1)(b) and (j), C.R.S. The proposed amendment explicitly includes, in the definition of TNC services, any services provided under a contract between a TNC and a political subdivision or other entity exempt from federal income tax under § 115 of the federal “Internal Revenue Code of 1986”, as amended.

## **2. TNC Rule 6706**

14. The proposed amendments add a new TNC insurance form (Form U, Insurance Protection Against Uninsured Motorists) that is required to be obtained and kept in force at all times, which conforms with the requirements of § 40-10.1-604(2.5), C.R.S. The new rule implements the statutory changes enacted in HB22-1089 to required insurance coverages in § 40-10.1-604(2.5), C.R.S. The proposed amendments modify existing TNC Rule 6706(c). The remaining rules in TNC Rule 6706 have also been re-numbered, to accommodate this new rule.

## **3. TNC Rule 6724**

15. The proposed amendments modify existing TNC Rule 6724, which has been re-titled “Transportation for Remuneration from a School or School District.” This new rule implements the operational, training, and reporting requirements enacted in SB 22-144. The proposed amendments re-number existing TNC Rule 6725 to accommodate this new rule. Each

paragraph of this proposed rule is discussed below. These requirements apply to a TNC, personal vehicle, and TNC driver, when engaging in services provided under a contract with a school or school district and are in addition to all other applicable TNC rules, unless otherwise stated.

**a. Contracts**

16. Paragraph (a) requires a subject TNC to enter into a contract with the appropriate school or school district, which may include specific provisions for the safety of student passengers, as determined by the school or school district. This proposed rule implements § 40-10.1-605(1)(p), C.R.S.

**b. End-to-End Visibility**

17. Paragraph (b) requires a subject TNC to use a technology-enabled integrated solution that provides end-to-end visibility into the ride for the TNC, the student's legal guardian, and the person that scheduled the ride. The technology-enabled integrated solution must allow for Global Positioning System (GPS) monitoring of the ride in real time for safety-related anomalies. In addition, the technology-enabled integrated solution must be maintained and in good working order and any disruptions must be immediately reported to the school or school district and to the parent or legal guardian of the involved student, as applicable. This proposed rule implements § 40-10.1-605(1)(q), C.R.S.

**c. Training Requirements**

18. Paragraph (c) requires a subject TNC to ensure each driver providing subject TNC services receives training in mandatory reporting requirements, safe driving practices, first aid and Cardiopulmonary Resuscitation (CPR), education on special considerations for transporting students with disabilities, emergency preparedness, and safe pick-up and drop-off procedures.

Any training covering these topics must be approved by the Commission. The process for approval of this training is delegated to Transportation Staff, in consultation with CDE. The approval determinations of Transportation Staff are also subject to appeal. The rule allows that training covering these topics, as offered by schools or school districts, may meet this requirement. The rule also requires a TNC to maintain training records during the driver's period of service and six months thereafter, pay for the applicable training requirements, and the training must be completed before the driver starts performing subject services. This proposed rule implements § 40-10.1-605(1)(r), C.R.S., and was developed in coordination with CDE.

**d. Criminal History Record Checks**

19. Paragraph (d) specifies, if a driver fingerprint background check is required by contract with a school or school district, the criminal history record check must be completed pursuant to the existing procedures set forth in § 40-10.1-110, C.R.S., as supplemented by the Commission's rules, in accordance with § 40-10.1-605(3)(a)(I), C.R.S., or through the background check requirements under the Education Code, in accordance with § 22-32-122, C.R.S. The rule also specifies a TNC shall not use a driver for subject services if the driver has been convicted of, or pled *nolo contendere* to, an offense described in § 22-32-109.8(6.5), C.R.S. This proposed rule implements § 40-10.1-605(10), C.R.S.

**e. Medical Fitness**

20. Paragraph (e) prohibits a TNC from permitting a person to act as a driver for subject services unless the driver has been medically examined and certified under the provisions of 49 C.F.R. 391.41. The rule requires a driver and the TNC to maintain records of the medical certification and produce them to an enforcement official, upon request. The rule may also substitute the specific provisions of any other TNC rules that reference a TNC driver's physical

and mental fitness. This proposed rule, developed in coordination with CDE, implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard for TNC drivers providing student transportation under contract with a school or school district.

21. The purpose of this rule is to ensure the medical fitness of TNC drivers who will be transporting students. We have concern that, without this heightened requirement, all that would be required is a “self-certification” by a driver through the TNC’s app, meaning no formalized medical certification process is required.<sup>4</sup> We note the temporary rule, to streamline this process, allows for qualification under U.S. Department of Transportation (USDOT) standards.<sup>5</sup> Further, we note this is a medical certification standard that has been accepted as necessary by the Commission for many years, including in its current iteration under Rule 6109(a), 4 CCR 723-6, which applies to other types of passenger transportation providers. We conclude that the minimal burden of TNC drivers having to pass this formal health screening, in order to provide subject student transportation service, is far outweighed by the public interest benefit of ensuring that TNC drivers who will be transporting students are demonstrably capable of doing so safely. We solicit comment from rulemaking participants on this rule and how to best effect this purpose.

#### **f. Vehicle Inspections**

22. Paragraph (f) prohibits a TNC from permitting the use of a personal vehicle used to perform subject services unless the individual performing the inspection is an Automotive Service Excellence (ASE) certified mechanic, employed by a company authorized to do business in Colorado. The rule also requires that any applicable devices used to facilitate the loading,

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<sup>4</sup> See § 40-10.1-605(1)(d), C.R.S.

<sup>5</sup> See 49 C.F.R. 391.41.

unloading, or transportation of individuals with disabilities must be in good working order. This proposed rule, developed in coordination with CDE, implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard for personal vehicles used to provide student transportation under a TNC contract with a school or school district.

23. The purpose of this rule is to confirm that a meaningful inspection is performed by a qualified mechanic, verifying the subject vehicle is in good and safe working condition. Without this enhanced standard to ensure the reliability of the inspection, an inspection could be performed by either a certified mechanic or a person capable of performing the inspection by reason of experience, training, or both.<sup>6</sup> We have concern that this fairly broad criteria does not adequately ensure that a meaningful inspection is performed by a mechanic capable of identifying underlying hazards. Further, we note ASE certification is already required for the inspection of other passenger transportation providers,<sup>7</sup> whose primary business model does not include the transportation of minor students. We solicit comment from rulemaking participants on this rule and how to best effect this purpose.

**g. Daily Vehicle Inspection Report**

24. Paragraph (g) requires a TNC to require a driver, when performing subject services, to prepare a Daily Vehicle Inspection Report (DVIR), in writing, prior to each day's work. The rule requires the DVIR to capture numerous safety-related items, including vehicle brakes, lights, and tires. The rule requires repair of any defects or deficiencies noted in the DVIR before the vehicle may be used to provide subject services. The rule requires the TNC to maintain a DVIR record for three months after the date the DVIR was prepared. This proposed

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<sup>6</sup> See Rule 6715(a), 4 CCR 723-6.

<sup>7</sup> See Rule 6103, 4 CCR 723-6.

rule, developed in coordination with CDE, implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard for personal vehicles used to provide student transportation under a TNC contract with a school or school district.

25. The purpose of this rule to require a minimum visual inspection of a personal vehicle before it is put to use transporting students each day. We believe the burden of a TNC driver having to perform this basic walkaround inspection each day is far outweighed by the public interest benefit of ensuring that any potential hazards are identified before the vehicle is put to use transporting students. Through this basic walkaround inspection, a TNC driver who will provide subject student transportation service that day can identify previously unnoticed issues with the vehicle's tires, lights, safety belts, and other basic mechanics of the vehicle—and thereby mitigate the risk of accidents or other safety-related incidents. We find this especially warranted since the vehicles are, by definition, personal vehicles that could have been used for non-TNC service transportation during off-duty hours, subjecting the vehicle to additional wear-and-tear and unexpected damage. We solicit comment from rulemaking participants on this rule and how to best effect this purpose.

#### **h. Emergency Procedures**

26. Paragraph (h) requires a TNC to have and enforce emergency procedures, to be followed in the event of a safety or security incident that involves subject services. This proposed rule implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard determined necessary by the Commission and was developed in coordination with CDE.

#### **i. Safety Restraints**

27. Paragraph (i) requires a TNC to have and enforce a policy that requires a driver to follow all Colorado laws regarding the proper use of safety belt systems and child restraint



systems, when performing subject services. This proposed rule implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard determined necessary by the Commission and was developed in coordination with CDE.

**j. Unauthorized Passengers**

28. Paragraph (j) requires a TNC to have and enforce a policy that prohibits drivers from transporting unauthorized passengers, when performing subject services. This proposed rule implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard determined necessary by the Commission and was developed in coordination with CDE.

**k. Reporting Requirements**

29. Paragraph (k) establishes reporting requirements for TNCs, as it pertains to subject services. The rule requires a TNC to provide notice of any safety or security incidents to the Commission, each contracted school or school district, and the parent or legal guardian of the involved student. The rule requires a TNC to report to the Commission, by February 1 each year, any safety or security incidents that occurred during the previous calendar year and information related to any driver background checks that occurred during the previous calendar year. This proposed rule implements §§ 40-10.1-609(1) and (2), C.R.S., and was developed in coordination with CDE.

**l. Authority to Inspect Records**

30. Paragraph (l) specifies that an enforcement official has the authority to interview personnel of a TNC, inspect TNC facilities, and inspect records, as it pertains to subject services, and specifies applicable timelines for producing requested records. This proposed rule implements § 40-10.1-608(3)(a), C.R.S., as a minimum safety standard determined necessary by the Commission and was developed in coordination with CDE.

**m. Higher Standards**

31. Paragraph (m) provides that nothing in the Commission’s rules prohibits a school or school district from setting higher standards for TNCs performing subject services. This proposed rule implements § 40-10.1-605(1)(p), C.R.S.

**4. TNC Rule 6725**

32. Existing TNC Rule 6724 is re-numbered to TNC Rule 6725, to accommodate for the newly created TNC Rule 6724.

**D. Questions for Stakeholders**

33. Given the nature of some of the proposed minimum safety standards, as well as the legislative mandate for the Commission to adopt rules regulating the expanded operations of TNCs, as it pertains to school-related transportation, the Commission solicits additional information and comments from stakeholders. Interested persons are encouraged to submit written comments and participate in the rulemaking hearing convened in this matter.

34. As applicable to proposed TNC Rule 6724(d) (Criminal History Record Checks), the Commission specifically requests that stakeholders provide information and comments on which options are most appropriate to conduct TNC driver background checks, including whether or not the Volunteer Employee Criminal History Services (VECHS) program, as offered by HopSkipDrive, would satisfy the safety concerns related to student transportation.

35. As applicable to proposed TNC Rule 6724(k) (Reporting Requirements), the Commission specifically requests that stakeholders provide information and comments on what might constitute “safety or security incidents”, pursuant to § 40-10.1-609(1), C.R.S.

**E. Conclusion**

36. Through this NOPR, the Commission solicits comments from interested persons and stakeholders on whether to adopt, revise, or not adopt, some or all of the proposed amendments to the TNC rules, as set forth in the attachments to this Decision and discussed above. The Commission encourages members of the transportation industry and other interested persons to participate in this Proceeding and to contribute to the rulemaking record, on which the Commission will base its decision on whether to adopt rule amendments.

37. Given the requirement in SB 22-144 for the Commission to coordinate with CDE in promulgating implementing rules, the Commission requests that CDE participate in the rulemaking and continue to provide its subject matter expertise as we consider rules applicable to TNC student transportation within the scope of SB 22-144.

38. The Commission refers this matter to an Administrative Law Judge (ALJ) for the issuance of a recommended decision. The ALJ will hold a hearing on the proposed rules at the below-stated time and place. In addition to submitting written comments, participants will have an opportunity to present comments orally at the hearing, unless the ALJ deems oral presentations unnecessary. The Commission will consider all comments submitted in this Proceeding, whether oral or written.

**II. ORDER****A. The Commission Orders That:**

1. This Notice of Proposed Rulemaking, including attachments, shall be filed with the Colorado Secretary of State for publication in the October 10, 2022 edition of The Colorado Register.

2. The Commission invites comments from interested persons on the proposed amendments to the Commission's Rules Regulating Transportation Network Companies, 4 Code of Colorado Regulations (CCR) 723-6, as described in this Decision and its attachments. The Commission prefers and encourages interested persons to file comments through the Commission's Electronic Filings website (Proceeding No. 22R-0402TR) at: [https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=22R-0402TR](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0402TR)

3. This matter is referred to an Administrative Law Judge (ALJ) for the issuance of a recommended decision.

4. The rulemaking hearing on the proposed rules and related matters shall be held before an ALJ, as follows:

DATE:	November 10, 2022
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: <a href="https://puc.colorado.gov/">https://puc.colorado.gov/</a>

5. The ALJ will set procedures for a remote hearing, if necessary, by a separate decision issued in this Proceeding.

6. The ALJ may set additional hearings, if necessary.

7. Written comments may be filed at any time in this Proceeding. Initial written comments are requested to be filed no later than October 13, 2022, and any comments responsive to the initial comments are requested to be filed no later than October 27, 2022, so that the initial comments and responsive comments may be considered at the hearing.

8. At the time set for hearing, interested persons may submit written comments and may present these orally, unless the ALJ deems oral comments unnecessary. The Commission will consider all comments, whether written or oral.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 21, 2022.**

(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**

2022-00582

**Department**

700 - Department of Regulatory Agencies

**Agency**

725 - Division of Real Estate

**CCR number**

4 CCR 725-2

**Rule title**

RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF THE BOARD OF REAL ESTATE APPRAISERS

**Rulemaking Hearing****Date**

11/03/2022

**Time**

09:00 AM

**Location**

1560 Broadway, Suite 925, Denver CO 80202 (Virtual Hearing Only)

**Subjects and issues involved**

The specific purpose of this rulemaking is to amend a rule with respect to a new statutory provision found in House Bill 22-1261 (Sunset Board Of Real Estate Appraisers). The rulemaking adopts the Uniformed Standards of Professional Appraisal Practice (USPAP) as defined in statute into the Board rules pursuant to section 12-10-613(1)(g), C.R.S.

**Statutory authority**

§12-10-604(1)(a)(I), C.R.S.

**Contact information****Name**

Eric Turner

**Title**

Deputy Director

**Telephone**

3038942424

**Email**

eric.turner@state.co.us

## DEPARTMENT OF REGULATORY AGENCIES

### Division of Real Estate

## RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF THE BOARD OF REAL ESTATE APPRAISERS

### 4 CCR 725-2

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

September 27, 2022, Version

Please note the following formatting key:

Font Effect	Meaning
<u>Underline</u>	New Proposed Language
<del>Strikethrough</del>	Deletions
...	Omission of Unaffected Rules

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## CHAPTER 11: STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

11.1 The current edition of the USPAP ~~will be in effect pursuant to as defined in section~~ 12-10-602(10), C.R.S. is adopted by the board pursuant to section 12-10-613(1)(g), C.R.S.

...



**DEPARTMENT OF REGULATORY AGENCIES  
DIVISION OF REAL ESTATE  
BOARD OF REAL ESTATE APPRAISERS  
4 CCR 725-2**

**RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF THE BOARD OF REAL ESTATE  
APPRAISERS**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING  
November 3, 2022, at 9:00 AM MST**

**Division of Real Estate Office  
1560 Broadway  
Denver, CO 80202**

**VIRTUAL MEETING REGISTRATION LINK:**

[https://us06web.zoom.us/webinar/register/WN\\_HliFDVwLTBe1R7Z5riJbSw](https://us06web.zoom.us/webinar/register/WN_HliFDVwLTBe1R7Z5riJbSw)

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 Board of Real Estate Appraisers ("Board") to promulgate rules, to amend, repeal, or repeal and re-enact the existing rules of the Board.

The hearing will 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 [www.dre.colorado.gov](http://www.dre.colorado.gov) and to submit written comments concerning the proposed amended rules in advance if possible, for consideration.

To facilitate the review of comments by the Board, all interested parties are strongly encouraged to submit their written comments to Eric Turner via email at [eric.turner@state.co.us](mailto:eric.turner@state.co.us) on or before 5:00 p.m. on October 24, 2022. Any written comments not received by October 24, 2022, may be submitted via public testimony at the hearing on November 3, 2022.

**STATEMENT OF BASIS**

The statutory basis for the rules titled Rules of the Colorado Board of Real Estate Appraisers is Part 6 of Title 12, Article 10, Colorado Revised Statutes, as amended. The specific authority under which the Board shall establish these rules is set forth in section 12-10-604(1)(a)(I), C.R.S.

**STATEMENT OF PURPOSE**

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the statute and the provisions of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 as amended.



### SPECIFIC PURPOSE OF RULEMAKING

The specific purpose of this rulemaking is to amend a rule with respect to a new statutory provision found in House Bill 22-1261 (Sunset Board Of Real Estate Appraisers). The rulemaking adopts the Uniformed Standards of Professional Appraisal Practice (USPAP) as defined in statute into the Board rules pursuant to section 12-10-613(1)(g), C.R.S.

### PROPOSED NEW AND AMENDED 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 [www.dre.colorado.gov](http://www.dre.colorado.gov).

#### Proposed New and Amended Rules

#### CHAPTER 11: STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

11.1 The current edition of ~~the USPAP will be in effect pursuant to as defined in section~~ 12-10-602(10), C.R.S. is adopted by the board pursuant to section 12-10-613(1)(g), C.R.S.

A hearing is scheduled for Thursday, November 3, 2022, at 9 a.m. and will only be conducted via Zoom Webinar. All interested and affected parties must register to attend the hearing through the link provided below.

[https://us06web.zoom.us/webinar/register/WN\\_HliFDVwLTBe1R7Z5riJbSw](https://us06web.zoom.us/webinar/register/WN_HliFDVwLTBe1R7Z5riJbSw)

Any interested and affected persons may participate in the rulemaking 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.

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# Notice of Proposed Rulemaking

**Tracking number**

2022-00633

**Department**

700 - Department of Regulatory Agencies

**Agency**

737 - Division of Professions and Occupations - State Board of Licensed Professional Counselor Examiners

**CCR number**

4 CCR 737-1

**Rule title**

LICENSED PROFESSIONAL COUNSELOR EXAMINERS RULES AND REGULATIONS

**Rulemaking Hearing****Date**

11/04/2022

**Time**

09:30 AM

**Location**

Webinar Only: [https://us06web.zoom.us/webinar/register/WN\\_p5IThZrgQZyUiQDRtJXsmQ](https://us06web.zoom.us/webinar/register/WN_p5IThZrgQZyUiQDRtJXsmQ)

**Subjects and issues involved**

The purpose of this Permanent Rulemaking Hearing is for the Board to consider adopting new and revised rules to implement Colorado Senate Bill 22-116 (Concerning the ability of an individual to obtain an occupational credential through the occupational credential portability program); Colorado House Bill 22-1284 (Concerning updates to state surprise billing laws to facilitate the implementation of surprise billing protections, and, in connection therewith, aligning state law with the federal "No Surprises Act"); Executive Order D-2022-032 (Directing State Agencies to Protect Access to Reproductive Health Care in Colorado); and Executive Order D-2022-034 (Protecting Colorados Workforce and Expanding Licensing Opportunities).

**Statutory authority**

Sections 12-20-202(3), 12-20-204(1), 12-30-112(3), 12-245-204(4)(a), and 24-4-103, C.R.S.; and Executive Orders D 2022-032 and D 2022-034.

**Contact information****Name**

Elena M. Kemp

**Title**

Regulatory Coordinator

**Telephone**

303-894-7426

**Email**

[Dora\\_dpo\\_rulemaking@state.co.us](mailto:Dora_dpo_rulemaking@state.co.us)

## DEPARTMENT OF REGULATORY AGENCIES

### State Board of Licensed Professional Counselor Examiners

#### LICENSED PROFESSIONAL COUNSELOR EXAMINERS RULES AND REGULATIONS

##### 4 CCR 737-1

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

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##### 1.12 OCCUPATIONAL CREDENTIAL PORTABILITY PROGRAM (C.R.S. § 12-245-207, 12-20-202(3))

- A. General. To be considered for licensure by endorsement pursuant to the Occupational Credential Portability Program pursuant to sections 12-20-202(3) and 12-245-207, C.R.S., an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
- B. Complaints/inquiries, investigations, disciplinary actions. The Board may decline to issue a license to an applicant for licensure by endorsement pursuant to the Occupational Credential Portability Program if ~~approving the license would violate an existing compact or reciprocity agreement or if~~ the Board demonstrates by a preponderance of evidence, after notice and opportunity for a hearing, that the applicant:
  - 1. Lacks the requisite substantially equivalent education, experience, or credentials to practice professional counseling; or
  - 2. Has committed an act that would be grounds for disciplinary action under the law governing the practice of professional counseling.
- C. Criteria. In accordance with section 12-20-202(3), C.R.S., an applicant who possesses a current and unrestricted license, in good standing, to practice professional counseling in another state or United States territory or through the federal government, or who holds a military occupational specialty, as defined in section 24-4-201, C.R.S., may apply to the Board for licensure by endorsement pursuant to the Occupational Credential Portability Program. To apply for endorsement, the applicant must satisfy the following criteria:
  - 1. Applicant submits to the Board:
    - a. Satisfactory proof that:
      - (1) Applicant holds a master's or doctoral degree in professional counseling from an accredited program or holds a master's or doctoral degree from a program that was equivalent to an accredited program in professional counseling as provided under Rule 1.14;
      - (2) At the time of application for a Colorado license by endorsement, the applicant attests to having passed an examination, the content of which tested competence to practice professional counseling, including special knowledge and skills in psychotherapy; and

- (3) Applicant attests that s/he had at least two years of post- master's or one year of post-doctoral practice in psychotherapy or professional counseling under supervision prior to licensure, certification, listing or registration in the jurisdiction through which the applicant seeks licensure in Colorado and that that post-degree experience hours obtained for licensure in another jurisdiction has substantially similar requirements to what is outlined in Board Rule 1.14 Licensure by Examination; or the applicant attests to the Board her/his active practice of professional counseling for two years (as defined below), OR
  - b. Satisfactory proof that the applicant has held for at least one year a current and unrestricted license, in good standing, to practice professional counseling in another jurisdiction with a scope of practice that is substantially similar to the scope of practice for licensed professional counselors pursuant to Part 6 of the Mental Health Practice Act.
- 2. Applicant must attest that they:
  - a. Have reported to the Board any injunction entered against her/him and any injunctive action pending against her/him on any license.
  - b. Have reported any malpractice judgment, settlement, or claim, and any pending action or claim.
  - c. Have reported any pending complaint, investigation, or disciplinary proceeding before the licensing, grievance, or disciplinary Board of any jurisdiction in which a license, registration or certification to practice professional counseling is held and where the complaint, investigation, or proceeding concerns the practice of professional counseling.
  - d. Have reported any applicable misdemeanor or felony conviction(s).
  - e. Have reported to the Board any prior disciplinary action by another jurisdiction.
- 3. Applicant submits verification of licensure from each jurisdiction(s) in which, and each federal agency or military branch through which, applicant has ever been licensed, registered, listed or certified to practice professional counseling. The verification can be retrieved by the applicant from the jurisdiction's or federal government agency's website as long as the following information is included and can be verified if necessary:
  - a. Date license was originally issued.
  - b. Date of license expiration.
  - c. Disciplinary history, if applicable.

If the complete information is not available, then the Verification of License Form must be completed by each state and federal agency or military branch, as applicable.
- 4. Applicant submits proof that he/she is at least twenty-one years of age.
- 5. As used in this Rule, "Active practice of professional counseling" means the applicant has engaged in the practice of professional counseling at least twenty hours per week, averaged over the entire time s/he has been in practice, with no more than a six-month absence from the practice of professional counseling. If the applicant has taught

professional counseling, the applicant may count the hours spent teaching professional counseling (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of professional counseling provided such teaching was in courses in the same or similar field of professional counseling as the competence area claimed by the applicant; teaching of professional counseling shall not count more than one-third of the number of active practice hours claimed by applicant.

In accordance with section 12-20-202(3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials that are substantially equivalent to section 12-245-604, C.R.S. An applicant who possesses a current and unrestricted license, in good standing, to practice professional counseling under the laws of another state or United States territory may apply for licensure by endorsement.

All of the following factors must be attested to at the time of application for Colorado licensure by endorsement in order for the applicant to establish that her/his experience and credentials are substantially equivalent to the requirements of section 12-245-604, C.R.S.

1. Applicant is at least twenty-one years of age;
2. Applicant must attest that they:
  - a. Have reported to the Board any injunction entered against her/him and any injunctive action pending against her/him on any license.
  - b. Have reported any malpractice judgment, settlement, or claim, and any pending action or claim.
  - c. Have reported any pending complaint, investigation, or disciplinary proceeding before the licensing, grievance, or disciplinary Board of any jurisdiction in which a license, registration or certification to practice professional counseling is held and where the complaint, investigation, or proceeding concerns the practice of professional counseling.
  - d. Have reported any applicable misdemeanor or felony conviction(s).
  - e. Have reported to the Board any prior disciplinary action by another jurisdiction.
3. Submit verification of licensure from each jurisdiction(s) in which applicant has ever been licensed, registered, listed or certified. The verification can be retrieved by the applicant from the jurisdiction's website as long as the following information is included and can be verified if necessary:
  - a. Date license was originally issued.
  - b. Date of license expiration.
  - c. Disciplinary history, if applicable.

If the complete information is not available then the Verification of License Form must be completed by each state

4. Applicant holds a master's or doctoral degree in professional counseling from an accredited program or holds a master's or doctoral degree from a program that was equivalent to an accredited program in professional counseling as provided under Rule 1.14.

5. ~~At the time of application for a Colorado license by endorsement, the applicant attests to having passed an examination, the content of which tested competence to practice professional counseling, including special knowledge and skills in psychotherapy.~~
6. ~~Except as provided below, applicant attests that s/he had at least two years of post-master's or one year of post-doctoral practice in psychotherapy or professional counseling under supervision prior to licensure, certification, listing or registration in the jurisdiction through which the applicant seeks licensure in Colorado; or the applicant attests to the Board her/his active practice of professional counseling for two years (as defined below).~~
  - a. ~~"Active practice of professional counseling" means the applicant has engaged in the practice of professional counseling at least twenty hours per week, averaged over the entire time s/he has been in practice, with no more than a six month absence from the practice of professional counseling. If the applicant has taught professional counseling, the applicant may count the hours spent teaching professional counseling (including time spent in preparation, in meeting with students, and in related activities) as hours of active practice of professional counseling provided such teaching was in courses in the same or similar field of professional counseling as the competence area claimed by the applicant; teaching of professional counseling shall not count more than one third of the number of active practice hours claimed by applicant.~~
7. ~~Applicant attests that post-degree experience hours obtained for licensure in another jurisdiction has substantially similar requirements to what is outlined in Board Rule 1.14 Licensure by Examination. The Board may consider a combination of post-degree hours and practice experience on a case-by-case basis.~~
- D. Jurisprudence Examination. Each applicant shall pass a Board developed jurisprudence examination.

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#### 1.24 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

This Rule is promulgated pursuant to Executive Order D 2022 032, and sections 25-6-401, et seq., 12-245-204(4)(a), and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
2. "Assisting in the provision reproductive health care" means aiding, abetting or complicity in the provision of reproductive health care.
3. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
4. "Criminal judgment" means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
5. "Licensee" means as defined in section 12-20-102(10), C.R.S.
6. "Provision of reproductive health care," includes but is not limited to, transportation for reproductive health care, referrals for reproductive health care and related services, funding or assisting with payment of reproductive health care, prescribing, shipping or dispensing medications for reproductive health care in accordance with state and federal law, all options and mental health counseling and treatment related to reproductive health

care. The “provision of reproductive health care” also includes all treatment contemplated in the definition of section 25-6-402(4), C.R.S.

7. “Regulator” means as defined in section 12-20-102(14), C.R.S.

8. “Reproductive health care” means as defined in section 25-6-402(4), C.R.S.

9. “Registrant” means as defined in section 12-20-102(12), C.R.S.

B. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on the applicant's, registrant's, or licensee's provision of or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice as defined in Colorado law and did not otherwise violate Colorado law.

C. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a civil or criminal judgment against the applicant, registrant, or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

D. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a professional disciplinary action or any other sanction against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

E. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's or registrant's own personal effort to seek or obtain reproductive health care for themselves. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a civil or criminal judgment against the applicant, registrant, or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### **1.25 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES**

This Rule is promulgated pursuant to Executive Order D 2022 034, and sections 12-245-204(4)(a) and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. “Applicant” means as defined in section 12-20-102(2), C.R.S.

2. “Civil judgment” means a final court decision and order resulting from a civil lawsuit.

3. “Criminal judgment” means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.

4. “Licensee” means as defined in section 12-20-102(10), C.R.S.

5. "Regulator" means as defined in section 12-20-102(14), C.R.S.

6. "Registrant" means as defined in section 12-20-102(12), C.R.S.

B. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a civil or criminal judgment against the applicant, registrant, or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

C. The regulator shall not deny licensure or registration to an applicant or impose disciplinary action against an individual's license or registration based solely on a professional disciplinary action against the applicant's, registrant's, or licensee's professional licensure or registration in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's, registrant's, or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

**1.26 CONCERNING HEALTH CARE PROVIDER DISCLOSURES TO CONSUMERS ABOUT THE POTENTIAL EFFECTS OF RECEIVING EMERGENCY OR NONEMERGENCY SERVICES FROM AN OUT-OF-NETWORK PROVIDER**

This Rule is promulgated pursuant to the rulemaking authority in sections 12-20-204, 12-30-112, and 12-245-204(4)(a), C.R.S., in consultation with the Commissioner of Insurance and the State Board of Health.

The purpose of this Rule is to establish requirements for health care providers to provide disclosures to consumers about the potential effects of receiving emergency or non-emergency services from an out-of-network provider.

This Rule applies to health care providers as defined in section 10-16-102(56), C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Publicly available" means, for the purposes of this regulation, searchable on the health care provider's public website, displayed in a manner that is easily accessible, without barriers, and that ensures that the information is accessible to the general public, including that it is findable through public search engines. The health care provider's public website must be accessible free of charge, without having to establish a user account, password, or other credentials, accept any terms or conditions, and without having to submit any personal identifying information.

B. Disclosure requirements.

1. An out of network provider may balance bill a covered person for post-stabilization services in accordance with section 10-16-704, C.R.S., and covered nonemergency services in an in-network facility that are not ancillary services if the provider meets the requirements set forth in section 12-30-112(3.5), C.R.S. If a consumer has incurred a claim for emergency or nonemergency health care services from an out-of-network provider, the health care provider shall provide the disclosures contained in Appendix B. The health care provider shall provide the disclosure contained in Appendix B in compliance with section 12-30-112(3.5), C.R.S.

C. Noncompliance with this Rule may result in the imposition of any of discipline made available by section 12-245-224(1)(b), C.R.S.

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APPENDIX B

**Your Rights and Protections Against Surprise Medical Bills**

When you get emergency care or get treated by an out-of-network provider at an in-network hospital or ambulatory surgical center, you are protected from surprise billing or balance billing.

**What is “balance billing” (sometimes called “surprise billing”)?**

When you see a doctor or other health care provider, you may owe certain out-of-pocket costs, like a copayment, coinsurance, or deductible. You may have additional costs or have to pay the entire bill if you see a provider or visit a health care facility that isn't in your health plan's network.

“Out-of-network” means providers and facilities that haven't signed a contract with your health plan to provide services. Out-of-network providers may be allowed to bill you for the difference between what your plan pays and the full amount charged for a service. This is called “balance billing.” This amount is likely more than in-network costs for the same service and might not count toward your plan's deductible or annual out-of-pocket limit.

“Surprise billing” is an unexpected balance bill. This can happen when you can't control who is involved in your care—like when you have an emergency or when you schedule a visit at an in-network facility but are unexpectedly treated by an out-of-network provider. Surprise medical bills could cost thousands of dollars depending on the procedure or service.

**You're protected from balance billing for:**

**Emergency services**

If you have an emergency medical condition and get emergency services from an out-of-network provider or facility, the most they can bill you is your plan's in-network cost-sharing amount (such as copayments, coinsurance, and deductibles). You can't be balance billed for these emergency services. This includes services you may get after you're in stable condition, unless you give written consent and give up your protections not to be balance billed for these post-stabilization services.

**If you believe you've been wrongly billed by a healthcare provider,** please contact the State Board of Licensed Professional Counselor Examiners at [dora\\_mentalhealthboard@state.co.us](mailto:dora_mentalhealthboard@state.co.us) or at 303-894-7800.

Visit the CMS No Surprises Act website (<https://www.cms.gov/nosurprises/consumers>) for more information about your rights under federal law.

Visit section 12-30-112, C.R.S., for more information about your rights under state law.

**Certain services at an in-network hospital or ambulatory surgical center**

When you get services from an in-network hospital or ambulatory surgical center, certain providers there may be out-of-network. In these cases, the most those providers can bill you is your plan's in-network cost-sharing amount. This applies to emergency medicine, anesthesia, pathology, radiology, laboratory, neonatology, assistant surgeon, hospitalist, or intensivist services. These providers **can't** balance bill you and may **not** ask you to give up your protections not to be balance billed.

If you get other types of services at these in-network facilities, out-of-network providers can't balance bill you, unless you give written consent and give up your protections.

**You're never required to give up your protections from balance billing. You also aren't required to get out-of-network care. You can choose a provider or facility in your plan's network.**

**When balance billing isn't allowed, you also have these protections:**

- You're only responsible for paying your share of the cost (like the copayments, coinsurance, and deductible that you would pay if the provider or facility was in-network). Your health plan will pay any additional costs to out-of-network providers and facilities directly.
- Generally, your health plan must:
  - o Cover emergency services without requiring you to get approval for services in advance (also known as "prior authorization").
  - o Cover emergency services by out-of-network providers.
  - o Base what you owe the provider or facility (cost-sharing) on what it would pay an in-network provider or facility and show that amount in your explanation of benefits.
  - o Count any amount you pay for emergency services or out-of-network services toward your in-network deductible and out-of-pocket limit.

**If you believe you've been wrongly billed by a healthcare provider,** please contact the State Board of Licensed Professional Counselor Examiners at [dora\\_mentalhealthboard@state.co.us](mailto:dora_mentalhealthboard@state.co.us) or at 303-894-7800.

Visit the CMS No Surprises Act website (<https://www.cms.gov/nosurprises/consumers>) for more information about your rights under federal law. The federal phone number for information and complaints is: 1-800-985-3059.

Visit the CMS No Surprises Act website (<https://www.cms.gov/nosurprises/consumers>) for more information about your rights under federal law.

Visit <https://dpo.colorado.gov/ProfessionalCounselor> for more information about your rights under section 12-30-112, C.R.S.

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## Editor's Notes

### History

Rules 10, 17 emer. rules eff. 01/29/2008.

Rules 10, 17 eff. 03/01/2008.

Rules 12, 15, 19, 20 emer. rules eff. 01/01/2011.

Rules 12, 15, 19, 20 eff. 03/01/2011.

Entire rule emer. rule eff. 12/13/2011.

Entire rule eff. 02/01/2012.

Rule 14 eff. 07/01/2012.

Rule 12 eff. 03/16/2016.

Rules 1.6 A, 1.6 B.2, 1.7, 1.14, 1.22 emer. rules eff. 09/25/2020.

Rules 1.6 A, 1.6 B.2, 1.7, 1.12, 1.14, 1.16, 1.22, 1.23, Appendix A eff. 11/14/2020.

Rule 1.6 A eff. 04/30/2021.

Rules 1.12 C-D, 1.23, Appendix A eff. 08/30/2021.

Rule 1.8 B eff. 10/30/2021.

### **Annotations**

Rules 1.12 C., 1.12 D., 1.23 E.4. (adopted 09/25/2020) were not extended by Senate Bill 21-152 and therefore expired 05/15/2021.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00603

**Department**

900 - Department of Law

**Agency**

904 - Attorney General-Consumer Protection Section

**CCR number**

4 CCR 904-3

**Rule title**

COLORADO PRIVACY ACT RULES

## Rulemaking Hearing

**Date**

02/01/2023

**Time**

10:00 AM

**Location**

Office of The Attorney General, Colorado Department of Law, Ralph L. Carr Judicial Building, 1300 Broadway, Room 1D  
Denver, CO 80203, and via Zoom

**Subjects and issues involved**

The Colorado Department of Law (the Department) is considering rules governing the implementation of the CPA. The specific purpose of this rulemaking is to create rules governing the ways in which the CPA shall be carried out, including the clarification of Consumer Data Rights, Controller Obligations, and technical specifications for one or more Universal Opt-Out Mechanisms.

**Statutory authority**

C.R.S. §§ 6-1-108(1), 6-1-1313

## Contact information

**Name**

Mellisa Lambeth

**Title**

Paralegal

**Telephone**

720-508-6103

**Email**

Mellisa.Lambeth@coag.gov

## COLORADO DEPARTMENT OF LAW

### Consumer Protection Section

#### Colorado Privacy Act Rules

#### 4 CCR-904-3

### PART 1 GENERAL APPLICABILITY

#### Rule 1.01 AUTHORITY

The statutory authority for this Part 904-3 is sections C.R.S. §§ 6-1-108(1) and 6-1-1313.

#### Rule 1.03 SEVERABILITY

If any provision of these Colorado Privacy Act Rules, 4 CCR 904-3, is found to be invalid by a court of competent jurisdiction, the remaining provisions of the Rules shall remain in full force and effect.

### PART 2 DEFINITIONS

#### Rule 2.01 AUTHORITY AND PURPOSE

The statutory authority for the rules in this Part 2 is C.R.S. §§ 6-1-108(1), 6-1-1303, and 6-1-1313. The purpose of these rules is to define certain undefined terms that are used throughout the Colorado Privacy Act, C.R.S. § 6-1-1301, *et seq.*, and these Colorado Privacy Act Rules, 4 CCR 904-3, including but not limited to certain undefined terms that are used in the definitions set forth in C.R.S. § 6-1-1303. The terms defined by this rule and C.R.S. § 6-1-1303 are capitalized where they appear in the rules to let the reader know to refer back to the definitions. When a term is used in a conventional sense, and is not intended to be a defined term, it is not capitalized.

#### Rule 2.02 DEFINED TERMS

The following definitions of terms, in addition to those set forth in C.R.S. § 6-1-1303, apply to these Colorado Privacy Act Rules, 4 CCR 904-3, promulgated pursuant to the Colorado Privacy Act, unless the context requires otherwise:

**"Authorized Agent"** as referred to in C.R.S. § 6-1-1306(1)(a)(II) means a person or entity authorized by the Consumer to act on the Consumer's behalf.

**"Automated Processing"** as referred to in CRS § 6-1-1303(20) means the Processing of Personal Data that is automated through the use of computers, computer programs or software, or other digital technology.

**"Biometric Data"** as referred to in C.R.S. § 6-1-1303(24)(b) means Biometric Identifiers that are used or intended to be used, singly or in combination with each other or with other Personal Data, for identification purposes. Unless such data is used for identification purposes, "Biometric Data" does not include (a) a digital or physical photograph, (b) an audio or voice recording, or (c) any data generated from a digital or physical photograph or an audio or video recording.

**"Biometric Identifiers"** means data generated by the technological processing, measurement, or analysis of an individual's biological, physical, or behavioral characteristics, including but not limited to a fingerprint, a voiceprint, eye retinas, irises, facial mapping, facial geometry, facial templates, or other unique biological, physical, or behavioral patterns or characteristics.

**“Bona Fide Loyalty Program”** as referred to in C.R.S. § 1-6-1308(1)(d) is defined as a loyalty, rewards, premium feature, discount, or club card program established for the genuine purpose of providing discounts, rewards, or other actual value to Consumers that voluntarily participate in that program.

**“Bona Fide Loyalty Program Benefit”** is defined as an offer of superior price, rate, level, quality, or selection of goods or services provided to a Consumer through a Bona Fide Loyalty Program.

**“Data Broker”** is defined as a Controller that knowingly collects and sells to Third Parties the Personal Data of a Consumer with whom the Controller does not have a direct relationship.

**“Data Right”** or **“Data Rights”** means the Consumer Personal Data rights granted in C.R.S. § 6-1-1306(1).

**“Disability”** or **“Disabilities”** has the same meaning as set forth in C.R.S. § 24-85-102(2.3).

**“Human Involved Automated Processing”** means the Automated Processing of Personal Data where human involvement in the Processing includes meaningful consideration of available data used in the Processing as well as the authority to change or influence the outcome of the Processing.

**“Human Reviewed Automated Processing”** means the Automated Processing of Personal Data where a human reviews the Processing but the level of human review does not rise to the level required for Human Involved Automated Processing. Reviewing the output of the Automated Processing with no meaningful consideration does not rise to the level of Human Involved Automated Processing.

**“Information that a Controller has a reasonable basis to believe the Consumer has lawfully made available to the general public”** as referred to in C.R.S. § 6-1-1303(17)(b) means the type of information known to be available to the general public, information that a Consumer has intentionally made available to the general public, or information that a Consumer has made available under federal or state law, including but not limited to:

1. Personal Data found in a telephone book, a television or radio program, or a national or local news publication;
2. Personal Data that has been intentionally made available by the Consumer through a website or online service where the Consumer has not restricted the information to a specific audience;
3. A visual observation of an individual’s physical presence in a public place by another person, not including data collected by a device in the individual’s possession; and
4. A disclosure that has been made to the general public as required by federal, state, or local law.

**“Intimate Image”** means any visual depiction, photograph, film, video, recording, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, that depicts an identified or identifiable person’s private parts, or a person engaged in a private act, in circumstances in which a reasonable person would reasonably expect to be afforded privacy. For purposes of this defined term, the term “private parts” includes:

1. Exposed human genitals or pubic area, with less than an opaque covering;
2. A female breast or any portion of the female breast below the top of the areola, with less than an opaque covering;

3. A part of the body that, if revealed publicly, the subject would find sensitive or offensive based on their religious beliefs.

**"Opt-Out Purpose" or "Opt-Out Purposes"** means the categories of data Processing from which the Consumer may opt out pursuant to C.R.S. § 6-1-1306(1)(a).

**"Publicly Available Information"** as referred to in C.R.S. § 6-1-1303(17) does not include:

1. Any Personal Data obtained or processed in violation of C.R.S. §§ 18-7-107 or 18-7-801.
2. Inferences made exclusively from multiple independent sources of publicly available information;
3. Biometric Data;
4. Genetic Information;
5. Publicly Available Information that has been combined with non-publicly available Personal Data; or
6. Nonconsensual Intimate Images known to the Controller.

**"Revealing"** as referred to in C.R.S. § 6-1-1303(24)(a) includes Sensitive Data Inferences. For example:

1. While geolocation information at a high level may not be considered Sensitive Data, geolocation data which shows an individual visited a mosque and is used to indicate that individual's religious beliefs is considered Sensitive Data under C.R.S. § 6-1-1303(24)(a). Similarly, geolocation data which shows an individual visited a reproductive health clinic and is used to indicate an individual's health condition or sex life is considered Sensitive Data under C.R.S. § 6-1-1303(24)(a).
2. While web browsing data at a high level may not be considered Sensitive Data, web browsing data which, alone or in combination with other Personal Data, creates a profile that indicates an individual's sexual orientation and is considered Sensitive Data under C.R.S. § 6-1-1303(24)(a).

**"Sensitive Data Inference" or "Sensitive Data Inferences"** means inferences made by a Controller based on Personal Data, alone or in combination with other data, which indicate an individual's racial or ethnic origin; religious beliefs; mental or physical health condition or diagnosis; sex life or sexual orientation; or citizenship or citizenship status.

**"Solely Automated Processing"** means the Automated Processing of Personal Data with no human review, oversight, involvement, or intervention.

**"Universal Opt-Out Mechanism" or "Universal Opt-Out Mechanisms"** means mechanisms that clearly communicate a Consumer's affirmative, freely given, and unambiguous choice to opt out of the Processing of Personal Data for purposes of Targeted Advertising or the Sale of Personal Data pursuant to C.R.S. § 6-1-1306 (1)(a)(I)(A) OR (1)(a)(I)(B), which meets the technical specifications set forth pursuant to C.R.S. § 6-1-1313(2).

## **PART 3 CONSUMER DISCLOSURES**

### **Rule 3.01**

- A. The statutory authority for the rules in this Part 3 is C.R.S. §§ 6-1-108(1) and 6-1-1313. The purpose of the rules in Part 3 is to ensure that disclosures, notifications, and other communications to Consumers are clear, accessible, and understandable to Consumers so that Consumers can understand and are able to exercise the full scope of their rights under the Colorado Privacy Act, C.R.S. § 6-1-1303, *et seq.***

**Rule 3.02 REQUIREMENTS FOR DISCLOSURES, NOTIFICATIONS, AND OTHER COMMUNICATIONS TO CONSUMERS**

- A.** Disclosures to Consumers pursuant to 4 CCR 904, Rules 3-4.02, 5.03, 6.01, 6.05, and 7.04 must be:
1. Understandable and accessible to a Controller's target audiences, considering the vulnerabilities or unique characteristics of the audience and paying particular attention to the vulnerabilities of Children. For example, they shall use plain, straightforward language and avoid technical or legal jargon.
  2. Reasonably accessible to Consumers with Disabilities, including through the use of digital accessibility tools. For notices provided online, the Controller shall follow generally recognized industry standards, such as the Web Content Accessibility Guidelines, version 2.1 of June 5, 2018, from the World Wide Web Consortium, incorporated herein by reference as described at 4 CCR 903-3-10.02. In other contexts, the Controller shall provide information on how a Consumer with a Disability may access the disclosure or communication in an alternative format.
  3. Available in the languages in which the Controller in its ordinary course provides web pages, interfaces, contracts, disclaimers, sale announcements, and other information to Consumers. Disclosures and communications sent directly to Consumers must be sent in the language in which the Consumer ordinarily interacts with the Controller.
  4. Available through an interface regularly used in conjunction with the Controller's product or service.
  5. Readable on all devices through which Consumers interact with the Controller, including on smaller screens and through mobile applications, if applicable.
  6. Unless otherwise stated, notifications from Controllers to Consumers shall be communicated in a manner by which the Controller regularly interacts with Consumers.

**PART 4 CONSUMER PERSONAL DATA RIGHTS**

**Rule 4.01 AUTHORITY AND PURPOSE**

- A.** The statutory authority for the rules in this Part 4 is C.R.S. §§ 6-1-108(1), 6-1-1306, and 6-1-1313. The purpose of the rules in Part 4 is to clarify the scope of Consumer Personal Data rights and standards for the processes required to facilitate the exercise of those rights.

**Rule 4.02 SUBMITTING REQUESTS TO EXERCISE PERSONAL DATA RIGHTS**

- A.** Pursuant to C.R.S. § 6-1-1306(1), a Controller's privacy notice must include specific methods through which a Consumer may submit requests to exercise Data Rights. Any method specified by a Controller must comply with each of the following:
1. Consider the ways in which Consumers normally interact with the Controller:



- a. A Controller that operates exclusively online and has a direct relationship with a Consumer from whom it collects Personal Data shall only be required to provide an email address for submitting access, correction, deletion, or data portability requests.
  - b. A Controller that does not fall within subsection (A)(1)(a), above, shall provide two or more designated methods for submitting a Data Rights request. If a Controller maintains a website, mobile application, or other digital presence, one method for submitting requests shall be through its website, mobile application, or digital interface, such as through a webform;
  - c. If a Controller interacts with Consumers in person, the Controller shall consider providing an in-person method such as a printed form the Consumer can directly submit or send by mail; a tablet or computer portal that allows the Consumer to complete and submit an online form; or a telephone by which the Consumer can call the Controller's toll-free number.
2. Comply with requirements provided in 4 CCR 904-3, Rule 3.01;
3. Use reasonable data security measures, consistent with 4 CCR 904-3, Rule 6.09, when exchanging information in furtherance of Data Rights requests, considering the volume, scope and nature of Personal Data that may be exchanged;
4. Be easy for Consumers to execute, requiring a minimal number of steps; and
5. Not use Dark Patterns, as defined by C.R.S. § 6-1-1303(9) and prohibited by 4 CCR 904-3, Rule 7.09.
- B. The Data Rights request method does not have to be specific to Colorado, so long as the request method:
  1. Clearly indicates which rights are available to Colorado Consumers;
  2. Provides all Data Rights available to Colorado Consumers;
  3. Provides Colorado Consumers a clear understanding of how to exercise their rights; and
  4. Meets all other requirements of this part, 4 CCR 904-3, Rule 4.02.
- C. When a Consumer submits a Data Rights request, a Controller may only collect Personal Data through the request process if the Personal Data is reasonably necessary to Authenticate the Consumer, respond to the request, or effectuate the Data Rights request.
- D. A Controller must not require a Consumer to create a new user account to exercise their Data Rights request, but may require a Consumer to use an existing password-protected account.
- E. If a Consumer or Authorized Agent submits a request for an Opt-Out Purpose in a manner that is not one of the Controller's specified Data Rights request methods, or the request is otherwise deficient in a manner unrelated to the Authentication process, the Controller shall either: (1) treat the request as if it had been submitted in accordance with the Controller's specified request methods, or (2) provide the Consumer with information on how to submit the request or remedy any deficiencies in the request.

**Rule 4.03      RIGHT TO OPT OUT**

- A. A Controller shall comply with an opt-out request by:
  - 1. Ceasing to Process the Consumer's Personal Data for the Opt-Out Purpose(s) as soon as feasibly possible, but no later than fifteen (15) days from the date the Controller receives the request.
  - 2. Maintaining a record of the opt-out request and response, in compliance with 4 CCR 904-3, Rule 6.11.
- B. A Controller must provide an opt-out method, either directly or through a link, clearly and conspicuously in its privacy notice as well as in a clear, conspicuous, and readily accessible location outside the privacy notice.
  - 1. If a link is used, it must take a Consumer directly to the opt-out method and the link text must provide a clear understanding of its purpose, for example "Colorado Opt-Out Rights," "Personal Data Use Opt-Out," or "Your Opt-Out Rights."
  - 2. The opt-out method must:
    - a. Comply with 4 CCR 904-3, Rule 4.02.
    - b. Describe the Consumer's right to opt out and provide instructions on how to opt out.
  - 3. The clear, conspicuous, and readily accessible location must be:
    - a. Positioned in an obvious location of a website or application, such as the header or footer of a Controller's internet homepage, or an application's app store page or download page; and
    - b. Available to the Consumer at or before the time the Personal Data is Processed for the Opt-Out Purposes.
- C. An Authorized Agent may exercise a Consumer's opt-out right, so long as the Authorized Agent's request permits the Controller to Authenticate the identity of the Consumer and the Authorized Agent's authority to act on the Consumer's behalf.

**Rule 4.04      RIGHT OF ACCESS**

- A. A Controller shall comply with an access request by providing the Consumer all the specific pieces of Personal Data it has collected and maintains about the Consumer, including without limitation, any Personal Data that the Controller's Processors obtained in providing services to the Controller.
- B. Personal Data provided in response to an access request must be:
  - 1. Understandable to the Controller's target audiences, considering vulnerabilities or unique characteristics of the audience and paying particular attention to vulnerabilities of Children.
  - 2. Provided in the language in which the Consumer interacts with the Controller.
  - 3. Provided in a form that would allow the average Consumer to make an informed decision of whether to exercise deletion, correction, or opt-out rights.

- a. For instance, the Personal Data must be provided in a form that is concise, transparent and easily intelligible, and avoids incomprehensible or unexplained internal codes and identifiers.
  - b. Nothing herein shall prevent a Controller from complying fully with a Consumer's data portability request pursuant to C.R.S. § 6-1-1306(1)(e).
- C. A Controller shall not be required to disclose in response to an access request a Consumer's government-issued identification number, financial account number, health insurance or medical identification number, an account password, security questions and answers, or Biometric Data. The Controller shall, however, inform the Consumer with sufficient particularity that it has collected that type of information. For example, a Controller shall respond that it collects "unique Biometric Data including a fingerprint scan" without disclosing the actual fingerprint scan data.

**Rule 4.05      RIGHT TO CORRECTION**

- A. A Controller shall comply with a Consumer's correction request by correcting the Consumer's Personal Data across all data flows and repositories and implementing measures to ensure that the Personal Data remains corrected. The Controller shall also instruct all Processors that maintain the Personal Data at issue to make the necessary corrections in their respective systems and to ensure that the Personal Data remains corrected.
- B. If a Consumer submits a request to exercise their right to correct Personal Data and the requested correction to that Personal Data could be made by the Consumer through the Consumer's account settings, a Controller may respond to the Consumer's request by providing instructions on how the Consumer may correct the Personal Data so long as:
  - 1. The correction process is not unduly burdensome to the Consumer;
  - 2. The instructions meet all requirements of 4 CCR 904-3, Rule 3.01;
  - 3. The Controller's response is compliant with the timing requirements set forth in C.R.S. § 6-1-1306(2)(a); and
  - 4. The process described in the instructions enable the Consumer to make the specific requested correction.
- C. A Controller may decide not to act upon a Consumer's correction request if the Controller determines that the contested Personal Data is more likely than not accurate based on the totality of the circumstances.
  - 1. A Controller may require the Consumer to provide documentation if necessary to determine whether the Personal Data, or the Consumer's requested correction to the Personal Data, is accurate. When requesting documentation, the Controller must provide the Consumer with a meaningful understanding of why the documentation is necessary.
  - 2. Any documentation provided by the Consumer in connection with the Consumer's right to correction shall only be Processed by the Controller in considering the accuracy of the Consumer's Personal Data.
  - 3. The Controller shall implement and maintain reasonable data security measures, consistent with 4 CCR 904-3, Rule 6.09, in Processing any documentation relating to the Consumer's correction request.

4. If the Controller did not receive the Personal Data directly from the Consumer and has no documentation to support the accuracy of the Personal Data, the Consumer's assertion of inaccuracy shall be sufficient to establish that the Personal Data is inaccurate.

**Rule 4.06 RIGHT TO DELETION**

- A. A Controller shall comply with a Consumer's deletion request by:
  1. Permanently and completely erasing the Personal Data from its existing systems, except archive or backup systems, or De-Identifying the Personal Data in accordance with C.R.S. § 6-1-1303(11); and
  2. Notifying the Controller's Processors and Affiliates to delete the Consumer's Personal Data obtained from the Controller.
- B. Notwithstanding 4 CCR 904-3, Rule 4.06(A), a Controller may maintain records of a Consumer's deletion request consistent with 4 CCR 904-3, Rule 6.11 and as needed to effectuate the deletion request.
- C. If a Controller or Processor stores any Personal Data on archived or backup systems, it may delay compliance with the Consumer's deletion request with respect to an archived or backup system until that system is restored to an active system or is next accessed or used for a Sale, disclosure, or commercial purpose.
- D. If a Consumer submits a deletion request with respect to Personal Data that falls within an exception under C.R.S. § 6-1-1304, the Controller shall delete the Consumer's Personal Data that is not subject to the exception; provide the Consumer with a list of Personal Data that was not deleted along with the applicable exception; and not use the Consumer's Personal Data retained for any other purpose than provided for by the applicable exception.
- E. A Controller that has obtained Personal Data about a Consumer from a source other than the Consumer shall comply with a Consumer's deletion request with respect to that Personal Data pursuant to C.R.S. § 6-1-1306(d) by (i) retaining a record of the deletion request and the minimum data necessary for the purpose of ensuring the Consumer's Personal Data remains deleted from the Consumer's records and not using such retained data for any other purpose, or (ii) opting the Consumer out of the Processing of such Personal Data for any purpose except for those exempted pursuant to the provisions of C.R.S. § 6-1-1304.

**Rule 4.07 RIGHT TO DATA PORTABILITY**

- A. To comply with a data portability request, a Controller must transfer to a Consumer the Personal Data it has collected and maintains about the Consumer through a secure method in a commonly used electronic format that enables the Consumer to have complete access to and full enjoyment of the Personal Data, including, but not limited to, the capacity to save, edit, and transfer the Personal Data to any other person or platform at Consumer's discretion.
- B. Pursuant to C.R.S. § 6-1-1306(1)(e), a Controller is not required to provide Personal Data to a Consumer in a manner that would disclose the Controller's trade secrets.
  1. Notwithstanding 4 CCR 904-3, Rule 4.07(B), Personal Data or Sensitive Data Inferences created using a trade secret algorithm or other mechanism must be disclosed to comply with a data portability request without disclosing the algorithm or mechanism itself.

**Rule 4.08 AUTHENTICATION**

- A. A Controller shall establish reasonable methods to Authenticate the Consumer submitting a Data Right request and to Authenticate the authority of an Authorized Agent submitting an opt-out request on behalf of a Consumer. To determine if a method is reasonable, the Controller shall consider the Data Rights exercised, the type, sensitivity, value, and volume of Personal Data involved, and the level of possible harm that improper access or use could cause to the Consumer submitting the Data Right request. A Controller should avoid methods that place an unreasonable burden on the Consumer or Authorized Agent submitting a Data Right request.
- B. When possible, a Controller shall avoid requesting additional Personal Data to Authenticate a Consumer unless the Controller cannot Authenticate the Consumer from the Personal Data already maintained by the Controller.
- C. Personal Data obtained to Authenticate a Consumer may only be used to Authenticate the Consumer submitting the Data Right request or to Authenticate an Authorized Agent's authority, and must be deleted as soon as practical after Processing the Consumer's request, except as required by 4 CCR 904-3, Rule 6.11.
- D. A Controller shall implement reasonable security measures, consistent with 4 CCR 904-3, Rule 6.90, to protect Personal Data exchanged to Authenticate a Consumer or to Authenticate an Authorized Agent's authority, considering the type, value, sensitivity, and volume of information exchanged and the level of possible harm improper access or use could cause to the Consumer submitting a Data Right request.
- E. A Controller shall not require the Consumer or Authorized Agent to pay a fee for authentication. For example, a Controller may not require a Consumer to provide a notarized affidavit for authentication unless the Controller compensates the Consumer for the cost of notarization.
- F. If a Controller cannot Authenticate the Consumer submitting a Data Right request using commercially reasonable efforts, the Controller is not required to comply with the Consumer's request. The Controller shall inform the Consumer that their identity could not be authenticated and may request additional Personal Data if reasonably necessary to Authenticate the Consumer.

**Rule 4.09      RESPONDING TO CONSUMER REQUESTS**

- A. A Controller must respond to a Consumer's Data Right request in compliance with the timing provisions of C.R.S. § 6-1-1306(2)(a)-(b).
- B. If a Controller decides not to act on a Consumer's Data Right request, the Controller's response to the Consumer must include the basis for the Controller's decision, including but not limited to (1) any conflict with federal or state law; (2) the relevant exception to the Colorado Privacy Act; (3) the Controller's inability to Authenticate the Consumer's identity; (4) any factual basis for a Controller's good-faith claim that compliance is impossible; or (5) any good-faith, documented belief that the request is fraudulent or abusive.
  - 1. If a Controller has a good-faith claim that complying with the Consumer's request would be impossible, the Controller must explain in its response, in detail, why compliance is impossible.
  - 2. If a Controller has a good-faith, documented belief that a request is fraudulent or abusive, the Controller must explain in its response why it believes the request is fraudulent or abusive.
  - 3. If a Controller denies a Consumer Data Right request based on inability to Authenticate, the Controller must describe in documentation required by 4 C.C.R. 904-3, Rule 6.11 their reasonable efforts to authenticate and why they were unable to do so.

- 4. A Controller that decides not to act on a Consumer's request must also provide instructions on how to appeal the Controller's decision in accordance with C.R.S. § 6-1-1306(3).
- C. When a Controller complies with a Consumer's Personal Data Right request, the Controller shall also notify all Processors that Process the Consumer's Personal Data of the Consumer's request and the Controller's response.
- D. Controllers must maintain all documentation as required by 4 CCR 904-3, Rule 6.11 of these rules.

## **PART 5 UNIVERSAL OPT-OUT MECHANISM**

### **Rule 5.01 AUTHORITY AND PURPOSE**

- A. The statutory authority for the rules in Part 5 is C.R.S. §§ 6-1-108(1), 6-1-1306, and 6-1-1313. The purpose of this rule is to provide technical and other specifications for Universal Opt-Out Mechanisms.

### **Rule 5.02 RIGHTS EXERCISED**

- A. Consumers may exercise their right to opt out of the Processing of Personal Data concerning the Consumer for purposes of Targeted Advertising or the Sale of Personal Data through a user-selected Universal Opt-Out Mechanism that meets the technical and other specifications provided in this Rule.
- B. The purpose of a Universal Opt-Out Mechanism is to provide Consumers with a simple and easy-to-use method by which Consumers can automatically exercise their opt-out rights with all Controllers they interact with without having to make individualized requests with each Controller.
- C. A Universal Opt-Out Mechanism may express a Consumer's choice to opt out of the Processing of Personal Data for all purposes subject to the opt-out right or it may express a Consumer's choice to opt out of the Processing of Personal Data for one specific purpose only. A Universal Opt-Out Mechanism may offer "all purposes" or "specific purposes" options, or both.

### **Rule 5.03 NOTICE AND CHOICE**

- A. The platform, developer, or provider that provides a Universal Opt-Out Mechanism shall make clear to the Consumer, whether in its configuration or disclosures to the public, that the mechanism is meant to have the effect of opting the Consumer out of the Processing of Personal Data for specific purposes or all purposes. These notices provided to the Consumer:
  - 1. Shall comply with the requirements for disclosures and communications to Consumers provided in 4 CCR 904-3, Rule 3.01;
  - 2. If applicable, shall state that the Universal Opt-Out Mechanism has been recognized by the Colorado Attorney General;
  - 3. Shall clearly describe the mechanism's limitations, including, for example:
    - a. Whether the mechanism will have the effect of opting the Consumer out of the Processing of Personal Data for only one specific Processing purpose; or
    - b. Whether the mechanism is unable to opt the Consumer out of Processing through mobile or other applications.

4. Shall not use Dark Patterns as defined in C.R.S. § 6-1-1303(9) and prohibited by 4 CCR 904-3, Rule 7.09; and
  5. Need not be tailored only to Colorado or refer to Colorado.
- B. A valid Universal Opt-Out Mechanism must represent the Consumer's affirmative, freely given, and unambiguous choice to opt out of the Processing of Personal Data for the purposes listed at C.R.S. § 6-1-1306(1)(a)(IV)(A) and (B).

**Rule 5.04      DEFAULT SETTINGS**

- A. To comply with C.R.S. § 6-1-1313(2), a Universal Opt-Out Mechanism may not be the default setting for a tool that comes pre-installed with a device, such as a browser or operating system.
1. Example: An operating system manufacturer bundles a browser pre-installed with every device shipped with the operating system. The browser sends a Universal Opt-Out mechanism signal by default and never asks the Consumer to enable this setting. The Consumer's decision to use this browser does not represent the Consumer's affirmative, freely given, and unambiguous choice to use the Universal Opt-Out Mechanism because it is a default choice. This is so even if the marketing for the operating system touts its privacy protective features.
  2. Example: An operating system manufacturer bundles a browser and apps pre-installed with every device shipped with the operating system. The first time a Consumer runs a browser or app, the operating system asks the Consumer specifically and clearly whether they want to send a Universal Opt-Out Mechanism signal when using the browser or app. No choice is pre-selected, meaning the Consumer is forced to decide. The Consumer's decision to say "yes" and enable the signal represents the Consumer's affirmative, freely given, and unambiguous choice to use the Universal Opt-Out Mechanism.
- B. Notwithstanding 4 CCR 904-3, Rule 5.04(A), a Consumer's decision to adopt a tool that does not come pre-installed with a device, such as a browser or operation system, but is marketed prominently as a privacy-protective tool or specifically as a tool designed to exercise a user's rights to opt out of the Processing of Personal Data shall be considered the Consumer's affirmative, freely given, and unambiguous choice to use a Universal Opt-Out Mechanism.
1. Example: A browser manufacturer markets its browser as a "privacy friendly" browser, highlighting that the browser sends a Universal Opt-Out Mechanism signal by default. The browser does not come pre-installed with a device or operating system and must be installed by the Consumer. The Consumer's decision to use this browser represents the Consumer's affirmative, freely given, and unambiguous choice to use the Universal Opt-Out Mechanism. The Consumer need not be given an explicit choice about whether to use the Universal Opt-Out Mechanism in this example.

**Rule 5.05      PERSONAL DATA USE LIMITATIONS**

- A. A platform, developer, or provider providing a Universal Opt-Out Mechanism shall not use, disclose, or retain any Personal Data collected from the Consumer in connection with the Consumer's utilization of the mechanism for any purpose other than sending or Processing the opt-out preference.
- B. When Processing a Universal Opt-Out Mechanism, a Controller may not require the collection of additional Personal Data beyond that which is strictly necessary to confirm a Consumer is a resident of Colorado or determine that the mechanism represents a legitimate request to opt out of the Processing of Personal Data as permitted by C.R.S. § 6-1-1306(1)(a)(IV).

- C. Notwithstanding 4 CCR 904-3, Rule 5.05(B), a Controller may provide the Consumer with an option to provide additional Personal Data only if it will extend the recognition of the Consumer's use of the Universal Opt-Out Mechanism across platforms, devices, or offline. For example, a Controller may give the Consumer the option to provide their phone number or email address so that the Universal Opt-Out Mechanism or signal can apply to offline Sale of Personal Data or link the Consumer's opt-out choice across devices. Any information provided by the Consumer for this purpose shall not be used, disclosed, or retained for any purpose other than processing the opt-out request.

**Rule 5.06 TECHNICAL SPECIFICATION**

- A. A Universal Opt-Out Mechanism must allow for Consumers to automatically communicate their opt-out choice with multiple Controllers.
1. The Universal Opt-Out Mechanism may communicate a Consumer's opt-out choice by sending an opt-out signal. The signal must be in a format commonly used and recognized by Controllers. An example would be an HTTP header field or JavaScript object.
  2. The Universal Opt-Out Mechanism may operate through a means other than by sending an opt-out signal, for example by maintaining a "do not sell" list, so long as Controllers are able to query such a list in an automated manner.
- C. The Universal Opt-Out Mechanism must allow Consumers to clearly communicate one or more opt-out rights available under C.R.S. § 6-1-1306(1)(a)(IV).
1. The Universal Opt-Out Mechanism may allow for a Consumer to opt out of Processing for one or more of the Opt-Out Purposes.
  2. The Universal Opt-Out Mechanism may allow a Consumer to opt out of one or more Controllers that recognize the mechanism, to opt out of one or more domain, or to opt out of Processing by all Controllers that recognize the mechanism.
- D. The Universal Opt-Out Mechanism must store, process, and transmit any Consumer Personal Data using reasonable data security measures, consistent with 4 CCR 904-3, Rule 6.09.
- E. A Universal Opt-Out Mechanism must not prevent the Controller's ability to determine:
1. Whether a Consumer is a Resident of the State of Colorado; or
  2. That the Universal Opt-Out Mechanism represents a legitimate request to opt out of the Processing of Personal Data.
- F. A Universal Opt-Out Mechanism must not unfairly disadvantage any Controller. For example, a Universal Opt-Out Mechanism may not treat different Controllers differently or engage in self-dealing benefiting the creator of the Universal Opt-Out Mechanism over other Controllers.

**Rule 5.07 SYSTEM FOR RECOGNIZING UNIVERSAL OPT-OUT MECHANISMS**

- A. The Colorado Department of Law shall maintain a public list of Universal Opt-Out Mechanisms that have been recognized to meet the standards of this subsection. The initial list shall be released no later than April 1, 2024 and shall be updated periodically.
- B. The goal of the public list is to simplify the options facing Controllers, Consumers, and other actors.



- C. To be recognized, a Universal Opt-Out Mechanism must at a minimum meet these standards:
  - 1. Comply with all of the technical and other specifications of this section;
  - 2. Be an open system or standard, which is free for adoption by device, operating system, browser, and other manufacturers, Controllers, or Consumers without permission or on fair, reasonable, and non-discriminatory terms; and
  - 3. Not create Consumer or Controller confusion about the similarities and differences between Universal Opt-Out Mechanisms on the public list.
- D. The Colorado Department of Law may consider additional factors when determining which Universal Opt-Out Mechanisms to recognize. These include but are not limited to:
  - 1. Commercial adoption by Consumers or Controllers;
  - 2. Ease of use, implementation, and detection by Consumers and Controllers;
  - 3. Whether the Universal Opt-Out Mechanism has been approved by a widely recognized, legitimate standards body after broad multistakeholder participation in the standards-making process.

**Rule 5.08 OBLIGATIONS ON CONTROLLERS**

- A. Effective July 1, 2024,
  - 1. A Controller that receives an opt-out request through a Universal Opt-Out Mechanism shall treat such as a valid request to opt out of the Processing of Personal Data for purposes of Targeted Advertising, Sale of Personal Data, or both, as indicated by the mechanism, for the associated browser or device, and, if known, for the Consumer.
  - 2. After receiving a valid opt-out request through the use of a Universal Opt-Out Mechanism, a Controller shall continue to treat the browser, device, and Consumer as having exercised opt-out rights until the browser, device, or Consumer overrides the opt-out, as specified in 4 CCR 904-3, Rule 5.10.
- B. A Controller shall be capable of recognizing any Universal Opt-Out Mechanism recognized under subsection 4 CCR § 904-3, Rule 5.07. For example, in the case of a recognized Universal Opt-Out Mechanism sent as a signal, the Controller must listen for the signal. In the case of a recognized Universal Opt-Out Mechanism utilizing a "do not sell" list, the Controller must query the "do not sell" list.
- C. A Controller may also recognize Universal Opt-Out Mechanisms that are not recognized under subsection 4 CCR § 904-3, Rule 5.07.
- D. Unless a Controller is Authenticating a Consumer as permitted by C.R.S. § 6-1-1313(2)(f), a Controller may not require a Consumer to login or otherwise Authenticate themselves as a condition of recognizing the Consumer's use of the Universal Opt-Out Mechanism.
- E. A Controller may display in a conspicuous manner if it has Processed the Consumer's opt-out preference signal. For example, the Controller may display on its website "Opt-Out Preference Signal Honored" when a browser, device, or Consumer utilizing a Universal Opt-Out Mechanism visits the website.

**Rule 5.9 CONSENT AFTER UNIVERSAL OPT-OUT**

- A. A Controller may enable a Consumer to Consent to Processing that the Consumer has opted-out of using a Universal Opt-Out mechanism, so long as the Controller's request for Consent complies with the Consent requirements provided in 4 CCR 904-3, Rule 7.05.
- B. A Controller shall not interpret the absence of a Universal Opt-Out Mechanism signal after the Consumer previously utilized a Universal Opt-Out Mechanism as Consent to opt back in.

## **PART 6 DUTIES OF CONTROLLERS**

### **Rule 6.01 AUTHORITY AND PURPOSE**

- A. The statutory authority for the rules in this Part 6 is C.R.S. §§ 6-1-108(1), 6-1-1308, and 6-1-1313. The purpose of the rules in this Part 6 is to provide clarity on the duties of Controllers concerning the Personal Data of Colorado Consumers.

### **Rule 6.02 PRIVACY NOTICE PRINCIPLES**

- A. A privacy notice shall provide Consumers with a meaningful understanding and accurate expectations of how their Personal Data will be Processed. It shall also inform Consumers about their rights under the Colorado Privacy Act and provide any information necessary for Consumers to exercise those rights.
- B. A Controller is not required to provide a separate Colorado-specific privacy notice or section of a privacy notice as long as the Controller's privacy notice contains all information required in this section and makes clear that Colorado Consumers are entitled to the rights provided by C.R.S. § 6-1-1306.
- C. A privacy notice shall comply with all requirements for disclosures and communications to Consumers provided in 4 CCR 904-3, Rule 3.01.
- D. A privacy notice must be clear. Information contained in a privacy notice shall be:
  - 1. Concrete and definitive, avoiding abstract or ambivalent terms that may lead to varying interpretations.
  - 2. Clearly labeled, such that Consumers seeking to understand a Controller's Processing activities or how to exercise their Data Rights can easily access the section of the privacy notice containing relevant information.
- E. A privacy notice must be easily accessible. A privacy notice must be:
  - 1. Posted online through a conspicuous link using the word "privacy" on the Controller's website homepage or on a mobile application's app store page or download page. A Controller that maintains an application on a mobile or other device shall also include a link to the privacy notice in the application's settings menu.
  - 2. A Controller that does not operate a website shall make the privacy notice conspicuously available to Consumers through a medium regularly used by the Controller to interact with Consumers. For instance, if a Controller interacts with a Consumer offline, an offline version of the privacy notice must be available to the Consumer.
- F. A privacy notice must be specific. The level of specificity in a privacy notice should enable a Consumer to understand, in advance or at the time of the Processing, the scope of the Controller's Processing operations, such that a Consumer should not be taken by surprise at a

later point about Personal Data that has been collected and the ways in which Personal Data has been Processed.

**Rule 6.03      PRIVACY NOTICE CONTENT**

A. A privacy notice must include the following information:

1. A comprehensive description of the Controller's online and offline Personal Data Processing practices, including the following information for each Processing purpose:
  - a. The Processing purpose described in a level of detail that gives Consumers a meaningful understanding of how their Personal Data is used and why their Personal Data is reasonably necessary for the Processing purpose.
  - b. If the Processing purpose includes Targeted Advertising or Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer, the Controller shall list that activity as part of the Processing purpose.
  - c. The categories of Personal Data Processed for each of the Controller's Processing purposes, including, but not limited to, whether Sensitive Data or the Personal Data of a Child is Processed. Categories shall be described in a level of detail that provides Consumers a meaningful understanding of the type of Personal Data Processed.

For example, categories of Personal Data described at a sufficiently granular level of detail include, but are not limited to: "real name," "contact information," "government issued identification numbers," "payment information", "Information from Cookies," "data revealing religious affiliation," and "medical data."
  - d. Categories of Personal Data that the Controller Sells to or shares with Third Parties, if any, for each Processing purpose.
  - e. Categories of Third Parties to whom the Controller sells, or with whom the Controller shares Personal Data, if any, for each Processing purpose. Categories of Third Parties must be described in a level of detail that gives Consumers a meaningful understanding of what type of entity the Third Party is, and to the extent possible, how the Third Party may Process Personal Data.

For example, categories of Third Parties described in a sufficiently granular level of detail include, but are not limited to: "analytics companies," "data brokers," "third-party advertisers," "payment processors," "lenders," "other merchants," and "government agencies." For each processing purpose, whether the Personal Data collected is Sold or processed for Targeted Advertising.
2. If a Controller's Processing activity involves the Processing of Personal Data for the purpose of Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer, all disclosures required by 4 CCR 904-3, Rule 9.03.
3. A list of the Data Rights available.
4. A description of the methods through which a Consumer may submit requests to exercise Data Rights, as required by C.R.S. § 6-1-1306(1) and 4 CCR 904-3, Rule 4.02, including:
  - a. Instructions on how to use each method.

- b. Instructions on how an Authorized Agent may submit a request to opt out of the Processing of Consumer Personal Data on a Consumer's behalf pursuant to C.R.S. § 6-1-1306(1)(a)(II).
  - c. A clear and conspicuous method to exercise the right to opt out of the Processing of Personal Data concerning the Consumer pursuant to C.R.S. § 6-1-1306(1)(a)(I), or links to any online method, such as a webform or portal, consistent with 4 CCR 904-3, Rule 4.03.
  - d. A description of the process the Controller uses to Authenticate the identity of a Consumer exercising a Data Right request or to Authenticate the authority of an Authorized Agent exercising the right to opt out on a Consumer's behalf.
  - e. Effective July 1, 2024, an explanation of how requests to opt out using Universal Opt-Out Mechanisms will be processed.
- 5. If a Controller will delete Sensitive Data Inferences within twelve (12) hours pursuant to 4 CCR 904-3, Rule 6.10, a description of the Sensitive Data Inferences subject to this provision and the retention and deletion timeline for such Sensitive Data Inferences.
  - 6. A Controller's contact information.
  - 7. Instructions on how a Consumer may appeal a Controller's action in response to the Consumer's request, as contemplated by C.R.S. § 6-1-1306(3).
  - 8. The date the privacy notice was last updated.

**Rule 6.04 CHANGES TO A PRIVACY NOTICE**

- A. A Controller shall notify Consumers of substantive or material changes to a privacy notice, including, but not limited to, changes to: (1) categories of Personal Data Processed; (2) Processing purposes; (3) a Controller's identity; or (4) methods by which Consumers can exercise their Data Rights request. Changes to a privacy notice shall be communicated to Consumers in a manner by which the Controller regularly interacts with Consumers.
- B. Notice of a substantive or material change to a privacy notice must be made 15 calendar days before the change goes into effect.
- C. A Controller must obtain Consent from a Consumer pursuant to 4 CCR 904-3, Rules 7.02-7.05 before Processing Personal Data for a secondary use, even if the new purpose is disclosed in the privacy notice.

**Rule 6.05 LOYALTY PROGRAMS**

- A. While a Controller may not increase the cost of or decrease the availability of a product or service based solely on a Consumer's exercise of a Data Right, a Controller is not prohibited from offering Bona Fide Loyalty Program Benefits to a Consumer based on the Consumer's voluntary participation in that Bona Fide Loyalty Program.
- B. If a Consumer exercises their right to delete Personal Data such that it is impossible for the Controller to provide a certain Bona Fide Loyalty Program Benefit to the Consumer, the Controller is no longer obligated to provide that Bona Fide Loyalty Benefit to the Consumer. However, the Controller shall provide any available Bona Fide Loyalty Program Benefit for which the deleted Personal Data is not necessary.

- C. If a Consumer refuses to Consent to the Processing of Sensitive Data necessary for a personalized Bona Fide Loyalty Program Benefit, the Controller is no longer obligated to provide that personalized Bona Fide Loyalty Program Benefit. However, the Controller shall provide any available, non-personalized Bona Fide Loyalty Program Benefit for which the Sensitive Data is not necessary. A Controller may not condition a Consumer's participation in a Bona Fide Loyalty Program on the Consumer's Consent to Process Sensitive Data unless the Sensitive Data is required for all Bona Fide Loyalty Program Benefits.
- D. If a Consumer's decision to exercise a Data Right impacts the Consumer's membership in a Bona Fide Loyalty Program, the Controller shall notify the Consumer of the impact of the Consumer's decision in conformance with 4 CCR 904-3, Rule 3.01 and at least twenty-four (24) hours before discontinuing the Consumer's Bona Fide Loyalty Program Benefit or membership, and must provide a reference or link to the information required by subparagraph E., below.
- E. Loyalty Program Disclosures
  - 1. In addition to all other disclosures required by 4 CCR 904-3, Rules 6.03 and 7.03, a Controller maintaining a Bona Fide Loyalty Program must provide the following disclosures as required by 4 CCR 904-3, Rule 6.05(E), as well as in its privacy notice, Bona Fide Loyalty Program terms, and Consent disclosures in requests for Consent to Process Sensitive Data or Personal Data in connection with the Bona Fide Loyalty Program:
    - a. The categories of Personal Data or Sensitive Data collected through the Bona Fide Loyalty Program that will be Sold or Processed for Targeted Advertising, if any;
    - b. Categories of Third Parties that will receive the Consumer's Personal Data and Sensitive Data, including whether Personal Data will be provided to Data Brokers;
    - c. The value of the Bona Fide Loyalty Program Benefits available to the Consumer if the Consumer opts out of the Sale of Personal Data or Processing of Personal Data for Targeted Advertising, and the value of the Bona Fide Loyalty Program Benefits available to the Consumer if the Consumer does not opt out of the Sale of Personal Data or Processing for Targeted Advertising; and
    - d. A list of any Bona Fide Loyalty Program Benefits that require the Processing of Personal Data for Sale or Targeted Advertising, and the Third Party receiving the Personal Data and providing each such Bona Fide Loyalty Program Benefit, if applicable.
  - 2. Bona Fide Loyalty Program terms and requests for Consent to Process Sensitive Data or Personal Data in connection with the Bona Fide Loyalty Program shall also include a link to the Controller's privacy notice.
- F. Example: A Consumer joins a pharmacy's Bona Fide Loyalty Program that includes both personalized and non-personalized Bona Fide Loyalty Program Benefits. The pharmacy asks the Consumer for Consent to collect Sensitive Data about the Consumer's prescriptions and medical conditions in order to provide personalized Bona Fide Loyalty Program Benefits. When the Consumer refuses Consent, the Controller gives timely notice to the Consumer that it will not provide the personalized Bona Fide Loyalty Program Benefits, but will continue to provide non-personalized Bona Fide Loyalty Program Benefits. Moving forward, the Controller provides only the non-personalized Bona Fide Loyalty Program Benefits following the Consumer's decision to continue to refuse Consent to the collection of Sensitive Data. The Controller is not acting

impermissibly because the pharmacy is still providing all available non-personalized Bona Fide Loyalty Program Benefits and did not condition the Consumer's participation in the Bona Fide Loyalty Program on the Consumers Consent to process Sensitive Data that is not required for personalized Bona Fide Loyalty Program Benefits.

**Rule 6.06 PURPOSE SPECIFICATION**

- A. Controllers shall specify the express purposes for which Personal Data are collected and Processed in both external disclosures to Consumers as well as in any internal documentation required by this Part 6.
- B. The express purpose must be described in a sufficiently unambiguous, specific, and clear manner, such that the way Personal Data will be Processed is understood by and predictable to the average Consumer, the Controller, Third Parties, and enforcement authorities.
  - 1. Particular care should be taken to ensure that any specification of the purpose is sufficiently clear to all involved, irrespective of their different cultural or linguistic backgrounds, level of understanding, or special needs.
  - 2. The express purpose must be detailed enough to enable the implementation of necessary data security safeguards and allow for compliance with the law to be assessed.
- C. If Personal Data is collected and Processed for more than one purpose, Controllers should specify each unrelated purpose with enough detail to allow Consumers to understand each individual, unrelated purpose.
  - 1. Controllers should avoid identifying one broad purpose to justify numerous Processing activities that are only remotely related.
  - 2. Controllers should avoid specifying one broad purpose to cover potential future Processing activities that are only remotely related.
- D. If the Processing purpose has evolved beyond the original express purpose, the Controller must review and update all related disclosures and documentation as necessary.

**Rule 6.07 DATA MINIMIZATION**

- A. To ensure all Personal Data collected is reasonably necessary for the specified purpose, Controllers shall carefully consider each Processing purpose and determine the minimum Personal Data that is necessary, adequate, or relevant for the express purpose or purposes. Such assessment shall be documented according to 4 CCR 904-3, Rule 6.11.
- B. Personal Data should only be kept in a form which allows identification of Consumers for as long as is necessary for the express Processing purpose(s). To ensure that the Personal Data are not kept longer than necessary, adequate, or relevant, Controllers shall set specific time limits for erasure or to conduct a periodic review.
  - 1. Any Personal Data determined to no longer be necessary, adequate, or relevant to the express Processing purpose(s) shall be deleted by the Controller and any Processors.
  - 2. Biometric Identifiers or any Personal Data generated from a digital or physical photograph or an audio or video recording held by a Controller shall be reviewed at least once a year to determine if its storage is still necessary, adequate, or relevant to the express Processing purpose. Controllers must obtain Consent to Process Biometric

Identifiers or any Personal Data generated from a digital or physical photograph or an audio or video recording each year after the first year that it is stored.

- C. A Controller shall not collect Personal Data other than those disclosed in its required privacy notice. If the Controller intends to collect additional Personal Data the Controller shall revise its privacy notice, and notify Consumers of the change to its privacy notice pursuant to 4 CCR 904-3, Rule 6.04.

**Rule 6.08 SECONDARY USE**

- A. The specified Processing purpose is the purpose disclosed to Consumers before the time the Personal Data is collected from Consumers. Such disclosure shall be included in any required privacy notice or Consent disclosure.
- B. Before Processing Personal Data for purposes that are not reasonably necessary to or compatible with specified Processing purpose(s), the Controller must obtain Consent pursuant to C.R.S. § 6-1-1308 and 4 CCR 904-3, Rules 7.02-7.05.
- C. If a new Processing purpose is unexpected, unnecessary, unconnected, or would have an unjustified negative impact on the Consumer, the new purpose is not likely to be considered reasonably necessary to or compatible with the original specified purpose. When considering if the new Processing purpose is reasonably necessary to or compatible with the original specified purpose, Controllers should consider the following, as applicable:
1. The reasonable expectation of an average Consumer concerning how their Personal Data would be Processed once it was collected;
  2. The link between the original specified purpose(s) for which the data was collected and the purpose(s) of further Processing;
  3. The relationship between the Consumer and the Controller and the context in which the Personal Data was collected;
  4. The type, nature, and amount of the Personal Data subject to the new Processing purpose;
  5. The possible consequence or impact to the Consumer of the new Processing purpose;
  6. The identity of the entity conducting the new Processing purposes, e.g., the same or different Controller, an Affiliate, a Processor, or a Third Party; and
  7. The existence of additional safeguards for the Personal Data, such as encryption or pseudonymization.
- D. An assessment of the reasonable necessity or compatibility of any new Processing purpose shall be documented consistent with 4 CCR 904-3, Rule 6.11.

**Rule 6.09 DUTY OF CARE**

- A. Personal Data must be Processed in a manner that ensures appropriate security and confidentiality of the Personal Data, including protection against unauthorized or unlawful access to or use of Personal Data and the equipment used for the Processing and against accidental loss, destruction, or damage, using reasonable technical or organizational measures.

- B. Reasonable measures to secure Personal Data include but are not limited to those provided by C.R.S. § 6-1-713.5 and C.R.S. § 24-73-102.

**Rule 6.10 DUTY REGARDING SENSITIVE DATA**

- A. Controllers must obtain Consent to Process Sensitive Data, including Sensitive Data Inferences, consistent with C.R.S. § 6-1-1308(7) and 4 CCR 904-3, Rules 7.02-7.05.
- B. Controllers may Process Sensitive Data Inferences from Consumers over the age of thirteen (13) without Consent only if:
1. The Processing purpose of such Personal Data would be obvious to a reasonable Consumer based on the context of the collection and use of the Personal Data, and the relationship between the Controller and Consumer.
  2. The Personal Data and any Sensitive Data Inferences are permanently deleted within twelve (12) hours of collection or of the completion of the Processing activity, whichever comes first;
  3. The Personal Data and any Sensitive Data Inferences are not transferred, sold, or shared with any Processors, Affiliates, or Third-Parties; and
  4. The Personal Data and any Sensitive Data Inferences are not Processed for any purpose other than the express purpose disclosed to the Consumer.
- C. If a Controller will delete Sensitive Data Inferences within twelve (12) hours, pursuant to this section, they must (1) include description of the Sensitive Data Inferences subject to this provision and the retention and deletion timeline for such Sensitive Data Inferences in its privacy notice, pursuant to 4 CCR 904-3, Rule 6.03, and (2) include the details of the deletion and verification process in the Controller's Data Protection Assessment, pursuant to 4 CCR 904-3, Rule 8.04.

**Rule 6.11 DOCUMENTATION CONCERNING DUTIES OF CONTROLLERS**

- A. Controllers shall maintain records of all Consumer Data Rights requests made pursuant to C.R.S. 6-1-1306 for at least twenty-four (24) months. Such records shall include, at a minimum, each of the following:
1. The date of request;
  2. The Consumer Data Rights request type;
  3. The date of the Controller's response;
  4. The nature of the Controller's response;
  5. The basis for the denial of the request if the request is denied in whole or in part; and
  6. The existence and resolution of any Consumer appeal to a denied request.
- B. Controllers shall maintain a record of all Data Rights requests made pursuant to C.R.S. § 6-1-1306 with which the Controller has previously complied. Such records shall be made available at the completion of a merger, acquisition, bankruptcy, or other transaction in which a Third Party assumes control of Personal Data to ensure any new Controller continues to recognize the Consumer's previously exercised Data Rights.



- C. Controllers shall maintain a record of any analysis of compliance with 4 CCR 904-3, Rules 6.07, 6.08, and 7.06 for as long as the Processing activity continues, and for at least three (3) years after the conclusion of Processing activity.
- D. Required records shall be maintained in a readable format, appropriate to the sophistication and size of the Controller's business.
- E. The Controller shall implement and maintain reasonable security procedures and practices, consistent with 4 CCR 904-3, Rule 6.09, in maintaining all required records.
- F. Personal Data maintained pursuant to this 4 CCR 904-3, Rule 6.11, where that information is not used for any other purpose, shall not be subject to Data Rights requests.
- G. Personal Data maintained for required documentation shall not be used for any other purpose except as reasonably necessary for the business to review and modify its processes for compliance with the Colorado Privacy Act, § 6-1-1301, *et seq.*, and these rules. Personal Data maintained for required documentation shall not be shared with any Third Party except as necessary to comply with a legal obligation or as part of a merger, acquisition, bankruptcy, or other transaction in which a Third Party assumes control of Personal Data.
- H. Other than as required by this subsection and 4 CCR 904-3, Rule 4.06, a Controller is not required to retain Personal Data solely for the purpose of fulfilling a Data Rights request made under the Colorado Privacy Act, § 6-1-1301, *et seq.*

## **PART 7            CONSENT**

### **Rule 7.01        AUTHORITY AND PURPOSE**

- A. The statutory authority for the rules in this Part 7 is C.R.S. §§ 6-1-108(1), 6-1-1303(5), 6-1-1306, 6-1-1308 and 6-1-1313. The purpose of these rules in this Part 7 is to provide clarity on the requirements to obtain Consent, including the prohibition against obtaining agreement through the use of Dark Patterns.

### **Rule 7.02        REQUIRED CONSENT**

- A. Pursuant to C.R.S. §§ 6-1-1303(5), 6-1-1306(1)(a)(IV)(C), 6-1-1308(4), and 6-1-1308(7), a Controller must obtain valid Consumer Consent prior to:
  - 1. Processing a Consumer's Sensitive Data;
  - 2. Processing Personal Data concerning a known Child, in which case the Child's parent or lawful guardian must provide Consent;
  - 3. Selling a Consumer's Personal Data, Processing a Consumer's Personal Data for Targeted Advertising, or Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer after the Consumer has exercised the right to opt out of the Processing for those purposes; and
  - 4. Processing Personal Data for purposes that are not reasonably necessary to, or compatible with, the original specified purposes for which the Personal Data are Processed.
- B. Controllers may rely upon valid consent obtained prior to July 1, 2023 to continue to Process a Consumer's previously collected Personal Data, including Sensitive Data collected before July 1, 2023. Consent obtained before July 1, 2023 shall be considered valid only if it would comply with

the requirements set forth in C.R.S. §§ 6-1-1303(5), 6-1-1306(1)(a)(IV)(C), 6-1-1308(4), and 6-1-1308(7) and Part 7 of these rules.

1. If a Controller has collected Sensitive Data prior to July 1, 2023 and has not also previously obtained valid consent to Process such Sensitive Data, the Controller shall obtain consent as required by January 1, 2023 to continue to Process the Sensitive Data.
- C. Notwithstanding the above, a Controller Processing Sensitive Data Inferences is not required to obtain Consent for the Processing activity if the processing falls within the requirements of 4 CCR 904-3, Rule 6.10.

**Rule 7.03 REQUIREMENTS FOR VALID CONSENT**

- A. To be valid, a Consent must meet each of the following elements: (1) it must be obtained through the Consumer's clear, affirmative action; (2) it must be freely given by the Consumer; (3) it must be specific; (4) it must be informed; and (5) it must reflect the Consumer's unambiguous agreement.
- B. Consent must be obtained through the Consumer's clear, affirmative action. For purposes of obtaining valid Consent:
1. A "clear, affirmative action" means a Consumer's Consent is communicated through either (a) deliberate and clear conduct, or (b) a statement that clearly indicates their acceptance of the proposed Processing of their Personal Data.
  2. A blanketed acceptance of general terms and conditions, silence, inactivity or in action, pre-ticked boxes, and other negative option opt-out constructions that require intervention from the Consumer to prevent agreement are not clear affirmative actions for the purposes of valid Consent.
- C. Consent must be freely given. For purposes of obtaining valid Consent:
1. Consumers may refuse Consent without detriment and withdraw Consent easily at any time.
  2. Consent is not freely given when:
    - a. It is bundled with other terms and conditions;
    - b. The performance of a contract is dependent on Consent to Process Personal Data that is not necessary to provide the goods or services contemplated by the contract; or
    - c. The Controller denies goods, services, discounts, or promotions to a Consumer who chooses not to provide Consent, unless:
      - i. The Personal Data is necessary to the provision of those goods, services, discounts, or promotions, consistent with 4 CCR 904-3, Rule 6.05; or
      - ii. The Consent is otherwise required in connection with a Consumer's voluntary participation in a Bona Fide Loyalty Program, consistent with the requirements in 4 CCR 904-3, Rule 6.05.

3. Example: An online dating application asks users for information about their sexual orientation to provide a more targeted service. The application's terms and conditions also tell users that the application will share the collected Personal Data with similar applications for advertising purposes. Consent is required because Personal Data revealing sexual orientation is Sensitive Data. Since users cannot accept the required terms and conditions without the opportunity to separately provide or withhold Consent for sharing with similar applications, the Consent is not freely given.
- D. Consent must be specific.
1. When Controllers request Consent to Process Personal Data for more than one unrelated or incompatible Processing purpose, Consumers must have the ability to separately Consent to each specific purpose.
  2. Consent to Process Personal Data for one purpose does not constitute valid Consent to Process Personal Data for other purposes.
  3. Consent to Sell or share Sensitive Data or Personal Data with certain parties does not constitute valid Consent to Sell or share Sensitive Data or Personal Data, when required, with other parties.
  4. Example: A cosmetic retailer asks a customer for Consent to use Sensitive Data revealing the customer's racial origin in order to provide targeted offers to the customer and to share the customer's racial origin information with commercial partners. This Consent is not specific as there is no opportunity to provide separate Consent for the two separate Processing purposes. Therefore, Consent in this example would not be valid.
  5. Example: In the example above, the Controller requests Consent only to share Sensitive Data revealing the customer's racial origin with commercial partners. The Controller lists "Fashion Co. #1" and "Make Up Co. #1" as commercial partners who will receive Sensitive Data. Consent would be deemed valid for only these two Third Parties because their identity was provided to the Consumer at the time that his or her Consent was collected. Consent would not be deemed valid for sharing with another Third Party whose identity has not been provided.
- E. Consent must be informed.
1. A request for Consent must contain the following disclosures:
    - a. The Controller's identity;
    - b. The reason that Consent is required;
    - c. The Processing purpose for which Consent is sought;
    - d. The categories of Personal Data that the Controller shall Process to effectuate the Processing purpose;
    - e. Categories of all parties who will have access to the Personal Data, and names of all Third Parties and Affiliates receiving the Sensitive Data through Sale or sharing. Names of Processors, as defined in C.R.S. § 6-1-1306(19) are not required; and

- f. A description of the Consumer's right to withdraw Consent for the identified Processing purpose at any time in accordance with 4 CCR 904-3, Rule 7.07 and details of how and where to do so.
  - g. Any disclosures required by 4 CCR 904-3, Rules 6.05 and 9.05.
- F. Consent may not be obtained using Dark Patterns as defined in C.R.S § 6-1-1309(9) and prohibited by 4 CCR 904-3, Rule 7.09. Pursuant to C.R.S. § 6-1-1303(5)(c) and 4 CCR 904-3, Rule 7.09, any agreement obtained through Dark Patterns is not valid Consent.

**Rule 7.04 REQUESTS FOR CONSENT**

- A. Controllers shall provide a simple mechanism to enable a Consumer to provide Consent when required, including Consent to Processing purposes from which the Consumer has previously opted out. Such a mechanism should be easy for a reasonable Consumer to locate and should comply with the other requirements set forth in Part 7 of these rules.
- B. Requests for Consent shall be prominent, concise, and separate and distinct from other terms and conditions, and shall comply with all requirements for disclosures and communications to Consumers set forth in 4 CCR 904-3, Rule 3.01.
- C. A Consent request method may provide the Consumer with a link to a webpage containing the Consent disclosures required by 4 CCR 904-3, Rule 7.03, provided the request method clearly states the title and section of the relevant disclosures. If technically feasible, the request method must also link the Consumer directly to the relevant section of the disclosure.
- D. Example: A mobile application requests Consent to collect health information to provide diet and fitness advice. The Consent request provides a link to the application's privacy notice which contains the required Consent disclosures. However, the Consent request does not direct or bring the Consumer to the relevant section of the privacy notice. Consent is not valid because the Consent request does not clearly indicate the title and section where the Consumer can find the required disclosures and did not link the Consumer directly to the relevant section of the privacy notice.
- E. Example: Acme Toy Store collects customer email addresses in order to send customers information about product recalls and maintains those email addresses in a recall email distribution list. Acme Toy Store wants to use the recall email distribution list to send those customers promotional materials. Acme Toy Store must obtain customer consent prior to using the recall email distribution list to provide promotional materials because providing promotional materials is not necessary to or compatible with providing product recall information. Acme Toy Store emails the recall distribution list attaching a revised privacy notice disclosing the new promotional purposes and asks customers to Consent to the new privacy notice, but does not state the new purpose in the email, and does not direct customers to the section of the privacy notice disclosing the secondary purpose. Consent is not valid because the email did not contain the required Consent disclosures or direct the customers to a document containing the required Consent disclosures.
  - 1. Example: Under the same circumstances, Acme Toy Store emails the recall email distribution list informing those customers that Consent is required for the Acme Toy Store to Process email addresses for a secondary purpose, explaining that the secondary purpose is to provide customers with promotional materials, providing all other required disclosures and including a mechanism that enables the customers to provide Consent and to revoke Consent through the same user interface. Consent is valid because the email contained all required Consent disclosures in an acceptable form.

2. Example: Under the same circumstances, Acme Toy Store emails the product recall email distribution list informing those customers that it would like to use their email addresses for a secondary purpose as contemplated in section B.2.e. of its privacy notice and requests the customers' Consent to do so. It then provides a link directly to section B.2.e. of its privacy notice which explains that Acme Toy Store uses customer email addresses to send information about Acme Toy Store's sales and promotions, in addition to all other disclosures. The email provides a Consent mechanism that enables the customers to provide or revoke consent through the same user interface. Consent is valid because the email and linked page together contained all required disclosures, the email provided the specific section of the relevant disclosures, and the link brought the customers directly to the relevant disclosures.

**Rule 7.05      CONSENT AFTER OPT-OUT**

- A. The Consumer's decision to Consent to Processing activities from which the Consumer has previously opted-out using either a Universal Opt-Out Mechanism or directly with a particular Controller is subject to the requirements for Consent under 4 CCR 904-3, Rules 7.03 and 7.04.
- B. If a Controller wishes to proactively obtain Consent to Process Personal Data for an Opt-Out Purpose after the Consumer has opted out of Processing for that Purpose, a Controller shall provide a link or similar mechanism on its website or application that enables the Consumer to provide Consent. The link or similar mechanism must:
  1. Have a similar look, feel, and size relative to other links on the same web page or application, and not be presented through pop-up windows, pop-up banners, or other web interface displays that degrade or obstruct the Consumer's experience on the Controller's web page or application; and
  2. Meet all other requirements for a valid Consent under this Part 7.
- C. If a Controller conspicuously displays the status of the Consumer's opt-out choice on the website pursuant to 4 CCR 904-3, Rule 5.08(E), the link to provide Consent may appear beside or in conjunction with the Consumer's opt-out status.
- D. If a Consumer has opted-out of the Processing of Personal Data for the Opt-Out Purposes, and then initiates a transaction or attempts to use a product or service inconsistent with the request to opt-out, such as signing up for a Bona Fide Loyalty Program that also involves the Sale of Personal Data, the Controller may request the Consumer's Consent to Process the Consumer's Personal Data for that purpose, so long as the request for Consent complies with all provisions of 4 CCR 904-3, Rules 7.03 and 7.04.
- E. Example: A Consumer opts out of the use of Personal Data for Sale or Targeted Advertising using a Universal Opt-Out Mechanism. The Consumer visits the website of a fashion retailer that routinely shares Consumer Personal Data for Targeted Advertising. The fashion retailer must obtain the Consumer's consent because the Consumer has already opted out of Processing for that purpose. The fashion retailer's website displays a pop-up banner seeking Consent to share the Consumer's Personal Data for Targeted Advertising. This is not a valid request for Consumer Consent because the request is made through a pop-up banner that degrades or obstructs the Consumer's experience on the Controller's web page or application.
- F. Example: A Consumer opts out of the use of Personal Data for Sale or Targeted Advertising using a Universal Opt-Out Mechanism. The Consumer visits a fashion retailer's website. The fashion retailer's homepage contains a message at the top of the webpage that states "you have opted out of targeted advertising" next to a link that states "Opt-in to Data Use". The linked

webpage also meets all requirements of 4 CCR 904-3, Rules 7.03 and 7.04. Consent pursuant to this request is valid.

**Rule 7.06      CONSENT FOR CHILDREN**

- A. If a Controller operates a website or business directed to Children or has actual knowledge that it is collecting or maintaining Personal Data from a Child, the Controller shall take commercially reasonable steps to verify a Consumer's age before Processing that Consumer's Personal Data.
- B. When a Controller engages in Processing activities involving the collection and Processing of Personal Data from a known Child, the Controller must obtain Consent from the parent or lawful guardian of that Child before collecting or Processing the Child's Personal Data.
- C. A Controller Processing the Personal Data of a Child must make reasonable efforts to obtain verifiable parental Consent, taking into consideration available technology. Any method to obtain verifiable parental Consent must be reasonably calculated, in light of available technology, to ensure that the person providing Consent is the Child's parent.
- D. Reasonably calculated methods for determining that a person Consenting to the Processing of a Child's Personal Data is the parent or lawful guardian of that Child include, but are not limited to:
  - 1. Providing a Consent form to be signed by the parent or guardian under penalty of perjury and returned to the business by postal mail, facsimile, or electronic scan.
  - 2. Requiring a parent or guardian, in connection with a monetary transaction, to use a credit card, debit card, or other online payment system that provides notification of each discrete transaction to the primary account holder.
  - 3. Having a parent or guardian call a toll-free telephone number staffed by trained personnel.
  - 4. Having a parent or guardian connect to trained personnel via videoconference.
  - 5. Verifying a parent or guardian's identity by checking a form of government-issued identification against databases of such information, as long as the parent or guardian's identification is deleted by the business from its records promptly after such verification is complete.
- E. Any Personal Data collected for purposes of verifying a person's age or the identity of a parent or legal guardian may not be used for any reason other than Processing these verifications.
- F. Parental verification and Consent pursuant to this section must be documented as required by 4 CCR 904-3, Rule 6.11.

**Rule 7.07      REFUSING OR WITHDRAWING CONSENT**

- A. A Consumer shall be able to refuse or revoke Consent as easily and within the same number of steps as Consent is affirmatively provided.
- B. If Consent is obtained through an electronic interface, the Consumer shall be able to refuse or withdraw Consent through the same electronic interface.
- C. When using an electronic interface and when feasible based on the Consumer's relationship with the Controller, a Controller should allow Consumers to track what Processing activities they have Consented to or opted out of.

- D. There shall be no detriment to a Consumer for refusing or withdrawing Consent, consistent with C.R.S. § 6-1-1308(1)(c)(II), and 4 CCR 904-3, Rule 6.05.
- E. If a Consumer withdraws Consent for a Processing activity, the Controller shall cease that Processing activity and provide the Consumer instructions on how to exercise the Right to Deletion or provide a link to exercise the Right to Deletion.
  - 1. If the Personal Data subject to the withdrawal of Consent is Sensitive Data, the Controller shall, pursuant to C.R.S. § 6-1-1308(3) and 4 CCR 904-3, Rule 6.07, delete or otherwise render permanently anonymized or inaccessible the Sensitive Data collected solely for the purpose of that Processing activity and not reasonably necessary in relation to another specified purpose for which the Controller has obtained and continues to have valid Consent.

**Rule 7.08 REFRESHING CONSENT**

- A. A Controller that has obtained Consent from a Consumer must refresh Consent in compliance with all requirements of this Part 7 at regular intervals based on the context and scope of the original Consent, sensitivity of the Personal Data collected, and reasonable expectations of the Consumer.
- B. If a Processing purpose materially evolves such that the new purpose becomes a secondary use pursuant to C.R.S. § 6-1-1308(4), the Consumer's original Consent is no longer valid, and the Controller must obtain new Consent pursuant to Part 7 of these rules.
- C. For Processing of Sensitive Data, Consent must be refreshed at least annually.

**Rule 7.09 USER INTERFACE DESIGN, CHOICE ARCHITECTURE, AND DARK PATTERNS**

- A. Controllers shall not use an interface design or choice architecture that has the substantial effect of subverting or impairing user autonomy, decision making or choice, or unfairly, fraudulently, or deceptively manipulating or coercing a Consumer into providing Consent.
- B. The following principles shall be considered when designing a user interface or a choice architecture:
  - 1. Consent choice options should be presented to Consumers in a symmetrical way that does not impose unequal weight or focus on one available choice over another.
    - a. Example: One choice should not be presented with less prominent size, font, or styling than the other choice. Presenting an "I accept" button in a larger size than the "I do not accept" button would not be considered equal or symmetrical. Presenting an "I do not accept" button in a greyed-out color while the "I accept" button is presented in a bright or obvious color would not be considered equal or symmetrical.
    - b. Example: If multiple choices are offered to a Consumer, it should be equally easy to accept or reject all options. Presenting the option to "accept all" when offering a Consumer the choice to Consent to the use of Sensitive Data for multiple purposes without an option to "reject all" would not be considered equal or symmetrical.
  - 2. Consent choice options should avoid the use of emotionally manipulative language or visuals to coerce or steer Consumer choice.

- a. Example: One choice should not be presented in a way that creates unnecessary guilt or shames the user into selecting a specific choice. Presenting the choices “I accept, I want to help endangered species” vs “No, I don’t care about animals” could be considered emotionally manipulative.
  - b. Example: The explanation of the choice to Consumers should not include gratuitous information to emotionally manipulate Consumers. Explaining that a mobile application “helps save lives” when asking for Consent to collect Sensitive Data for Targeted Advertising may be considered emotionally manipulative if the Targeted Advertising is not critical to the lifesaving functionality of the application.
3. A Consumer’s silence or failure to take an affirmative action should not be interpreted as acceptance or Consent.
  - a. Example: A Consumer closing a pop-up window which requests Consent without first affirmatively selecting the equivalent of an “I accept” button should not be interpreted as Consent.
  - b. Example: A Consumer navigating forward on a webpage after a Consent choice has been presented without selecting the equivalent of an “I accept” button should not be interpreted as affirmative Consent.
  - c. Example: A Consumer continuing to use a Smart TV without replying “I accept” or “I consent” in reply to a verbal request for Consent should not be interpreted as affirmative Consent.
4. Consent choice options should not be presented with a preselected or default option.
  - a. Example: Checkboxes or radial buttons should not be selected automatically when presented to a Consumer.
5. A Consumer should be able to select either Consent choice option within the same number of steps.
  - a. Example: Consumers should be presented with all choices at the same time. Presenting an “I accept” button next to a “Learn More” button which requires Consumers to take an extra step before they are given the option of an “I do not accept” button could be considered an unnecessary restriction.
  - b. Example: Describing the choice before Consumers and placing both the “I accept” and “I do not accept” buttons after a “select preferences” button would not be considered an unnecessary restriction.
6. A Consumer’s expected interaction with a website, application, or product should not be unnecessarily interrupted or intruded upon to request Consent.
  - a. Example: Consumers should not be interrupted multiple times in one visit to a website to Consent if they have declined the Consent choice offered when they arrived at the page.
  - b. Example: Consumers should not be redirected away from the content or service they are attempting to interact with because they declined the Consent choice offered.



- c. Example: Consumers should not be forced to navigate through multiple pop-ups which cover or otherwise disrupt the content or service they are attempting to interact with because they declined the Consent choice offered.
  - 7. Consent choice options should not include misleading statements, omissions, affirmative misstatements, or intentionally confusing language to obtain Consent.
    - a. Example: Choices should not be driven by a false sense of urgency. A countdown clock displayed next to a Consent choice option which states “time is running out to Consent to this data use and receive a limited discount” where the discount is not actually limited by time or availability would be considered creating a false sense of urgency.
    - b. Example: Choices should avoid the use of double negatives when describing Consent choice options to Consumers.
    - c. Example: Consent choice options should not be presented with confusing or unexpected syntax. “Please do not check this box if you wish to Consent to this data use” would be considered confusing syntax.
    - d. Example: The language used for choice options should logically follow the question presented to the Consumer. Offering the options of “Yes” or “No” to the question “Do you wish to provide or decline Consent for the described purposes” would be considered an illogical choice option. The choice options “provide” and “decline” would be considered to logically follow the same question.
  - 8. The vulnerabilities or unique characteristics of the target audience of a product, service, or website should be considered when deciding how to present Consent choice options.
    - a. Example: A website or service that primarily interacts with Consumers under the age of 18 should consider the simplicity of the language used to explain the choice options or the way in which cartoon imagery or endorsements might unduly influence their choice.
    - b. Example: A website or service that primarily interacts with the elderly should consider font size and space between buttons to ensure readability and ease of interaction with design elements.
  - 9. User interface design and Consent choice architecture should operate in a substantially similar manner when accessed through digital accessibility tools.
    - a. Example: If it takes two clicks for a Consumer to Consent through a website, it should take no more than two actions for a Consumer using a digital accessibility tool to complete the same Consent process.
- C. The use of Dark Patterns, as defined in C.R.S. § 6-1-1303(9), is prohibited.
- D. Consent obtained in violation of this part 4 CCR 904-3, Rule 7.09 may be considered a Dark Pattern. Any agreement obtained through Dark Patterns does not constitute valid Consent in compliance with C.R.S. §§ 6-1-1303, 6-1-1306, and 6-1-1308.
- E. The fact that a design or practice is commonly used is not, alone, enough to demonstrate that any particular design or practice is not a Dark Pattern.

- F. In addition to the principles included in this part 4 CCR 904-3, Rule 7.09, Controllers may consider statutes, administrative rules, and administrative guidance concerning Dark Patterns from other jurisdictions when evaluating the appropriateness of their proposed choice architecture or system design.

## **PART 8 DATA PROTECTION ASSESSMENTS**

### **Rule 8.01 AUTHORITY AND PURPOSE**

- A. The statutory authority for the rules in this Part 8 is C.R.S. §§ 6-1-108(1), 6-1-1309, and 6-1-1313. The purpose of the rules in this Part 8 is to provide clarity on the requirements and timing of data protection assessments.

### **Rule 8.02 SCOPE**

- A. A data protection assessment shall be a genuine, thoughtful analysis that: 1) identifies and describes all risks posed by Processing that presents a heightened risk of harm to a Consumer; 2) documents measures considered and taken to address and offset those risks, including those duties required by C.R.S. § 6-1-1308; 3) contemplates the benefits of the Processing; and 4) demonstrates that the benefits of the Processing outweigh the risks offset by safeguards in place.
- B. If a Controller conducts a data protection assessment for the purpose of complying with another jurisdiction's law or regulation, the assessment shall satisfy the requirements established in this section if such data protection assessment is reasonably similar in scope and effect to the data protection assessment that would otherwise be conducted pursuant to this section.
- C. The depth, level of detail, and scope of data protection assessments should be proportionate to the size of the Controller, amount and sensitivity of Personal Data Processed, and Personal Data Processing activities subject to the assessment.
- D. A “comparable set of Processing operations” that can be addressed by a single data protection assessment pursuant to C.R.S. § 6-1-1309(5) is a set of Processing operations using similar methods to collect the same categories of Personal Data for the same purposes.
1. Example: The ACME Toy Store chain is considering using in-store paper forms to collect names, mailing addresses, and birthdays from Children that visit their stores, and using that information to mail a coupon and list of age-appropriate toys to each child during the Child's birth month and every November. ACME uses the same Processors and Processing systems for each category of mailings across all stores. ACME must conduct and document a data protection assessment because it is Processing Personal Data from known Children, which is Sensitive Data. ACME can use the same data protection assessment for Processing the Personal Data for the birthday mailing and November mailing across all stores because in each case it is collecting the same categories of Personal Data in the same way for the purpose of sending coupons and age-appropriate toy lists to Children.

### **Rule 8.03 STAKEHOLDER INVOLVEMENT**

- A. A data protection assessment should involve all relevant internal actors from across the Controller's organizational structure, and where needed, relevant external parties, to identify, assess and address the data protection risks.

### **Rule 8.04 DATA PROTECTION ASSESSMENT CONTENT**

- A. At a minimum, a data protection assessment must describe each of the following:

1. The Processing activity;
2. The specific purpose of the Processing activity;
3. The specific types of Personal Data to be Processed as well as the sources and amount of Personal Data collected, how long the Personal Data will be maintained, and whether it includes Sensitive Data, including Personal Data from a known Child as described in C.R.S. § 6-1-1303(24);
4. How the Personal Data to be Processed is adequate, relevant, and limited to what is reasonably necessary in relation to the specified purpose;
5. Operational details for the Processing, including planned processes for Personal Data collection, use, storage, retention, and sharing, and the technology or Processors to be used;
6. Names and categories of Personal Data recipients, including Third Parties, Affiliates, and Processors that will have access to the Personal Data;
7. The relationship between the Controller and the Consumer(s) whose Personal Data will be Processed;
8. The expectations of the Consumer(s) concerning how their Personal Data will be used, including expectations based on privacy notices, Consent disclosures and unique vulnerabilities;
9. Procedural safeguards to be afforded to the Consumer when Personal Data is obtained, including:
  - a. Whether and how the Controller will request Consent, if required, in accordance with Part 7 of these rules;
  - b. Whether and how the Controller will provide Consumers the opportunity to opt out of Processing, if required, in accordance with 4 CCR 904-3, Rule 4.03 and Part 5 of these rules; and
  - c. Whether and how the Controller will review web interfaces to be used in Consent requests for Dark Patterns.
10. Alternative Processing activities considered to achieve the same purpose;
11. The sources and nature of risks to individual Consumers and broader Consumer groups posed by the Processing activity. The source and nature of the risks may differ based on the processing activity and type of Personal Data processed. Issues that a Controller may consider in a data protection assessment include, for example:
  - a. Constitutional harms, such as speech harms or associational harms;
  - b. Intellectual privacy harms, such as the creation of negative inferences about an individual based on what an individual reads, learns, or debates;
  - c. Data security harms, such as unauthorized access or adversarial use;

- d. Discrimination harms, such as a violation of federal antidiscrimination laws or antidiscrimination laws of any state or political subdivision thereof, or unlawful disparate impact;
  - e. Unfair, unconscionable, or deceptive treatment;
  - f. A negative outcome or decision with respect to an individual's eligibility for a right, privilege, or benefit related to financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, health-care services, or access to essential goods or services;
  - g. Financial injury or economic harm;
  - h. Physical injury, harassment, or threat to an individual or property;
  - i. Privacy harms, such as physical or other intrusion upon the solitude or seclusion or the private affairs or concerns of Consumers, stigmatization or reputational injury;
  - j. Psychological harm, including anxiety, embarrassment, fear, and other mental trauma; or
  - k. Other detrimental or negative consequences that affect an individual's private life, privacy affairs, private family matters or similar concerns, including actions and communications within an individual's home or similar physical, online, or digital location, where an individual has a reasonable expectation that Personal Data or other data will not be collected, observed, or used.
- 12. Measures and safeguards a Controller will put into place to mitigate risks and comply with C.R.S. § 6-1-1308, which may include, but are not limited to:
  - a. Measures to secure Personal Data during storage, use, and transfer, including any relevant data security frameworks used;
  - b. Measures to limit the categories and amount of Personal Data to be Processed;
  - c. The use of De-identified Data;
  - d. Measures taken to prevent the Processing activity from leading to unlawful discrimination;
  - e. Contractual agreements in place to ensure that Personal Data in the possession of a Processor or other Third Party remains secure; or
  - f. Any other practices, policies, or trainings intended to mitigate Processing risks.
- 13. If a Controller is Processing Personal Data for Profiling as contemplated in C.R.S. § 6-1-1309(2)(a), a data protection assessment of that Processing activity must also comply with 4 CCR 904-3, Rule 9.06;
- 14. If a Controller is Processing Sensitive Data pursuant to the exception in section 4 CCR 904-3, Rule 6.10, the details of the process implemented to ensure that Personal Data and Sensitive Data Inferences are not transferred and are deleted within twelve (12) hours of the Personal Data Processing activity subject to the exception, as well as the auditing procedure for this process;

15. The benefits of the Processing that may flow to the Controller, Consumer, and other expected stakeholders, and how the benefits outweigh the risks, as mitigated by safeguards, and justify the Processing activity;
16. Relevant internal actors and external parties contributing to the data protection assessment;
17. The data protection assessment review process, including whether any internal or external audit was conducted, and if so, the name of the auditor, the names and positions of individuals involved in the review process, and the details of the audit process; and
18. Dates the data protection assessment was reviewed and approved, and names, positions, and signatures of the individuals responsible for the review and approval.

**Rule 8.05      TIMING**

- A. A Controller shall conduct and document a data protection assessment before initiating a data Processing activity that Presents a Heightened Risk of Harm to a Consumer, as defined at C.R.S. § 6-1-1309(2).
- B. A Controller shall review and update the data protection assessment periodically throughout the Processing activity's lifecycle in order to: 1) monitor for harm caused by the Processing and adjust safeguards accordingly; and 2) ensure that data protection and privacy are considered as the Controller makes new decisions with respect to the Processing.
- C. Data protection assessments containing Processing for Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer shall be reviewed and updated at least annually, and include an updated evaluation for fairness and disparate impact and the results of any such evaluation.
- D. A new data Processing activity is generated when existing Processing activities are modified in a way that materially changes the level of risk presented. When a new data Processing activity is generated, a data protection assessment must reflect changes to the pre-existing activity and additional considerations and safeguards to offset the new risk level.
  1. Modifications that may materially change the level of risk of a Processing activity may include, without limitation, changes to any of the following:
    - a. The way that existing systems or Processes handle Personal Data;
    - b. Processing purpose;
    - c. Personal data Processed or sources of Personal Data;
    - d. Method of collection of Personal Data;
    - e. Personal Data recipients;
    - f. Processor roles or Processors;
    - g. Algorithm applied or algorithmic result; or
    - h. Software or other systems used for Processing

- E. Data protection assessments, including prior versions which have been revised when a new data Processing activity is generated, shall be stored for as long as the Processing activity continues, and for at least three (3) years after the conclusion of the Processing activity. Data protection assessments shall be held in an electronic, transferable form.
- F. Data protection assessments shall be required for activities conducted after July 1, 2023 and are not retroactive.

**Rule 8.06 ATTORNEY GENERAL REQUESTS**

- A. A Controller shall make the data protection assessment available to the Attorney General within thirty (30) days of the Attorney General's request.

**PART 9 PROFILING**

**Rule 9.01 AUTHORITY AND PURPOSE**

- A. The statutory authority for the rules in this Part 9 is C.R.S. §§ 6-1-108(1), 6-1-1306, 6-1-1309, and 6-1-1313. The purpose of the rules in this Part 9 is to provide clarity on the duties and rights related to Profiling.

**Rule 9.02 SCOPE**

- A. Controllers have an affirmative obligation to provide clear, understandable, and transparent information to Consumers about how their Personal Data is used, including for Profiling, pursuant to C.R.S. § 6-1-1302(1)(c)(II)(B).
- B. Consumers have the right to opt out of Profiling when the Profiling is done in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer, pursuant to C.R.S. §§ 6-1-1306(1)(a)(I).
- C. Controllers must conduct and document a data protection assessment compliant with C.R.S. § 6-1-1309 and Part 8 of these rules before Processing Personal Data for Profiling as contemplated in C.R.S. §§ 6-1-1303(10) and 6-1-1309(1)(a)(I).
- D. The Automated Processing used in Profiling includes Solely Automated Processing, Human Reviewed Automated Processing, and Human Involved Automated Processing, as defined at 4 CCR 904-3, Rule 2.02.

**Rule 9.03 PROFILING OPT-OUT TRANSPARENCY**

- A. To ensure that Consumers understand how their Personal Data may be used for Profiling in furtherance of Decisions that Produce Legal or Other Similarly Significant Effects Concerning a Consumer, Controllers that Process Personal Data for Profiling covered by C.R.S. §§ 6-1-1303(10) and 6-1-1306(1)(a)(I) shall provide clear, understandable, and transparent information to Consumers in the required privacy notice, including at a minimum:
  - 1. What decision is subject to Profiling;
  - 2. The categories of Personal Data that were or will be Processed as part of the Profiling in Furtherance of Decisions that Produce Legal or Other Similarly Significant Effects;
  - 3. A plain language explanation of the logic used in the Profiling process;
  - 4. Why Profiling is relevant to the ultimate decision;

5. If the Profiling is used to serve ads related to housing, employment, or financial or lending services;
  6. If the system has been evaluated for accuracy, fairness, or bias, including the impact of the use of Sensitive Data, and the outcome of any such evaluation;
  7. The benefits and potential consequences of the decision concerning the Consumer; and
  8. Information about how a Consumer may exercise the right to opt out of the Processing of Personal Data concerning the Consumer for Profiling in Furtherance of Decisions that Produce Legal or Other Similarly Significant Effects.
- B. Notwithstanding the requirements in 4 CCR 904-3, Rule 9.03(A), nothing in 4 CCR 904-3, Rule 9.03 shall be construed as requiring the Controller to provide information to a Consumer in a manner that would disclose the Controller's trade secrets.

**Rule 9.04      OPTING OUT OF PROFILING IN FURTHERANCE OF DECISIONS THAT PRODUCE LEGAL OR SIMILARLY SIGNIFICANT EFFECTS CONCERNING A CONSUMER**

- A. Consumers have the right to opt out of Profiling in furtherance of Decisions that Produce Legal or other Similarly Significant Effects Concerning a Consumer through the method specified by the Controller in the required privacy notice, pursuant to C.R.S. § 6-1-1306(1) and 4 CCR 904-3, Rule 4.03.
- B. Requests to opt out of Profiling in furtherance of Decisions that Produce Legal or other Similarly Significant Effects Concerning a Consumer based on Solely Automated Processing or Human Reviewed Automated Processing shall be honored pursuant to C.R.S. § 6-1-1306(2).
- C. A Controller may not take action on a request to opt out of Profiling in furtherance of Decisions that Produce Legal or other Similarly Significant Effects Concerning a Consumer if the Profiling used is based on Human Involved Automated Processing. If a Controller does not take action based on this reason, the Controller shall inform the Consumer pursuant to C.R.S. § 6-1-1306(2)(b) and include the following information:
1. The decision subject to the Profiling;
  2. The specific pieces of Personal Data that were or will be used as part of the Profiling used in the decision-making process;
  3. A non-technical, plain language explanation of the logic used in the Profiling process, or a link to such information if it is included in the Controller's privacy notice;
  4. A non-technical, plain language explanation of the role of meaningful human involvement in Profiling and the decision-making process;
  5. Why the Profiling is relevant to the decision-making process;
  6. The benefits and potential consequences of the decision based on the Profiling; and
  7. An explanation of how Consumers can correct or delete the Personal Data used in the Profiling used in the decision-making process.
- D. In order to ensure that Consumers have an opportunity to exercise their right to opt out of Profiling in furtherance of Decisions that Produce Legal or Other Similarly Significant Effects Concerning a Consumer, Controllers that Process Personal Data for Profiling covered by C.R.S.

§§ 6-1-1303(10) and 6-1-1306(1)(a)(I) shall provide a method to exercise the right to opt out of Profiling in furtherance of Decision that Produce Legal or Other similarly Significant Effects Concerning a Consumer clearly and conspicuously in any required privacy notice and in a clear, conspicuous, and readily accessible location outside of the privacy notice.

**Rule 9.05      CONSENT FOR PROFILING IN FURTHERANCE OF DECISIONS THAT PRODUCE LEGAL OR SIMILARLY SIGNIFICANT EFFECTS CONCERNING A CONSUMER**

- A. When a Consumer has opted out of Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer as defined by C.R.S. § 6-1-1303(10), the Controller may request that a Consumer provide Consent after opting out subject to 4 CCR 904-3, Rule 7.05.
- B. If a Controller decides to begin Processing Personal Data for Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer and such Processing is not reasonably necessary to or compatible with the original specified purposes for which the Personal Data was Processed, the Controller shall request the Consumer provide Consent subject to C.R.S. § 6-1-1308(4) and Part 7 of these rules.
- C. Any request for Consent to Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer must include meaningful information about the Profiling that allows a Consumer to make an informed, freely given, and specific choice, including, at a minimum:
  - 1. The decision subject to the Profiling;
  - 2. The categories of Personal Data used in the Profiling;
  - 3. A plain language explanation of the logic used in the Profiling, or a link to such information if it is included in the Controller's privacy notice;
  - 4. How Profiling is used in the decision-making process, including if the decision is based on Solely Automated Processing, Human Reviewed Automated Processing, or Human Involved Automated Processing;
  - 5. Why the Profiling is relevant to the decision-making process;
  - 6. Potential benefits and consequences of the decision based on the Profiling; and
  - 7. A link to where Consumers can find any additional information about the Profiling and decision-making process and their associated rights.
- D. Notwithstanding the requirements in 4 CCR 904-3, Rule 9.05(C), nothing in 4 CCR 904-3, Rule 9.03 shall be constructed as requiring the Controller to provide information to a Consumer in a manner that would disclose the Controller's trade secrets.

**Rule 9.06      DATA PROTECTION ASSESSMENTS FOR PROFILING**

- A. Controllers must conduct and document a data protection assessment compliant with C.R.S. § 6-1-1309 and 4 CCR 904-3. Rules 8.01-8.05 before Processing Personal Data for Profiling if the Profiling presents a reasonably foreseeable risk of:
  - 1. Unfair or deceptive treatment of, or unlawful disparate impact on Consumers;
  - 2. Financial or physical injury to Consumers;



3. A physical or other intrusion upon the solitude or seclusion, or private affairs or concerns, of Consumers if the intrusion would be offensive to a reasonable person; or
  4. Other substantial injury to Consumers.
- B. Profiling under C.R.S. § 6-1-1309(2)(a) and covered by required data protection assessment includes Profiling using Solely Automated Processing, Human Reviewed Automated Processing, and Human Involved Automated Processing.
- C. “Unfair or deceptive treatment” as used in this 4 CCR 904-3, Rule 9.06 includes conduct or activity which violates state or federal laws that prohibit unfair and deceptive commercial practices.
- D. “Unlawful disparate impact” as used in this 4 CCR 904-3, Rule 9.06 includes conduct or activity which violates state or federal laws that prohibit unlawful discrimination against Consumers.
- E. “Other substantial injury” to Consumers as used in this 4 CCR 904-3, Rule 9.06 includes but is not limited to a small harm to a large number of Consumers.
- F. If a Controller is Processing Personal Data for Profiling under C.R.S. § 6-1-1309(2)(a), a data protection assessment of that Processing activity must include the elements listed at 4 CCR 904-3, Rule 8.04 as well as each of the following:
1. The specific types of Personal Data that were or will be used in the Profiling or decision-making process;
  2. The decision to be made using the automated decision-making system;
  3. The benefits of Automated Processing over manual Processing for the stated purpose;
  4. A plain language explanation of why the Profiling directly and reasonably relates to the Controller’s goods and services;
  5. An explanation of the training data and logic used to create the Profiling system, including any statistics used in the analysis;
  6. If the Profiling is conducted by Third Party software purchased by the Controller, the name of the software and copies of any internal or external evaluations of the accuracy and reliability of the software;
  7. A plain language description of the outputs secured from the Profiling process;
  8. A plain language description of how the outputs from the Profiling process are or will be used, including whether and how they are used to make a decision to provide or deny or substantially contribute to the provision or denial of financial or lending services, housing, insurance, education, enrollment or opportunity, criminal justice, employment opportunities, health-care services, or access to essential goods or services.
  9. If there is human involvement in the Profiling process, the degree and details of any human involvement;
  10. How the Profiling system is evaluated for fairness and disparate impact, and the results of any such evaluation;
  11. Safeguards used to reduce the risk of harms identified; and

12. Safeguards for any data sets produced by or derived from the Profiling.

**PART 10 MATERIALS INCORPORATED BY REFERENCE**

**Rule 10.01 AUTHORITY AND PURPOSE**

- A. The statutory authority for the rules in this Part 10 is C.R.S. §§ 6-1-108(1) and 6-1-1313. The purpose of the rules in this Part 10 is to incorporate by reference the guidelines that are referred to in 4 CCR 904-3, Rule 3.01(A)(2).

**Rule 10.02 WEB CONTENT ACCESSIBILITY GUIDELINES**

- A. The Web Content Accessibility Guidelines, version 2.1 of June 5, 2018, from the World Wide Web Consortium, are hereby incorporated into 4 CCR 904-3, Rule 3.01(A)(2) by reference pursuant to C.R.S. § 24-4-103(12.5), and do not include any later amendments.
- B. Copies of the Web Content Accessibility Guidelines that are incorporated by reference into these rules may be obtained by sending a written request to the following address by U.S. mail:
- Colorado Department of Law  
Ralph L. Carr Judicial Center  
1300 Broadway, 9<sup>th</sup> Floor  
Denver, CO 80203
- C. The Web Content Accessibility Guidelines published by the World Wide Web Consortium incorporated by reference into these rules are available at no cost in an electronic form online at <https://www.w3.org/TR/WCAG21/>.
- D. The Colorado Department of Law also maintains a copy of the Web Content Accessibility Guidelines that are incorporated by reference into these rules that is available for public inspection at the Colorado Department of Law's office during regular business hours.

**Notice of Proposed Rulemaking**  
**Department of Law**  
**Attorney General - Consumer Protection Section**  
**Colorado Privacy Act Rules**  
**4 CCR 904-3**

**Date & Time of Public Hearings**  
**Wednesday, February 1, 2023, at 10:00 AM MST**

**I. Notice**

As required by the Colorado Administrative Procedure Act found at C.R.S. § 24-4-103, the Department of Law gives notice of proposed rulemaking in connection with draft rules governing the implementation of the Colorado Privacy Act, C.R.S. § 6-1-1301, *et seq.* (“CPA”).

The proposed rulemaking hearing is scheduled for February 1, 2023, at 10:00 AM, and will continue as needed. The hearing will be conducted both in person and by video conference. All interested parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Link
February 1, 2023	In Person: Office of The Attorney General Colorado Department of Law Ralph L. Carr Judicial Building 1300 Broadway, Room 1D Denver, CO 80203  Video Conference: Link available upon registration	10:00 AM	<a href="https://us02web.zoom.us/join/https://us02web.zoom.us/webinar/register/WN_FjipF9kMQ_aKBoC1rGI6KQ">https://us02web.zoom.us/join/https://us02web.zoom.us/webinar/register/WN_FjipF9kMQ_aKBoC1rGI6KQ</a>

**How to Register for the Rulemaking Hearing**

You must click on the registration link provided in the table above to register for the hearing. When you register, you must provide your full name and email address. You may also provide the name of the organization that you are representing, if any. Finally, please indicate whether you plan on attending the hearing in person or remotely by video conference, and whether you plan to testify during the hearing. When you submit your registration, you will receive a confirmation email including details about how to join the hearing virtually or attend in person. The registration link for the hearing is also available on the Colorado Department of Law’s CPA rulemaking website at [coag.gov/CPA](https://coag.gov/CPA).

## II. Subject

The Colorado Department of Law (the “Department”) is considering rules governing the implementation of the CPA. The specific purpose of this rulemaking is to create rules governing the ways in which the CPA shall be carried out, including the clarification of Consumer Data Rights, Controller Obligations, and technical specifications for one or more Universal Opt-Out Mechanisms.<sup>1</sup>

Only the rule provisions included in the proposed draft rules will be opened for comment during this rulemaking period. A detailed Statement of Basis, Purpose, and Specific Statutory Authority and the complete set of proposed draft rules follow this notice and are incorporated herein by reference.

The Department invites comments from all members of the public regarding the proposed draft rules during the rulemaking process. Additionally, the Department welcomes input responsive to the following specific questions. Please note that these questions are not intended to limit input or indicate that the Department is predisposed to any position or action.

### ***1. Definitions (4 CCR 904-3, Rules 2.01, et seq.)***

- *Biometric Data.* The CPA does not define Biometric Data. The Department based the proposed definition of “biometric data” on corresponding laws in the United States. Does this definition sufficiently capture and protect biometric information?
- *Widely Available Information.* The CPA does not define or use the phrase “Widely Available Information” in its definition of “Publicly Available Information.” The Department has clarified the scope of “information that a Controller has a reasonable basis to believe the Consumer has lawfully made available to the general public” to address concerns raised during the pre-rulemaking period. Are there any other examples that can be provided to further refine this proposed definition?
- *Publicly Available Information.* The Department has provided clarity regarding information that is not included in the proposed definition of “Publicly Available Information.” Of note, Personal Data obtained or processed in violation of C.R.S. §§ 18-7-107 and 18-7-801 have been excluded from the definition of “Publicly Available Information.” Are there any other laws that should be included? Are there additional exclusions beyond these laws the Department should include?

### ***2. Consumer Personal Data Rights (4 CCR 904-3, Rules 4.01, et seq.)***

- *Right to opt out.* The CPA requires that Controllers provide an opt-out method “clearly and conspicuously in any privacy notice required to be provided to Consumers under this part 13, and in a clear, conspicuous, and readily accessible location outside the privacy notice.”

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<sup>1</sup> All undefined terms capitalized herein shall be interpreted as defined in the CPA or proposed Rules

What does “conspicuous and readily accessible location” mean with respect to Controllers that do not have a direct relationship with Consumers? Is a location on a Controller’s website conspicuous and readily accessible if a Consumer has no way to know that the Controller is Processing that Consumer’s Personal Data?

- *Right of access.* The CPA provides Consumers with the right to access the Consumer’s Personal Data that is maintained or otherwise Processed by a Controller. How should a Controller provide Personal Data to a Consumer in response to an access request? Is there a particular form that would best enable a Consumer to make an informed decision of whether to exercise deletion, correction, or opt-out rights?
- *Right to correction.* The draft rules anticipate instances where Personal Data may be corrected more quickly and easily through account settings than through the Data Rights request process at 4 CCR 904-3, Rule 4.05(B). Does the language provided in this rule sufficiently effectuate this point? How might the language be modified to deter Controllers from abusing the purpose of the provision?
  - When the Consumer and the Controller disagree on the accuracy of the Personal Data in question, the draft rules include a provision allowing a Controller to request documents supporting the Consumer’s assertion that the Personal Data is incorrect before completing the request. Does this provision provide adequate instruction to address the issue? Is there a way to establish the accuracy of Personal Data that would be less burdensome on Consumers?
- *Authentication.* The draft rules instruct Controllers on the CPA’s requirements for Authenticating a Consumer or authorized agent submitting a Data Rights request. Do these Authentication requirements sufficiently contemplate data security and protection against identity theft? When and why should a Controller be able to deny a Consumer’s Data Rights Request based on inability to Authenticate? Are there additional factors that we should consider with respect to Authentication of Authorized Agents?
- *Appeal process.* Does the CPA sufficiently address the process of appealing a Controller’s actions in response to a Consumer Data Rights request? Would additional rules be helpful? What parts of the appeals process could benefit from interpretive guidance or description of best practices?

### **3. Universal Opt-Out Mechanism (4 CCR 904-3, Rules 5.01, et seq.)**

- *Offline Recognition.* Are Controllers who interact with Consumers offline, such as through in-person interactions, able to recognize the use of Opt-Out Mechanisms? What additional Personal Data would be required to enable offline recognition?
- *Universal Opt-Out Mechanism List.* The draft rules explain that the Department will maintain a public list of Universal Opt-Out Mechanisms to simplify the options facing Controllers, Consumers, and other actors. Will this list lessen the compliance burden? Are there sources for similar lists? How might this aid

interoperability with other jurisdictions with similar Universal Opt-Out provisions? How often should this list be updated?

- *Universal Opt-Out Mechanism Standards.* The draft rules include standards that a Universal Opt-Out Mechanism must meet to be included in the public list maintained by the Department. Are these the most important considerations? What additional considerations should we include in the list of standards?
- *Notice.* The draft rules allow for a Controller to display to a Consumer that it has Processed the Consumer's opt-out preference signal via a Universal Opt-Out Mechanism, for example through conspicuous text on its website. What kind of engineering or business resources would be required for a Controller to display this kind of notice? How might it benefit Consumers?
- *Timing.* The draft rules state that a "public list of Universal Opt-Out Mechanisms that have been recognized...shall be released no later than April 1, 2024." Will this date offer Controllers sufficient time to implement the acceptance of recognized Universal Opt-Out Mechanisms by the July 1, 2024 effective date of the relevant provision statute (C.R.S. § 6-1-1306(1)(a)(IV)(B))? What burdens are associated with the July 1, 2024 compliance deadline? If the list is updated, how long should Controllers have prior to mandated acceptance of new mechanisms?
- *Technical Specification.* The draft rules contemplate Universal Opt-Out Mechanisms taking two technical forms: a signal such as an HTTP header field and a "do not sell" list. Should the final rules spell out these two forms? Are there other forms the rules should mention? Are there additional areas of technical specification that would help further clarify the parameters or requirements of a Universal Opt-out Mechanism.
- *Authentication.* The CPA provides that the rules must "permit the Controller to accurately Authenticate the Consumer as a resident of this state and determine that the mechanism represents a legitimate request to opt out of the Processing of Personal Data for purposes of Targeted Advertising or the Sale of Personal Data. . . ." What are ways for a Controller to Authenticate a Consumer as a resident of this state and to determine that the mechanism represents a legitimate request to opt out in a way that would not frustrate the efficiency or purpose of using a Universal Opt-Out Mechanism?

#### **4. *Controller Obligations (4 CCR 904-3, Rules 6.01, et seq.)***

- *Transparency.* The draft rules require Controllers to provide information "for each Processing purpose." Will organizing a privacy notice by purpose place an undue burden on Controllers? What can be changed to ensure these requirements are interoperable while providing the same amount of valuable information to Consumers?
- *Changes to Privacy Notice.* Are there additional examples of material changes to privacy notices that would help to clarify the requirement to notify Consumers of "substantial or material changes"?
- *Biological Identifiers.* The draft rules limit the storage of "Biological Identifiers or any data generated from a digital or physical photograph or an audio or video

- recording” and require Consent to continue to hold such information for more than 1 year. Does this rule sufficiently protect this type of data? How might this requirement burden Controllers?
- *Sensitive data.* The draft rules explain that Sensitive Data includes Sensitive Data Inferences. The draft rules allow Controllers to process Sensitive Data Inferences from Consumers over the age of thirteen (13) without obtaining Consent subject to specific requirements in the draft rules, including the requirement to delete the Sensitive Data Inferences “within twelve (12) hours of collection or of the completion of the Processing activity, whichever comes first.” What burden might this 12-hour deletion requirement create? Are the requirements related to Sensitive Data Inferences sufficient to protect Consumers? How might the rules further promote data minimization with regard to Sensitive Data?

#### **5. *Bona Fide Loyalty Programs (4 CCR 904-3, Rule 6.05)***

- *Definition.* The CPA expressly allows Controllers to offer benefits to Consumers if the benefits are based on a Consumer’s participation in a “bona fide loyalty, rewards, premium features, discount, or club card program,” but does not define “bona fide” in the loyalty program context. Does the proposed definition of “Bona Fide Loyalty Program” provide sufficient clarity as to when the CPA’s loyalty program provisions apply? Are there additional factors that should be considered in determining whether a loyalty program is bona fide?
- *Value.* What actual value can a loyalty program provide to consumers? To Controllers? What are important considerations when balancing the value of a loyalty program to Consumers versus Controllers? When and why is the Sale of Personal Data necessary to maintain a loyalty program or provide loyalty program benefits?
- *Disclosures.* Are there different or additional disclosures that should be made to Consumers concerning Bona Fide Loyalty Programs?
- *Guidance.* Are there aspects of the loyalty program statutory provisions or draft rules that can benefit from more guidance?

#### **6. *Consent (4 CCR 904-3, Rules 7.01, et seq.)***

- *Consent Elements.* In response to public input, the draft rules provide the meaning of each element of valid Consent. Are the elements described in a way that would be interoperable? Are there additional examples that would help clarify the meaning of any element of Consent? Are there other factors pertaining to any of the elements that should be considered when determining whether Consent is valid?
- *Examples.* Do the examples provided help to clarify the Consent requirements? Is there anything unclear in the Consent examples? Are there other elements of Consent where additional examples would be helpful?

#### **7. *Data Protection Assessments (DPAs) (4 CCR 904-3, Rules 8.01, et seq.)***

- *Purpose.* The draft rules focus, in part, on making DPAs meaningful assessments that can help Controllers understand and address the risks posed by their Processing activities and address those risks. Do the draft rules achieve this purpose? If not, how can they be changed to avoid making the DPA process a “check-the-box” exercise?
- *Burden.* Are the DPA requirements expressed in the draft rules overly burdensome on smaller businesses? How so? How can they be made less burdensome?

#### **8. Profiling (4 CCR 904-3, Rules 9.01, et seq.)**

- *Automated Processing.* The draft rules distinguish between Solely Automated Processing, Human Reviewed Automated Processing, and Human Involved Automated Processing. Do these distinctions appropriately reflect different levels of human participation in the Automated Processing used in Profiling? How else might humans be involved with Automated Processing which would protect Consumers when such Profiling is used for Decisions that Produce Legal or Similarly Significant Effect?
- *Human Involved Automated Processing.* The draft rules specify disclosures that a Controller must provide to a Consumer if the Controller does not take action on a request to opt out of Profiling when that Profiling uses Human Involved Automated Processing. Are there additional disclosures that would provide Consumers with adequate information to understand this use of their data?

#### **9. Clarity**

- Are there draft rules that are unclear? Where would examples provide additional clarity? Beyond examples, how else might the Department help clarify the rules?
- Are there examples used in the draft rules that are unclear?

### **III. Statutory Authority**

The specific authority under which the Attorney General shall establish these proposed rules is set forth in C.R.S. §§ 6-1-108(1) and 6-1-1313.

### **IV. Copies of the Notice, Proposed Rules, and the Statement of Basis, Purpose & Authority**

The notice of hearing, the proposed rules, and the Statement of Basis, Purpose, and Specific Statutory Authority are available for review at the Department of Law’s CPA rulemaking website at [coag.gov/CPA](https://coag.gov/CPA). If there are changes made to the proposed rules prior to the hearing, the updated proposed rules will be provided to the CPA rulemaking mailing list and posted on the Department of Law’s website by January 25, 2023. The Department encourages all interested parties to sign up for the Colorado Privacy Act rulemaking mailing list (available at <https://lp.constantcontactpages.com/su/zIKnX1I/CPA>).



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

## **V. Opportunity to Testify and Submit Written and Oral Comments**

The Attorney General and Department of Law strive to make the rulemaking process inclusive to all. Interested and affected parties are welcome to testify at the rulemaking hearing, to submit written comments through the online CPA rulemaking comment portal, and to provide oral comments at one or more stakeholder meetings.

### Rulemaking Hearing (Wednesday, February 1, 2023)

The format of the rulemaking hearing will proceed as follows:

- The Hearing Officer will open the hearing and provide a brief introduction of the hearing procedures.
- The Colorado Department of Law staff will present the draft rules and discuss public input, feedback, and suggestions on the draft rules provided through written comment and at stakeholder sessions.
- Colorado Department of Law staff will present a summary of the draft rules and any proposed revisions based on rulemaking comments.
- Participants will then have the opportunity to give testimony regarding the proposed rules and revisions.

### *Hybrid Hearing Procedures*

At the beginning of the hearing, we will mute all public participants attending online. After the introduction, a summary of the rulemaking, and a review of any proposed revisions to the rules, we will open the hearing to testimony as follows:

- For the sake of efficiency, those who are attending this hearing in person will be called upon first to provide their public comment. We will reference the sign-up sheet provided and individually call upon participants who wish to provide their testimony. Once we have exhausted the sign-up sheet, we will move forward with the testimony of online participants.
- Referencing registration records, we will identify and individually unmute online participants who indicated that they plan to testify during the hearing.
- When we exhaust the list, we will ask whether any additional attendees wish to testify. In-person attendees may raise their hands to indicate their intention to testify, and online attendees may raise/lower their hand virtually.
- To ensure that the hearing is prompt and efficient, oral testimony may be time limited.

**Webinar Audio Requirements:** We strongly encourage attendees to join the webinar through their computer or Zoom meeting app, even if they use their telephone to dial in for audio. To testify during the hearing, it is best to use your computer microphone and speakers or a headset or headphones. As outlined above, we will first receive online

testimony from attendees whose registration indicates that they plan to provide testimony and then we will offer attendees the option to raise their hand to testify.

### Written Comments

You may submit written comments through our comment portal available at [coag.gov/CPA](https://coag.gov/CPA) during the comment period between October 10, 2022, and February 1, 2023. If the formal rulemaking hearing continues beyond February 1, 2023, the comment period will continue through the last day of the formal rulemaking hearing. Please submit written comments by November 7, 2022, if you would like your comment to inform the stakeholder meetings discussed below, or by January 18, 2023, to be considered for any proposed revisions presented at the hearing. All written comments must be received on or before Wednesday, February 1, at 11:59 P.M. MST, or if the formal rulemaking hearing continues beyond February 1, 2023, before 11:59 P.M. MST on the last day of the formal rulemaking hearing.

As soon as possible after receipt, written comments will be posted online at the Colorado Privacy Act Rulemaking Comment website: <https://comments.coag.gov/s/>. All written comments will be added to the official rulemaking record.

To promote timely sharing of information among all stakeholders, the Department strongly encourages stakeholders to submit written comments early in this process.

### Stakeholder Meetings

The Department will host three (3) virtual stakeholder meetings to discuss the CPA proposed draft rules. These stakeholder meetings are a forum for the Department to gather feedback from a broad range of stakeholders for the development of rules to implement the CPA. Stakeholder meetings will occur in advance of the rulemaking hearing and speaking participants will be asked to provide their input and insight, along with constructive feedback and suggestions, on the draft rules in an open discussion format. Please submit any written comments you would like to inform these stakeholder meetings by Monday, November 7, 2022.

The Department may host additional opportunities for public input beyond those listed below if it determines doing so is prudent or necessary to revise the rules and incorporate stakeholder input. The times and dates of these additional sessions will be announced via the Colorado Privacy Act rulemaking mailing list and on our website at [coag.gov/CPA](https://coag.gov/CPA). Interested persons are strongly encouraged to sign-up to receive e-mail updates through the rulemaking mailing list (available at <https://lp.constantcontactpages.com/su/zIKnX1I/CPA>).

### *Meeting Dates*

Date: Thursday, November 10, 2022

Topics: Consumer Rights and Universal Opt-Out Mechanisms

Date: Tuesday, November 15, 2022

Topics: Controller Obligations and Data Protection Assessments

Date: Thursday, November 17, 2022  
Topics: Profiling, Consent, and Definitions

All stakeholder meetings will be recorded, and the recordings will be available to interested persons unable to attend a meeting. Recordings will also be part of the public rulemaking record. More details on the stakeholder meetings and registration links can be found on the Department of Law's CPA rulemaking website at [coag.gov/CPA](https://coag.gov/CPA).

## **VI. Recording of the Hearing**

The hearing will be recorded. Both the hearing and recordings will be part of the public rulemaking record. After the hearing concludes, the recording will be available on the Colorado Department of Law's CPA Rulemaking website at [coag.gov/CPA](https://coag.gov/CPA).

## **VII. Special Accommodations**

If you need special accommodations, please contact our office at [coprivacy@coag.gov](mailto:coprivacy@coag.gov) at least two (2) weeks prior to the scheduled hearing date.

**COLORADO DEPARTMENT OF LAW**  
**Colorado Privacy Act Rules**  
**Statement of Basis, Specific Statutory Authority, and Purpose**

**4 CCR 904-3**

**Basis**

On July 7, 2021, Governor Polis signed Senate Bill 21-190: Protect Personal Data Privacy, establishing the Colorado Privacy Act, C.R.S. §§ 6-1-1301, *et seq.* (“CPA”). The Colorado Privacy Act Rules (“CPA Rules” or “Rules”) implement and enforce the CPA.<sup>1</sup>

**The Attorney General’s Specific Statutory Authority**

The CPA was codified as part of the Colorado Consumer Protection Act (“CCPA”), which grants the Attorney General the authority to “promulgate such Rules as may be necessary to administer the provisions” of the CCPA. C.R.S. § 6-1-108(1). The CPA gives the Attorney General authority to “promulgate Rules for the purpose of carrying out” the CPA, C.R.S. § 6-1-1313(1), and requires the Attorney General to “adopt Rules that detail the technical specifications for one or more universal opt-out mechanisms that clearly communicate a Consumer’s affirmative, freely given, and unambiguous choice to opt out of the Processing of Personal Data for purposes of targeted advertising or the sale of Personal Data . . .” C.R.S. § 6-1-1313(2).

**Purpose of the Rules**

The proposed draft Rules were written by the Colorado Department of Law Consumer Protection Section (the “Department”) to help Colorado Consumers understand their data privacy rights under the CPA and to create straightforward processes which enable them to exercise those rights. The proposed draft Rules also aim to clarify the obligations that businesses, public entities, and nonprofits have under the CPA and to facilitate their compliance.

Coloradans have a fundamental right to privacy that is enshrined in article II, section 7 of the Colorado Constitution. However, evolving technology and the exponential increase in the collection and exchange of Personal Data threatens Coloradans’ ability to meaningfully exercise their right to privacy. Additionally, while data science has produced beneficial new technologies and insights, the misuse of Consumer Personal Data can cause substantial economic, physical, emotional, and reputational harm to Colorado Consumers.

The CPA protects Coloradans’ privacy in part by granting them rights to access the data that companies have collected about them, as well as to dictate whether and how companies can continue to collect, store, use, or sell Consumer Personal Data. However, the CPA does not place the sole burden on Consumers to safeguard their data. It also requires companies to be transparent about how they use Personal Data and to take precautions to reduce the risk that their data collection and use might pose to Consumers. Finally, the CPA grants the Attorney General the authority not only to hold entities accountable for failing to

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<sup>1</sup> All undefined terms capitalized herein shall be interpreted as defined in the CPA or proposed draft Rules.

comply with their obligations under the CPA, but also to draft Rules that would clarify the CPA's requirements and provide guidance for compliance.

The specific subject matter of this Rulemaking falls into two discrete categories: Rules detailing the technical specifications for one or more Universal Opt-Out Mechanisms and Rules for the purpose of carrying out the CPA.

The CPA requires compliance and permits enforcement starting July 1, 2023. Accordingly, the Department filed its notice of proposed Rulemaking on October 10, 2022, to ensure the Rules are adopted well in advance of enforcement. This timeframe also provides additional time to both collect and incorporate meaningful stakeholder input on the proposed draft Rules and to give covered entities advanced notice of the Rules so they may take appropriate measures to comply with the CPA and its Rules by the CPA's effective date.

The promulgation of these proposed draft Rules does not preclude any Rulemaking the Attorney General chooses to conduct at a later date pursuant to C.R.S. §§ 6-1-108(1) or 6-1-1313.

### **Rulemaking Considerations**

Public involvement and transparency are important to the success of the CPA rulemaking process. The proposed draft Rules incorporate and reflect public input received from a wide variety of interested parties, including Consumer privacy advocates, representatives from businesses entities, academics, and the public. The Department plans to further engage with stakeholders and interested parties to gain valuable insight and comments and refine the proposed draft Rules. Additional details on opportunities for public participation in the rulemaking process and a list of specific questions and considerations for public comment can be found in the Notice of Proposed Rulemaking and on the Department's CPA Rulemaking website at [www.coag.gov/cpa](http://www.coag.gov/cpa).

Before writing the proposed draft Rules, the Department solicited input to understand how regulations could best clarify the CPA, protect Consumers, and enable compliance. Starting in February of 2022, members of the public and other interested parties were given the opportunity to provide written and oral comments about the CPA to the Department. To guide this process, the Department released "Pre-Rulemaking Considerations for the Colorado Privacy Act," a document containing background information and a list of questions about the Colorado Privacy Act and Consumer data privacy<sup>2</sup>. From March through August of 2022, the Department accepted written comments through an online portal. Additionally, the Department held two public listening sessions on June 22, 2022, and June 28, 2022. Pre-Rulemaking comments and recordings of the public listening sessions can be found on the Department's CPA website<sup>3</sup>. Throughout this process, individual members of the Department met with interested persons to discuss topics relevant to the CPA and the Department began assembling a list of persons interested in the prospective Rulemaking.

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<sup>2</sup> Colorado Department of Law, Pre-Rulemaking Considerations for the Colorado Privacy Act, available at <https://coag.gov/app/uploads/2022/04/Pre-Rulemaking-Considerations-for-the-Colorado-Privacy-Act.pdf>.

<sup>3</sup> Colorado Attorney General's Office, Colorado Privacy Act (CPA) Rulemaking, <http://coag.gov/cpa>

In creating the proposed draft Rules, the Department considered the questions, concerns, suggestions, and resources shared by interested parties. The Department also reviewed relevant academic research and existing regulations governing overlapping conduct in U.S. and international privacy laws. In considering this input, the Department sought to address the questions and concerns of the variety of CPA stakeholders, clarify the legislation, simplify compliance, and ensure the protection of the privacy rights granted to Consumers by the CPA. The Department also endeavored to create a legal framework that can operate in conjunction with other national, state, and international data privacy laws and does not overly burden technological innovation.

Considerations for specific draft Rules are outlined below.

#### **A. Part 2: Definitions/Defined Terms**

Draft Rule 904-3-2.02 defines key terms used in the CPA and the draft Rules and incorporates definitions in the CPA to provide clarity and consistency. In particular, draft Rule 904-3-2.02 defines “Biometric Data” and “Bona Fide Loyalty Program,” which were undefined by the statute, and clarifies scope of Automated Processing, Sensitive Data, and Publicly Available Information governed by the statute and draft Rules. Defining these and other terms will help eliminate potential misunderstandings or confusion, and where possible, align the CPA with corresponding laws across the United States and internationally. Clear definitions also assist businesses in implementing the law and its corresponding Rules, increasing the likelihood that Consumers will enjoy the benefits of the rights provided to them by the CPA.

#### **B. Part 4: Consumer Personal Data Rights**

Part 4 of the proposed draft Rules clarifies the Consumer Personal Data Rights provided by the CPA. The purpose of these draft Rules is to ensure that Consumers can exercise those Data Rights securely and without undue burden, while considering compliance costs by emphasizing interoperability with other privacy regimes. The draft Rules also clarify obligations for Controllers to collect and use Personal Data responsibly and in a way that respects Consumer preferences. The proposed draft Rules aim to carry out the CPA by clarifying these rights and obligations and providing clear processes through which they can be exercised.

The CPA states that “Consumers may exercise the [data] rights by submitting a request using the methods specified by the Controller,” but provides little guidance as to what a Controller’s rights request methods must look like and what a Controller must do to comply with such requests. C.R.S. § 6-1-1306(1). Draft Rule 904-3-4.02 details requirements for methods through which Consumers may submit Data Rights requests. In designing these methods, a Controller must consider several factors to determine the suitability of the methods, including how the Controller typically interacts with Consumers, identifiable security risks, and the ease of use for Consumers with varying abilities. The draft Rule clarifies restrictions on the type of information a Controller can collect from a Consumer seeking to exercise a Data Right and how a Controller may respond to deficient Data Rights requests.

Draft Rule 904-3-4.03 elaborates on C.R.S. § 6-1-1306(1)(a), which establishes a Consumer’s right to opt out of the Processing of their Personal Data and Controllers’ related compliance requirements. The draft Rule emphasizes the need for clear instructions to the Consumer, ease of exercising the opt-out right, and prompt response from the Controller. To promote interoperability and decrease compliance costs, the draft Rule articulates that Controllers who already provide an opt-out method pursuant to another privacy regime may continue to use that method for Colorado Consumers if the method meets the requirements under the draft Rule.

Draft Rule 904-3-4.04 contemplates the right to access as described in C.R.S. § 6-1-1306(1)(b). The draft Rule clarifies the way a Controller must respond to a Consumer’s access right request, requiring Controllers to consider the Consumers’ primary languages and accessibility needs when providing a Consumer access to their Personal Data. The draft Rule also accounts for risks of identity theft, security, and scams.

Draft Rule 904-3-4.05 clarifies the Consumer right in C.R.S. § 6-1-1306(1)(c) to “correct inaccuracies in the Consumer’s Personal Data.” The draft Rule provides that Controllers must pass down Consumers’ correction requests across all Processor data flows. The draft Rule also seeks to ensure data accuracy by allowing Controllers to consider all available information indicative of accuracy, including documentation provided by the Consumer, and promotes secure communication between Consumers and Controllers when contemplating the data’s accuracy.

Draft Rule 904-3-4.06 clarifies the Consumer right in C.R.S. § 6-1-1306(1)(d), to “delete Personal Data concerning the Consumer,” ensuring meaningful compliance with Consumer deletion rights requests. Based on public input and considering interoperability with the privacy legislation of other states, the draft Rules also address effective compliance with the right to delete by business-to-business companies that collect Consumer Personal Data from third-party sources on an ongoing, repetitive basis.

Draft Rule 904-3-4.07 clarifies the Consumer right to data portability expressed in C.R.S. § 6-1-1306(1)(e), ensuring that the Personal Data transferred pursuant to that right is both secure and usable by the Consumer. The Rule also addresses the trade secret protection contemplated in C.R.S. § 6-1-1306(1)(e), by distinguishing between a Controller’s duty to provide Personal Data and inferences created using trade secrets and the Controller’s ability to protect the trade secrets themselves.

Draft Rules 904-3-4.08 - 4.09 address Controller obligations to respond to Consumer rights requests as stated in C.R.S. § 6-1-1306(2). The draft Rules provide clarity while balancing Controllers’ need for flexibility when designing Consumer authentication processes and potential burdens on Consumers.

### **C. Part 5: Universal Opt-Out Mechanism**

Part 5 of the draft Rules fulfills the Attorney General’s Rulemaking obligation to promulgate a Rule that addresses the technical specifications of one or more Universal Opt-Out Mechanisms (UOOM).

Rather than require Consumers to opt out of Processing on only a case-by-case basis, the CPA gives Consumers the ability to use a UOOM to communicate their opt-out choice to multiple Controllers using a single, simple technological mechanism. The CPA charges the Attorney General with establishing the technical specifications with which UOOMs must comply to qualify under the CPA.

Draft Rule 904-3-5.06 provides the basic technical specification. It is written in a technologically neutral manner, able to accommodate different approaches to providing UOOM capability and leaving room for innovation and competition. It recognizes that a common method for providing UOOM-like functionality has been by sending an “opt-out signal.” The language describing universal opt-out signals as UOOMs will aid interoperability, as other jurisdictions speak specifically about signal-based mechanisms. At the same time, the draft Rules leave open the possibility for other technical solutions. It lists a universal opt-out “whitelist” as one example, albeit one meant to be illustrative rather than limitative.

Draft Rule 904-3-5.02 clarifies that a single UOOM can be used by a single Consumer to opt-out of more than one type of Processing as allowed under the CPA.

Draft Rule 904-3-5.03 focuses on the obligations of the “platform, developer, or provider” who proposes, creates, and markets new UOOMs. Companies that provide UOOMs, such as browser manufacturers or browser plug-in developers, must take steps to ensure that the design of their UOOM satisfies all of the CPA’s requirements for UOOMs. For example, UOOMs must be designed without Dark Patterns, to ensure that Consumers do not enable UOOMs unintentionally.

Draft Rule 904-3-5.04 clarifies the CPA’s requirement that UOOMs must not adopt a mechanism that is a default setting. It gives detailed examples of commonly encountered situations to help elaborate what counts as a default setting in these circumstances.

During the pre-rulemaking phase, commenters raised the potential problems that might rise from the proliferation of many competing UOOMs. Without some method to single out which UOOMs must be recognized under the CPA, Controllers would be obligated to monitor all UOOMs, an expensive and time-consuming task. Consumers might also be confused by the proliferation of many UOOMs and lack clarity on which UOOMs would be accepted by different Controllers. To address this concern, draft Rule 904-3-5.07 sets out a system of recognition through which the Department will maintain a public list of UOOMs. These rules seek to allow for innovation and account for technical advancements in privacy and UOOMs while minimizing redundant UOOMs and UOOMs that are no longer used commercially. Then, under draft Rule 904-3-5.08, Controllers will be obligated to recognize all UOOMs on the public list.

The other draft Rules in this part cover the information gathered in the UOOM process (draft Rule 904-3-5.05) and consent after use of a UOOM (draft Rule 904-3-5.09).

#### **D. Part 6: Duties of Controllers**



Part 6 elaborates on the duties of Controllers as stated in C.R.S. § 6-1-1308. The draft Rules respect the need for interoperability while adhering to the legislator’s intent and statutory text of the CPA. The draft Rules also seek to allow for creativity and innovation by Controllers while providing sufficient Consumer protection.

The CPA creates obligations for entities that process and sell a large volume of Consumer Personal Data and that either conduct business in Colorado or target their products and services towards Colorado. Generally, these entities must only collect Personal Data they need and must use reasonable practices to secure it.

The CPA aims to help Consumers understand how their Personal Data is being used and how they can exercise their rights. Draft Rules 904-3-6.02 - 6.04 clarify the requirements in C.R.S. § 6-1-1308(1) for Controllers to “provide Consumers with a reasonably accessible, clear, and meaningful privacy notice . . .” Controllers must disclose in a privacy notice the purposes for which they Process Personal Data, and for each purpose, the types of Personal Data they collect, process and share, and the categories of parties with whom they share that Personal Data. The draft Rules contemplate a purpose-based approach in an attempt to help provide Consumers with an accurate expectation of the ways in which their Personal Data will be used. For instance, Consumers will know whether contact information collected for one purpose will be used differently than contact information collected for a different purpose, and can therefore make more informed decisions about how they would like to interact with covered businesses.

Furthermore, Controllers must inform Consumers of how they can access, correct, delete, and download and transmit their Personal Data. This includes notifying Consumers that their Personal Data is being Sold or used for Targeted Advertising or certain types of Profiling, and how Consumers can opt-out. The draft Rule elaborates on these requirements while considering businesses’ needs for interoperable standards among state and international frameworks and Consumers’ need to easily locate information relevant to understanding how their Personal Data is collected and used.

Draft Rule 904-3-6.05 clarifies the text in C.R.S. § 6-1-1308(1)(d), explaining that the CPA does not prevent Controllers from “offering a different privacy, rate, level, quality, or selection of goods or services to a Consumer, including offering goods or services for no fee, if the offer is related to a Consumer’s voluntary participation in a bona fide loyalty, rewards, premium, features, discount, or club card program.” Loyalty programs can provide real value to Consumers in the form of discounts on essential goods, rewards towards travel and other services that increase quality of life. The draft Rules seek to facilitate continuation of these programs and while providing greater transparency and meaningful consent to participation.

Draft Rules 904-3-6.06 - 6.09 clarify the Controller duties of purpose specification, data minimization, secondary use, and care found in C.R.S. § 6-1-1308(2)-(5). These draft Rules explain how each statutory requirement is to be carried out to help ensure the intended positive impact on Consumer privacy and offer compliance guidance.

Draft Rule 904-3-6.06 relates to the Controller’s duty to “specify the express purposes for which Personal Data are collected and processed” found at C.R.S. § 6-1-1308(2). The draft Rule requires Controllers to describe Processing purposes in ways that are easily understood

to Consumers, across the Controller’s business, by Third Parties, and by authorities. The draft Rule also requires regular review of Processing purposes for accuracy and appropriate documentation.

Draft Rule 904-3-6.07 clarifies the requirement in C.R.S. § 6-1-1308(3) for Controllers’ “collection of Personal Data [to] be adequate, relevant, and limited to what is reasonably necessary in relation to the specified purposes for which the data are processed.” The draft Rule articulates that Controllers must assess and document the minimum types and amount of Personal Data needed for the stated Processing purposes. The draft Rule also clarifies standards to govern how long certain types of Personal Data may be held and requires Controllers to only store the minimum Personal Data necessary for the Processing purpose.

Draft Rule 904-3-6.08 clarifies the prohibition in C.R.S. § 6-1-1308(4) to “process Personal Data for purposes that are not reasonably necessary to or compatible with the specified purposes for which the Personal Data are processed, unless the Controller first obtains the Consumer’s consent.” The draft Rule clarifies that the specified purpose may be disclosed in several places including a privacy notice and required consent disclosures. To aid in compliance, the draft Rule lists several considerations for the Controller to consider when determining whether a new purpose is reasonably necessary to or compatible with the original purpose.

Draft Rule 904-3-6.09 clarifies the requirement in C.R.S. § 6-1-1308(5) to “take reasonable measures to secure Personal Data during both storage and use from unauthorized acquisition.” The draft Rule aligns this requirement with existing state data security laws including but not limited to C.R.S. §§ 6-1-713.5 and 24-73-102.

Draft Rules 904-3-2.01 and 904-3-6.10 clarify the CPA’s Sensitive Data requirements at C.R.S. § 6-1-1308(7). The draft Rules state that Sensitive Data includes both individual pieces of Sensitive Data and inferences made by a Controller which reveal an individual’s racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sex life or sexual orientation, or citizenship or citizenship status. However, a Controller may forgo obtaining Consent prior to Processing Sensitive Data Inferences from Consumers over the age of thirteen (13) if the Controller limits the use of such inferences as set forth in Rule 904-3-6.10 and documents how the Controller meets the requirements in its privacy notice and Data Protection Assessment. These draft Rules address the concern that Personal Data can often be combined or used to infer sensitive information, often without a Consumer’s knowledge or understanding. At the same time, the draft Rules recognize the potential burden of requiring prior Consent to process every Sensitive Data Inference and seeks to strike a balance that will protect sensitive Consumer information and offer adequate transparency without unduly burdening Controllers.

## **E. Part 7: Consent**

Part 7 of the draft Rules clarifies the CPA’s requirements related to requesting and obtaining Consent, including the prohibition against obtaining Consumer agreement through

Dark Patterns, which are understood to be web or user interfaces that have the effect of subverting user autonomy, decision making, or choice.

Because the Consent requirements are provided in separate sections of the CPA, draft Rule 904-3-7.02 provides a straightforward list of the circumstances under which the CPA requires Consumer Consent pursuant to C.R.S. §§ 6-1-1303(5), 1306(1)(a)(IV)(C), 1308(4), and 1308(7). The draft Rule also clarifies the need for valid Consent across distinct Controller-Consumer interactions.

Draft Rule 904-3-7.03 clarifies the requirements for valid Consent in C.R.S. § 6-1-1303, including what it means for Consent to be “freely given, specific, informed, and [reflect] unambiguous agreement.” This draft Rule was written in response to public input requesting additional information on the requirements for valid Consent, and it attempts to promote interoperability and understanding by incorporating the meanings of “freely given, specific, informed,” and “unambiguous agreement” accepted in other jurisdictions applying similar requirements for valid Consent.

Draft Rule 904-3-7.05 clarifies C.R.S. § 6-1-1306(1)(a)(IV)(C), which states in part that “a Controller may enable the Consumer to Consent, through a web page, application, or a similar method, to the Processing of the Consumer’s Personal Data for the purposes of Targeted Advertising or Sale, and the Consent takes precedence over any choice reflected through the universal opt-out mechanism.” The CPA gives Consumers the right to make a meaningful choice to opt out of the Sale or Processing of their Personal Data for Targeted Advertising and Profiling. It also enables Consumers to effectuate that choice easily using a Universal Opt-Out Mechanism. A Consumer’s decision to opt-out is eroded if Controllers repeatedly ask for a Consumer to opt back into Processing using methods that degrade or obstruct the Consumer’s experience on the Controller’s web page or application. Thus, the draft Rule sets forth a framework for Controllers to request, and for Consumers to provide, Consent to opt in to Processing of Personal Data once the Consumer has already opted out of the Processing for the stated purpose.

Draft Rule 904-3-7.06 clarifies the requirements to obtain Consent with respect to Children’s Personal Data under C.R.S. § 6-1-1308(7). Permission to process the Personal Data of a Child is dependent on the Consent of the Child’s parent or guardian. The draft Rule requires Controllers to make reasonable efforts to obtain verifiable parental Consent, taking into consideration available technology.

Draft Rules 904-3-7.07 and 904-3-7.08 also clarify the ability of Consumers to withdraw Consent and ability of Controllers to periodically refresh Consent. The draft Rules address statutory text, common practice, and the meaning of “freely given Consent” to emphasize that a Consumer must be able to withdraw Consent as easily as it is affirmatively provided, to explain what that means, and to describe required actions that a Controller must take when Consent is withdrawn.

Draft Rule 904-3-7.09 clarifies C.R.S. § 6-1-1303(5)(c), which states that an “agreement obtained through Dark Patterns” does not constitute Consent. C.R.S. § 6-1-1303(9) defines a Dark Pattern as “a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice.” The

draft Rule seeks to align the definition of Dark Patterns with existing legal standards by prohibiting Controllers from using an interface design or choice architecture that unfairly, fraudulently, or deceptively manipulates or coerces a Consumer into providing Consent. To show the types of practices that Dark Patterns may encompass, the draft Rule includes examples of established Dark Patterns,<sup>4</sup> including distracting pop-up windows, nagging, misleading questions, emotional manipulation, nested options, and other models that use default options, give greater weight to one option over others through interface design, or allow the absence of a Consumer's action to constitute consent. The draft Rule also requires Controllers to consider the unique characteristics of their target audiences when designing Consent request interfaces and states that a design or practice can be a Dark Pattern even if such a design or practice is commonly used.

## **F. Part 8: Data Protection Assessments**

Part 8 of the draft Rules clarifies the CPA's data protection assessment ("DPA") requirements pursuant to C.R.S. § 6-1-1309. The draft Rules considers stakeholder input received during the pre-Rulemaking phase by addressing the need for interoperable standards and meaningful assessments.

The CPA requires Controllers to prepare and document DPAs before engaging in Processing activities that present a heightened risk of harm to Consumers. Activities that present heightened risks include profiling activities that present a foreseeable risk of unfairness, injury, or an offensive intrusion of consumer privacy; selling Personal Data or using Personal Data for Targeted Advertising; or Processing Sensitive Data.

Draft Rules 904-3-8.02 - 8.05 encourage Controllers to conduct a genuine, thoughtful analysis in their DPAs. To promote communication and encourage involvement by internal stakeholders, the draft Rules require Controllers to involve all relevant internal parties in the analysis, and to include external parties if helpful in identifying and assessing risks to Consumers. The draft Rules list the minimum content requirements for a DPA and suggest risks that should be considered in the assessment process. Controllers need to conduct an initial DPA before beginning the Processing in question and then regularly review the DPA throughout the Processing lifecycle to ensure that existing safeguards adequately control the Processing risks and are adjusted as necessary.

To promote interoperability, the draft Rules allow Controllers conducting similar assessments pursuant to other privacy regimes to use those assessments to meet their CPA compliance requirements if the assessments are reasonably similar in scope and effect.

## **G. Part 9: Profiling**

Part 9 of the draft Rules clarifies the requirements on Controllers that Process Personal Data for the purposes of Profiling pursuant to C.R.S. §§ 6-1-1302, 1306, and 1309.

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<sup>4</sup> See e.g. Jamie Luguri and Lior Jacob Strahilevitz, *Shining a Light on Dark Patterns*, 13 Journal of Legal Analysis 43 (2021), <https://doi.org/10.1093/jla/laaa006>; Jennifer King and Adriana Stephan, *Regulating Dark Patterns in Practice: Drawing Inspirations from California Privacy Rights Act*, 5 Georgetown Law and Technology Review 250 (2021); Johanna Gunawan, et al, *A Comparative Study of Dark Patterns Across Web and Mobile Modalities*. Proc. ACM Hum.-Comput. Interact. 5, CSCW2, Article 377 (October 2021), <https://doi.org/10.1145/3479521>.

The CPA includes several requirements for Profiling activities. Controllers have an affirmative obligation to tell Consumers how their Personal Data is used, including for Profiling. Controllers must also conduct and document DPAs prior to Processing Personal Data for Profiling. Finally, Consumers have the right to opt out of the Processing of Personal Data for the purpose of Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects. Draft Rules 904-3-9.03 - 904-3-9.06 clarify these requirements and their implications. Profiling is unique to other types of Processing activities because it involves automation and large data sets. Research has shown that Automated Processing for the purposing of Profiling poses significant risk without meaningful human intervention, especially when used to provide services that dictate individuals' access to essential programs and services such as education, financial services, and housing.<sup>5</sup> Without human review or intervention, Automated Processing may discriminate or wrongly deny individual Consumers access to these services. The draft Rules delineate between Automated Processing involving different levels of human involvement, as increased human involvement may offer corresponding levels of Consumer protection.

To guard against adverse outcomes in the most sensitive and important areas of a person's life, draft Rule 904-3-9.04 clarifies a Consumer's right to opt out of Profiling in furtherance of Decisions that Produce Legal or Similarly Significant Effects Concerning a Consumer. The draft Rule supports the CPA's goals of providing transparent information to Consumers about how their Personal Data is used by outlining disclosure requirements for Automated Processing.

## **H. Other Rules**

Finally, while the Department has endeavored to make this Statement of Basis, Specific Statutory Authority, and Purpose comprehensive, the details contained herein may not fully delineate the issues that are discussed or the Rules that are eventually adopted. The Department intends to take stakeholder input sincerely, and this may result in additional Rules, significant changes to the proposed draft Rules, or additional portions of Rules that are not detailed herein. For this reason, the Department strongly encourages all

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<sup>5</sup> See e.g. Marco Almada, *Human Intervention in Automated Decision-Making: Toward the Construction of Contestable Systems*, Proceedings of the Seventeenth International Conference on Artificial Intelligence and Law, June 2019, <https://dl.acm.org/doi/abs/10.1145/3322640.3326699>; Ziad Obermeyer et al., *Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations*, Science, Oct. 25, 2019, <https://science.sciencemag.org/content/366/6464/447>; Madalina Busuioc, *Accountable artificial intelligence: Holding algorithms to account*, 81.5 Public Administration Review 825 (2021), <https://onlinelibrary.wiley.com/doi/full/10.1111/puar.13293>; Maria De-Arteaga, Riccardo Fogliato, and Alexandra Chouldechova, *A Case for Humans-in-the-Loop: Decisions in the Presence of Erroneous Algorithmic Scores*, Proceedings of the 2020 CHI Conference on Human Factors in Computing Systems, 2020, <https://doi.org/10.1145/3313831.3376638>; Ben Wagner, *Liable, but not in control? Ensuring meaningful human agency in automated decision-making systems*, 11.1 Policy & Internet 104 (2019), <https://onlinelibrary.wiley.com/doi/full/10.1002/poi3.198>; Ari Ezra Waldman, *Power, process, and automated decision-making*, 88 Fordham L. Rev. 613 (2019), <https://ir.lawnet.fordham.edu/flr/vol88/iss2/9/?web=1&wdLOR=c3806A0EE-E5C8-0E4A-8DF2-37C30BCB1A10>; Danielle Keats Citron and Frank Pasquale, *The scored society: Due process for automated predictions*, 89 Wash. L. Rev. 1 (2014), <https://digitalcommons.law.uw.edu/wlr/vol89/iss1/2/>.

interested persons to sign-up for the mailing list on the Department's CPA Rulemaking webpage at [coag.gov/CPA](http://coag.gov/CPA), and to check the webpage periodically for updates.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00593

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-31

**Rule title**

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

## Rulemaking Hearing

**Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84458445844>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

## Contact information

**Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33);
- San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
Responsive prehearing statements due	12/21/2022 5:00 pm	Additional information below.
Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.







## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
<b>Prehearing Conference</b> (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
<b>Rulemaking Hearing</b>	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

Party status requests must be in writing and must provide:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

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

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

#### PREHEARING CONFERENCE:

**Attendance at the prehearing conference is mandatory for all persons requesting party status.** Following the deadline to request party status, a Zoom link to attend the prehearing conference will be provided to all those who request party status.

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

#### PUBLIC PARTICIPATION ENCOURAGED:

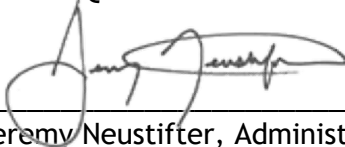
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00594

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-32

**Rule title**

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

**Rulemaking Hearing****Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84451234567>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

**Contact information****Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

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- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

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Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
<b>Prehearing Conference</b> (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
<b>Rulemaking Hearing</b>	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

Party status requests must be in writing and must provide:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

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

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

#### PREHEARING CONFERENCE:

**Attendance at the prehearing conference is mandatory for all persons requesting party status.** Following the deadline to request party status, a Zoom link to attend the prehearing conference will be provided to all those who request party status.

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

#### PUBLIC PARTICIPATION ENCOURAGED:

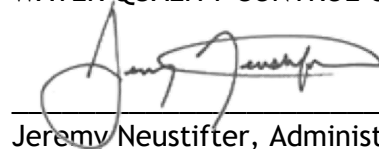
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.



# Notice of Proposed Rulemaking

**Tracking number**

2022-00595

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-33

**Rule title**

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

**Rulemaking Hearing****Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84451234567>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

**Contact information****Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33);
- San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
Responsive prehearing statements due	12/21/2022 5:00 pm	Additional information below.
Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
Prehearing Conference (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
Rulemaking Hearing	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

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

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

#### PREHEARING CONFERENCE:

**Attendance at the prehearing conference is mandatory for all persons requesting party status.** Following the deadline to request party status, a Zoom link to attend the prehearing conference will be provided to all those who request party status.

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

#### PUBLIC PARTICIPATION ENCOURAGED:

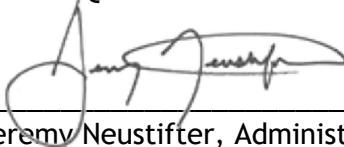
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00597

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-34

**Rule title**

REGULATION NO. 34 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR SAN JUAN AND DOLORES RIVER BASINS

## Rulemaking Hearing

**Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84461212693>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

## Contact information

**Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

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- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
Responsive prehearing statements due	12/21/2022 5:00 pm	Additional information below.
Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
<b>Prehearing Conference</b> (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
<b>Rulemaking Hearing</b>	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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#### PARTY STATUS:

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- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

#### PREHEARING CONFERENCE:

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

#### PUBLIC PARTICIPATION ENCOURAGED:

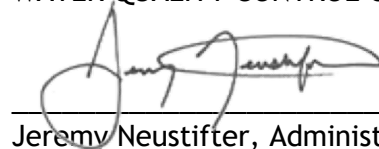
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00598

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-35

**Rule title**

REGULATION NO. 35 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR GUNNISON AND LOWER DOLORES RIVER BASINS

**Rulemaking Hearing****Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84458445844>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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**Contact information****Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

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- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
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Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
<b>Prehearing Conference</b> (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
<b>Rulemaking Hearing</b>	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

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## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

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#### PUBLIC PARTICIPATION ENCOURAGED:

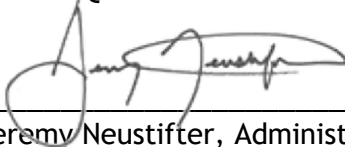
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00599

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-36

**Rule title**

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

**Rulemaking Hearing****Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84451234567>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

**Contact information****Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)





## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33);
- San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
Responsive prehearing statements due	12/21/2022 5:00 pm	Additional information below.
Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
<b>Prehearing Conference</b> (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
<b>Rulemaking Hearing</b>	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

Party status requests must be in writing and must provide:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

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

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

#### PREHEARING CONFERENCE:

**Attendance at the prehearing conference is mandatory for all persons requesting party status.** Following the deadline to request party status, a Zoom link to attend the prehearing conference will be provided to all those who request party status.

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

#### PUBLIC PARTICIPATION ENCOURAGED:

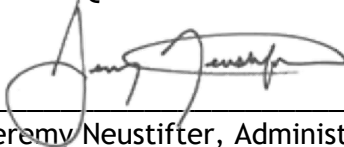
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00600

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-37

**Rule title**

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

## Rulemaking Hearing

**Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84451234567>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

## Contact information

**Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

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- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
Responsive prehearing statements due	12/21/2022 5:00 pm	Additional information below.
Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
Prehearing Conference (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
Rulemaking Hearing	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

Party status requests must be in writing and must provide:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

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

#### PREHEARING CONFERENCE:

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

#### PUBLIC PARTICIPATION ENCOURAGED:

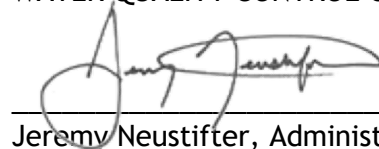
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator





**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00601

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-38

**Rule title**

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

**Rulemaking Hearing****Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84461212693>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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**Contact information****Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

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Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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#### SCHEDULE OF IMPORTANT DATES

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Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
Prehearing Conference (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
Rulemaking Hearing	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

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## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

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#### PUBLIC PARTICIPATION ENCOURAGED:

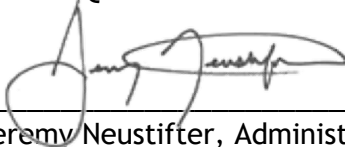
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator



**COLORADO**

**Water Quality  
Control Commission**

Department of Public Health & Environment

**Please Note:**

All exhibits to this Notice are available for review with the filing for Regulation #85, Tracking Number 2022-00592, included in this issue of the Colorado Register.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00562

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-55

**Rule title**

REGULATION NO. 55 - STATE FUNDED WATER AND WASTEWATER  
INFRASTRUCTURE PROGRAMS

## Rulemaking Hearing

**Date**

12/12/2022

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/8446121212>

**Subjects and issues involved**

For consideration of adoption of revisions to Regulation #55, State Funded Water and Wastewater Infrastructure Programs (5 CCR 1002-55).

**Statutory authority**

The provisions of sections 25-1.5-202; 25-8-202(1)(n); and 25-8-401 C.R.S. provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

## Contact information

**Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)



## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

### NOTICE OF WRITTEN-COMMENT-ONLY PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

#### SUBJECT:

For consideration of adoption of revisions to Regulation #55, State Funded Water and Wastewater Infrastructure Programs (5 CCR 1002-55). Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notices as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's Prehearing Statement Due	11/2/2022 5:00 pm	Additional information below
Responsive Comments Due	11/30/2022 5:00 pm	Additional information below
Rulemaking Deliberations	12/12/2022 9:00 am	<a href="#">Remote via Zoom</a>  Or  Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

Pursuant to section 21.3.C.5 and Section 21.3.D. of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.



WRITTEN COMMENTS:

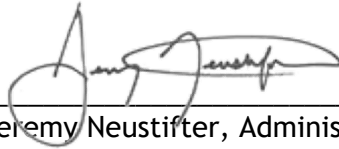
The commission encourages input from interested members of the public. Written comments should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by 5:00 pm on 11/30/2022.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-1.5-202; 25-8-202(1)(n); and 25-8-401 C.R.S. provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 15<sup>th</sup> day of September, 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

A handwritten signature in black ink, appearing to read 'Jeremy Neustifter', is written over a horizontal line.

Jeremy Neustifter, Administrator

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Water Quality Control Commission

#### REGULATION NO. 55 – STATE FUNDED WATER AND WASTEWATER INFRASTRUCTURE PROGRAMS

##### 5 CCR 1002-55

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

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#### 55.1 AUTHORITY, SCOPE AND PURPOSE

##### (1) Water Quality Improvement Fund

House Bill 06-1337 created the Water Quality Improvement Fund codified in section 25-8-608, C.R.S., of the Colorado Water Quality Control Act. House Bill 11-1026 amended the statute to authorize grants for stormwater management training and best practices training to prevent or reduce the pollution of state waters. ~~House Bill 17-1306 amended the statute to authorize grants for lead testing in public schools.~~ Section 25-8-608(1.7)(c), C.R.S. provides the Water Quality Control Commission ("commission") with the authority to promulgate, implement and administer this regulation.

Funding is dependent upon annual appropriations by the Colorado General Assembly and is based on violations that were committed on or after May 26, 2006. The resulting penalties collected by the Water Quality Control Division ("division") are transmitted to the state treasurer for deposit to the credit of the fund.

The purpose of the fund is to improve water quality in Colorado by providing grant funds for water quality improvement projects and stormwater management training and best practices ~~by voluntary lead testing in public schools~~ using civil penalties from water quality violations.

##### ~~(2) — Nutrients Management Grant Fund~~

~~During the 2013 legislative session the General Assembly created a new program under House Bill 13-1191 entitled the Nutrient Grant Fund. Codified in section 25-8-608.5, C.R.S., HB 13-1191 authorizes the commission to promulgate rules necessary to administer the program as an amendment to Regulation #55, the Water Quality Improvement Fund.~~

~~The purpose of the fund is to provide assistance to Phase One Domestic Wastewater Treatment Works as defined in Regulation #85.~~

**(32) Natural Disaster Grant Fund**

House Bill 14-1002 created the Natural Disaster Grant Fund to be codified in section 25-8-608.7, C.R.S. – concerning the establishment of a grant program under the Colorado Water Quality Control Act to repair water infrastructure impacted by a natural disaster. The purpose of the fund is to award grants to local governments, including local governments accepting grants on behalf of and in coordination with not-for-profit public water systems, under rules promulgated by the commission for the planning, design, construction, improvement, renovation or reconstruction of domestic wastewater treatment works and public drinking water systems that have been impacted, damaged or destroyed in connection with a natural disaster. The division may only award grants to be used in counties for which the governor has declared a disaster emergency by executive order or proclamation under section 24-33.5-704, C.R.S.

Section 25-8-608.7(3), C.R.S. provides the Water Quality Control Commission with the authority to promulgate rules necessary to implement and administer the Natural Disaster Grant Fund.

**(43) Small Communities Water and Wastewater Grant Fund**

Senate Bill 14-025 revised and consolidated the Small Communities Water and Wastewater Grant Fund to be codified in section 25-1.5-208, C.R.S. – concerning the establishment of a grant program under the Colorado Water Quality Control Act to assist suppliers of water and domestic wastewater treatment works that serve a population of not more than five thousand people with meeting their responsibilities with respect to the protection of public health and water quality.

Continuous funding for the Small Communities Water and Wastewater Grant Fund is provided in section 39-29-109(2)(a)(III) C.R.S., through money transferred to the fund pursuant to section 39-29-109(2)(a)(II) C.R.S. and any other moneys transferred to the fund by the General Assembly. Moneys for the fund originate from the severance tax perpetual base fund, up to \$10 million, and will be applied to both drinking water projects and wastewater projects.

Section 25-1.5-208(2), C.R.S. provides the commission with the authority to promulgate rules necessary to implement and administer the Small Communities Water and Wastewater Grant Program.

**55.2 DEFINITIONS**

(1) "Beneficial Use" - means the use of water treatment plant sludge in conjunction with wastewater treatment plant sludge to act as a soil conditioner or low grade fertilizer for the promotion of vegetative growth on land and that meets the requirements of the state Biosolids Regulations.

(2) "Best Management Practices" - means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state waters". Best Management Practices also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(3) "Consolidation" - means a proposed new construction or expansion of a drinking water supply system that will eliminate one or more existing water supply or treatment works. A letter of intent or a resolution adopted by the project participants must be provided to the division to guarantee the facilities will consolidate.

~~(4) "Elementary school" – a public school that includes any or all of the following: preschool, kindergarten, and grades one through five.~~

(45) "Governmental Agency" – means any municipality, regional commission, county (or county on behalf of unincorporated areas), metropolitan district offering sanitation service, sanitation district used for funding a domestic wastewater treatment works project, water and sanitation district, water conservancy

district, metropolitan sewage disposal district, other special district used for funding a project under this regulation.

~~(56)~~ "Impacted Water Body" – means a water body in which the designated use(s) of recreation, aquatic life, water supply, agriculture, and/or wetlands have been affected by pollutants associated with a violation of the Act, permit, control regulation, or final cease and desist order or clean-up order.

~~(76)~~ "Nonpoint source" – means a diffused pollution source that is not regulated as a point source, including, but not limited to, sources that are often associated with agriculture, inactive or abandoned mining, silviculture, urban runoff, or runoff from construction activities. Nonpoint source pollution does not emanate from a discernible, confined, and discrete conveyance (such as a single pipe) but generally results from land runoff, precipitation, atmospheric deposition, or percolation.

~~(87)~~ "Pollution" – means the man-made, man-induced, or natural alteration of the physical, chemical, biological, and radiological integrity of water.

~~(9) "Public school" – means a school that derives its support, in whole or in part, from moneys raised by a general state, county, or district tax. Public school includes a public school district, charter school, as that term is defined in section 22-30.5-103(2), C.R.S., including an institute charter school, as that term is defined in section 22-30.5-502 (6), C.R.S.; and a board of cooperative services, as that term is defined in section 22-5-103(2), C.R.S.~~

~~(408)~~ "Public water system" - a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. Such term does not include any special irrigation district. Such term includes: (a) Any collection, treatment, storage, and distribution facilities under control of the supplier of such system and used primarily in connection with such system. (b) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

~~(449)~~ "Waterborne Disease Outbreak" – means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the appropriate local or State agency.

### **55.3 WATER QUALITY IMPROVEMENT FUND CRITERIA**

#### **(1) Entity Eligibility**

Entities eligible for grants in Categories 1 thru 4 include: 1) governmental agencies; 2) publicly owned water systems; 3) private not- for- profit public water systems; 4) not- for- profit watershed groups; 5) not- for- profit stormwater program administrator in accordance with 25-8-802 C.R.S.; 6) not- for- profit training provider; and 7) private landowners impacted by a water quality violation.

~~Entities eligible for grants in Category 5 include public schools that are not subject to the federal lead and copper rule, 40 CFR part 141, subpart I, and public schools that have not tested or are not in the process of testing their drinking water for lead.~~

Entities who pay a Colorado Water Quality Control Act civil penalty are prohibited from receiving a grant from this fund for a period of 5 years from the date of the payment of the penalty.

#### **(2) Project Eligibility**

As provided for under section 25-8-608 (1.7) (a), C.R.S., the fund will provide grants to the following project categories:

Category 1 – Stormwater management training and best management practices training to reduce the pollution of state waters.

Category 2 - Projects that improve the water quality in the community or water body which has been impacted by a water quality violation that resulted in a penalty being imposed.

Category 3 – Planning, design, construction, or repair of stormwater projects and domestic wastewater treatment facilities identified on the current fiscal year's Water Pollution Control Revolving Fund Intended Use Plan.

Category 4 - Nonfederal match funding for the current fiscal year's nonpoint source projects as approved by the commission.

~~Category 5 – Voluntary lead testing in public schools to detect the presence and concentration of lead in drinking water.~~

(3) Funding Allocation

All civil penalties collected by the division shall be transmitted to the state treasurer for deposit to the credit of the fund created by section 25-8-502, C.R.S., for violations committed on or after May 26, 2006 and shall be subject to annual appropriations by the Colorado General Assembly. The division will post on its web page a list of violators that have paid into the Water Quality Improvement Fund. The following allocations from the fund will be made:

Category 1 – ~~for State Fiscal Year 2012-2013 the~~ The division will allocate up to ~~\$300,000~~ ~~150,000~~ of available funds with no one project initially receiving more than ~~\$100,000~~ ~~50,000~~. If the entire ~~\$300,000~~ ~~150,000~~ has not been fully utilized, the division will allocate the remaining Category 1 funds within the year per its prioritization procedures to eligible Category 1 project(s) which may result in certain projects ultimately receiving more than ~~\$300,000~~ ~~50,000~~.

~~For subsequent years thereafter, up to \$100,000 of available funds will be allocated.~~

Category 2 – 10% of available funds following allocations to Category 1 projects.

Category 3 – 60% of available funds following allocations to Category 1 projects; no one project can receive more than 25% of the available funds allocated to this category.

Category 4 – 30% of available funds following allocations to Category 1 projects.

~~Category 5 – After Categories 1 thru 4 are fully funded, up to \$300,000 for State Fiscal Year 2017-2018, up to \$300,000 for State Fiscal Year 2018-2019, and up to \$300,000 for State Fiscal Year 2019-2020. This Category is subject to fund availability. Public schools can apply for reimbursement up to 100 samples per school or to a maximum amount of \$5,000 per school.~~

For Categories 1 thru 4, any funds not utilized in one category will be redistributed among the remaining categories based on their relative percentage of funding.

The division will retain five percent (5%) of the moneys allocated annually to the fund to cover the cost of administering Categories 1 thru 4.

Funds may be carried over from previous years' appropriations and reallocated based upon the above distribution on an annual basis. ~~For Category 5 the division will retain funds to cover the cost of 1.3 full time equivalent for the administration of the category.~~

(4) Project Prioritization Criteria

If the fund lacks sufficient funds to cover all requests within each category, Priority 1 projects will be funded prior to Priority 2 projects, which will be funded prior to Priority 3 projects, which will be funded prior to Priority 4 projects. If it is determined that there are insufficient funds, further prioritization criteria will be applied as identified under each category in this section. The division may reallocate funding among categories based upon lack of requests or eligible projects within any category.

Criteria for funding project proposals within each category as described in Section 55.3 are as follows:

Category 1 – stormwater management training and best management practices training to reduce the pollution of state waters.

Priority 1 – Projects that implement stormwater management and best management practices training not previously available in Colorado, or previously limited in accessibility.

Priority 2 – Projects that will expand the content or availability of existing stormwater management and best management practices training.

Priority will be given to training providers that can demonstrate that training content will be relevant to implementation in Colorado with regards to Colorado's hydrology, climate and water rights, as applicable.

Priority will also be given to training providers that provide no- or low-cost training.

Additional prioritization criteria will include the expected water quality benefits, total population receiving training, availability of match, and readiness to proceed. Specific points available in each of these categories and tie breaking criteria will be included as an attachment to the request for application.

Category 2 - Projects that improve the water quality in the community or water body which has been impacted by a water quality violation.

Priority 1 – Projects that address impacts to a water supply designated use.

Priority 2 – Projects that address impacts to a recreation designated use.

Priority 3 – Projects that address impacts to an aquatic life designated use.

Priority 4 – Projects that address impacts to an agricultural or wetlands designated use.

Additional prioritization criteria will include financial/affordability, water quality benefits, permit compliance, readiness to proceed, and availability of match. Specific points available in each of these categories and tie breaking criteria will be included as an attachment to the request for application.

Category 3 - Planning, design, construction, or repair of stormwater projects and domestic wastewater treatment facilities identified on the current fiscal year's Water Pollution Control Revolving Fund Intended Use Plan.

Priority 1 – Projects that improve water quality in the community or water body impacted by a violation.

Priority 2 – Planning, design, construction, or repair of stormwater projects.

Priority 3 – Projects identified on the current ~~year's~~ Water Pollution Control Revolving Fund Intended Use Plan.

Additional prioritization criteria will include financial/affordability, water quality benefits, permit compliance, readiness to proceed, and availability of match. Specific points available in each of these categories and tie breaking criteria will be included as an attachment to the request for application.

Category 4 - Nonfederal match funding for nonpoint source projects.

Priority 1 – Projects that reduce or eliminate water quality impairments identified in Regulation #93 (5 CCR 1002-93), Colorado's Section 303(d) List.

Priority 2 – Projects that protect any established designated water quality use.

~~Category 5—Public school lead testing projects.~~

~~Priority 1—Testing conducted in the oldest public elementary schools.~~

~~Priority 2—Testing conducted in the oldest public schools that are not elementary schools.~~

~~Priority 3—Testing conducted in all other public schools.~~

~~Prioritization criteria will include the age of the original constructed building. Tie breaking criteria will include financial/affordability, school district median household income, and readiness to proceed. Specific points available in each of these categories will be included as an attachment to the request for application.~~

~~The financial/affordability criterion relates to the percentage of students eligible for the Free and Reduced Lunch Program. Points were developed relative to the percentage of students eligible for the Free and Reduced Lunch Program based on the state average for free and reduced lunch eligibility, giving priority to schools who are equal to or higher than the current average. Data collected by Colorado Department of Education will be used to determine the percentage of students within each school who are eligible for free and reduced lunch. Schools will be ranked from highest to lowest with the highest percentage of student eligibility for the Free and Reduced Lunch Program receiving the most points.~~

~~The school district median household income (MHI) will be based on the American Community Survey data published by the United States Census Bureau. Schools will be ranked from lowest district MHI to the highest district MHI with the lowest taking priority. Since actual district MHI data is being used in the ranking, no points will be assigned in this category, rather, the school with the lowest district MHI will rank higher.~~

~~The readiness to proceed criterion will be based upon the time in which the school can start its lead testing. Schools that can start the lead testing within 4 weeks of the date of the award letter will receive higher priority.~~

#### (5) Notification and Reporting

Applications for all of the Categories will be noticed and accepted by the division after the division determines availability of appropriation. For Categories 1 thru 3, applicants will be responsible for demonstrating the impacts of the violation on the affected water body or community, and the related water quality improvement project benefits. The division will accept applications for Category 4 projects in accordance with the annual nonpoint source project schedule. ~~Category 5 projects may be notified and accepted at different times than Categories 1 thru 4.~~

The division will evaluate all applications and determine the grant award(s) for each category based on the criteria in the Entity Eligibility Section, Project Eligibility Section, Funding Allocation Section and Project Prioritization Section.



Grant recipients for Categories 1 thru 4 will provide a final project report within 60 days of completion of the project. Final project reports shall include a detailed description of the project as implemented, all problems encountered and the solutions thereto, itemized project costs, a declaration that the project has been fully implemented as approved, and a description of the environmental and public health benefits resulting from implementation of the project. Information on the grant recipients, including project description and grant award, will be reported in the division's Annual Report to the commission, in accordance with section 25-8-305, C.R.S.

~~Grant recipients for Category 5 shall follow the division's lead testing protocol and shall provide the test samples to the Department of Public Health and Environment's laboratory or a laboratory certified by the department. The public school shall provide the test results to its local public health agency, its public water system, its school board, and the division.~~

#### **55.4 — NUTRIENTS MANAGEMENT GRANT FUND CRITERIA**

##### ~~(1) — Entity Eligibility~~

~~Eligibility is for facilities subject to section 85.5(1)(a)(iii), not including those facilities that are eligible for an exception under 85.5(3)(b). Domestic Wastewater Treatment Works with capacity greater than two million gallons per day that are owned or operated by a local government and discharge to a high-priority watershed as designated by the division are eligible to apply for a Nutrients Management Grant under this section.~~

##### ~~(2) — Project Eligibility~~

~~Projects for planning, design, construction, and/or improvement of domestic wastewater treatment works to comply with the effluent limitations in section 85.5(1)(a)(iii) are eligible for grants.~~

##### ~~(3) — Project Prioritization~~

~~The division shall rank each project based on the priority score of each project. Projects will be funded in priority order from highest to lowest. The division shall consider the following categories to determine the priority score of each Nutrient Management Grant project proposal:~~

~~(a) — The division shall evaluate the financial and affordability needs of the proposed project. Financial need shall be determined using a points system that ranks projects based on the median household income of the service area, estimated existing monthly sewer user charges as a percentage of median household income, and the amount of total sewer debt per connection. For eligible facilities that have more than one ownership entity, the division will use an average for the combined service area for each of the applicable scoring elements. In the case of Special Districts, the division will use census block data, if available, to determine the median household income for the area in which the District is located. If census block data is not available, the division will defer to the median household income for the County in which the District is located.~~

~~A local match component of twenty percent (20%) of the total grant award will be applied to planning grants only. Local commitment to the proposed planning project shall be determined using a points system that ranks projects based on the percentage of match in the form of liquid capital, or funding from other sources that an applicant has committed to the project based on the estimated total project costs.~~

~~Points shall be assigned based on the following criteria:~~

~~i) — Median Household Income (MHI) of service area~~



<75% of State MHI	20 points
Between 75% and 85% of State MHI	15 points
Between 86% and 95% of State MHI	10 points
Between 96% and 100% of State MHI	5 points
>100% of State MHI	0 points

ii) ~~User Fees (existing sewer fees/area MHI)~~

Rates are > 2.0% of the service area's MHI	20 points
Rates are >1.5% and ≤2.0% of the service area's MHI	15 points
Rates are >1.0% and ≤1.5% of the service area's MHI	10 points
Rates are ≤1.0% of the service area's MHI	5 points

iii) ~~Total Sewer Debt per Connection (existing debt/number of connections)~~

> \$1,500 per connection	20 points
Between \$1,000 – \$1,500 per connection	15 points
Between \$500 – \$999 per connection	10 points
< \$500 per connection	5 points

iv) ~~Percent of Local Match Contribution (for Planning Grants only)~~

> 50%	20 points
Between 35% and 50%	15 points
Between 20% and 34%	10 points
< 20%	0 points

(b) ~~The division shall evaluate the degree to which the project improves or protects surface water quality by assessing the characteristics of the stream receiving effluent discharge. This includes determining whether the receiving stream has been classified as a cold water stream, a warm water stream, and the dilution rate of the receiving stream.~~

Points for the receiving stream characteristics shall be assigned based on the following criteria:

i) ~~Receiving Stream Characteristics~~

Cold water stream	15 points
Warm water stream	10 points

ii) ~~Dilution Rates~~

Dilution rates <2:1 are considered "low"	15 points
Dilution rates <10:1 but ≥ 2:1 are considered "intermediate"	10 points
Dilution rates <50:1 but ≥10:1 are considered "high"	5 points
Dilution rates ≥ 50:1 are considered "very high"	0 points

(c) ~~The division shall also consider whether an entity has elected to incorporate a watershed approach to nutrient management that addresses the protection of surface and/or groundwater resources through either the planning and/or development of non-point source or agricultural best management practices both upstream and downstream from the facility; or the entity has elected to participate in or~~

~~facilitate Community Action Partnerships, project sponsorship, or conduit financing mechanisms to enable other community stakeholders who will undertake nutrient, non-point source, or agricultural monitoring efforts both upstream and downstream of the facility. Applicants that incorporate such efforts, in addition to their treatment facility upgrade and adaptations, shall be awarded 10 points.~~

~~(d) — The division shall evaluate the impacts of operational cost for design/construction projects and for planning projects with separate criteria.~~

~~The operational costs for design/construction projects will evaluate nutrient treatment upgrades and adaptations to existing Domestic Wastewater Treatment facilities based on cost per million gallons treated. Operational cost estimates are based on broad technology types available for nutrient removal and benchmarks are based on national cost averages published in the U.S. EPA (2008) Municipal Nutrient Removal Technologies Reference Document Volume I; Chapter 4, Cost Factors, which is incorporated herein by reference. This incorporation does not apply to later amendments or editions of the document, and is available via internet: <http://water.epa.gov/scitech/wastetech/upload/mnrt-volume1.pdf>, or from the Water Quality Control Commission Office, 4300 Cherry Creek Drive South, Denver, CO 80246, 303-692-3463.~~

~~Points for design/construction projects shall be assigned based on the following criteria:~~

~~i) — Estimated Operational Cost per million gallons treated~~

<del>&lt;\$75 per million gallons treated</del>	<del>5 points</del>
<del>Between \$75 — \$200 per million gallons treated</del>	<del>10 points</del>
<del>Between \$199 and \$500 per million gallons treated</del>	<del>15 points</del>
<del>&gt;\$500 per million gallons treated</del>	<del>20 points</del>

~~ii) — The division shall evaluate the costs associated with planning projects that incorporate one or more of the following nutrient management planning methodologies. For each of the following methodologies that are included, five points will be awarded.~~

<del>Water Quality Monitoring Plan Development</del>	<del>5 points</del>
<del>Operational Optimization Study</del>	<del>5 points</del>
<del>Operations Pilot Testing of Nutrient Removal Technology</del>	<del>5 points</del>
<del>Carbon Planning for Biological Nutrient Removal Technology</del>	<del>5 points</del>

~~(e) — The division shall determine the level of environmental impacts as a result of nutrient loading based on the number of Single Family Equivalent units located within the service area. Points shall be assigned based on the following criteria:~~

~~i) — Environmental impact based on number of Single Family Equivalents in Service Area~~

<del>&lt;10,000</del>	<del>5 points</del>
<del>Between 10,000 and 30,000</del>	<del>10 points</del>
<del>Between 30,001 and 50,000</del>	<del>15 points</del>
<del>Over 50,000</del>	<del>20 points</del>

~~(f) — The division shall evaluate whether the applicant has a Utility Management Plan in place that includes one or more of the criteria referenced below. For each of the following criteria that are met, 5 points shall be assigned:~~

~~i) — Secures a replacement fund for the rehabilitation and replacement of infrastructure as needed.~~

~~ii) — Includes provisions addressing the proper training, licensing, and certification of operators required to adequately operate and maintain the selected wastewater treatment technology.~~

~~iii) — Includes provisions ensuring that the facility has adequate in-house staffing, long-term management contracts, or partnerships with third-party providers to properly operate and maintain the facility.~~

~~iv) — Provides sufficient revenue to meet operations and maintenance capital needs (operating revenue divided by the operating expense).~~

~~v) — Includes mechanisms to protect infrastructure investments to ensure longevity and ongoing functionality of non-point source best management practices.~~

~~(g) — The division shall determine whether the project is ready to proceed with funding based on the following indicators specific to design/construction projects. For each of the following criteria that are met, 5 points shall be assigned:~~

~~i) — Site Application has been submitted.~~

~~ii) — Process Design Report has been submitted.~~

~~iii) — Technical plans and specifications have been submitted.~~

~~(h) — The division shall determine whether the project is ready to proceed with funding based on the following indicators specific to planning projects. For each of the following criteria that are met, 5 points shall be assigned:~~

~~i) — Applicant has the required twenty percent (20%) local match secured and held in cash reserve.~~

~~ii) — Engineer/Consultant(s) has been selected.~~

~~iii) — Agreements with selected Engineer/Consultant(s) are in place.~~

~~(i) — In the event that two or more projects have the same priority score and rank, the division shall give priority to the project that is most ready to proceed with moving forward with financial assistance based on the readiness to proceed indicators specified in subsection 3(g) and (3)(h) above. If projects remain tied, priority will be given to the applicant that demonstrates the highest financial need pursuant to subsection 3(a).~~

#### ~~(4) — Funding Allocation and Awarding Process~~

~~The Colorado General Assembly created a Nutrients Management Grant Fund to assist eligible applicants with the costs associated with implementation of the Nutrients Management Control Regulation No.85. Funding is contingent upon final appropriation by the Colorado General Assembly. Pending appropriation, the division will develop a request for application to solicit projects for funding. If there are more requests than available funds, the division will prioritize projects based on the above criteria and will notify all applicants of their funding status after the establishment of a fundable list. The fundable list will be posted on the division website to identify the recipients of funds and the amount of each award.~~

~~Projects will be funded in priority order, highest to lowest, until all funds have been allocated. The division will determine the amount of funding to be made available for design/construction projects and the amount to be made available for planning projects. The division will have the authority to transfer funds between design/construction projects and planning projects as needed to sufficiently meet the demand indicated by the number of Nutrient Management Grant applications that are received. In the event that funds remain unallocated subsequent to a transfer of funds between project types, the division has the authority to increase the amount of grant awards in priority order, highest to lowest, until all of the funds have been allocated.~~

## **55.5 NATURAL DISASTER GRANT FUND CRITERIA**

### **(1) Entity Eligibility**

(a) Local governments defined as governmental agencies in section 55.2 that own and operate domestic wastewater treatment works and public drinking water systems in a designated disaster emergency county by an executive order or proclamation under section 24-33.5-704, C.R.S.

(b) Local governments accepting grants on behalf of and in coordination with not-for-profit public drinking water systems.

(c) Local governments assisting with the repair and restoration of on-site wastewater treatment systems as defined in section 25-10-103(12), C.R.S.

~~(d) If funds are transferred to the Nutrients Management Grant Fund pursuant to section 55.5(3)(d), eligible entities will be determined per section 55.4 of this regulation.~~

### **(2) Project Eligibility**

(a) Domestic wastewater treatment works, public drinking water systems and on-site wastewater treatment systems that have been impacted, damaged or destroyed in connection with the September 2013 flood, or future declared disaster emergencies.

(b) Projects for the planning, design, construction, improvement, renovation or reconstruction of domestic wastewater treatment works or public drinking water systems that have been impacted, damaged or destroyed in connection with the September 2013 flood.

(c) Grant moneys under this section may be used as matching funds required to secure any other state and federal funding for the planning, design, construction, improvement, renovation or reconstruction of drinking water and wastewater infrastructure.

### **(3) Award Process and Funding Allocation**

(a) Appropriations are subject to approval by the Colorado General Assembly, and funding is contingent upon such final appropriation. Pending appropriation, the division will administer the funds per the Natural Disaster Grant Fund rules identified in this section and prioritize projects based upon the criteria in section 55.5(4) below. The division will notify all applicants of their funding status after the establishment of a fundable list. The fundable list will be posted on the division website to identify the recipients of funds and the amount of each award.

(b) A portion of the Natural Disaster Grant Fund will be set-aside to assist local governments with grants for on-site wastewater treatment systems that have been impacted as a result of the September 2013 flood. To sufficiently meet the demand indicated by the number of applications received and project type, the division has the authority to transfer funds between the set-aside for on-site wastewater treatment systems and the Natural Disaster Grant Fund. If a transfer occurs and project prioritization is required, the division will prioritize per section 55.5(4).

(c) In the event that funds remain unallocated subsequent to a transfer of funds between the Natural Disaster Grant Fund and the on-site wastewater set-aside, the division has the authority to increase the amount of grant awards in priority order, highest to lowest, until all of the funds have been allocated or the application demand has been met.

~~(d) On September 1, 2015, any unencumbered moneys remaining in the Natural Disaster Grant Fund will be transferred to the Nutrients Management Grant Fund, at which time the division will solicit a separate request for application per section 55.4, the Nutrients Management Grant Fund.~~

(4) Project Prioritization

(a) If the demand for funding in the Natural Disaster Grant Fund exceeds the available funds, the division shall rank each project based on population criteria, financial affordability factors, regionalization, utilization of multiple funding sources, readiness to proceed and impacts as a result of the September 2013 flood. The division will give priority to the applicants that have the lowest financial ability to pay. Specific point ranking criteria and associated points under each of the above factors will be included in the request for application. Projects will be funded in priority order from highest to lowest until all funds have been allocated.

(b) Local governments receiving funds from the set-aside portion for the rehabilitation for on-site wastewater treatment systems impacted by the September 2013 flood will receive an equitable percentage of the funds requested. For example, if \$1 million is allocated to the set-aside portion and \$2 million is requested, each valid applicant will receive 50% of its application request.

**55.6 SMALL COMMUNITIES WATER AND WASTEWATER GRANT FUND CRITERIA**

(1) Entity Eligibility

(a) Suppliers of water that serve a population of not more than five thousand people.

The department, in the name of the state and to the extent that state funds are appropriated therefor, may enter into contracts with both governmental agencies, ~~including counties~~, and not-for-profit public water systems, as defined in section 25-1.5-201(1), or with counties representing unincorporated areas that ~~which~~ serve a population of not more than five thousand people, to grant moneys for the planning, design, and construction of public water systems. ~~that serve populations of not more than five thousand people~~ health.

(b) Domestic waste water treatment works that serve a population of not more than five thousand people.

The department, in the name of the state and to the extent that state funds are appropriated therefor, may enter into contracts with governmental agencies, ~~including or~~ counties representing unincorporated areas that serve a population of not more than five thousand people, for domestic wastewater treatment works, as defined in section 25-8-103(5), ~~which serve a population of not more than five thousand people which serve a population of not more than five thousand people~~, to grant moneys for eligible projects as defined in section 25-8-701(2).

(c) During the grant application process, the department shall seek from the division of local government in the department of local affairs a fiscal analysis of the applying entity to determine financial need. Based upon its fiscal analysis, the division of local government shall issue or deny a certificate of

financial need. If a certificate of financial need is issued, the department may authorize a state grant to the project in accordance with the project prioritization adopted by the department.

(2) Project Eligibility

(a) Projects for the planning, design, and construction of public water systems or domestic wastewater treatment works that serve a population of not more than five thousand people and which are necessary for the protection of public health and water quality.

(3) Award Process and Funding Allocation

(a) The division will administer the funds per the Small Communities Water and Wastewater Grant Fund rules identified in this section. The available funds will be allocated approximately 50/50 between water and wastewater projects. The division will adjust the 50/50 allocation if necessary depending upon the quantity and composition of the application requests. No more than 10% of the total available funds will be distributed to any single water and/or wastewater eligible project. The division will notify all applicants of their funding status after the establishment of a fundable list.

The fundable list will be posted on the division website to identify the recipients of funds and the amount of each award.

(4) Project Prioritization

(a) Drinking Water

i) If the demand for funding in the Small Communities Water and Wastewater Grant Fund exceeds the available funds, the division shall rank each project based on financial/affordability, drinking water quality and public health, Colorado Primary Drinking Water Regulation compliance, and readiness to proceed. The division will give priority to the applicants that have the lowest financial ability to pay based upon project ranking criteria. Specific point ranking criteria and associated points under each of the above factors will be included in the request for application. Projects will be funded in priority order from highest to lowest until all funds have been allocated.

ii) Additional points will be awarded if the need for the project is a result of a natural disaster in a county where the Governor has declared a disaster emergency by Executive Order or proclamation under section 24-33.5-704, C.R.S.

(b) Wastewater

i) If the demand for funding in the Small Communities Water and Wastewater Grant Fund exceeds the available funds, the division shall rank each project based on financial/affordability, water quality improvement, permit compliance, and readiness to proceed. The division will give priority to the applicants that have the lowest financial ability to pay based upon project ranking criteria. Specific point ranking criteria and associated points under each of the above factors will be included in the request for application. Projects will be funded in priority order from highest to lowest until all funds have been allocated.

ii) Additional points will be awarded if the need for the project is a result of a natural disaster in a county where the Governor has declared a disaster emergency by Executive Order or proclamation under section 24-33.5-704, C.R.S.

**55.7-10 RESERVED**

55.33 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY, AND PURPOSE REGARDING STATE FUNDED WATER AND WASTEWATER INFRASTRUCTURE PROGRAMS, DECEMBER 12, 2022 RULEMAKING, EFFECTIVE JANUARY 31, 2023

The provisions of Sections 25-8-202, 25-8-308, and 25-8-608, C.R.S. provide the specific statutory authority for adoption and implementation of the attached regulations. The Commission, in compliance with section 24-4-103(4), C.R.S., has adopted the following statement of basis and purpose.

BASIS AND PURPOSE

The following changes were made to the regulation to reflect the sunseting of funding authorizations for specific grant funds that were previously authorized by the state legislature, and increased spending levels authorized for Category 1 funds adopted during the 2022 legislative session through the appropriations process. Additional changes were made to improve clarity and organization of the regulation.

Water Quality Improvement Fund

- Stormwater Management Training, Section 55.1(1); Section 55.3(3)  
Clarified that the purpose of the fund also includes stormwater management training and best practices. During the 2022 legislative session, the General Assembly increased the spending authority for the Water Quality Improvement Fund by \$300,000 to continue to support Category 1 projects (stormwater management training and best management practices training to reduce the pollution of state waters). Accordingly, the commission took action to revise section 55.3(3) to remove the \$100,000 allocation for Category 1 projects and replaced it with a \$300,000 allocation.

- Public School Lead Testing, Section 55.1(1); Section 55.2(2) and (9); Section 55.3  
The public school lead testing grant and all associated references to category 5 have been removed from these sections in the regulation since the grant was repealed effective September 1, 2021.

Nutrient Management Grant Fund

- Section 55.1(2); Section 55.4; Section 55.5(3)(d)  
These sections were edited to remove all associated references to the nutrient management grant fund from the regulation since the fund was repealed effective September 1, 2016.

Small Communities Water and Wastewater Grant Fund

- Section 55.6(1)  
Entity Eligibility was revised to align with the eligibility requirements included in C.R.S. 25-1.5-208, including the addition of the division of local government requiring a certificate of financial need.

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**Editor's Notes**

**History**

Entire rule eff. 07/30/2007.

Entire rule eff. 03/30/2012.

Entire rule eff. 07/30/2012.

Sections 55.8, 55.14 eff. 06/30/2013.

Sections 55.9, 55.15 eff. 06/30/2014.

Entire rule eff. 09/30/2014.

Sections 55.1-55.3, 55.32 eff. 12/31/2017.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00592

**Department**

1000 - Department of Public Health and Environment

**Agency**

1002 - Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-85

**Rule title**

REGULATION NO. 85 - NUTRIENTS MANAGEMENT CONTROL REGULATION

## Rulemaking Hearing

**Date**

04/10/2023

**Time**

09:00 AM

**Location**

4300 Cherry Creek Drive South, Denver, CO 80246 or <https://us02web.zoom.us/j/84458445844>

**Subjects and issues involved**

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for: o Arkansas River Basin, Regulation #32 (5 CCR 1002-32); o Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); o San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); o Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); o Rio Grande Basin, Regulation #36 (5 CCR 1002-36); o Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and o

**Statutory authority**

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

## Contact information

**Name**

Blake Beyea

**Title**

Standards Unit Manager

**Telephone**

303-692-3656

**Email**

[blake.beyea@state.co.us](mailto:blake.beyea@state.co.us)





## COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

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

#### SUBJECT:

For consideration of adoption of revisions to the Nutrients Management Control Regulation, Regulation #85 (5 CCR 1002-85) and revisions pertaining to lakes nutrient criteria in The Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31) along with revisions to the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33);
- San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

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

#### SCHEDULE OF IMPORTANT DATES

Proponent's prehearing statement due	8/3/2022 5:00 pm	Additional information below.
Party Status requests due	8/17/2022 5:00 pm	Additional information below.
Proponent's supplemental prehearing statement due	10/5/2022 5:00 pm	
Responsive prehearing statements due	12/21/2022 5:00 pm	Additional information below.
Rebuttal statements due	2/15/2023 5:00 pm	Additional information below.
Last date for submittal of motions	2/22/2023 by noon	Additional information below.





## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

Complete Outstanding Issues Index Form	3/1/2023	Additional information below.
<b>Prehearing Conference</b> (mandatory for parties)	3/7/2023 2:00 pm	<a href="#">Remote Via Zoom</a> Additional Information below.
Negotiations cutoff	3/16/2023	N/A
Consolidated Proposal	3/30/2023	N/A
<b>Rulemaking Hearing</b>	4/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246  Or <a href="#">Remote Via Zoom</a>

#### HEARING SUBMITTALS:

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

#### PARTY STATUS:

Party status requests must be in writing and must provide:

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

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

#### PREHEARING AND REBUTTAL STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

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

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

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

#### PREHEARING CONFERENCE:

**Attendance at the prehearing conference is mandatory for all persons requesting party status.** Following the deadline to request party status, a Zoom link to attend the prehearing conference will be provided to all those who request party status.

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

#### PUBLIC PARTICIPATION ENCOURAGED:

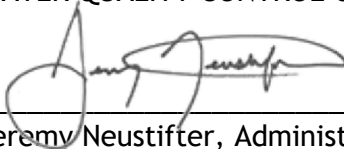
The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) by March 29, 2023.

#### SPECIFIC STATUTORY AUTHORITY:

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

Dated this 26<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



Jeremy Neustifter, Administrator

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Water Quality Control Commission

## REGULATION NO. 85 - NUTRIENTS MANAGEMENT CONTROL REGULATION

### 5 CCR 1002-85

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

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#### 85.1 AUTHORITY

The Water Quality Control Commission is authorized by section 25-8-205, C.R.S., to promulgate control regulations to describe prohibitions, standards, concentrations, and effluent limitations on the extent of specifically identified pollutants that any person may discharge into any specific class of state waters.

Materials incorporated by reference are available for public inspection during normal business hours, or copies (including certified copies) may be obtained at a reasonable cost, from the Administrator, Water Quality Control Commission, 4300 Cherry Creek Drive South, Denver, Colorado 80246. Federal materials incorporated by reference are available online for free at: <https://www.govinfo.gov/app/collection/cfr>.

-Unless expressly stated otherwise, materials incorporated by reference are those editions in existence as of the most recent date this regulation is ~~promulgated or~~ revised by the Water Quality Control Commission and references do not include later amendments to or editions of the incorporated material. ~~All material incorporated by reference may be examined at any state publications depository library.~~

#### 85.2 APPLICABILITY

This regulation applies to point sources and nonpoint sources of nutrients to surface water as identified in this regulation.

#### 85.3 SEVERABILITY

The provisions of this regulation are severable, and if any provisions or the application of the provisions to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this regulation shall not be affected thereby.

#### 85.4 DEFINITIONS

See the Colorado Water Quality Control Act, sections 25-8-101 et seq., C.R.S., and the Water Quality Control Commission codified regulations, - 5 CCR 1002, for additional definitions.

(1) "BEST MANAGEMENT PRACTICE (BMP)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state waters." BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) "DISADVANTAGED COMMUNITY" means a community that meets the criteria for disadvantaged community as defined in section 85.7.

- (3) "EXISTING TREATMENT FACILITY" means any existing domestic wastewater treatment facility that commenced discharge or received PELs or site approval prior to May 31, 2012 for groundwater discharge, surface water discharge, or a non-discharging facility; or that applied for a Notice of Authorization for the application of reclaimed water prior to May 31, 2012. Existing treatment facilities also include non-domestic wastewater treatment facilities that commenced discharge to state waters prior to May 31, 2013.
- (4) "LOCAL GOVERNMENT" means a city, town, county, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the federal Clean Water Act.
- (5) "MS4" means a municipal separate storm sewer system.
- (6) "MUNICIPAL SCREENER" means the average total annualized cost per household of pollution control including the cost of meeting the effluent limitations at 85.5 and other costs of complying with Regulation 85, divided by the median annual household income, on a percentage basis [i.e. (average total annual pollution control cost per household / median household income)\*100].
- (7) "NEW TREATMENT FACILITY" means any domestic wastewater treatment facility on a new site that is not an "existing treatment facility" and commences discharge to surface water, or receives PELs, after May 31, 2012, or any non-domestic wastewater treatment facility on a new site that is not an "existing treatment facility" and commences discharge to surface water or receives PELs after May 31, 2013.
- (8) "NONPOINT SOURCE" means any activity or facility other than a point source from which pollutants are or may be discharged. For the purposes of this regulation, nonpoint source includes all runoff that is not subject to the requirements provided under Regulation #61, section 61.3(2)(e), (f), or (g), including those designated by the division under section 61.3(2)(f)(iii), whether sheet flows or collected and conveyed through channels, conduits, pipes or other discrete conveyances.
- (9) "SITE" means as defined in Regulation #61, 5 CCR 1002-61.
- (10) "STORMWATER" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

## **85.5 SPECIFIC LIMITATIONS FOR DISCHARGERS OF NUTRIENTS**

The effluent limitations and stormwater management practices in this section shall be implemented in the Colorado Discharge Permit System (CDPS) and National Pollutant Discharge Elimination System (NPDES) permits authorizing the discharge to surface water beginning no sooner than July 1, 2013. Monitoring requirements are included in Section 85.6. All facilities should refer to section 85.6 regardless of the determination of applicable permit limits.

- (1) Numeric Limitations for Domestic Wastewater Treatment Works (DWWTW)
- (a) Existing Treatment Facilities:
- (i) Exclusions

The numeric limits in subsections (iii)(a) and (b) below will not be included in CDPS and NPDES permits and will only be included in preliminary effluent limitations for Site Location and Design Approvals upon request and with a delayed effective date for the following categories of dischargers:

- (A) Any DWWTW with a design capacity of less than or equal to 1.0 million gallons per day.
- (B) Any DWWTW owned by a disadvantaged community.
- (ii) Delayed Implementation of Effluent Limits

The numeric limits in subsections (iii)(a) and (b) below or division approved alternative or modified effluent limits consistent with 85.5(3)(b)(iv) or 85.5(3)(d) will be included in preliminary effluent limitations with a delayed effective date for Site Location and Design Approvals and will not be included in effluent limitations in CDPS permits prior to December 31, 2027 for the following categories of dischargers:

- (A) Any currently permitted DWWTW subject to Watershed Protection Control Regulations 71-74 (5 CCR 1002-71, 5 CCR 1002-72, 5 CCR 1002-73, and 5 CCR 1002-74).
- (B) Any existing permitted DWWTW with a design capacity of less than or equal to 2.0 million gallons per day.
- (C) Any existing permitted facility discharging into low priority 8-digit hydrologic units code watersheds [Purgatoire - 11020010, Upper Arkansas-John Martin Reservoir - 11020009, Upper San Juan - 14080101, Upper Arkansas-Lake Meredith - 11020005, Upper White - 14050005, San Luis - 13010003, Chico - 11020004, Kiowa - 10190010, Middle South Platte-Sterling - 10190012, San Miguel - 14030003, Alamosa-Trinchera -13010002, McElmo - 14080202, Lower Gunnison - 14020005, Arkansas Headwaters - 11020001, Upper Yampa - 14050001, Upper Gunnison - 14020002, and Uncompahgre - 14020006].
- (iii) All Others

For all Domestic Wastewater Treatment Works not identified in subsections (a)(i) or (ii) above and discharging prior to May 31, 2012 or for which a complete request for preliminary effluent limits has been submitted to the division prior to May 31, 2012, the following numeric limits shall apply:

PARAMETER	PARAMETER LIMITATIONS	PARAMETER LIMITATIONS
.	Annual Median <sup>1</sup>	95th Percentile <sup>2</sup>
(a) Total Phosphorus	1.0 mg/L	2.5 mg/L
(b) Total Inorganic Nitrogen as N <sup>3</sup>	15 mg/L	20 mg/L

1 Rolling Annual Median: The median of all samples taken in the most recent 12 calendar months.

2 The 95th percentile of all samples taken in the most recent 12 calendar months.

3 Determined as the sum of nitrate as N, nitrite as N, and ammonia as N.

(b) New Treatment Facility:

PARAMETER	PARAMETER LIMITATIONS	PARAMETER LIMITATIONS
.	Annual Median <sup>1</sup>	95th Percentile <sup>2</sup>
(a) Total Phosphorus	0.7 mg/L	1.75 mg/L

(b) Total Inorganic Nitrogen as N <sup>3</sup>	7 mg/L	14 mg/L
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- 1 Rolling Annual Median: The median of all samples taken in the most recent 12 calendar months.
- 2 The 95th percentile of all samples taken in the most recent 12 calendar months.
- 3 Determined as the sum of nitrate as N, nitrite as N, and ammonia as N.

(1.5) Voluntary Incentive Program for Early Nutrient Reduction for Domestic and Non-Domestic Wastewater Treatment Works

(a) The commission has created a voluntary incentive program for facilities that voluntarily reduce phosphorus and/or nitrogen nutrient concentrations below concentrations allowed by Regulation #85 effluent limits.

(b) To participate in the voluntary incentive program, a permittee is required to submit a nutrient reduction plan and annual nutrient monitoring reports to the division.

(c) The voluntary incentive program is a performance based program. The program provides incentives for early reductions in nutrient concentrations below the concentrations allowed by the Regulation 85 effluent limits. The incentive that a permittee receives after 2027 is a discharge permit compliance schedule to provide additional time to meet nitrogen and/or phosphorus water quality-based effluent limits, limits derived from waste load allocations, or alternative effluent limits pursuant to Section 31.7(4) of Regulation #31. The additional time provided under the compliance schedule would be beyond that which would ~~be~~ otherwise be granted to a permittee not participating in the incentive program and would be based on additional effort made by the participating permittee to achieve early reduction of nutrients concentrations. The duration of the additional time in the discharge permit compliance schedule will be based on voluntary nutrient concentration reductions, as recorded in annual nutrient monitoring reports and submitted to the division. Participating facilities will begin accruing additional time for their discharge permit compliance schedules beginning on January 1, 2018 and ending on December 31, 2027.

(d) The division will include an extended permit compliance schedule in the first renewal permit after the commission adopts numeric nutrient values in Regulation #31 and Regulations #32 through #38 to any permittee who, through participation in the voluntary incentive program, demonstrates success in reducing phosphorus and/or nitrogen nutrient concentrations below the concentrations allowed by Regulation #85.

(e) Nothing in this subsection (1.5) precludes the division from exercising its authority under section 25-8-307, C.R.S. to address public health emergencies or Regulation #61, section 61.8(8)(a)(iv) to address a division determination that the permitted activity endangers human health or the classified uses of state waters and can only be regulated to acceptable levels by permit modifications or termination. The division may exercise such authority with respect to participants in the voluntary incentive program, as well as other sources of nutrients, as may be appropriate.

(2) Numeric Limitations for Non-Domestic Wastewater Treatment Works

(a) The following effluent limits apply to non-domestic existing treatment facilities:

(i) Delayed Implementation of Effluent Limits

The numeric limits in section 85.5(2) will not be included in effluent limitations in CDPS permits prior to December 31, 2027 for any existing permitted facility discharging into low priority 8-digit hydrologic units code watersheds [Purgatoire - 11020010, Upper Arkansas-John Martin Reservoir - 11020009, Upper San Juan - 14080101, Upper Arkansas-Lake Meredith - 11020005, Upper White - 14050005, San Luis - 13010003, Chico - 11020004, Kiowa - 10190010, Middle South Platte-Sterling - 10190012, San Miguel -

14030003, Alamosa-Trinchera - 13010002, McElmo - 14080202, Lower Gunnison - 14020005, Arkansas Headwaters - 11020001, Upper Yampa - 14050001, Upper Gunnison - 14020002, and Uncompahgre - 14020006] except for dischargers that are discharging effluent concentrations of TN or TP that are greater than 53 mg/L and 6 mg/L, respectively.

(ii) All Others

The following effluent limits apply to non-domestic existing treatment facilities not covered by the delay provided in section 85.5(2)(a)(i):

(A) Non-domestic dischargers with a Standard Industrial Classification code in the Major Group 20 (SIC 20).

PARAMETER	PARAMETER LIMITATIONS	PARAMETER LIMITATIONS
.	Annual Median <sup>1</sup>	95 <sup>th</sup> Percentile <sup>2</sup>
(a) Total Phosphorus	10 mg/L	25 mg/L
(b) Total Inorganic Nitrogen as N <sup>3</sup>	20 mg/L	27 mg/L

1 Rolling Annual Median: The median of all samples taken in the most recent 12 calendar months.

2 The 95th percentile of all samples taken in the most recent 12 calendar months.

3 Determined as the sum of nitrate as N, nitrite as N, and ammonia as N.

(B) Any other non-domestic dischargers for which the division has determined, based on credible information that the facility is expected, without treatment for nutrients, to discharge total inorganic nitrogen or total phosphorus concentrations to surface waters in excess of the following effluent limits.

PARAMETER	PARAMETER LIMITATIONS	PARAMETER LIMITATIONS
.	Annual Median <sup>1</sup>	95 <sup>th</sup> Percentile <sup>2</sup>
(a) Total Phosphorus	1.0 mg/L	2.5 mg/L
(b) Total Inorganic Nitrogen as N <sup>3</sup>	15 mg/L	20 mg/L

1 Rolling Annual Median: The median of all samples taken in the most recent 12 calendar months.

2 The 95th percentile of all samples taken in the most recent 12 calendar months.

3 Determined as the sum of nitrate as N, nitrite as N, and ammonia as N.

(b) The following effluent limits apply to non-domestic new treatment facilities:

(i) Non-domestic dischargers within SIC 20.

PARAMETER	PARAMETER LIMITATIONS	PARAMETER LIMITATIONS
.	Annual Median <sup>1</sup>	95 <sup>th</sup> Percentile <sup>2</sup>
(a) Total Phosphorus	5 mg/L	13 mg/L
(b) Total Inorganic Nitrogen as N <sup>3</sup>	10 mg/L	20 mg/L

1 Rolling Annual Median: The median of all samples taken in the most recent 12 calendar months.



- 2 The 95th percentile of all samples taken in the most recent 12 calendar months.
- 3 Determined as the sum of nitrate as N, nitrite as N, and ammonia as N.

(ii) Any other non-domestic dischargers for which the division has determined, based on credible information that the facility is expected, without treatment for nutrients, to discharge total inorganic nitrogen or total phosphorus concentrations to surface waters in excess of the following effluent limitations.

PARAMETER	PARAMETER LIMITATIONS	PARAMETER LIMITATIONS
.	Annual Median <sup>1</sup>	95 <sup>th</sup> Percentile <sup>2</sup>
(a) Total Phosphorus	0.7 mg/L	1.75 mg/L
(b) Total Inorganic Nitrogen as N <sup>3</sup>	7 mg/L	14 mg/L

- 1 Rolling Annual Median: The median of all samples taken in the most recent 12 calendar months.
- 2 The 95th percentile of all samples taken in the most recent 12 calendar months.
- 3 Determined as the sum of nitrate as N, nitrite as N, and ammonia as N.

**(3) Additional Provisions Applicable to Domestic and Non-Domestic Wastewater Treatment Works**

**(a) Compliance Schedules**

A permit shall not be issued which allows a violation of the provisions of this control regulation unless it contains a schedule of compliance requiring specific steps needed to modify or install treatment facilities, operations or other measures, and deadlines for completion of those steps. Factors that the division shall consider in developing the deadlines to be included in a compliance schedule, based on information that may be provided by the permittee or is otherwise known, shall include:

- (i) Availability of resources needed to modify or install treatment facilities, adjust operations or other measures, including any in-house resources, the availability of consultants and contractors in the area with the appropriate expertise, and the availability of financing for any identified facility construction or other capital project, including the Water Pollution Control Revolving Fund;
- (ii) Current conditions at the site, including existing treatment processes, the physical characteristics of the property, and the layout of the facility on the property;
- (iii) Sufficient time for operational startup, new plant optimization, and operator training;
- (iv) Factors identified by the permittee that might significantly affect the time necessary to complete one or more of the steps necessary to attain compliance;
- (v) Sufficient time for the permittee to execute and implement a trade pursuant to section 85.5(3)(d);
- (vi) Sufficient time in the event the permittee undertakes a pilot project to develop and/or test new treatment technology for reduction of total inorganic nitrogen or total phosphorus; and
- (vii) Other site specific factors affecting the cost and timing of construction activities.

**(b) Exceptions**

The numerical effluent limitations set forth in sections 85.5(1)(a)(iii), 85.5(1)(b), and 85.5(2) shall not apply under the following circumstances:

- (i) Where a discharger demonstrates to the satisfaction of the division that its discharge is unlikely to cause or contribute to ambient nutrient concentrations in its receiving waters that exceed the relevant numeric levels for total phosphorus and total nitrogen set forth in section 31.17 of Regulation #31;
  - (ii) Where noncontact cooling water discharges contain nutrients (phosphorus or nitrogen) and nutrients in the discharge originate from the receiving water as intake water or through use of chemicals shown to be necessary for proper operation of the cooling tower;
  - (iii) Where discharges consist solely of ground water that is pumped for the purpose of dewatering a construction site or for building sumps so long as no phosphorus or nitrogen is added to the ground water being discharged; or
  - (iv) If effluent concentrations higher than the applicable numerical limitations under this Control Regulation are adequate to achieve the total phosphorus and total nitrogen instream values set forth in section 31.17 of Regulation #31, then those alternative concentrations will apply as effluent limitations under Regulation #85 rather than the numerical limitations set forth in sections 85.5(1) and 85.5(2) hereof.
- (c) Variances
- (i) Variances from the numerical effluent limits set forth in sections 85.5(1)(a)(iii), 85.5(1)(b) and 85.5(2) of this control regulation may be granted by the division where it is demonstrated by the permittee to the division's satisfaction that the nutrient reduction benefits of meeting the section 85.5 effluent limitations do not bear a reasonable relationship to the economic, environmental, or energy impacts resulting from meeting those effluent limitations. Meeting the effluent limitations in section 85.5 shall be presumed not to bear a reasonable relationship to the associated economic, environmental, or energy impacts where:
    - (A) Greater than 50% of the median annual TN or TP incremental load within the 8-digit Hydrologic Unit Code (HUC) watershed results from permitted process wastewater point source discharges, if
      - for public sector entities, the Municipal Screener value is 2 or greater.
      - for private sector entities, the required increase in treatment will cause more than 10 percent change in the entity's level of profitability, or similar effect on liquidity, solvency, and leverage.
    - (B) 20-50% of the median annual TN or TP incremental load of the 8-digit HUC watershed results from permitted process wastewater point source discharges if:
      - for public sector entities, the Municipal Screener value is 1.5 or greater.
      - for private sector entities, the required increase in treatment will cause 5 to 10 percent change in the entity's level of profitability, or a similar effect on liquidity, solvency, and leverage.
    - (C) < 20% of the median annual TN or TP incremental load of the 8-digit HUC watershed results from permitted process wastewater point source discharges if:
      - for public sector entities, the Municipal Screener value is 1 or greater.
      - for private sector entities, the required increase in treatment will cause less than 5 percent change in the entity's profitability, or a similar effect on liquidity, solvency, and leverage.
  - (ii) A request for a variance shall be accompanied by proposed alternate effluent limits that represent the highest degree of nutrient removal that is consistent with the reasonable relationship test.

(iii) Variances shall be granted, denied, or revised as appropriate at the time of permit issuance or renewal.

(d) Nutrient Trading

(i) Point Source to Point Source Nutrient Trading. The numerical effluent limitations set forth in sections 85.5(1)(a)(iii), 85.5(1)(b) and 85.5(2) may be modified for individual discharge permits pursuant to a trade of nitrogen or phosphorus between point sources where the division has determined that the trade will result in equal or better instream water quality for that parameter at all locations and at all times.

Point source to point source nutrient trades shall be based on a 1:1 ratio.

(ii) Nonpoint Source to Point Source Nutrient Trading. The numerical effluent limitations set forth in sections 85.5(1)(a)(iii), 85.5(1)(b) and 85.5(2) may be modified for individual discharge permits pursuant to a trade of nitrogen or phosphorus credits from a nonpoint source to a point source on a stream segment or watershed basis where the division has determined that the trade achieves a net water quality or environmental benefit and does not cause adverse localized impacts.

Nonpoint source to point source trades shall be based on a minimum 2:1 ratio, but may be revised based on site-specific data that demonstrates a lower ratio achieves the criteria specified in the paragraph above.

(4) MS4 Permit Requirements for Nutrient Source Reductions

The following requirements, at a minimum, shall be incorporated into a CDPS Permit for discharges from a Municipal Separate Storm Sewer System (MS4) required to obtain a CDPS Permit pursuant to Regulation #61.

(a) Public education and outreach on stormwater impacts associated with nutrients. The MS4 permittee must develop, document, and implement a public education program to reduce water quality impacts associated with nitrogen and phosphorus in stormwater runoff and illicit discharges and distribute educational materials or equivalent outreach to targeted sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nutrients to the waters receiving the discharge authorized under the MS4 permit.

CDPS Permits shall authorize MS4 permittees to meet the requirements of this section through contribution to a collaborative program to evaluate, identify, target and provide outreach that addresses sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the MS4 permittee's discharge(s).

(b) Pollution Prevention/Good Housekeeping for Municipal Operations associated with nutrients. The permittee must develop and implement a municipal operations program that has the ultimate goal of preventing or reducing nitrogen and phosphorus in stormwater runoff associated with the MS4 permittee's operations.

Written procedures for an operation and maintenance program to prevent or reduce nitrogen and phosphorus in stormwater runoff associated with the MS4 permittee's operations shall be developed. The program must specifically list the municipal operations (i.e., activities and facilities) that are impacted by this operation and maintenance program.

CDPS Permits shall authorize MS4 permittees to meet the requirements of this section through contribution to a collaborative program to evaluate, identify, and target sources state-wide or within the specific region or watershed that includes the receiving waters impacted by the MS4 permittees' discharge(s).

(5) Nonpoint Source Discharges

(a) Best Management Practice Implementation

(i) Governmental entities, individuals, corporations, partnerships, associations, agencies, and other entities with responsibility for activities or facilities that cause or could reasonably be expected to cause nonpoint source nutrient pollution of waters are encouraged to adopt and implement/install BMPs to the maximum extent practicable to reduce nutrient loads from such sources.

(ii) Agricultural operations that apply supplemental nutrients as part of crop production activities are encouraged to develop and implement nutrient management plans to the maximum extent practicable to reduce nutrient loads from such sources. Nutrient planning should be based on current soil, manure, and plant tissue test results developed in accordance with guidance or industry practice, such as that developed or recognized by Colorado State University.

(iii) The choice of which type of voluntary nonpoint source control measures shall be made by the entities identified in paragraphs (i) and (ii) above.

(iv) The division shall collaborate with owners/operators of agricultural operations in pursuing incentive, grant, and cooperative programs to control nonpoint source pollution related to agricultural and silvicultural practices.

(b) Public Information and Education

(i) The division and entities identified in Section 85.5(5)(a)(i) are encouraged to develop and implement a public information and education program. This program will focus on the prevention of pollution from sources that could be mobilized from present and future activities as well as measures that could abate known nonpoint source pollution. Areas for abatement include, but are not limited to, general agricultural and silvicultural practices, landscaping activities, and other nonpoint sources of nutrients.

(ii) The program will be consistent with the voluntary, incentive-based approach and focus on the general public, and agricultural and local government sectors.

(c) Additional Nonpoint Source Actions

(i) During the triennial review of this control regulation, the division shall report to the commission on the progress implementing the activities addressed under this section.

~~(ii) If voluntary nonpoint source BMPs are not effective in managing nutrients by May 31, 2022, the commission may consider the adoption of prohibitions or precautionary measures to further limit nutrient concentrations.~~

(iii) Pursuant to section 25-8-205(5), C.R.S., ~~after May 31, 2022~~ the commission may consider adopting, in consultation with the commissioner of agriculture, control regulations specific to agricultural and silvicultural practices if the commission determines that ~~demonstrated~~ sufficient progress has not been ~~maintained~~ ~~demonstrated~~ in agricultural ~~and silvicultural~~ nonpoint source nutrient management.

## 85.6 MONITORING REQUIREMENTS

(1) Monitoring requirements are established by this Control Regulation to evaluate the effectiveness of this ~~C~~ontrol ~~R~~egulation and to determine the sources and load of nutrients at selected locations, and eventual implementation of appropriate and necessary source controls.

(2) Point Source Monitoring - Process Wastewater Dischargers

(a) Applicability. The requirements of this section apply to all DWWTW including federal facilities, and to any non-domestic dischargers in SIC Major Category 20 or that are identified by the division pursuant to section 85.5(2), except that facilities that are excluded from effluent limits as described in Section 85.5(1)(a)(i) are only required to conduct effluent monitoring as described below in Section 85.6(2)(b)(i). Facilities that discharge to lakes may have modified monitoring requirements.

(b) Nutrient Monitoring Program: Facilities identified in subsection (2)(a), above, shall develop, implement, and document a routine water quality monitoring program. The monitoring program shall be designed to characterize the load (coincident flow and concentration) of nutrients in the discharge, the concentrations in the receiving water above the discharge, and the load of nutrients at selected locations in the rivers and streams below the discharge. The monitoring program shall include the following information:

(i) Effluent Monitoring:

(A) Locations: Sampling for nutrients is required in the effluent before it is discharged into the receiving water body at the location where monitoring is performed to satisfy other CDPS and NPDES permit requirements.

(B) Parameters: At a minimum, sufficient data shall be collected to calculate TN, TIN, and TP load. Samples of treated effluent shall be analyzed for total nitrogen (or the components to calculate total nitrogen such as total Kjeldahl nitrogen plus nitrate-nitrite), the components needed to calculate total inorganic nitrogen (typically ammonia, nitrate, and nitrite), and total phosphorus (or the components to calculate total phosphorus). Daily average effluent discharge shall be collected at the same time as the nutrient concentrations are measured.

(C) Frequency: Samples shall be collected a minimum of six times a year (every two months) for minor discharges and monthly for major discharges. Should there be no discharge due to the plant being offline or other reasons, zero discharge will be reported for that monitoring event.

(ii) Stream Nutrient Monitoring:

(A) Locations: Sampling for nutrients is required in the receiving water body:

- upstream of the discharge; and

- at the closest active Colorado Division of Water Resources or United States Geological Survey (USGS) gaging station with daily flow available throughout the year downstream of the discharge's mixing zone; or

- In lieu of the closest downstream Division of Water Resources or USGS gaging station, facilities may take part in collaborative watershed-based monitoring efforts if the parameters and frequency follow sections (B) and (C) below.

(B) Parameters: At a minimum, samples shall be analyzed for total inorganic nitrogen, total nitrogen (total Kjeldahl nitrogen plus nitrate-nitrite, or the components to calculate total nitrogen) and total phosphorus (or the components to calculate total phosphorus). Daily streamflow records will be collected where an established gaging station is present. Where an established gaging station is not available, an alternative streamflow calculation methodology may be approved by the division.

(C) Frequency: Samples shall be collected a minimum of six times a year (every two months) for minor discharges and monthly for major discharges.

(iii) Lake/Reservoir Monitoring: RESERVED

(iv) Timing: Entities shall commence data collection no later than March 1, 2013. Data collection will continue through December 31, 2027.

(3) Data Quality Requirements

(a) The entities collecting the samples will document, and make publicly available the sampling methods, analytical methods, method detection limits, required field condition and physical parameters to be recorded at each sampling event, and quality control and quality assurance protocols in a sampling and analysis plan.

(b) The information required under subsection (a) above, may be evaluated by the division for compatibility with the objectives of this section. Where the division identifies deficiencies in the protocols/methods being used to meet the objectives of subsection (a) above, the entities shall make appropriate revisions such that the division-identified deficiencies are addressed.

(c) All sampling and analysis shall be performed by the entities according to specified methods in 40 C.F.R. Part 136 (2022); methods approved by EPA pursuant to 40 C.F.R. Part 136 (2022); or methods approved by the division. The analytical method for all ambient monitoring conducted in accordance with this regulation shall be capable of reporting results at or below the following method detection limits (MDL):

Total Phosphorus	0.01 mg P /L
Nitrate + Nitrite	0.02 mg N /L
<u>Ammonia</u>	<u>0.02 mg N /L</u>
Total Kjeldahl Nitrogen	0.1 mg N /L
<u>Total Inorganic Nitrogen</u>	<u>0.02 mg N /L</u>
Total Nitrogen	0.1 mg N /L

All results above the MDL must be reported for ambient samples. The analytical method for all effluent monitoring conducted in accordance with this Regulation shall be capable of reporting results at or below the practical quantitation limit (PQL)

(d) The permittee shall submit a certification to the division that the sampling and analysis plan is in place and that monitoring is taking place. This certification is due to the division by 6 months after permit issuance or by March 2013 if the permit was in place prior to March 2013.

(4) Nonpoint Source and Unpermitted Point Source Monitoring

(a) Entities responsible for nonpoint sources and unregulated point sources of nutrients are encouraged to monitor and assess surface water resource quality as identified in Section 85.6(2) to determine the extent and magnitude of nutrient impacts. In addition, the commission recognizes state water conservation, water conservancy, and special irrigation districts as entities that monitor and assess surface water resource quality and encourages making this data publicly available for use in nonpoint source management efforts.

(b) The division shall collaborate with these entities in developing and implementing a nutrients nonpoint source monitoring program to meet the requirements of this control regulation.

(c) Future monitoring activities are encouraged to coordinate with point source nutrient monitoring, the Colorado [Agricultural Water Quality Program at the Colorado Department of Agriculture Agricultural Chemicals Program](#), and other relevant local, state, and federal monitoring efforts.

(d) The responsible entities are encouraged to identify potential funding sources and pursue options for monitoring in areas that do not have a current or future nutrient monitoring program.

**(5) Availability and Reporting of Data**

All data collected under Section 85.6 shall be maintained by the facility for 5 years after submission in an electronic form. All data collected pursuant to this control regulation shall be submitted to the division by April 15th of each year. The submission shall include geographic location of sampling, CDPS or NPDES permit number (if appropriate), name and identification of the stream flow gage, as follows:

(a) In electronic data deliverable as specified for receipt by the division; or

(b) Electronic submission to an alternative publicly available data repository. If this option is selected, the facility must notify the division by April 15 and the division will make all relevant data accessible to the public.

**85.7 DISADVANTAGED COMMUNITIES**

(1) Disadvantaged community ("DAC") means a community that has a population of 10,000 or less and meets the required combination of primary and secondary factors specified in section (3) below.

(2) For purposes of determining whether a community meets the definition of a disadvantaged community, the following definitions apply:

(a) "10-YEAR CHANGE IN POPULATION" means the average annual change for a location spanning ten years.

(b) "ASSESSED VALUE/HOUSEHOLD" means taxable resources on a household basis.

(c) "COMMUNITY MEDIAN HOUSEHOLD INCOME" means data that divides local households into two parts with half earning more than the median income and the other half earning less. An income survey completed for another state or federal program can substitute for data that is determined to be unreliable or unavailable.

(d) "COMMUNITY MEDIAN HOME VALUE" means data that divides the value distribution of homes into two parts with half of the homes falling below the median value and half falling above the median value. When data is unreliable or unavailable, the county assessor's list of homes can be substituted.

(e) “COUNTY 10-YEAR CHANGE IN JOBS” means the increase or decrease in total jobs which is comprised of wage and salary jobs as well as self-employed proprietor jobs.

(f) “COUNTY MEDIAN HOUSEHOLD INCOME” means data that divides county households into two parts with half earning more than the median income and the other half earning less than the median income.

(3) A community that meets the required combination of primary and secondary factors as specified below is a disadvantaged community for purposes of this Regulation:

**Primary and Secondary DAC Factors**

Primary Factors	Benchmark
P1 Community Median Household Income (MHI)	Less than or equal to 80 percent of the state MHI
P2 Community Median Home Value (MHV)	Less than 100 percent of the state MHV
P3 County 10-Year Change in Jobs	Loss in total jobs in the county over a 10 year period
Secondary Factors	Benchmark
S1 County Median Household Income (MHI)	Less than or equal to 80 percent of the state MHI
S2 10-Year Change in Population	Community has lost population over a ten year period
S3 Assessed Value/Household	Community’s total assessed value per household is less than the median Colorado municipality assessed value per household

**DAC Scenarios**

Scenario	Primary Factors	Results	Secondary Factors	Results
1 (P1) MHI and	(P2) MHV or (P3) Change in Jobs	DAC	Unnecessary	
2 (P1) MHI Only	Neither (P2) MHV nor (P3) Change in Jobs	Test secondary	Meet at least two of three	DAC
3 (P1) Unreliable MHI but	Both (P2) MHV and (P3) Change in Jobs	Test secondary	Meet at least two of three	DAC

(4) At the time of submitting a permit application, a community may request that the division make a determination of whether or not the community is a disadvantaged community.

(5) In the event a community’s primary or secondary factor data does not represent recent, significant economic distress, or a scenario is marginally disqualifying, a business case may be presented for determination of disadvantaged community status. The business case should be qualitatively based on the factors the community has determined as not reflective of the community’s current socio-economic condition. The business case should be submitted to the division, who will review the business case



regarding the disadvantaged community status. The division will determine whether the business case presented provides compelling evidence that the community is a disadvantaged community.

**85.8 – 85.14     RESERVED**

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**85.17   STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE:  
NOVEMBER 14, 2022 RULEMAKING, FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE OF  
APRIL 30, 2023**

The provisions of sections 25-8-202; 25-8-205; 25-8-304; 25-8-401; 25-8-402; and 25-8-501, C.R.S., provide the specific statutory authority for the adoption of this Control Regulation. The commission has also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose.

**BASIS AND PURPOSE**

Monitoring Requirements and Data Quality Requirements: Section 85.6(4)(c) provides that process wastewater effluent monitoring required by Regulation #85 be conducted using analytical methods capable of reporting results at or below the practical quantitation limit (PQL) as required by Regulation #61. This section also requires that ambient water quality monitoring conducted pursuant to this regulation utilize an analytical method capable of reporting results at or below certain listed method detection limits (MDLs). In this rulemaking hearing the commission added MDLs for ammonia and total inorganic nitrogen.

Nonpoint Source: Section 85.5(5) identifies entities with responsibility for activities or facilities that cause, or could be reasonably expected to cause, nonpoint source nutrient pollution and the need for implementation for nonpoint source controls. These activities include the areas of Best Management Practices, public information and education, and additional nonpoint source actions as necessary for nonpoint nutrient management activities. The commission identified these nonpoint source controls as a means to make progress towards protecting existing or restoring impaired classified uses from nutrient pollutants. Prior to each triennial review, the commission directed the division to work with responsible entities and other relevant stakeholders to determine the extent of implementation of the nonpoint source provisions and voluntary BMP implementation. The commission reviewed the information presented in this rulemaking hearing and determined that recent activities have been effective and resulted in reductions of nonpoint sources of nutrients and that the outreach efforts have been effective. The commission removed the 2022 date for determination of effectiveness of the voluntary nonpoint source BMPs and will continue to review the effectiveness of these measures at each triennial review of the regulation.

Typos and corrections: In addition to the substantive changes described above, editorial changes have been made in the regulation to provide clarity.

# 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.]*

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## 31.1 AUTHORITY AND SCOPE

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## 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), and chlorophyll a, total nitrogen, and total phosphorus, which shall be based on seasonal averages or annual medians (see tables V and VI). 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: 15<sup>th</sup> 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.

- Chlorophyll *a*:
  - Lakes and reservoirs: summer (July 1 - September 30) seasonal average of values from the mixed layer
  - Rivers and streams: summer (July 1 - September 30) maximum attached algae
  - Direct Use Water Supply: March 1 - November 30 seasonal average of values from the mixed layer
- Total nitrogen and total phosphorus in lakes and reservoirs: summer (July 1 - September 30) seasonal average of values from the mixed layer
- Total nitrogen and total phosphorus in rivers and streams: annual median

(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~~, V, or VI
- 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~~, V, or VI
- 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~~, V, and VI 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.

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### 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, V, and VI~~ 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~~, V, and VI, 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~~, V, and VI, 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.

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## 31.17 NUTRIENTS

### (1) INTRODUCTION

This section establishes numeric values for total phosphorus, total nitrogen, and chlorophyll a and also sets forth provisions regarding the use of these numeric values for the adoption of water quality standards. The numeric levels for parameters listed in Tables V and VI shall be considered and applied as appropriate by the Commission in establishing site-specific numeric standards, in accordance with section 31.7.

### (2) PHASED IMPLEMENTATION OF NUTRIENTS STANDARDS

#### (a) Use of Total Phosphorus and Total Nitrogen Values for Standards Adoption Prior to December 31, 2027

##### (i) Lakes and Reservoirs

Prior to December 31, 2027 the values set forth in Table V will be considered for the adoption of water quality standards for specific water bodies in Colorado in the following circumstances.

##### (A) Waters located upstream of:

(I) all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012,

(II) cooling tower discharges, and

(III) any non-domestic facility subject to Regulation #85 effluent limits and discharging prior to May 31, 2012.

##### (B) Waters with a Direct Use Water Supply (DUWS) sub-classification.

##### (C) Waters with public swim beaches that meet the definition of natural swimming areas in C.R.S. § 25-5-801.

##### (D) 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.

##### (ii) Rivers and Streams

Prior to December 31, 2027 the values set forth in Table VI will be considered for the adoption of water quality standards for specific water bodies in Colorado in the following circumstances.

##### (A) Waters located upstream of:

(I) all permitted domestic wastewater treatment facilities discharging prior to May 31, 2012 or with preliminary effluent limits requested prior to May 31, 2012,

(II) cooling tower discharges, and

(III) any non-domestic facility subject to Regulation #85 effluent limits and discharging prior to May 31, 2012.

(B) 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.

(iii) 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:

(A) protect the assigned use classifications, and

(B) comply with the Colorado Water Quality Control Act and the Federal Act.

(b) Use of Interim Total Phosphorus and Total Nitrogen Values for Standards Adoption After December 31, 2027

(i) After December 31, 2027, the values set forth in Tables V and VI 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.

(c) Site-Specific Flexibility

In accordance with the preceding subsections, 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 standards in Tables V and VI.

(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.

~~(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 <sup>4</sup>
Lakes and Reservoirs, warm > 25 acres	83 µg/L <sup>4</sup>

Lakes and Reservoirs < = 25 acres	RESERVED
Rivers and Streams – cold	110 µg/L <sup>2</sup>
Rivers and Streams – warm	170 µg/L <sup>2</sup>
<sup>1</sup> -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. <sup>2</sup> -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 <sup>1</sup>
Lakes and Reservoirs, warm > 25 acres	910 µg/L <sup>1</sup>
Lakes and Reservoirs < = 25 acres	RESERVED
Rivers and Streams – cold	1,250 µg/L <sup>2</sup>
Rivers and Streams – warm	2,010 µg/L <sup>2</sup>
<sup>1</sup> -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. <sup>2</sup> -annual median total nitrogen (µg/L), allowable exceedance frequency 1 in 5 years.	

(d) ~~Interim Chlorophyll a Values~~

Table 3 Interim Chlorophyll a Values		
Waterbody type		DUWS
Lakes and Reservoirs, cold > 25 acres	8 µg/L <sup>1</sup>	5 µg/L <sup>3</sup>
Lakes and Reservoirs, warm > 25 acres	20 µg/L <sup>1</sup>	5 µg/L <sup>3</sup>
Lakes and Reservoirs < = 25 acres	RESERVED	5 µg/L <sup>3</sup>
Rivers and Streams – cold	150 mg/m2 <sup>2</sup>	
Rivers and Streams – warm	150 mg/m2 <sup>2</sup>	
<sup>1</sup> -summer (July 1 – September 30) average chlorophyll a (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1 in 5 years. <sup>2</sup> -summer (July 1 – September 30) maximum attached algae, not to exceed. <sup>3</sup> -March 1 – November 30 average chlorophyll a (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.~~

**TABLE V - TABLE VALUE STANDARDS<sup>(1)</sup> FOR NUTRIENTS: LAKES AND RESERVOIRS**

TABLE V TABLE VALUE STANDARDS <sup>(1)</sup> FOR NUTRIENTS: LAKES AND RESERVOIRS					
Parameter	Aquatic Life <sup>(2,3)</sup> (chronic)		Recreation <sup>(2,3)</sup> (Class E, U, or P) (chronic)		Direct Use Water Supply (DUWS) <sup>(3,4)</sup> (chronic)
	CLASS 1 or CLASS 2 COLD WATER BIOTA	CLASS 1 OR CLASS 2 WARM WATER BIOTA	COLD WATER	WARM WATER	-
Chlorophyll a (µg/L)	8 <sup>(5)</sup>	20 <sup>(5)</sup>	8 <sup>(5)</sup>	20 <sup>(5)</sup>	5 <sup>(6)</sup>
Nitrogen (µg/L) <sup>(7,9)</sup>	330	600	330	600	—
Phosphorus (µg/L) <sup>(8,9)</sup>	21	36	21	36	—

**Table V – Footnotes**

- (1) Prior to December 31, 2027, standards for total nitrogen and total phosphorus will be considered for adoption in the specific water bodies described in 31.17(2)(a)(i).
- (2) The chlorophyll a, total nitrogen, and total phosphorus standards are the same for Aquatic Life and Recreation (E, U, or P) uses because these standards were derived based on the target trophic condition and algal abundance that balances the needs of both uses.
- (3) The chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (4) The Commission may determine that a numerical chlorophyll a standard is appropriate for specific water bodies with the DUWS 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.

- (5) Summer (July 1 - September 30) seasonal average of chlorophyll a ( $\mu\text{g/L}$ ) values from the mixed layer of lakes, allowable exceedance frequency 1-in-5 years.
- (6) March 1 - November 30 seasonal average chlorophyll a ( $\mu\text{g/L}$ ) values from the mixed layer of lakes, allowable exceedance frequency 1-in-5 years.
- (7) Summer (July 1 - September 30) seasonal average total nitrogen ( $\mu\text{g/L}$ ) values from the mixed layer of lakes, allowable exceedance frequency 1-in-5 years.
- (8) Summer (July 1 - September 30) seasonal average total phosphorus ( $\mu\text{g/L}$ ) values from the mixed layer of lakes, allowable exceedance frequency 1-in-5 years.
- (9) Where representative data exist to develop protective standards, the Commission can adopt site-specific total nitrogen and/or total phosphorus standards (represented below as  $\text{TN}_{80\text{th}}$  and  $\text{TP}_{80\text{th}}$ , respectively) for lakes and reservoirs based on site-specific observed vs. expected Secchi depth ratios using the following two-step process.

Where:

Secchi O/E = ratio of observed Secchi depth (meters) vs expected Secchi depth (meters). The expected Secchi depth is calculated from the observed site chlorophyll a concentration ( $\mu\text{g/L}$ ; summer [July 1 - September 30] seasonal average from the mixed layer) using the following equation:

$$\text{Expected Secchi depth} = e^{(2.04 - 0.68 \cdot \ln(\text{Observed chlorophyll } a))}$$

Total Nitrogen (TN), mg/L:

Cold Water:

$$\text{Step A: } \text{TN}_{50\text{th}} = 10^{(-0.608 - 0.790 \cdot \log_{10}(\text{Secchi O/E}))}$$

$$\text{Step B: } \text{TN}_{80\text{th}} = 10^{(0.037 + 0.885 \cdot \log_{10}(\text{TN}_{50\text{th}}))}$$

Warm Water:

$$\text{Step A: } \text{TN}_{50\text{th}} = 10^{((-0.461 - 0.631 \cdot \log_{10}(\text{Secchi O/E}))/1.11)}$$

$$\text{Step B: } \text{TN}_{80\text{th}} = 10^{(0.091 + 0.923 \cdot \log_{10}(\text{TN}_{50\text{th}}))}$$



Total Phosphorus (TP), mg/L:

Cold Water:

$$\text{Step A: TP}_{50\text{th}} = 10^{((-1.14 - 0.780 \cdot \log_{10}(\text{Secchi O/E}))/0.610)}$$

$$\text{Step B: TP}_{80\text{th}} = 10^{(-0.117 + 0.850 \cdot \log_{10}(\text{TP}_{50\text{th}}))}$$

Warm Water:

$$\text{Step A: TP}_{50\text{th}} = 10^{((-1.40 - 0.615 \cdot \log_{10}(\text{Secchi O/E}))/0.810)}$$

$$\text{Step B: TP}_{80\text{th}} = 10^{(0.070 + 0.958 \cdot \log_{10}(\text{TP}_{50\text{th}}))}$$

**TABLE VI - TABLE VALUE STANDARDS (INTERIM<sup>1</sup>) FOR NUTRIENTS: RIVERS AND STREAMS**

TABLE VI TABLE VALUE STANDARDS (INTERIM <sup>(1)</sup> ) FOR NUTRIENTS: RIVERS AND STREAMS				
Parameter	Aquatic Life (chronic)		Recreation (Class E, U, or P) (chronic)	
	CLASS 1 or CLASS 2 COLD WATER BIOTA	CLASS 1 OR CLASS 2 WARM WATER BIOTA	COLD WATER	WARM WATER
Chlorophyll a (mg/m <sup>2</sup> )	==	==	150 <sup>(2)</sup>	150 <sup>(2)</sup>
Nitrogen (µg/L) <sup>(3)</sup>	1,250	2,010	==	==
Phosphorus (µg/L) <sup>(4)</sup>	110	170	==	==

**Table V – Footnotes**

- (1) Prior to December 31, 2027, standards for total nitrogen and total phosphorus will be considered for adoption in the specific water bodies described in 31.17(2)(a)(ii).
- (2) Summer (July 1 - September 30) maximum attached algae, not to exceed.
- (3) Annual median total nitrogen (µg/L), allowable exceedance frequency 1-in-5 years.
- (4) Annual median total phosphorus (µg/L), allowable exceedance frequency 1-in-5 years.

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**31.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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

**BASIS AND PURPOSE**

The commission revised the total nitrogen and total phosphorus table value standards for lakes and reservoirs to protect aquatic life and recreation in Colorado. These revisions address recommendations made by EPA in its July 14, 2016 action letter regarding its review of the commission's 2012 adoption of total nitrogen and total phosphorus standards for lakes and reservoirs in Regulation No. 31. In addition, the commission continued its phased implementation of chlorophyll *a*, total nitrogen, and total phosphorus standards in prioritized waterbodies, as described below.

**I. Background**

Nitrogen and phosphorus are nutrients found in the environment that play strong roles in aquatic ecosystems, including promoting or limiting the growth of aquatic plants and algae. Increased concentrations of nutrients can lead to excess algal abundance that may impact Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses.

In March 2012, the commission adopted interim numeric nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50). The standards were adopted into Regulation No. 31 at 31.17. The commission also directed the adoption of the standards into the basin regulations (Regulation Nos. 32-38) using a phased approach, starting with adoption of the standards on specific waterbodies beginning in 2017. In 2016, EPA approved the interim numeric values for chlorophyll *a*, approved with recommendations the numeric values for total nitrogen and total phosphorus for lakes and reservoirs, and took no action with respect to the interim numeric values for total nitrogen and total phosphorus for rivers and streams or the delayed effective dates. Therefore, in October 2017, the commission reviewed the phased implementation approach, refined its nutrient control approach to include WQCC Policy 17-1, and set an updated timeline for phased implementation of nutrient standards, including revision of the nutrients standards for lakes and streams and adoption of standards on priority waterbodies through 2027 (31.55).

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses. In addition, consistent with its phased implementation approach, the commission adopted these standards on lakes and reservoirs that are above certain discharges, are DUWS reservoirs, and/or have public swim beaches; after 2027, these standards will be adopted on all remaining lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses.

The commission revised 31.17 to accommodate the revised total nitrogen and total phosphorus standards for lakes and reservoirs and reflect Colorado's progress on the phased implementation timeline. These revisions included removing language regarding phased implementation of chlorophyll *a* standards, which, consistent with the phased implementation timeline developed in 2012 (31.50(VI)(A)) and 2017 (31.55), now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado.

## **II. Chlorophyll a Standards for Lakes, Reservoirs, Rivers, and Streams**

The commission made no changes to the chlorophyll a table value standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll a standards.

Adoption of chlorophyll a standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). In this rulemaking hearing, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission considered chlorophyll a standards statewide, and adopted chlorophyll a standards to all segments with Aquatic Life, Recreation, and/or DUWS uses as appropriate in Regulations Nos. 32-38. Specifically, the commission adopted the chlorophyll a table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 5 µg/L for all lakes or reservoirs (of any size) with DUWS; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. The phased implementation of the chlorophyll a standards adoption is now complete.

## **III. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs**

In a rulemaking hearing in March 2012 (31.50), the commission adopted interim numeric nutrient table value standards for chlorophyll a, total nitrogen, and total phosphorus to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses in lakes, reservoirs, rivers, and streams. The lakes and reservoirs standards were developed using a single empirical response and central tendency to model the average response of chlorophyll a per unit of total nitrogen and total phosphorus.

In its July 14, 2016 action letter, EPA approved the commission's 2012 adoption of interim numeric values for chlorophyll a, and approved with recommendations the numeric values for total nitrogen and total phosphorus for lakes and reservoirs. To ensure that the total nitrogen and total phosphorus standards are protective of uses, EPA recommended revisiting the analysis for lakes to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll a, and evaluating whether the standards are protective of lakes with a high chlorophyll a yield per unit of nutrient.

The revised total nitrogen and total phosphorus table value standards adopted in this rulemaking hearing were developed in collaboration between the division and the lakes nutrients technical advisory committee (TAC), and included stakeholder outreach through the 10-year Water Quality Roadmap workgroup. The methods used to develop these standards are described below and the technical analysis to support these revisions can be found in WQCD Exhibit XX. The revised standards, which were added to new Table V at 31.17, are intended to address EPA's 2016 recommendations and ensure that the uses of Colorado's lakes and reservoirs are protected.

### **A. Data used in Total Nitrogen and Total Phosphorus Table Value Standards Revisions**

Revisions to numeric total nitrogen and total phosphorus standards for lakes and reservoirs were developed using an updated statewide dataset. The averaging period of July - September was unchanged. While the dataset used in 2012 was limited to lakes that had at least three samples per growing season (July - September) at a dam location, the updated dataset included lakes with any representative sampling events during the growing season (July - September) from both dam and mid-lake locations to ensure that the range of lake and nutrients conditions throughout Colorado was represented. This approach significantly increased the number of lakes and reservoirs in the dataset, including waterbodies and conditions that were previously unrepresented in the dataset.

**B. Approach to Developing Revised Total Nitrogen and Total Phosphorus Table Value Standards**

The commission relied on the same multi-step method that was used to derive the interim nutrient standards in 2012. This multi-step method was uncontested in EPA's 2016 action letter, and therefore was maintained for the revision of numeric nutrient standards in this hearing using the updated dataset. The method consists of four steps: Step 1) set the target chlorophyll *a* values (8 µg/L for Cold lakes and 20 µg/L for Warm lakes) to an 80<sup>th</sup> percentile for the purpose of incorporating a one in five year exceedance frequency into the numeric nutrient standards. Step 2) translate the chlorophyll *a* target from an 80<sup>th</sup> percentile to the median using a subset of well-sampled lakes and reservoirs with at least five years of chlorophyll *a* data. Step 3) use the statewide relationships between chlorophyll *a* and total nitrogen or total phosphorus to define target total nitrogen and total phosphorus standards. Step 4) use the well-sampled lakes to translate the target values back to 80<sup>th</sup> percentiles, which are the final numeric nutrient standards that incorporate the one in five year exceedance frequency.

**1. Classification: Warm Lakes and Cold Lakes**

The commission relied on the same chlorophyll *a* targets that were used to derive the interim nutrient standards in 2012, 8 µg/L for Cold lakes and 20 µg/L for Warm lakes. The total nitrogen and total phosphorus values based on these chlorophyll *a* targets are intended to maintain a trophic condition that balances and is protective of both Recreation and Aquatic Life uses in lakes and reservoirs. In 2012, the classification and stressor-response work used a single simple linear regression to characterize the average nutrient response for the target trophic condition for all lakes statewide. Based on EPA's 2016 recommendation, the analysis to support the current revision separated Cold and Warm lakes to characterize the typical condition of lake nutrient responsiveness with more resolution. Additional classifications better addressed the wide range of physical conditions found in Colorado and the variability of the algal response to nutrients from lake to lake.

**2. Stressor-response Relationship: Confounding Factors and High-yield Lakes**

The stressor-response relationship between chlorophyll *a* and total nitrogen or total phosphorus was modeled using quantile regression to determine the appropriate threshold for establishing numeric standards (Step 3). Quantile regression analysis was selected over the simple linear regression approach used in 2012 because the updated dataset violated the statistical assumptions that linear regression relies upon. By selecting a quantile above the median, quantile regression analysis is also able to tailor the analysis to target high-yield lakes and address non-specific confounding factors that affect the chlorophyll *a* response to nutrients in a lake. Given EPA's 2016 recommendation to account for and protect lakes that are more productive than average, the 75<sup>th</sup> quantile of the statewide relationship between chlorophyll *a* and total nitrogen or total phosphorus was selected. This quantile is useful for nutrient standards development, as it represents the typical (or median) relationship of chlorophyll *a* to nutrients in higher-yield lakes (i.e., lakes in the upper half of responsiveness to nutrients).

The stressor-response analysis also evaluated a range of confounding factors, as recommended by EPA. Secchi observed over expected (O/E), an estimate of the degree of algal or non-algal turbidity, was added as a covariate into the models used to develop total nitrogen and total phosphorus standards for cold waters because its inclusion provided for greater explanation of variance in the cold lakes stressor-response models. To calculate the total nitrogen and total phosphorus standards for cold lakes using the models with the Secchi O/E covariate, the long-term typical existing quality in lakes and reservoirs was calculated using the median existing quality Secchi O/E for all cold lakes using lakes with at least three years of data.

Warm lakes in the dataset exhibited less variability; therefore, no covariates were used in the models to derive table value standards for warm water lakes.

### **3. Exceedance Frequency**

Because the commission relied on the same multi-step method that was used to derive the interim nutrient standards in 2012 and no concerns were raised in the 2016 EPA action letter, the commission also retained the same exceedance frequency of one in five years. Nutrients standards were calculated at the central tendency (50<sup>th</sup> percentile) using annual lake data (Step 3). Relationships between the central tendency and the 80<sup>th</sup> percentile were defined to translate the nutrient targets to final standards with a one in five year exceedance frequency (Step 4). The only change in this method from 2012 was that these relationships were defined for Cold and Warm lakes separately for total nitrogen and total phosphorus to continue to address EPA's 2016 recommendation to increase the number of lake classifications to better account for variability in the stressor response relationship.

### **C. Site-Specific Conditions**

The commission recognizes that the response of algae to nutrients can vary based on lake-specific conditions. During the development of the revised nutrients table value standards for lakes and reservoirs, accompanying models were developed that utilize site-specific covariate data to develop site-specific total nitrogen and total phosphorus standards (31.17, Table V Footnote 9). Use of lake-specific Secchi O/E data in these models recognizes the importance of non-algal turbidity on the relationship between chlorophyll *a* and nutrient constituents in lake systems. The commission acknowledges that, where representative data exist for Secchi O/E, these equations are available for use with lake-specific data to support development of site-specific standards in conjunction with a longevity plan. WQCD Exhibit XX includes considerations for use, minimum data requirements, and a calculator to support use of the equations at 31.17 Table V Footnote 9.

### **D. Implementation of the Revised Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs**

#### **1. Magnitude, Duration, and Frequency**

The revised numeric nutrients standards for total nitrogen and total phosphorus are intended to address EPA's 2016 recommendations regarding the magnitude of the standards, but do not make adjustments to either the duration or frequency. These standards continue to be applied using growing season (July through September) average concentrations with an allowable exceedance frequency of once in five years. Consistent with the approach used in 2012, these numeric values are only applied to lakes greater than 25 acres in size and that have a residence time of at least 14 days. The standards apply at a dam or mid-lake assessment location and do not apply to shore samples.

#### **2. Phased Implementation**

In this rulemaking hearing, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission updated the table value standards for total nitrogen and total phosphorus for lakes and reservoirs, and adopted them as appropriate in Regulations Nos. 32-38. Specifically, the commission adopted standards of 330 µg/L total nitrogen and 21 µg/L total phosphorus for cold water lakes or reservoirs (larger than 25 acres) and 600 µg/L total nitrogen and 36 µg/L total phosphorus for warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses that are above certain discharges, are DUWS reservoirs,

and/or have public swim beaches (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission made no changes to existing site-specific phosphorus standards.

The commission's application of total nitrogen and total phosphorus standards in this rulemaking hearing was prioritized for the Aquatic Life use, Recreation use, and public health via applications of table value standards to DUWS and swim beaches. However, the commission acknowledges that total nitrogen and total phosphorus standards have not been adopted to protect the 5 µg/L chlorophyll *a* target associated with the DUWS sub-classification. The commission expects that future consideration of nutrients table value standards for lakes and reservoirs will include development of total nitrogen and total phosphorus standards to protect this use.

#### **E. Revisions to 31.17 and Other Sections of Regulation No. 31**

To accommodate the revised total nitrogen and total phosphorus standards for lakes and reservoirs, additional changes were made in Regulation No. 31, including:

- The definition of “chronic standard” at 31.5(7) was expanded to include chlorophyll *a*, total nitrogen, and total phosphorus.
- The definition of “existing quality” at 31.5(20) was expanded to include chlorophyll *a*, total nitrogen, and total phosphorus.
- The layout of the tables containing the table value standards for chlorophyll *a*, total nitrogen, and total phosphorus (previously included in 31.17 (a-d)) was revised and reorganized into new Table V (nutrient standards for lake and reservoirs) and Table VI (nutrient standards for rivers and streams). This approach improves clarity, and provides consistency with the table value standards in Tables I, II, and III. This approach also recognizes that the nutrients standards for lakes and reservoirs protect different uses than the nutrients standards for rivers and streams, and better accommodates the differences in the phased implementation timeline for each waterbody type.
- References to new Table V and Table VI were added in various sections of Regulation No. 31 that discussed table value standards and previously only referenced Tables I, II, and III.
- The footnotes applied to the nutrients standards tables in 31.17 were revised to improve clarity, including the removal of the phrase “median of multiple depths” because the phrase was unclear and methods and processes for determining attainment of nutrient standards will be consistent with the Section 303(d) Listing Methodology as adopted by the commission for that particular listing cycle.

Revisions to 31.17 were also needed to reflect Colorado's progress on the phased implementation timeline, including:

- The language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams was removed. Consistent with the phased implementation timeline developed in 2012 (31.50(VI)(A)) and 2017 (31.55), chlorophyll *a* standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. This phase of the implementation timeline is complete.
- Section 31.17 was reorganized to more clearly describe the circumstances in which total nitrogen and total phosphorus will apply to lakes and streams throughout the phased implementation timeline.

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Water Quality Control Commission

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

### 5 CCR 1002-32

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#### 32.1 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

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll a, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to December 31, ~~2022~~ for chlorophyll a and prior to December 31, 2027 for, total nitrogen and total phosphorus, ~~interim nutrient~~ values will be considered for adoption only in the limited circumstances defined at 31.17(~~e2~~)(a)(i) and (~~f~~). ~~These~~ ii). For lakes and reservoirs, ~~these~~ circumstances include ~~headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)),~~ 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 (31.17(2)(a)(i)(D)). For rivers and streams, these 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 include waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The (31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).~~

Pursuant to 31.17(2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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

Segment	Permittee	Facility name	Permit No.
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 WWTF	CO0042030
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-December~~ 31, ~~2022~~2027:

- For segments located entirely above these facilities, total nitrogen and total phosphorus ~~nutrient~~ standards apply to the entire segment.

- For segments with portions downstream of these facilities, total nitrogen and total phosphorus nutrient standards only apply only above these facilities, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll a~~ total nitrogen standards in these segments. The note references the table of qualified facilities at 32.5(4).
- For segments located entirely below these facilities, total nitrogen and total phosphorus nutrient standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>					
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 <sup>(4)</sup>	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) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$					
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>					
Chromium III <sup>(67)</sup>	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$					
Chromium VI <sup>(67)</sup>	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 = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$					
<u>Nitrogen<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
<u>Phosphorus<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
Selenium <sup>(78)</sup>	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	CS-I	brook trout, cutthroat trout	June – Sept. Oct. – May	17.0 9.0	21.7 13.0

	Cold Stream Tier II	CS-II	Other cold-water species	April – Oct.	18.3	24.3
				Nov. – March	9.0	13.0
	Cold Lakes <sup>(89)</sup>	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) <sup>(89)</sup>	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 = $e^{(1.1021 \ln(\text{hardness}) + 2.7088)}$ Chronic = $e^{(1.1021 \ln(\text{hardness}) + 2.2382)}$					
Zinc	Acute = $0.978 \cdot e^{(0.9094 \ln(\text{hardness}) + 0.9095)}$ Chronic = $0.986 \cdot e^{(0.9094 \ln(\text{hardness}) + 0.6235)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (67) 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.
- (78) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (89) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.

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(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 85<sup>th</sup> and 95<sup>th</sup> 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).~~
- (eb) 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.
- (ec) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (ed) 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 ft<sup>2</sup> 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**

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**32.70 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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**

**A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17**

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

**B. Implementation of Nutrients Table Value Standards**

The commission revised 32.5(4) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V (nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 32.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 32.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface

area. The chlorophyll a standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of all sizes. This information was previously included in the segment tables in Appendix 32-1, but was moved to Footnote 6 for clarity.

**1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

**a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously adopted the DUWS sub-classification and notation in the Appendix 32-1 tables on several waterbodies in previous rulemaking hearings, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned nitrogen and phosphorus standards. Therefore, the “Public Swim Beach” notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. Due to the presence of a public swim beach, the commission adopted total nitrogen and total phosphorus standards, “Public Swim Beach” in the Qualifier column, and a note to specify the swim beach reservoir in the Other column on the following segment:

Lower Arkansas River: 10 (COARLA10; Lake Hasty)

**b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 32.5(4).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 32-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 32-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 32-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

## **2. Chlorophyll a Standards for Lakes, Reservoirs, Rivers, and Streams**

The commission made no changes to the chlorophyll a standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll a standards.

Adoption of chlorophyll a standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll a standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll a table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 32-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; in Appendix 32-1, these table value standards are shown as “DUWS”. The phased implementation of the chlorophyll a standards adoption is now complete.

## **C. Clarifications and Corrections**

The following edits were made to Appendix 32-1 to improve clarity and correct errors:

- The Direct Use Water Supply (DUWS) references in segments in Appendix 32-1 were revised 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 ~~09/30/2022~~04/30/2023



## 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 <sup>2</sup>	=	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:  *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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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	
<b>Other:</b>  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. (spawning)	---	7.0	Cadmium(T)	5.0	---	
		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	---	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	---	<del>0.14</del> TVS	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> *TVS	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
<del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</del>		Inorganic (mg/L)			Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		acute		chronic	Lead	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		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	---	<del>0.14</del> TVS*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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:  *Designation: 9/30/00 Base-line does not apply *Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7998[ln hardness]-3.1725) *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details. *Zinc(acute) = 0.978*e^(0.8537[ln(hardness)]+2.2178) *Zinc(chronic) = 0.986*e^(0.8537[ln(hardness)]+2.0469)		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	TVS	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	---	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*
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	--TVS-	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 Base-line does not apply		Inorganic (mg/L)			Iron(T)	---	1000
*Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7998[ln hardness]-3.1725)		acute	chronic	Lead	TVS	TVS	
*Uranium(acute) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		Boron	---	0.75	Manganese	TVS	TVS/WS
*Zinc(acute) = 0.978*e^(0.8537[ln(hardness)]+2.2178)		Chloride	---	250	Mercury(T)	---	0.01
*Zinc(chronic) = 0.986*e^(0.8537[ln(hardness)]+2.0469)		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	---	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	--TVS-	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 32.5(3) for details.		Inorganic (mg/L)			Iron(T)	---	1000
*Uranium(chronic) = See 32.5(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	---	---	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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/m²)	---	---TVS	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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

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)	---	TVS	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		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	---	0.5	Nickel	TVS	TVS
		Phosphorus	---	---	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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)	---	---TVS	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/m²)	---	<del>150</del> <u>TVS</u>	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> <u>TVS</u> *	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/m²)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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:		D.O. (mg/L)	---	Chromium III	---
		pH	---	Chromium VI	---
		chlorophyll a (mg/m <sup>2</sup> )	---	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	---		
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	Temperature °C	CS-I	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	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium III(T)	50
		E. Coli (per 100 mL)	---	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	---
		Ammonia	TVS	Iron(T)	1000
		Boron	---	Lead	TVS
		Chloride	---	Lead(T)	50
		Chlorine	0.019	Manganese	TVS
		Cyanide	0.005	Mercury(T)	---
		Nitrate	10	Molybdenum(T)	---
		Nitrite	---	Nickel	TVS
		Phosphorus	---	Nickel(T)	---
		Sulfate	---	Selenium	TVS
		Sulfide	---	Silver	TVS
			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

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 <sup>A</sup>		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	---	SSE*	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	SSE*	---	
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
<div>*Cadmium(acute) = (1.136672-[ln(hardness)*0.041838]*e^(0.9789*ln(hardness)-3.5146))</div> <div>*Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7977*ln(hardness)-3.5338))</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^(0.8571[ln(hardness)]+1.3673)</div> <div>*Zinc(chronic) = 0.986*e^(0.8571[ln(hardness)]+1.1711)</div>		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	---	TVS	
		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---	
		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	---	0.44TVS	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*	
Other:		D.O. (spawning)	---	7.0	Cadmium	SSE*	---	
<div>*Cadmium(acute) = (1.136672-[ln(hardness)*0.041838]*e^(0.9789*ln(hardness)-3.5146))</div> <div>*Cadmium(chronic) = (1.101672-[ln(hardness)*0.041838])*e^(0.7977*ln(hardness)-3.5338))</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^(0.8571[ln(hardness)]+1.3673)</div> <div>*Zinc(chronic) = 0.986*e^(0.8571[ln(hardness)]+1.1711)</div>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	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	---	0.44TVS	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:		D.O. (spawning)	---	7.0	Cadmium	SSE*	---
*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)	---	450TVS	Chromium III(T)	---	100	
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
				Copper	TVS	TVS	
				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(tr)	
	Nitrite	---	0.05	Uranium	varies*	varies*	
	Phosphorus	---	0.44TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.	chlorophyll a (mg/m²)	---	450TVS	Chromium III(T)	50	---	
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
				Copper	14.6	10.6	
				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	---	0.44TVS	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
		pH	5.0-9.0	---	Chromium III	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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(tr)
		Nitrite	---	0.05	Uranium	varies*
		Phosphorus	---	0.14TVS	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	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.14TVS*	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/m²)	---	<del>150</del> *TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> *TVS*	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/m²)	---	<del>150</del> *TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> *TVS*	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 Recreation E	Temperature °C	WS-II WS-II		Arsenic 340	---
Qualifiers: Fish Ingestion Standards Apply  Other:  *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		acute	chronic		Arsenic(T)	---
		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 <sup>2</sup> )	---	<del>150</del> TVS	Chromium VI	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
		Inorganic (mg/L)			Lead	TVS
		acute	chronic		Manganese	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	---	0.5	Zinc	TVS
		Phosphorus	---	<del>0.17</del> TVS		
		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 Recreation E Water Supply	Temperature °C	CS-II CS-II		Arsenic 340	---
Qualifiers:  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.		acute	chronic		Arsenic(T)	---
		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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

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/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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
		D.O. (mg/L)	---	6.0	Cadmium(T)	---	10
Qualifiers:		D.O. (spawning)	---	7.0	Chromium III(T)	---	100
Other:  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</del> *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 VI(T)	---	100
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.44TVS*			
		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
<div>Other:</div> <div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150*TVS	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	---	---	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	---	0.14TVS*			
		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	
<b>Other:</b>  <del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</del> *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)	---	<del>150</del> *TVS	Copper(T)	---	200	
		E. Coli (per 100 mL)	---	126	Iron	---	---	
					Lead(T)	---	100	
		Inorganic (mg/L)			Manganese	---	---	
					Mercury(T)	---	---	
					Molybdenum(T)	---	150	
		Ammonia	---	---	Nickel(T)	---	200	
		Boron	---	0.75	Selenium(T)	---	20	
		Chloride	---	---	Silver	---	---	
		Chlorine	---	---	Uranium	varies*	varies*	
		Cyanide	0.2	---	Zinc(T)	---	2000	
		Nitrate	100	---				
		Nitrite	10	---				
		Phosphorus	---	<del>0.14</del> *TVS*				
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
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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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
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 <sup>2</sup> )	---	450TVS	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	---	0.14TVS	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
*Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	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 <sup>A</sup>
	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 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					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

16c. Mainstem of Tallahassee Creek from a point immediately below the confluence with South Tallahassee Creek to the confluence with the Arkansas River.							
COARUA16C		Physical and Biological			Metals (ug/L)		
Designation	Classifications	DM	MWAT		acute	chronic	
Reviewable	Agriculture						
	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)	---	150TVS	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	---	0.14TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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		Physical and Biological			Metals (ug/L)		
Designation	Classifications	DM	MWAT		acute	chronic	
Reviewable	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/m²)	---	150TVS	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	---	0.14TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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:	*Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.	acute	chronic	Arsenic(T)	--- 100
		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 <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.44</del> TVS	Zinc	TVS TVS
		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
		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (mg/m <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.44</del> TVS	Nickel(T)	--- 100
		Sulfate	--- WS	Selenium	TVS TVS
		Sulfide	--- 0.002	Silver	TVS TVS(tr)
				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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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	
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS	
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div> <div>*Temperature =</div> <div>DM=14.2 and MWAT=9.7 from 11/1-2/29</div> <div>DM= 27.1 and MWAT=21 from 3/1-10/31</div>		pH	6.5 - 9.0	---	Chromium III(T)	---	
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.44TVS*			
		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	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	
Other:		pH	6.5 - 9.0	---	Chromium III	---	
<div>Temporary Modification(s):</div> <div>Arsenic(chronic) = hybrid</div> <div>Expiration Date of 12/31/2024</div> <div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Sulfate(chronic) = Dissolved standards applicable at the point of withdraw.</div> <div>*Manganese(chronic) = Dissolved standards applicable at the point of withdraw.</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div> <div>*Temperature =</div> <div>DM=13 and MWAT=9.4 from 11/1-2/29</div> <div>DM= 28.1 and MWAT=22 from 3/1-10/31</div>		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.44TVS*	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
<b>Other:</b>  *chlorophyll a (mg/m <sup>2</sup> )(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/m <sup>2</sup> )	---	150*TVS	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	---	0.14TVS*			
		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)	---	--TVS	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 <sup>2</sup> )	---	---	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	---	0.14TVS	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 <sup>2</sup> )	---	---	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	---	0.14TVS			
		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
<b>Other:</b>  *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*TVS	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	---	0.14TVS*	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	---
<b>Other:</b>  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)	---	150TVS	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	---	0.14TVS	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

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.14TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

\*Uranium(acute) = See 32.5(3) for details.  
 \*Uranium(chronic) = See 32.5(3) for details.

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
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.5	Silver	TVS
		Phosphorus	---	0.17TVS	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

\*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

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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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)	---	<del>8</del> *TVS	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	
		<del>Nitrogen</del>	<del>---</del>	<del>TVS</del>	Selenium	TVS	TVS	
		Phosphorus	---	<del>0.025</del> *TVS	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 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				
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
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>  *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50	---
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
					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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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				
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
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Classification: DUWS applies to Twin Lakes and Elbert Forebay.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>  *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		chlorophyll a (ug/L)	---	DUWS8*	Chromium III(T)	50	---
		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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)	---	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	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)	---	Chromium VI	TVS	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	Lead	TVS	TVS
		Boron	---	Lead(T)	50	---
		Chloride	---	Manganese	TVS	TVS/WS
		Chlorine	0.019	Mercury(T)	---	0.01
		Cyanide	0.005	Molybdenum(T)	---	150
		Nitrate	10	Nickel	TVS	TVS
		Nitrite	---	Nickel(T)	---	100
		Nitrogen	---	Selenium	TVS	TVS
		Phosphorus	---	Silver	TVS	TVS(tr)
		Sulfate	---	Uranium	varies*	varies*
		Sulfide	---	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)	---	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	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)	---	Chromium VI	TVS	TVS
				Copper	TVS	TVS
		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	Lead	TVS	TVS
		Boron	---	Lead(T)	50	---
		Chloride	---	Manganese	TVS	TVS/WS
		Chlorine	0.019	Mercury(T)	---	0.01
		Cyanide	0.005	Molybdenum(T)	---	150
		Nitrate	10	Nickel	TVS	TVS
		Nitrite	---	Nickel(T)	---	100
		Nitrogen	---	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 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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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
			D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<b>Other:</b>  *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*TVS	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
		Nitrogen	---	TVS	Silver	TVS	TVS(tr)
		Phosphorus	---	0.025*TVS	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

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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> <div>*Temperature =</div> <div>DM=CLL and MWAT=CLL from 1/1-3/31</div> <div>DM= CLL and MWAT=21.3 from 4/1-12/31</div>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (ug/L)	---	8*DUWS	Chromium III(T)	50
Temporary Modification(s):		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	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
*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
*Uranium(acute) = See 32.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---
*Uranium(chronic) = See 32.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0-025*TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	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
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (ug/L)	---	8*DUWS	Chromium III(T)	50
*chlorophyll-a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
*Classification: DUWS applies to Bison Reservoir = DUWS		E. Coli (per 100 mL)	---	126	Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		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
		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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0-025*TVS	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

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	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:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
Sulfide	---	0.002	Zinc	TVS	TVS		
40. Brush Hollow Reservoir.							
COARUA40	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:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	20*TVS	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
		Nitrogen	---	TVS	Nickel	TVS	TVS
		Phosphorus	---	0.083*TVS	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

## Upper Arkansas River Basin

41. Teller Reservoir							
COARUA41	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
<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*TVS	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
		<u>Nitrogen</u>	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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
			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 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (mg/m²)	---	150TVS	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	---	0.14TVS	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	---
<b>Other:</b>  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 <sup>2</sup> )	---	—TVS—	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 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:		chlorophyll a (mg/m²)	---	<del>TVS</del>	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	---	0.05	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
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (mg/m²)	---	<del>150*TVS</del>	Chromium III(T)	---	100
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		Inorganic (mg/L)			Copper	TVS	TVS
*Selenium(acute) = See selenium assessment location at 32.6(4).			acute	chronic	Iron(T)	---	1000
*Selenium(chronic) = See selenium assessment location at 32.6(4).		Ammonia	TVS	TVS	Lead	TVS	TVS
*Uranium(acute) = See 32.5(3) for details.		Boron	---	0.75	Manganese	TVS	TVS
*Uranium(chronic) = See 32.5(3) for details.		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	---	<del>0.17TVS</del> *	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:		pH	6.5 - 9.0		---	Chromium III	TVS	TVS
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Selenium(acute) = See selenium assessment location at 32.6(4).</div> <div>*Selenium(chronic) = See selenium assessment location at 32.6(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (mg/m <sup>2</sup> )	---		150*TVS	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	---	0.17TVS*	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:  *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/m <sup>2</sup> )	---	150TVS	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	---	0.47TVS	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	---
<div>Other:</div> <div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlrophyll a (mg/m <sup>2</sup> )	---	450*TVS	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	---	0.47TVS*	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 <sup>A</sup>
		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	
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (mg/m²)	---	450*TVS	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	---	0.47TVS*	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)	---	100
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)	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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	WS-III	Arsenic(T)	---
	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0-17TVS*	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	WS-II	Arsenic(T)	---
	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Selenium(acute) = See selenium assessment location at 32.6(4).</div> <div>*Selenium(chronic) = See selenium assessment location at 32.6(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	Chromium VI(T)	---	100
		E. Coli (per 100 mL)	---	126	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	389*	369*
		Nitrate	100	---	Silver	---	---
		Nitrite	10	---	Uranium	varies*	varies*
		Phosphorus	---	0-17TVS*	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	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	
<p><b>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</b></p> <p><b>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</b></p> <p><b>*Selenium(acute) = See selenium assessment location at 32.6(4).</b></p> <p><b>*Selenium(chronic) = See selenium assessment location at 32.6(4).</b></p> <p><b>*Uranium(acute) = See 32.5(3) for details.</b></p> <p><b>*Uranium(chronic) = See 32.5(3) for details.</b></p>		chlorophyll a (mg/m <sup>2</sup> )	---	<b>150*TVS</b>	Chromium VI(T)	---	100	
		E. Coli (per 100 mL)	---	126	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	389*	369*	
		Nitrate	100	---	Silver	---	---	
		Nitrite	10	---	Uranium	varies*	varies*	
		Phosphorus	---	<b>0-17TVS*</b>	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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 32.5(3) for details.					Iron(T)	---
*Uranium(chronic) = See 32.5(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

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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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 32.5(3) for details.					Iron(T)	---
*Uranium(chronic) = See 32.5(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 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	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply				0.02-10 <sup>A</sup>
Qualifiers:					
Other:  *chlorophyll a (mg/m <sup>2</sup> )(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. (mg/L)	---	Cadmium	TVS
		pH	6.5 - 9.0	Cadmium(T)	5.0
		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium III	---
		E. Coli (per 100 mL)	---	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

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*	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply				0.02-10 <sup>A</sup>
Qualifiers:					
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		D.O. (mg/L)	---	Cadmium	TVS
		pH	6.5 - 9.0	Cadmium(T)	5.0
		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium III	---
		E. Coli (per 100 mL)	---	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	173*
				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

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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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/m²)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

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)	---	450*TVS	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
Temporary Modification(s):		Ammonia	TVS	TVS	Iron	---	WS
Arsenic(chronic) = hybrid		Boron	---	0.75	Iron(T)	---	1000
Expiration Date of 12/31/2024		Chloride	---	250	Lead	TVS	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).		Chlorine	0.019	0.011	Lead(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		Cyanide	0.005	---	Manganese	TVS	TVS/WS
*Uranium(acute) = See 32.5(3) for details.		Nitrate	10	---	Mercury(T)	---	0.01
*Uranium(chronic) = See 32.5(3) for details.		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	0.47TVS*	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	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)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		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	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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

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	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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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.		<b>Inorganic (mg/L)</b>			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	---	<del>0.14</del> TVS	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 <sup>A</sup>
	Recreation E	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	---	TVS
*Uranium(acute) = See 32.5(3) for details.		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Uranium(chronic) = See 32.5(3) for details.		<b>Inorganic (mg/L)</b>			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	---	<del>0.17</del> TVS	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/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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	
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
<b>Other:</b>  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</del> *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 <sup>2</sup> )	---	<del>450</del> *TVS	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	---	<del>0.44</del> TVS*	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 <sup>A</sup>
	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:		chlorophyll a (mg/m <sup>2</sup> )	---	---	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	---	0-17TVS*	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/m <sup>2</sup> )	---	150*TVS	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	---	0-17TVS*	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)	---	—TVS—	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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/m²)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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:		chlorophyll a (mg/m²)	---	450TVS	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			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	---	0.47TVS	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:		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)	---	8TVS	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 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	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025TVS	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 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	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 ---
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Chromium III --- TVS
<b>Other:</b>		chlorophyll a (ug/L)	---	5*	Chromium III(T) 50 ---
Temporary Modification(s):		<u>chlorophyll a (ug/L)</u>		<u>TVS</u>	Chromium VI TVS TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper TVS TVS
Expiration Date of 12/31/2024					Iron --- WS
*chlorophyll a (ug/L)(chronic) = See assessment location at 32.6(4).		Inorganic (mg/L)		Iron(T) --- 1000	
*Uranium(acute) = See 32.5(3) for details.		acute	chronic	Lead TVS TVS	
*Uranium(chronic) = See 32.5(3) for details.		Ammonia	TVS	TVS	Lead(T) 50 ---
*Temperature =		Boron	---	0.75	Manganese TVS TVS/WS
DM=CLL and MWAT=CLL from 1/1-3/31		Chloride	---	250	Mercury(T) --- 0.01
DM= CLL and MWAT=23.6 from 4/1-12/31		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
		<u>Nitrogen</u>	<u>---</u>	<u>TVS</u>	Silver TVS TVS(tr)
		Phosphorus	---	<u>TVS</u>	Uranium varies* varies*
		Sulfate	---	WS	Zinc TVS TVS
		Sulfide	---	0.002	

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	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
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T) 5.0 ---
<b>Other:</b>		chlorophyll a (ug/L)	---	<u>20*TVS</u>	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	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
		<u>Nitrogen</u>	<u>---</u>	<u>TVS</u>	Nickel TVS TVS
		Phosphorus	---	<u>0.083*TVS</u>	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

## 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	CL	CL	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	---
<b>Other:</b>  *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*TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	---	126	Chromium VI	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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	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	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	---
<b>Other:</b>  *chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area. *Classification: DUWS Applies only applies 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*DUWS	Chromium III(T)	50
		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
		E. Coli (per 100 mL)	---	126	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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	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

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)	---	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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	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)	---	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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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

## 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	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
<b>Other:</b>  *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*DUWS	Chromium III(T)	50	---
		chlorophyll a (ug/L)	---	TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
Sulfide	---	0.002	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	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/m <sup>3</sup> ug/L)	---	---TVS	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

## 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.

COARFO01A	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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.

COARFO01B	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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 <sup>A</sup>	
	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)	---	<del>TVS</del>	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 <sup>A</sup>	
	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)	---	<del>TVS</del>	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.

COARF003A	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
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.11</del> TVS	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.

COARF003B	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
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.11</del> TVS	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.

COARFO04A	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
<div><del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 32.5(4).</del></div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</div> <div>*Uranium(acute) = See 32.5(3) for details.</div> <div>*Uranium(chronic) = See 32.5(3) for details.</div>		chlorophyll a (mg/m²)	---	150*TVS	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	---	0.17TVS*	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).

COARFO04B	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</del> *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 <sup>2</sup> )	---	<del>150</del> *TVS	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	---	<del>0.17</del> TVS*	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	WS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10	<sup>A</sup>	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
<b>Other:</b>  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</del> *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 <sup>2</sup> )	---	<del>150</del> <sup>*</sup> TVS	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	---	<del>0.17</del> <sup>*</sup> TVS	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
			Zinc	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	WS-II	Arsenic	340	---	
	Recreation E	acute	chronic	Arsenic(T)	---	100		
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
<b>Other:</b>  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</del> *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/m <sup>2</sup> )	---	<del>150</del> <sup>*</sup> TVS	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	---	<del>0.17</del> <sup>*</sup> TVS	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

## 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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	---	TVS
<p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</p> <p>*Uranium(acute) = See 32.5(3) for details.</p> <p>*Uranium(chronic) = See 32.5(3) for details.</p>		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	---	<del>0.47</del> TVS*	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
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	---	TVS
<p>Temporary Modification(s):</p> <p>Arsenic(chronic) = hybrid</p> <p>Expiration Date of 12/31/2024</p> <p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 32.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).</p> <p>*Uranium(acute) = See 32.5(3) for details.</p> <p>*Uranium(chronic) = See 32.5(3) for details.</p>		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	---	<del>0.47</del> TVS*	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:  *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/m <sup>2</sup> )	---	---	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	---	0.47TVS	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>  *chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 32.5(4). *Phosphorus(chronic) = applies only above the facilities listed at 32.5(4). *Copper(acute) = Copper BLM –based Fixed Monitoring Benchmark (FMB) Copper FMBa = 28.4µg/L for a subsegment of Monument Creek from immediately above the Tri-Lakes Wastewater Treatment Facility to the North Gate Boulevard Bridge. *Copper(chronic) = Copper BLM –based Fixed Monitoring Benchmark (FMB) Copper FMBc = 17.8µg/L for a subsegment of Monument Creek from immediately above the Tri-Lakes Wastewater Treatment Facility to the North Gate Boulevard Bridge.  *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	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/WS
		Nitrite	---	0.5	Mercury(T)	---	0.01
		Phosphorus	---	0.47TVS*	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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards Apply		chlorophyll a (mg/m³ug/L)	---	TVS	Chromium III	---	TVS
Other:		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
*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	---	---	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	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 TVS
Fish Ingestion Standards Apply		pH	6.5 - 9.0 ---	Chromium III	TVS TVS
<b>Other:</b>  *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*TVS	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
		Nitrogen	--- - TVS	Uranium	varies* varies*
		Phosphorus	--- 0.083*TVS	Zinc	TVS TVS
		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 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

## 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.

COARF008	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
	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*DUWS	Chromium III(T)	50
Temporary Modification(s):		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	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
*Classification: DUWS applies to Big Tooth Reservoir, Lake Moraine, and Woodmoor Lake.		Boron	---	0.75	Lead(T)	50
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Chloride	---	250	Manganese	TVS
*Uranium(acute) = See 32.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---
*Uranium(chronic) = See 32.5(3) for details.		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	TVS

9. North Catamount Reservoir, South Catamount Reservoir, and Crystal Creek Reservoir.

COARF009	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
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS
Other:		chlorophyll a (ug/L)	---	DUWS8*	Chromium III(T)	50
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
*Classification: All reservoirs=DUWS		E. Coli (per 100 mL)	---	126	Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		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
		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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	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

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.

COARF010	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL,CLL	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply			Cadmium	TVS
	DUWS*			Cadmium(T)	5.0
<b>Qualifiers:</b>		pH	6.5 - 9.0	Chromium III	---
<b>Other:</b>		chlorophyll a (ug/L)	---	Chromium III(T)	50
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	Chromium VI	TVS
*Classification: DUWS applies to Rampart Reservoir = DUWS		E. Coli (per 100 mL)	---	Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		<b>Inorganic (mg/L)</b>		Iron	---
*Uranium(acute) = See 32.5(3) for details.				Iron(T)	---
*Uranium(chronic) = See 32.5(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

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.

COARF011	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
UP	Aq Life Warm 2	Temperature °C	WL	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply			Cadmium	TVS
	DUWS*			Cadmium(T)	5.0
<b>Qualifiers:</b>		chlorophyll a (ug/L)	---	Chromium III	---
<b>Other:</b>		chlorophyll a (ug/L)	---	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)	---	Chromium VI	TVS
*Classification: DUWS applies to Lower Reservoir, Keeton Reservoir, Unknown Reservoir at 38.70939, -104.82928, Gold Camp Reservoir, and South Suburban Reservoir.		<b>Inorganic (mg/L)</b>		Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.				Iron	---
*Uranium(acute) = See 32.5(3) for details.				Iron(T)	---
*Uranium(chronic) = See 32.5(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 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 <sup>A</sup>	
	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/m <sup>2</sup> )	---	TVS	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/m <sup>2</sup> )	---	TVS	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)	---	<del>TVS</del>	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/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 <sup>A</sup>
	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).		E. Coli (per 100 mL)	---	630	Chromium III	---	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)			Chromium III(T)	50	---
*Uranium(chronic) = See 32.5(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	---	<del>0.47TVS</del> *	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 <sup>A</sup>
	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	---	<del>0.47</del> TVS*	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
<b>Other:</b>  *chlorophyll a (mg/m <sup>2</sup> )(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 <sup>2</sup> )	---	150*TVS	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	---	0.47TVS*	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
<b>Other:</b>  *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/m <sup>2</sup> )	---	---	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	---	0.47TVS	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	
<b>Other:</b>  *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	---	0.47TVS*	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	---	
<b>Other:</b>  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)	---	150TVS	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	---	0.44TVS	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	Silver	TVS	TVS(tr)	
			Uranium	varies*	varies*			
			Zinc	TVS	TVS			

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

3b. Mainstem of West Torrino 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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
Qualifiers:		chlorophyll a (mg/m <sup>2</sup> )	---	---	Chromium III(T)	50	---
Other:  *Uranium(acute) = See 32.5(3) for details.  *Uranium(chronic) = See 32.5(3) for details.		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	---	0.17TVS	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 <sup>A</sup>	
	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 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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)	---	450TVS	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	---	0.47TVS	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	
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:  *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (mg/m²)	---	450TVS	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	---	0.47TVS	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)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply			Cadmium	TVS
Qualifiers:		D.O. (mg/L)	---	Cadmium(T)	5.0
Other:		D.O. (spawning)	---	Chromium III	---
Temporary Modification(s):		pH	6.5 - 9.0	Chromium III(T)	50
Arsenic(chronic) = hybrid		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium VI	TVS
Expiration Date of 12/31/2024		E. Coli (per 100 mL)	---	Copper	TVS
*Uranium(acute) = See 32.5(3) for details.		Inorganic (mg/L)		Iron	---
*Uranium(chronic) = See 32.5(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

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	Arsenic	340
	Recreation E			Arsenic(T)	---
	Water Supply			Cadmium	TVS
Qualifiers:		D.O. (mg/L)	---	Cadmium(T)	5.0
Other:		D.O. (spawning)	---	Chromium III	---
Temporary Modification(s):		pH	6.5 - 9.0	Chromium III(T)	50
Arsenic(chronic) = hybrid		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium VI	TVS
Expiration Date of 12/31/2024		E. Coli (per 100 mL)	---	Copper	TVS
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 32.5(4).		Inorganic (mg/L)		Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).				Iron(T)	---
*Uranium(acute) = See 32.5(3) for details.				Lead	TVS
*Uranium(chronic) = See 32.5(3) for details.				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 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
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 <sup>2</sup> )	---	450*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS
*chlorophyll a (mg/m <sup>2</sup> )(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)	---
*Uranium(acute) = See 32.5(3) for details.		Boron	---	2.0	Lead	TVS
*Uranium(chronic) = See 32.5(3) for details.		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	---	0.44*TVS*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
				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
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 32.5(4).		pH	6.5 - 9.0	---	Chromium III(T)	---
*Phosphorus(chronic) = applies only above the facilities listed at 32.5(4).		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	Chromium VI	TVS
*Uranium(acute) = See 32.5(3) for details.		E. Coli (per 100 mL)	---	126	Copper	TVS
*Uranium(chronic) = See 32.5(3) for details.		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	TVS	Manganese	TVS
		Boron	---	4.0	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	0.019	0.011	Nickel	TVS
		Cyanide	0.005	---	Selenium	TVS
		Nitrate	100	---	Silver	TVS
		Nitrite	---	0.5	Uranium	varies*
		Phosphorus	---	0.44*TVS*	Zinc	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 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 <sup>A</sup>	
	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)	---	TVS	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	---	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)	---	TVS	Chromium III	---	TVS	
		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---	
					Chromium VI	TVS	TVS	
					Copper	TVS	TVS	
					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	---	---	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

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/m²)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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

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
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Water + Fish Standards Apply</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	---	TVS
<b>Other:</b>		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	---	<del>0.17</del> TVS	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
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<u>Public Swim Beach*</u>		chlorophyll a (mg/m <sup>2</sup> ug/L)	---	<del>---</del> TVS	Chromium III	---	TVS
<b>Other:</b>		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Public Swim Beach applies to Lake Hasty.		Inorganic (mg/L)			Chromium VI	TVS	TVS
*Nitrogen(chronic) = applies only to Public Swim Beach		acute		chronic	Copper	TVS	TVS
*Phosphorus(chronic) = applies only to Public Swim Beach		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	---	0.05	Molybdenum(T)	---	150
		<u>Nitrogen</u>	---	<del>---</del> TVS*	Nickel	TVS	TVS
		Phosphorus	---	<del>---</del> TVS*	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

11. John Martin Reservoir.						
COARLA11	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			Cadmium	TVS	TVS
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> ug/L)	---	TVS	---	TVS
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
		Ammonia	TVS	TVS	Iron	---
*Uranium(acute) = See 32.5(3) for details.		Boron	---	0.75	Iron(T)	---
*Uranium(chronic) = See 32.5(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

12. Lake Henry, Lake Meredith.						
COARLA12	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 (mg/m <sup>2</sup> ug/L)	---	TVS	Chromium III(T)	---
*Uranium(acute) = See 32.5(3) for details.		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(chronic) = See 32.5(3) for details.		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	---	0.5	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 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
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>3</sup> ug/L)	---	TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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

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 Guajatoyah 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 Dorothey.

COARLA15	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture			DM	MWAT		
Reviewable	Aq Life Cold 1	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	Temperature °C	CLL*	CLL *	Arsenic(T)	---	0.02
	Water Supply				Cadmium	TVS	TVS
	DUWS*				Cadmium(T)	5.0	---
Qualifiers:							
Other:		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 (ug/L)	---	8*DUWS	Copper	TVS	TVS
		chlorophyll a (ug/L)	---	TVS	Iron	---	WS
		E. Coli (per 100 mL)	---	126	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)
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.025*TVS	Zinc	TVS	TVS
		Sulfate	---	WS			
		Sulfide	---	0.002			

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				
UP	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic(T)	---	100		
	Recreation E		acute	chronic	Beryllium(T)	---	100		
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium(T)	---	10		
<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>		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS		
		pH	6.5 - 9.0	---	Chromium III(T)	---	100		
		chlorophyll a (ug/L)	---	8*TVS	Chromium VI(T)	---	100		
		E. Coli (per 100 mL)	---	126	Copper(T)	---	200		
					Iron	---	---		
		Inorganic (mg/L)			Lead(T)	---	100		
					Manganese	---	---		
		Ammonia			---	---	---		
		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
		Nitrogen			---	TVS			
Phosphorus			---	0.025*TVS					
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	CL	CL	Arsenic(T)	---	0.02-10 <sup>A</sup>
	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	---
Other:		pH	6.5 - 9.0	---	Chromium III(T)	---
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	Chromium VI(T)	50
		E. Coli (per 100 mL)	---	126	Copper(T)	---
		Inorganic (mg/L)		---	Iron	---
		acute	chronic	Lead(T)	50	100
		Ammonia	---	---	Manganese	---
		Boron	---	0.75	Mercury(T)	2.0
		Chloride	---	250	Molybdenum(T)	---
		Chlorine	---	---	Nickel(T)	---
		Cyanide	0.2	---	Nickel(T)	---
		Nitrate	10	---	Selenium(T)	---
		Nitrite	---	0.05	Silver(T)	100
		Nitrogen	---	TVS	Uranium	varies*
		Phosphorus	---	0.025*TVS	Zinc(T)	---
		Sulfate	---	WS		2000
		Sulfide	---	0.05		
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	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	---
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 32.5(3) for details. *Uranium(chronic) = See 32.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		---	Copper	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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

## 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	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*TVS	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
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Boron	---	0.75	Iron(T)	---
*Uranium(acute) = See 32.5(3) for details.		Chloride	---	250	Lead	TVS
*Uranium(chronic) = See 32.5(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)	---
		Nitrogen	---	TVS	Nickel	TVS
		Phosphorus	---	0.083*TVS	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

## 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	---	0.47TVS	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, Fitzler 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)	---	450TVS	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	---	0.47TVS	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			DM	MWAT	acute	chronic
UP	Recreation E					
	Agriculture	Temperature °C	WL	WL	Arsenic	340
	Aq Life Warm 2		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*TVS	Chromium III(T)	100
		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)	0.01
		Chlorine	0.019	0.011	Molybdenum(T)	150
		Cyanide	0.005	---	Nickel	TVS
		Nitrate	100	---	Selenium	TVS
		Nitrite	---	0.5	Silver	TVS
		Nitrogen	---	TVS	Uranium	varies*
		Phosphorus	---	0.083*TVS	Zinc	TVS
		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 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.

## **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.*

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Water Quality Control Commission

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

##### 5 CCR 1002-33

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### 33.1 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

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll a, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to December 31, ~~2022 for chlorophyll a and prior to December 31, 2027 for, total nitrogen and total phosphorus, interim nutrient~~ values will be considered for adoption only in the limited circumstances defined at 31.17(e2)(a)(i) and (f). ~~These~~ For lakes and reservoirs, these circumstances include ~~headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)), and other special circumstances determined by the Commission.~~ headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)), 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 (31.17(2)(a)(i)(D)). For rivers and streams, these 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 include waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The (31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).~~

Pursuant to 31.17(2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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

Segment	Permittee	Facility name	Permit No.
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
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~~total nitrogen and total phosphorus standards apply to the entire segment.
- For segments with portions downstream of these facilities, ~~nutrient~~total nitrogen and total phosphorus standards only apply above these facilities-, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll a~~total nitrogen standards in these segments. The note references the table of qualified facilities at 33.5(4).
- For segments located entirely below these facilities, ~~nutrient~~total nitrogen and total phosphorus standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>					
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 <sup>(4)</sup>	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) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$					
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>					
Chromium III <sup>(76)</sup>	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$					
Chromium VI <sup>(76)</sup>	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 = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$					
<u>Nitrogen<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
<u>Phosphorus<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
Selenium <sup>(87)</sup>	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 <sup>(98)</sup>	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. – May	9.0	13.0
	Cold Stream	CS-II	all other cold-water species	April – Oct.	18.3	24.3

	Tier II <sup>(98)</sup>			Nov. – March	9.0	13.0
	Cold Lake <sup>(109)</sup>	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 Lake (>100 acres surface area) <sup>(109)</sup>	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= $e^{(1.1021 \cdot \ln(\text{hardness}) + 2.7088)}$ 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 = $0.986 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.6235)}$ Where hardness is less than 102 mg/L CaCO <sup>3</sup> and mottled sculpin are expected to be present: Chronic (sculpin) = $e^{(2.140 \cdot \ln(\text{hardness}) - 5.084)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (67) 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.
- (78) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (89) 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.
- (910) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.

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(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 Hubberson Gulch (WSH7): located in the middle reaches of Hubberson Gulch

Seneca II-W Flume Site 1 on Hubberson Gulch (WSHF1): located on Hubberson Gulch just upstream of its confluence with Dry Creek

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

(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.~~
- ~~(eb)~~ 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.
- ~~(ec)~~ All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- ~~(ed)~~ 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**

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**33.69 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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**

**A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17**

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

**B. Implementation of Nutrients Table Value Standards**

The commission revised 33.5(4) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V (nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 33.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 33.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface area. The chlorophyll *a* standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of



all sizes. This information was previously included in the segment tables in Appendix 33-1, but was moved to Footnote 6 for clarity.

**1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

**a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously adopted the DUWS sub-classification and notation in the Appendix 33-1 tables on several waterbodies in previous rulemaking hearings, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned total nitrogen and total phosphorus standards. Therefore, the “Public Swim Beach” notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. In Regulation No. 33, all public swim beaches are also classified as DUWS or located above certain discharge facilities, so total nitrogen and total phosphorus standards were adopted for those reasons. As a result, there was not a need to add total nitrogen and total phosphorus standards solely due to the presence of a public swim beach on any waterbodies.

**b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 33.5(4).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 33-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 33-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 33-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

## **2. Chlorophyll a Standards for Lakes, Reservoirs, Rivers, and Streams**

The commission made no changes to the chlorophyll a standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll a standards.

Adoption of chlorophyll a standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll a standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll a table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 33-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; in Appendix 33-1, these table value standards are shown as “DUWS”. The phased implementation of the chlorophyll a standards adoption is now complete.

## **C. Clarifications and Corrections**

The following edits were made to Appendix 33-1 to improve clarity and correct errors:

- The Direct Use Water Supply (DUWS) references in segments in Appendix 33-1 were revised to improve clarity and consistency.
- In Appendix 33-1, on Yampa River Segment 23 (COUCYA23), the notes in the “Other” column regarding chlorophyll a and phosphorus standards applying only above facilities listed in 33.5(4) are unnecessary. These notes were adopted in error, as the only waterbody in this segment (Elkhead Reservoir) is not below any facilities listed in 33.5(4).

**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 ~~09/30/2022~~04/30/2023

## 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 <sup>2</sup>	=	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	Water Supply	DM	MWAT	acute	chronic	
OW	Agriculture	Temperature °C	CS-I CS-I	Arsenic	340	---
	Aq Life Cold 1	acute	chronic	Arsenic(T)	---	0.02
	Recreation E	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 <sup>2</sup> )	--- <del>450</del> TVS	Chromium III(T)	50	---
		E. Coli (per 100 mL)	--- 126	Chromium VI	TVS	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(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	--- <del>0.44</del> TVS	Nickel(T)	---	100
		Sulfate	--- WS	Selenium	TVS	TVS
		Sulfide	--- 0.002	Silver	TVS	TVS(tr)
				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
		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0 ---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	--- <del>450</del> TVS	Chromium III(T)	50	---
		E. Coli (per 100 mL)	--- 126	Chromium VI	TVS	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(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	--- <del>0.44</del> TVS	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

## 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	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		
<p>*chlorophyll a (mg/m<sup>2</sup>)(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>*Temperature = See 33.6(4) for temperature standards.</p>		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			---	0.14TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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		
<p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p>		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			---	0.14TVS	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)	---	<del>150</del> *TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.11</del> TVS*	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)	---	<del>150</del> *TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		Inorganic (mg/L)		Iron	---	WS	
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.11</del> TVS*	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/m <sup>2</sup> )	---	<del>150</del> *TVS	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
					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

## 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:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS		
*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)	---	---	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	---	0.44TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
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.		chlorophyll a (mg/m²)	---	450TVS	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	---	0.44TVS	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

## 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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2024		<b>Inorganic (mg/L)</b>			Copper	TVS	TVS
<del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 33.5(4).</del>		acute		chronic	Iron	---	WS
<del>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</del>		Ammonia	TVS	TVS	Iron(T)	---	1000
<del>*Uranium(acute) = See 33.5(3) for details.</del>		Boron	---	0.75	Lead	TVS	TVS
<del>*Uranium(chronic) = See 33.5(3) for details.</del>		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	---	<del>0.14</del> TVS*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 33.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	---	Chromium III(T)	50	---
*Uranium(chronic) = See 33.5(3) for details.		E. Coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
		<b>Inorganic (mg/L)</b>			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	---	<del>0.14</del> TVS	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

## 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	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *chlorophyll a (mg/m <sup>2</sup> )(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 <sup>2</sup> )	---	150*TVS	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	---	0.11TVS*	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
<b>Other:</b>  *chlorophyll a (mg/m <sup>2</sup> )(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/m <sup>2</sup> )	---	150*TVS	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	---	0.11TVS*			
		Sulfate	---	---			

All metals are dissolved unless 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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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:		chlorophyll a (mg/m²)	---	150*TVS	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 33.5(4).		Inorganic (mg/L)			Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).			acute	chronic	Lead	TVS	TVS
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	TVS	Lead(T)	50	---
*Uranium(chronic) = See 33.5(3) for details.		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	---	0.41TVS*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	TVS	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 33.5(3) for details.		Inorganic (mg/L)			Iron(T)	---	1000
*Uranium(chronic) = See 33.5(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	---	---	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	--TVS -	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 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

## 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/m <sup>2</sup> )	---	TVS	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/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*TVS	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
					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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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
<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 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div> <div>*Temperature =</div> <div>DM and MWAT=CL,CLL from 1/1-3/31</div> <div>Rim Lake</div> <div>DM=CL and MWAT=16.6 from 4/1-12/31</div> <div>All others</div> <div>DM and MWAT=CL,CLL from 4/1-12/31</div>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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* <sup>B</sup>	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	---
		D.O. (spawning)	---	7.0	Chromium III	---	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III(T)	50	---
Goal Qualifier Grand Lake Clarity		chlorophyll a (ug/L)	---	DUWS8*	Chromium VI	TVS	TVS
<b>Other:</b>  *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 to Grand Lake. *Classification: DUWS Applies only to Grand Lake.*Nitrogen(chronic) = applies only above the facilities listed at 33.5(4) and in DUWS waterbodies. *Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.) and in DUWS waterbodies. *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.		<u>chlorophyll a (ug/L)</u>	---	TVS	Copper	TVS	TVS
		E. Coli (per 100 mL)	---	126	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		
		<u>Nitrogen</u>	---	TVS*	Silver	TVS	TVS(tr)
		Phosphorus	---	0.025TVS*	Uranium	varies*	varies*
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002			

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* <sup>B</sup>	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
<b>Other:</b>  *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 to Ute Creek Reservoir. *Classification: **Nitrogen(chronic) = applies only above the facilities listed at 33.5(4) and in DUWS waterbodies.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-) and in DUWS waterbodies.  *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*DUWS	Chromium III(T)	50 ---
		chlorophyll a (ug/L)	--- TVS	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
		Nitrogen	--- - TVS*	Selenium	TVS TVS
		Phosphorus	--- 0.025TVS*	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 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150TVS	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	---	0.14TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*TVS	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).		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	---
*Zinc(acute) = e^(1.25 (ln(hard)+0.799))		Chloride	---	250	Manganese	TVS	TVS/WS
*Zinc(chronic) = e^(1.25 (ln(hard)+0.799))		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.14TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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(acute) = 1/2e^(1.0166(ln(hard)-3.132))		Inorganic (mg/L)			Iron	---	WS
*Cadmium(chronic) = 1/2e^(1.0166(ln(hard)-3.132))		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	---
*Zinc(acute) = e^(0.9805(ln(hard)+1.402))		Chloride	---	250	Manganese	TVS	TVS/WS
*Zinc(chronic) = e^(0.9805(ln(hard)+1.402))		Chlorine	0.019	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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	---	---	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)	---	TVS	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/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)	--- <del>150</del> TVS	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	--- <del>0.44</del> TVS	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)	---	450TVS	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	---	0.44TVS	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:						
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

## 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450*TVS	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).			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	---	0.44TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 33.5(3) for details.		chlorophyll a (mg/m²)	---	450TVS	Chromium III(T)	50	---
*Uranium(chronic) = See 33.5(3) for details.		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Zinc(acute) = 0.978*e^0.8537(ln Hardness)+1.5227					Copper	TVS	TVS
*Zinc(chronic) = 0.986*e^0.8537(ln Hardness)+1.3519			Inorganic (mg/L)		Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.44TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS		
<div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div> <div>*Zinc(acute) = <math>0.978 \cdot e^{0.8537(\ln \text{Hardness})} + 1.5227</math></div> <div>*Zinc(chronic) = <math>0.986 \cdot e^{0.8537(\ln \text{Hardness})} + 1.3519</math></div>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	Chromium III(T)	50	---		
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS		
					Copper	TVS	TVS		
					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	---	<del>0.44</del> TVS	Silver	TVS	TVS(tr)		
		Sulfate	---	WS	Uranium	varies*	varies*		
Sulfide	---	0.002	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:	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)	---	450TVS	Copper	TVS	TVS	
	E. Coli (per 100 mL)	---	126	Iron(T)	---	1000	
				Lead	TVS	TVS	
				Manganese	TVS	TVS	
				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	---	0.44TVS				
	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				Arsenic(T)	---	0.02
	Water Supply				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)	---	450*TVS	Chromium III(T)	50	---	
	E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS	
				Copper	TVS	TVS	
				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	---	0.44TVS*	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	
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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
		Sulfide	---	0.002	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	
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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 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)	---	150TVS	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	---	0.14TVS			
		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 <sup>A</sup>
	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)	---	150TVS	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	---	0.14TVS	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 <sup>A</sup>
	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/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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

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
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.44TVS*			
		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
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.44TVS*	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 33.5(3) for details.	*Uranium(chronic) = See 33.5(3) for details.	Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
Ammonia		TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	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)	---	210
Nitrite		---	0.05	Nickel	TVS	TVS
Phosphorus		---	0.14TVS	Nickel(T)	---	100
Sulfate		---	WS	Selenium	TVS	TVS
Sulfide		---	0.002	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 33.5(3) for details.	*Uranium(chronic) = See 33.5(3) for details.	Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
Ammonia		TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	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		---	0.14TVS	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

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)	---	TVS	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
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)	---	TVS	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	---	TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
						Zinc	TVS

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/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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 <sup>2</sup> )	---	---	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	---	0.44TVS	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 <sup>2</sup> )	---	---	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	---	0.44TVS	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	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50	---
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
					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
		<u>Nitrogen</u>	---	TVS	Silver	TVS	TVS(tr)
		Phosphorus	---	0.025*TVS	Uranium	varies*	varies*
Sulfate	---	WS	Zinc	TVS	TVS		
Sulfide	---	0.002					

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	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	
<b>Other:</b>  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*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 to Goose Pasture Tam.</del> <del>*Classification: DUWS Applies only to Goose Pasture Tam.*Nitrogen(chronic) = applies only above the facilities listed at 33.5(4) and in DUWS waterbodies.</del> *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), <del>applies only to lakes and reservoirs larger than 25 acres surface area.) and in DUWS waterbodies.</del> *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (ug/L)	---	<del>8*DUWS</del>	Chromium III(T)	50	---	
		<del>chlorophyll a (ug/L)</del>	<del>---</del>	<del>TVS</del>	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	
		<del>Nitrogen</del>	<del>---</del>	<del>TVS*</del>	Selenium	TVS	TVS	
		Phosphorus	---	0.0074*	Silver	TVS	TVS(tr)	
		Phosphorus	---	<del>0-025TVS*</del>	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 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			
Reviewable	Aq Life Cold 1	Temperature °C	varies*	varies*	acute	chronic
	Recreation E					
	Water Supply					
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic	340
Other:		D.O. (spawning)	---	7.0	Arsenic(T)	---
		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (ug/L)	---	8*TVS	Cadmium(T)	5.0
		E. Coli (per 100 mL)	---	126	Chromium III	---
					Chromium III(T)	50
					Chromium VI	TVS
					Copper	TVS
					Iron	TVS
					Iron(T)	WS
					Lead	---
					Lead(T)	TVS
					Manganese	50
					Mercury(T)	TVS/WS
					Molybdenum(T)	---
					Nickel	0.01
					Nickel(T)	---
				Selenium	100	
				Silver	TVS	
				Uranium	TVS(tr)	
				Zinc	varies*	
					varies*	
					TVS	
					TVS	

\*chlorophyll a (ug/L)(Nitrogen(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

All metals are dissolved unless 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	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<div>*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.</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		chlorophyll a (mg/m²)	---	<del>450</del> TVS	Chromium III(T)	50	---
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			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)		

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	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)	---	<del>150*</del> TVS	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
<del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</del> *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	---	<del>0.14</del> TVS*	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

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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 33.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	50	---
*Uranium(chronic) = See 33.5(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	---	<del>0.14</del> TVS	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*
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (mg/m <sup>2</sup> )	--- <del>TVS</del>	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*
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (mg/m <sup>2</sup> )	--- <del>TVS</del>	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)	---	---	TVS	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	---	---	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	---
<b>Other:</b>  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 <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.11</del> TVS	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	---	SSE*
		acute	chronic	Copper	SSE*	---
		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	---	0.44TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	---
					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)	---	<del>150</del> TVS	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	
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div> <div>*Temperature =</div> <div>MWAT= 14 from 6/1 - 6/30</div> <div>MWAT=CS-I from 7/1 - 9/30</div> <div>MWAT=12 from 10/1 - 10/15</div> <div>MWAT=CS-I from 10/16 - 5/31</div>		Inorganic (mg/L)		Iron	---	WS		
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	<del>0.44</del> TVS*	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)	---	<del>TVS</del>	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	
<div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div> <div>*Temperature =</div> <div>MWAT=16 from 6/1 - 6/30</div> <div>MWAT=CS-I from 7/1 - 9/30</div> <div>MWAT=12 from 10/1 - 10/15</div> <div>MWAT=11 from 10/16 - 10/31</div> <div>MWAT=CS-I from 11/1 - 5/31</div>		Inorganic (mg/L)		Iron	---	WS		
		acute	chronic	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	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	---
*Temperature =		Chloride	---	250	Manganese	TVS	TVS/WS
DM=15 and MWAT=12 from 4/1 - 5/31		Chlorine	0.019	0.011	Mercury(T)	---	0.01
DM=CS-II and MWAT=CS-II from 6/1 - 9/30		Cyanide	0.005	---	Molybdenum(T)	---	150
DM=15 and MWAT=12 from 10/1 - 10/15		Nitrate	10	---	Nickel	TVS	TVS
DM=15 and MWAT=11 from 10/16 - 10/31		Nitrite	---	0.05	Nickel(T)	---	100
DM=CS-II and MWAT=CS-II from 11/1-3/31		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/m <sup>2</sup> )	---	TVS	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	---	---	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)	---	---TVS	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	---	---	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
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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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			
	Aq Life Cold 2	Temperature °C	CS-I	CS-I	Arsenic	340	---	
Reviewable	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:	pH6.5 - 9.0 chlorophyll a (mg/m²)---450TVS E. Coli (per 100 mL)---205  Inorganic (mg/L)  acutechronic AmmoniaTVS TVS Boron---0.75 Chloride---250 Chlorine0.0190.011 Cyanide0.005--- Nitrate100--- Nitrite---0.05 Phosphorus---0.44TVS Sulfate--- Sulfide---0.002				Chromium III	TVS	TVS	
					Chromium III(T)	---	100	
					Chromium VI	TVS	TVS	
					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	
		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			
	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	340	---	
Reviewable	Recreation E	acute	chronic	Arsenic(T)	---	0.02		
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Other:	pH6.5 - 9.0 chlorophyll a (mg/m²)---450TVS E. Coli (per 100 mL)---126  Inorganic (mg/L)  acutechronic AmmoniaTVS TVS Boron---0.75 Chloride---250 Chlorine0.0190.011 Cyanide0.005--- Nitrate10--- Nitrite---0.05 Phosphorus---0.44TVS Sulfate---WS Sulfide---0.002				Chromium III	---	TVS	
					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 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	CL,CLL		CL,CLL	340		---
	Recreation E	acute		chronic	---		0.02
	Water Supply	D.O. (mg/L)		---	6.0		---
Qualifiers:		D.O. (spawning)		---	7.0		---
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	---		TVS
		chlorophyll a (ug/L)		---	8*TVS		---
		E. Coli (per 100 mL)		---	126		---
		Inorganic (mg/L)			Iron		WS
		acute		chronic	Iron(T)		1000
		Ammonia		TVS	TVS		TVS
		Boron		---	0.75		---
		Chloride		---	250		TVS/WS
		Chlorine		0.019	0.011		0.01
		Cyanide		0.005	---		150
		Nitrate		10	---		TVS
		Nitrite		---	0.05		100
		Nitrogen		---	TVS		TVS
		Phosphorus		---	0.025*TVS		TVS(tr)
		Sulfate		---	WS		varies*
		Sulfide		---	0.002		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	CL,CLL		CL,CLL	340		---
	Recreation E	acute		chronic	---		0.02
	Water Supply	D.O. (mg/L)		---	6.0		---
Qualifiers:		D.O. (spawning)		---	7.0		---
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	---		TVS
		chlorophyll a (ug/L)		---	8*TVS		---
		E. Coli (per 100 mL)		---	126		---
		Inorganic (mg/L)			Iron		WS
		acute		chronic	Iron(T)		1000
		Ammonia		TVS	TVS		TVS
		Boron		---	0.75		---
		Chloride		---	250		TVS/WS
		Chlorine		0.019	0.011		0.01
		Cyanide		0.005	---		150
		Nitrate		10	---		TVS
		Nitrite		---	0.05		100
		Nitrogen		---	TVS		TVS
		Phosphorus		---	0.025*TVS		TVS(tr)
		Sulfate		---	WS		varies*
		Sulfide		---	0.002		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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 <sup>2</sup> )	---	450±TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.14TVS*	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 <sup>A</sup>
	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/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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 Frypanpan 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:		pH	6.5 - 9.0	---	Chromium III --- TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	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	---	0.44TVS*	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:		pH	6.5 - 9.0	---	Chromium III --- TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	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		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 <sup>2</sup> )	---	<del>450</del> *TVS	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 <sup>2</sup> )(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	
					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	
		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		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 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	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/TVS(sc)	

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		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/m <sup>2</sup> )	---	450TVS	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/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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450TVS	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	---	0.44TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 33.5(3) for details.		chlorophyll a (mg/m²)	---	450TVS	Chromium III(T)	50	---
*Uranium(chronic) = See 33.5(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	---	0.44TVS	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	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)	---	<del>150</del> *TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> *TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

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)	---	450TVS	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	---	0.44TVS	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)	---	450TVS	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	---	0.44TVS	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	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	TVS
<p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p> <p>*Temperature =</p> <p>DM and MWAT=CL,CLL from 1/1-3/31</p> <p>Savage Lake, Ivanhoe Lake</p> <p>DM=CL and MWAT=16.6 from 4/1-12/31</p> <p>All others</p> <p>DM and MWAT=CL,CLL from 4/1-12/31</p>		chlorophyll a (ug/L)	8*TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	WS
		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)	TVS/WS
		Nitrate	10	Molybdenum(T)	0.01
		Nitrite	0.05	Nickel	150
		Nitrogen	TVS	Nickel(T)	TVS
		Phosphorus	0.025*TVS	Selenium	100
		Sulfate	WS	Silver	TVS
		Sulfide	0.002	Uranium	TVS(tr)
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	varies*	varies* <sup>B</sup>	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
<p>Temporary Modification(s):</p> <p>Arsenic(chronic) = hybrid</p> <p>Expiration Date of 12/31/2024</p> <p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Classification: DUWS Applies only applies to Leonard Thomas Reservoir and Wildcat Reservoir.</p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p> <p>*Temperature =</p> <p>DM and MWAT=CL,CLL from 1/1-3/31</p> <p>Ruedi Reservoir</p> <p>DM=22.4 and MWAT=20.3 from 4/1-12/31</p> <p>All others</p> <p>DM and MWAT=CL,CLL from 4/1-12/31</p>		chlorophyll a (ug/L)	8*DUWS	Chromium III(T)	50
		chlorophyll a (ug/L)	TVS	Chromium VI	TVS
		E. Coli (per 100 mL)	126	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
		Chlorine	0.019	Mercury(T)	TVS/WS
		Cyanide	0.005	Mercury(T)	0.01
		Nitrate	10	Molybdenum(T)	150
		Nitrite	0.05	Nickel	TVS
		Nitrogen	TVS	Nickel(T)	100
		Phosphorus	0.025*TVS	Selenium	TVS
		Sulfate	WS	Silver	TVS
		Sulfide	0.002	Uranium	TVS(tr)
				Uranium	varies*
				Zinc	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

## 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)	---	<del>150</del> TVS	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	
		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)	---	<del>150</del> TVS	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	
					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 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.44TVS*	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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 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/m <sup>2</sup> )	---	<del>150</del> TVS	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 33.5(3) for details.		acute		chronic	Iron	---	WS
*Uranium(chronic) = See 33.5(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	---	<del>0.44</del> TVS	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 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	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 <sup>2</sup> )	---	<del>150</del> TVS	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 33.5(3) for details.		acute		chronic	Iron	---	WS
*Uranium(chronic) = See 33.5(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	---	<del>0.44</del> TVS	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

## 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	---	0.44TVS*	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	---	0.44TVS	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		
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
					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	---	0.41TVS			
		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:		pH	6.5 - 9.0	---	Chromium III(T)	---	100
*Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details.		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.41</del> 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 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	acute	chronic	Arsenic(T) ---	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><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p> <p>*Temperature =</p> <p>DM and MWAT=CL,CLL from 1/1-3/31</p> <p>Blue Lake, Lower Big Twin Lake, Katherine Lake</p> <p>DM=CL and MWAT=16.6 from 4/1-12/31</p> <p>All others</p> <p>DM and MWAT=CL,CLL from 4/1-12/31</p>		chlorophyll a (ug/L) ---	8*TVS	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
		Nitrogen --- -	TVS	Nickel(T) ---	100
		Phosphorus ---	0.025*TVS	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* <sup>B</sup>	Arsenic 340 ---
	Recreation E	acute	chronic	Arsenic(T) ---	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><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p> <p>*Temperature =</p> <p>See 33.6(4) for temperature standards.</p>		chlorophyll a (ug/L) ---	8*TVS	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
		Nitrogen --- -	TVS	Nickel(T) ---	100
		Phosphorus ---	0.025*TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 33.5(4).</del> *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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS*	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>TVS</del>	Chromium III(T)	50	---
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
temperature(MWAT) = current conditions*					Copper	TVS	TVS
Expiration Date of 12/31/2024		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	---
*Temperature =		Chloride	---	250	Manganese	TVS	TVS/WS
See 33.6(4) for temperature standards.		Chlorine	0.019	0.011	Mercury(T)	---	0.01
*TempMod: temperature = applies from 7/1-9/30 and 11/1-11/30. Adopted 6/10/2019		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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>TVS</del>	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).		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	---	<del>TVS</del>	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 <sup>2</sup> )	---	<del>150</del> TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
*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 <sup>2</sup> )	---	---	Chromium III(T)	50	---
		E. Coli (per 100 mL)	---	630	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	---	0.44TVS*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
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 <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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

## 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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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)	---	<del>150</del> *TVS	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
<del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</del>		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	---	<del>0.14</del> TVS*	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

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)	---	<del>150</del> TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).</div> <div>*Uranium(acute) = See 33.5(3) for details.</div> <div>*Uranium(chronic) = See 33.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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		DM	MWAT	acute	chronic	
Reviewable	Agriculture	CS-I	CS-I	Arsenic	340	---
	Aq Life Cold 1	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS	TVS
	Recreation N	D.O. (spawning)	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	Chromium III	---	TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium III(T)	50	---
Temporary Modification(s):		E. Coli (per 100 mL)	630	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)		Copper	TVS	TVS
Expiration Date of 12/31/2024		acute	chronic	Iron	---	WS
*Uranium(acute) = See 33.5(3) for details.		Ammonia	TVS	Iron(T)	---	1000
*Uranium(chronic) = See 33.5(3) for details.		Boron	0.75	Lead	TVS	TVS
		Chloride	250	Lead(T)	50	---
		Chlorine	0.019	Manganese	TVS	TVS/WS
		Cyanide	0.005	Manganese(T)	---	200
		Nitrate	10	Mercury(T)	---	0.01
		Nitrite	0.05	Molybdenum(T)	---	150
		Phosphorus	0.14TVS	Nickel	TVS	TVS
		Sulfate	WS	Nickel(T)	---	100
		Sulfide	0.002	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

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 Recreation N	Temperature °C	CS-II	CS-II	Arsenic	340	---
			acute	chronic			
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---	100
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	---	Chromium III(T)	---	100
		E. Coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
					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	---	<del>0.14</del> TVS	Zinc	TVS	TVS
		Sulfate	---	---			
		Sulfide	---	0.002			

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 Recreation E Water Supply	Temperature °C	CS-I	CS-I	Arsenic	340	---
			acute	chronic			
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---	0.02
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	Chromium III	---	TVS
		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
					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	---	<del>0.14</del> TVS	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 Recreation E	Temperature °C	varies*	varies*	Arsenic	340	---
Qualifiers:		acute		chronic	Arsenic(T)	---	7.6
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. (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 <sup>2</sup> )	---	<del>450</del> TVS	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	varies*
		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	---	<del>0.44</del> TVS	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:  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)	---	<del>450</del> TVS	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	---	<del>0.11</del> TVS	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
<b>Other:</b>  *Iron(T)(chronic) = See section 33.6(4) for standards and assessment locations. *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 <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	---
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	varies*
		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	---	<del>0.47</del> TVS	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 <sup>A</sup>
	Recreation N	D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (mg/m <sup>2</sup> )	---	---	Chromium III	---
<b>Other:</b>  Temporary Modification(s): Selenium(chronic) = current conditions* Expiration Date of 12/31/2023  *Iron(T)(chronic) = See section 33.6(4) for standards and assessment locations for Sage Creek. *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *TempMod: Selenium = Adopted 6/9/2014		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	Iron(T)	---
		Chlorine	0.019	0.011	Lead	TVS
		Cyanide	0.005	---	Lead(T)	50
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.05	Mercury(T)	---
		Phosphorus	---	<del>0.47</del> TVS	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)	---	<del>150</del> TVS	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	Nicel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS	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
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/m²)	---	<del>150</del> TVS	Chromium III(T)	---	100
Selenium(chronic) = current conditions*		E. Coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2023		Inorganic (mg/L)			Copper	TVS	TVS
*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
*TempMod: Selenium = Adopted 6/9/2014		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	---	<del>0.17</del> TVS	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 12/31/2023  *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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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): Selenium(chronic) = current conditions* Expiration Date of 12/31/2023  *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)	---	---	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	---	<del>0.47</del> TVS	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
<b>Other:</b>  Temporary Modification(s): Selenium(chronic) = current conditions* Expiration Date of 12/31/2023  *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)	---	---	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	---	<del>0.47</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s): Selenium(chronic) = current conditions* Expiration Date of 12/31/2023  *Uranium(acute) = See 33.5(3) for details. *Uranium(chronic) = See 33.5(3) for details. *TempMod: Selenium = Adopted 12/11/2017		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	---	0.47TVS	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:		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)	---	450TVS	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	---	0.44TVS	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

## 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/m²)	---	450TVS	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	---	0.17TVS	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)	--- <del>450</del> TVS	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	--- <del>0.14</del> TVS	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)	---	450TVS	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	---	0.44TVS	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)	---	450TVS	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	---	0.44TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	---	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	---	<del>0.11</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	<del>8*</del> TVS	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
		<u>Nitrogen</u>	---	<del>0.025*</del> TVS	Selenium	TVS	TVS
		Phosphorus	---	<del>0.025*</del> TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	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 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

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 ---
<b>Qualifiers:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
<b>Other:</b>		chlorophyll a (ug/L)	--- 8*DUWS	Chromium III(T)	50 ---
<p>*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 to Stagecoach Reservoir, Steamboat Lake, and Yampa River Holding Pond.</p> <p>*Classification: DUWS Applies only to Stagecoach Res. Steamboat Lake and Yampa River Holding Pond.*Nitrogen(chronic) = applies only above the facilities listed at 33.5(4) and in DUWS waterbodies.</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.) and in DUWS waterbodies.</p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p> <p>*Temperature = See 33.6(4) for temperature standards.</p>		chlorophyll a (ug/L)	--- TVS	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
		Nitrogen	--- - TVS*	Selenium	TVS TVS
		Phosphorus	--- 0.025TVS*	Silver	TVS TVS(tr)
		Sulfate	--- WS	Uranium	varies* varies*
		Sulfide	--- 0.002	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
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
<p>*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.)</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4); applies only to lakes and reservoirs larger than 25 acres surface area.)</p> <p>*Uranium(acute) = See 33.5(3) for details.</p> <p>*Uranium(chronic) = See 33.5(3) for details.</p>		chlorophyll a (ug/L)	--- 8*TVS	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
		Nitrogen	--- - TVS	Nickel(T)	--- 100
		Phosphorus	--- 0.025TVS*	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 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.

## 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

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#### 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. EPA has granted the Southern Ute and Ute Mountain Ute Indian tribes' applications 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 Appendix 34-1 tables.



(5) Nutrients

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll a, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to ~~May 31, 2022, interim nutrient~~December 31, 2027, total nitrogen and total phosphorus values will be considered for adoption only in the limited circumstances defined at 31.17(e). ~~These~~2)(a)(i) and (ii). For lakes and reservoirs, these circumstances include ~~headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)), 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 (31.17(2)(a)(i)(D)). For rivers and streams, these 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 include waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. ~~The~~(31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).

Pursuant to 31.17(2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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.
COSJSJ05	San Juan River Village Metro	San Juan River Village Metro WWTF	COG588013
COSJSJ06a	High Country Lodge LLC	High Country Lodge	COG588002
COSJSJ06b	Pagosa Springs Sanitation District	Pagosa Springs San District WWTF	CO0022845
COSJPI06d	Pagosa Area Water and San Dist	Vista WWTF	CO0031755
COSJPN02a	Bayfield Town of	Bayfield Town of	CO0048291
COSJPN02a	Five Branches Camper Park	Five Branches Camper Park	COG588054
COSJPN02a	Forest Lake Metro Dist	Forest Lakes Metro District	CO0048160
COSJPN02a	Pine River Camp LLC	Kanakuk Colorado Youth Camp	COG588059
COSJPN04	Lipslea Enterprises LLC	Vallecito Resort	COG588026
COSJAF03b	Silverton Town of	Silverton Town of WWTF	CO0020311
COSJAF04b	Herrick Durango Land Co LLC	Durango North Ponderosa KOA	COG588020
COSJAF05a	Hermosa Sanitation District	Hermosa Sanitation District	COG588010
COSJAF05a	Durango City of	Durango City of	CO0024082
COSJAF05a	South Durango Sanitation District	South Durango SD WWTF	COG588057
COSJAF10a	Edgemont Ranch Metro Dist	Edgemont Ranch Metro District WWTF	CO0040266
COSJAF10b	Forest Groves Estates	Forest Groves Estates WWTP	COG588030
COSJAF11b	Durango La Plata County Airport	Durango/La Plata County Airport	CO0047457
COSJAF12a	Grizzly Peak Water Sales&Distribution LLC	Cascade Village WWTF	CO0039691

Segment	Permittee	Facility name	Permit No.
COSJAF12a	Purgatory Metropolitan District	Purgatory Metropolitan Dist	COG589010
COSJAF13c	Durango West Metro Dist #2	Durango West Metro Dist #2 WWTF	COG589115
COSJAF13d	Narrow Gauge MHP	Narrow Gauge MHP	COG589077
COSJAF14b	MacArthur Apartments LLC	Lightner Creek Campground	CO0026468
COSJLP05	Mancos Town of	Mancos Town of	CO0021687
COSJLP05	Upper Valley Sanitation	Upper Valley Sanitation Dist.	CO0047147
COSJLP07a	Cortez Sanitation District	Southwest WWTF	CO0027545
COSJLP07a	Vista Verde Village LLC	Vista Verde Village	CO0037702
COSJLP08	Elegant Hills Park and Estates LLC	Lakeside WWTF	COG589098
COSJLP09	Lee Mobile Home Park	Lee Mobile Home Park	COG589070
COSJLP10	Dove Creek Town of	Dove Creek WWTF	COG589079
COSJDO04a	Fort Beyhan LLC	Dolores River RV Park and Cabins	COG588071
COSJDO04a	Dolores Town of	Dolores WWTF	CO0040509

Prior to ~~May~~December 31, ~~2022~~2027:

- For segments located entirely above these facilities, ~~nutrient~~total nitrogen and total phosphorus standards apply to the entire segment.
- For segments with portions downstream of these facilities, ~~nutrient~~total nitrogen and total phosphorus standards only apply above these facilities, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll a~~total nitrogen standards in these segments. The note references the table of qualified facilities at 34.5(5).
- For segments located entirely below these facilities, ~~nutrient~~total nitrogen and total phosphorus standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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)
AEL	=	alternative effluent limit
°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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>
Aluminum(T)	<p>Acute = <math>e^{(1.3695 \ln(\text{hardness}) + 1.8308)}</math></p> <p>pH equal to or greater than 7.0</p> <p>Chronic = <math>e^{(1.3695 \ln(\text{hardness}) - 0.1158)}</math></p> <p>pH less than 7.0</p> <p>Chronic = <math>e^{(1.3695 \ln(\text{hardness}) - 0.1158)}</math> or 87, whichever is less</p>
Ammonia <sup>(4)</sup>	<p>Cold Water = (mg/L as N) Total</p> $acute = \frac{0.275}{1 + 10^{7.204 - pH}} + \frac{39.0}{1 + 10^{pH - 7.204}}$ $chronic = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN \left( 2.85, 1.45 * 10^{0.028(25 - T)} \right)$ <p>Warm Water = (mg/L as N) Total</p> $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$ $chronic (Apr1 - Aug31) = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN \left( 2.85, 1.45 * 10^{0.028(25 - T)} \right)$ $chronic (Sep1 - Mar31) = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028 * (25 - MAX(T, 7))}$

Cadmium	$\text{Acute(warm)}^{(5)} = (1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 * \ln(\text{hardness}) - 3.443)}$ $\text{Acute(cold)}^{(5)} = (1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 * \ln(\text{hardness}) - 3.866)}$ $\text{Chronic} = (1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 * \ln(\text{hardness}) - 3.909)}$					
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>					
Chromium III <sup>(76)</sup>	$\text{Acute} = e^{(0.819 * \ln(\text{hardness}) + 2.5736)}$ $\text{Chronic} = e^{(0.819 * \ln(\text{hardness}) + 0.5340)}$					
Chromium VI <sup>(76)</sup>	$\text{Acute} = 16$ $\text{Chronic} = 11$					
Copper	$\text{Acute} = e^{(0.9422 * \ln(\text{hardness}) - 1.7408)}$ $\text{Chronic} = e^{(0.8545 * \ln(\text{hardness}) - 1.7428)}$					
Lead	$\text{Acute} = (1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 * \ln(\text{hardness}) - 1.46)}$ $\text{Chronic} = (1.46203 - (\ln(\text{hardness}) * 0.145712)) * e^{(1.273 * \ln(\text{hardness}) - 4.705)}$					
Manganese	$\text{Acute} = e^{(0.3331 * \ln(\text{hardness}) + 6.4676)}$ $\text{Chronic} = e^{(0.3331 * \ln(\text{hardness}) + 5.8743)}$					
Nickel	$\text{Acute} = e^{(0.846 * \ln(\text{hardness}) + 2.253)}$ $\text{Chronic} = e^{(0.846 * \ln(\text{hardness}) + 0.0554)}$					
<u>Nitrogen<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
<u>Phosphorus<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
Selenium <sup>(87)</sup>	$\text{Acute} = 18.4$ $\text{Chronic} = 4.6$					
Silver	$\text{Acute} = 0.5 * e^{(1.72 * \ln(\text{hardness}) - 6.52)}$ $\text{Chronic} = e^{(1.72 * \ln(\text{hardness}) - 9.06)}$ $\text{Chronic(Trout)} = e^{(1.72 * \ln(\text{hardness}) - 10.51)}$					
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	all other cold-water species	April – Oct.	9.0	13.0
				Nov. – March	18.3	24.3
	Cold Lakes	CL	brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	April – Dec.	9.0	13.0
				Jan. – March	17.0	21.2
	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	April – Dec.	26.2	29.3

			pike, pumpkinseed, sauger, smallmouth bass, spottail shiner, stonecat, striped bass, tiger muskellunge, walleye, wiper, white bass, white crappie, yellow perch	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 = $0.986 \cdot e^{(0.9094 \cdot \ln(\text{hardness}) + 0.6235)}$ Where hardness is less than 102 mg/L CaCO <sup>3</sup> and mottled sculpin are expected to be present: Chronic (sculpin) = $e^{(2.140 \cdot \ln(\text{hardness}) - 5.084)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (76) 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.

- (87) 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), Adopted 8/11/2014.

Ammonia (acute/chronic): AEL=25 mg/L (starting 1/1/2017);  
Ammonia (acute/chronic): AEL=15 mg/L (starting 1/1/2019).  
Expiration Date: 12/31/2024.

- (b) La Plata Segment 7a (COSJLP07a):

Discharger-specific Variance, Vista Verde Village, LLC (CO0037702), Adopted 12/14/2020.

Ammonia (acute/chronic): AEL=14 mg/L (5/1-10/31);  
Ammonia (acute/chronic): AEL=24 mg/L (11/1-4/30).  
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): AEL=10 mg/L (6/1-10/31);  
Ammonia (acute/chronic): AEL=20 mg/L (11/1-5/31).  
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).~~



- (~~eb~~) 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.
- (~~ec~~) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (~~ed~~) 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 Highway 160: 37.211038, -107.297370
- (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



(j) Site-specific Standards for Animas River Segments 3a, 4a, and 9:

Segment 3a (COSJAF03a):

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Acute Standards												
Zn	720	780	1060	1200	760	410	280	340	380	440	510	590
Chronic Standards												
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 (COSJAF04a):

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Acute Standards												
Al(T)	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												
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(T)	3100	3550	2800	2020	1010	740	700	1360	1490	1610	2280	2570
Fe(T)	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 (COSJAF09):

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Acute Standards												
Al(T)	4680	4950	4560	3800	1390	1350	1290	2040	2570	2680	3450	4050
Chronic Standards												
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(T)	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(T)	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

**34.7 – 34.14    RESERVED**

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**34.56 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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**

**A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17**

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

**B. Implementation of Nutrients Table Value Standards**

The commission revised 34.5(5) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V (nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 34.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 34.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface area. The chlorophyll *a* standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of

all sizes. This information was previously included in the segment tables in Appendix 34-1, but was moved to Footnote 6 for clarity.

**1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

**a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously adopted the DUWS sub-classification and notation in the Appendix 34-1 tables on several waterbodies in previous rulemaking hearings, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned total nitrogen and total phosphorus standards. Therefore, the “Public Swim Beach” notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. In Regulation No. 34, all public swim beaches are also classified as DUWS or located above certain discharge facilities, so total nitrogen and total phosphorus standards were adopted for those reasons. As a result, there was not a need to add total nitrogen and total phosphorus standards solely due to the presence of a public swim beach on any waterbodies.

**b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 34.5(5).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 34-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 34-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 34-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

## 2. Chlorophyll *a* Standards for Lakes, Reservoirs, Rivers, and Streams

The commission made no changes to the chlorophyll *a* standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll *a* standards.

Adoption of chlorophyll *a* standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll *a* standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll *a* table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 34-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; in Appendix 34-1, these table value standards are shown as “DUWS”. The phased implementation of the chlorophyll *a* standards adoption is now complete.

## C. Clarifications and Corrections

The following edits were made to the regulation and Appendix 34-1 to improve clarity and correct errors:

- The Direct Use Water Supply (DUWS) references in segments in Appendix 34-1 were revised to improve clarity and consistency.
- Where the chlorophyll *a* and phosphorus standards adopted in previous rulemaking hearings were not consistent with the use(s), the commission made the following corrections:

La Plata River: 3a (COSJLP03a), 3b (COSJLP03b), and 3e (COSJLP03b); chlorophyll *a*; delete because the chlorophyll *a* standard of 150 mg/m<sup>2</sup> does not apply to river and stream segments with a Recreation N use

- In Appendix 34-1, on La Plata River Segment 4b (COSJLP04b), the Direct Use Water Supply (DUWS) note specifying that “DUWS applies to Jackson Gulch Reservoir only” was deleted. Mancos Reservoir (Jackson Gulch Reservoir) is the only waterbody included in this segment, so it is not necessary to specify which waterbody is DUWS.

**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 ~~09/30/2022~~04/30/2023

## 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 <sup>2</sup>	=	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:  *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)	---	<del>150</del> TVS	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	Nicel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS	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:  *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)	---	<del>150</del> TVS	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	Nicel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS	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		WS-II	WS-II	Arsenic	340
	Recreation E		acute	chronic	Arsenic(T)	0.02
	Water Supply				Cadmium	TVS
Qualifiers:					Cadmium(T)	5.0
Other:					Chromium III	TVS
Temporary Modification(s):					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	WS
*Uranium(acute) = See 34.5(3) for details.					Iron(T)	1000
*Uranium(chronic) = See 34.5(3) for details.					Lead	TVS
			acute	chronic	Lead(T)	50
					Manganese	TVS
			Ammonia	TVS	Mercury(T)	0.01
			Boron	0.75	Molybdenum(T)	150
			Chloride	250	Nickel	TVS
			Chlorine	0.019	Nickel(T)	100
			Cyanide	0.005	Selenium	TVS
			Nitrate	10	Silver	TVS
			Nitrite	0.05	Uranium	varies*
			Phosphorus	0.47TVS	Zinc	TVS
			Sulfate	WS		
			Sulfide	0.002		

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		WS-II	WS-II	Arsenic	340
	Recreation N	11/1 - 4/30	acute	chronic	Arsenic(T)	100
	Recreation P	5/1 - 10/31			Beryllium(T)	100
Qualifiers:					Cadmium	TVS
Other:					Chromium III	TVS
*Uranium(acute) = See 34.5(3) for details.					Chromium III(T)	100
*Uranium(chronic) = See 34.5(3) for details.					Chromium VI	TVS
					Copper	TVS
			Inorganic (mg/L)		Iron(T)	1000
					Lead	TVS
			acute	chronic	Manganese	TVS
			Ammonia	TVS	Mercury(T)	0.01
			Boron	0.75	Molybdenum(T)	150
			Chloride	---	Nickel	TVS
			Chlorine	0.019	Selenium	TVS
			Cyanide	0.005	Silver	TVS
			Nitrate	100	Uranium	varies*
			Nitrite	---	Zinc	TVS
			Phosphorus	0.47TVS		
			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. Mainstem of Fall Creek, including tributaries and wetlands, from its source to the irrigation diversion just upstream from the confluence with Wolf Creek. Mainstem of Wolf Creek, including tributaries and wetlands, from the boundary of the Weminuche Wilderness area to the confluence with Fall Creek. Mainstem of Quartz Creek, including tributaries and wetlands, from the boundary of the South San Juan Wilderness area to the boundary of the San Juan National Forest.

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	
*Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 and wetlands, 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, except for the listings in Segment 4. All tributaries and wetlands 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)	---	<del>150</del> TVS	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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).</div> <div>*Uranium(acute) = See 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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*TVS	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	---	0.14TVS*	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, including wetlands, 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			acute	chronic	Cadmium	TVS	TVS
Qualifiers:					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).		D.O. (spawning)	---	7.0	Chromium III(T)	50	---	
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		pH	6.5 - 9.0	---	Chromium VI	TVS	TVS	
*Uranium(acute) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	150*TVS	Copper	TVS	TVS	
*Uranium(chronic) = See 34.5(3) for details.		E. Coli (per 100 mL)	---	126	Iron	---	WS	
*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.					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	---	0.14TVS*	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, including wetlands, 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
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).</div> <div>*Uranium(acute) = See 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div> <div>*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.</div>		D.O. (spawning)	---	7.0		Chromium III(T)	50	---
		pH	6.5 - 9.0	---		Chromium VI	TVS	TVS
		chlorophyll a (mg/m²)	---	150*TVS		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	---	0.14TVS*		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.

## 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)		---	TVS	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)		---	TVS	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

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* <sup>C</sup>	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
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )		---	TVS	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* <sup>C</sup>	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
		D.O. (spawning)		---	7.0	Chromium III(T)	50	---
		pH		6.5 - 9.0	---	Chromium VI	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )		---	TVS	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:		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)	---	150TVS	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	---	0.14TVS	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)	---	20*TVS	Chromium III	---	TVS	
*chlorophyll a (ug/L)(Nitrogen)(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.		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	
		Nitrogen	---	TVS*	Nickel	TVS	TVS	
		Phosphorus	---	0.083TVS*	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

## 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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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
*Southern Ute Indian Reservation		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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, including wetlands, 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 <sup>A</sup>		
	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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)	---	<del>150</del> TVS	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	
							Iron(T)	---	1000	
				Ammonia	TVS	TVS	Lead	TVS	TVS	
				Boron	---	0.75	Lead(T)	50	---	
				Chloride	---	250	Manganese	TVS	TVS/WS	
				Chlorine	0.019	0.011	Mercury(T)	---	0.01	
				Cyanide	0.005	---	Molybdenum(T)	---	150	
				Nitrate	10	---	Nickel	TVS	TVS	
				Nitrite	---	0.05	Nickel(T)	---	100	
				Phosphorus	---	<del>0.14</del> TVS	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 and wetlands 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)	---	<del>450</del> TVS	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
					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	---	<del>0.47</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

11c. McCabe Creek, including wetlands, 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* <sup>C</sup>	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 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)	---	5.0		Chromium III	---	TVS	
		pH	6.5 - 9.0		---		Chromium III(T)	50	---
		chlorophyll a (mg/m²)	---	450		TVS	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	---	0.44		TVS	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

## 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	WS-III		WS-III	340		---
	Recreation N 11/1 - 4/30	acute		chronic	Arsenic(T)		---
	Recreation P 5/1 - 10/31	---		5.0	Beryllium(T)		100
Qualifiers:		pH 6.5 - 9.0		---	Cadmium		TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )		---	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
					Copper		TVS
		Inorganic (mg/L)			Iron(T)		1000
		acute		chronic	Lead		TVS
		Ammonia		TVS	Manganese		TVS
		Boron		0.75	Mercury(T)		0.01
		Chloride		---	Molybdenum(T)		150
		Chlorine		0.019	Nickel		TVS
		Cyanide		0.005	Selenium		TVS
		Nitrate		100	Silver		TVS
		Nitrite		---	Uranium		varies*
		Phosphorus		---	Zinc		TVS
		Sulfate		---			
		Sulfide		0.002			

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	acute		chronic
Reviewable	Aq Life Cold 1	CL		CL	340		---
	Recreation E	acute		chronic	Arsenic(T)		0.02
	Water Supply	---		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)		---	Chromium III(T)		50
		E. Coli (per 100 mL)		126	Chromium VI		TVS
					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
		Chlorine		0.019	Mercury(T)		0.01
		Cyanide		0.005	Molybdenum(T)		150
		Nitrate		10	Nickel		TVS
		Nitrite		0.05	Nickel(T)		100
		Nitrogen		---	Selenium		TVS
		Phosphorus		---	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 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 Navaio River and the Little Navaio 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		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	Beryllium(T)	---	100		
Qualifiers:			pH	6.5 - 9.0	---	Cadmium	TVS	TVS		
<b>Other:</b>  *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*TVS	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	
			Inorganic (mg/L)					Copper	TVS	TVS
				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*		
			Nitrogen	---	TVS	Zinc	TVS	TVS		
			Phosphorus	---	0.083*TVS					
			Sulfate	---	---					
			Sulfide	---	0.002					

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	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	---
<b>Other:</b>  *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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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	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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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	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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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

## 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
<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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		chlorophyll a (ug/L)	---	8±TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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		
<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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>			chlorophyll a (ug/L)	---	29*TVS	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	
			Nitrogen		---	TVS				
			Phosphorus		---	0.083*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

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*TVS	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
					Lead	TVS	TVS
					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			
		Nitrogen	---	TVS			
		Phosphorus	---	0.083*TVS			
		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*TVS	Chromium III	---	TVS
Other:		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
					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*
		Nitrogen	---	TVS	Zinc	TVS	TVS
		Phosphorus	---	0.083*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

## 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			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	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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			DM	MWAT	acute	chronic			
Reviewable	Agriculture								
	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:  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)	---	<del>150</del> TVS	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	
			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	---	<del>0.14</del> TVS	Silver	TVS	TVS(tr)	
			Sulfate	---	WS	Uranium	varies*	varies*	
			Sulfide	---	0.002	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		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
	Water Supply		D.O. (spawning)	7.0	Cadmium(T)	5.0
			pH	6.5 - 9.0	Chromium III	TVS
Qualifiers:			chlorophyll a (mg/m <sup>2</sup> )	150TVS	Chromium III(T)	50
Other:			E. Coli (per 100 mL)	4/1 - 10/31	Chromium VI	TVS
			E. Coli (per 100 mL)	11/1 - 3/31	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	0.44TVS	Selenium	TVS
			Sulfate	WS	Silver	TVS(tr)
			Sulfide	0.002	Uranium	varies*
					Zinc	TVS(sc)
3. Mainstem of the East Fork of the Piedra River, including wetlands, 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		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
	Water Supply		D.O. (spawning)	7.0	Cadmium(T)	5.0
			pH	6.5 - 9.0	Chromium III	TVS
Qualifiers:			chlorophyll a (mg/m <sup>2</sup> )	150TVS	Chromium III(T)	50
Other:			E. Coli (per 100 mL)	4/1 - 10/31	Chromium VI	TVS
			E. Coli (per 100 mL)	11/1 - 3/31	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	0.44TVS	Selenium	TVS
			Sulfate	WS	Silver	TVS(tr)
			Sulfide	0.002	Uranium	varies*
					Zinc	TVS(sc)

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

D.O. = dissolved oxygen  
DM = daily maximum  
MWAT = maximum weekly average temperature  
See 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, including wetlands, 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* <sup>C</sup>	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
<b>Qualifiers:</b>				<b>acute</b>	<b>chronic</b>	Cadmium(T)	5.0	---
<b>Other:</b>		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 <sup>2</sup> )	---	<del>450</del> TVS		Copper	TVS	TVS
		E. Coli (per 100 mL)	---	126		Iron	---	WS
						Iron(T)	---	1000
		<b>Inorganic (mg/L)</b>				Lead	TVS	TVS
				<b>acute</b>	<b>chronic</b>	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	---	<del>0.44</del> TVS		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* <sup>C</sup>	Arsenic(T)	---	0.02
	Water Supply					Cadmium	TVS	TVS
<b>Qualifiers:</b>				<b>acute</b>	<b>chronic</b>	Cadmium(T)	5.0	---
<b>Other:</b>		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 <sup>2</sup> )	---	<del>TVS</del>		Copper	TVS	TVS
		E. Coli (per 100 mL)	---	126		Iron	---	WS
						Iron(T)	---	1000
		<b>Inorganic (mg/L)</b>				Lead	TVS	TVS
				<b>acute</b>	<b>chronic</b>	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* <sup>C</sup>	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)		---		<del>TVS</del>	Copper	TVS	TVS
*Southern Ute Indian Reservation				E. Coli (per 100 mL)		---		126	Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.								Iron(T)	---	1000	
*Uranium(chronic) = See 34.5(3) for details.				Inorganic (mg/L)				Lead	TVS	TVS	
*Temperature(4/1 - 10/31) = See Section 34.6(6) for assessment locations.				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			

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 and wetlands, 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:				chlorophyll a (mg/m²)		---		<del>TVS</del>	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	Lead	TVS	TVS	
*Uranium(chronic) = See 34.5(3) for details.				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(sc)
				Nitrate		10		---						
				Nitrite		---		0.05						
				Phosphorus		---		<del>TVS</del>						
				Sulfate		---		WS						
				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 and wetlands, 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:			chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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

5b. All tributaries to the Piedra River, including wetlands, 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 Segments 4a and 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
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 <sup>2</sup> )	---	150TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	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
		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	---	0.14TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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 <sup>A</sup>
	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 <sup>2</sup> )	---	150*TVS	Chromium III	---
*chlorophyll a (mg/m <sup>2</sup> )(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).		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		acute	chronic	Copper	TVS	TVS
*Uranium(chronic) = See 34.5(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	100	---	Mercury(T)	---
		Nitrite	---	0.5	Molybdenum(T)	---
		Phosphorus	---	0.17TVS*	Nickel	TVS
		Sulfate	---	250	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 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	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 <sup>A</sup>	
	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 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.17TVS	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 and wetlands, from the Southern Ute Indian Reservation boundary to the confluence with the Piedra River.							
COSJPI06C	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 <sup>A</sup>	
	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 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.17TVS	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, including wetlands, 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				
<b>Other:</b>  *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	TVS				
				chlorophyll a (mg/m²)	---	150*TVS	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	---	0.47TVS*	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	3/2 - 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/m²ug/L)	---	DUWS -	Chromium III	---	TVS				
Qualifiers:				chlorophyll a (ug/L)	---	TVS	Chromium III(T)	50	---				
<b>Other:</b>  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  *Classification: DUWS applies to Hatcher Reservoir and Stevens Reservoirs only. *Nitrogen(chronic) = applies only to DUWS waterbodies *Phosphorus(chronic) = applies only to DUWS waterbodies *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.				E. Coli (per 100 mL)	3/2 - 11/30	---	126		Chromium VI	TVS	TVS		
				E. Coli (per 100 mL)	12/1 - 3/1	---	630		Copper	TVS	TVS		
				Inorganic (mg/L)			Iron	---	WS				
					acute	chronic	Iron(T)	---	1000				
				Ammonia	TVS	TVS	Lead	TVS	TVS				
				Boron	---	0.25	Lead(T)	50	---				
				Chloride	---	250	Manganese	TVS	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				
				Nitrogen	---	-	TVS	Selenium	TVS	TVS			
				Phosphorus	---	-TVS -	Silver	TVS	TVS				
				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 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	CLL	CLL	Temperature °C	340	---	
	Recreation E 5/1 - 10/31	acute	chronic				
	Recreation N 11/1 - 4/30			D.O. (mg/L)	TVS	TVS	
	Water Supply			D.O. (spawning)	5.0	---	
Qualifiers:				pH	---	TVS	
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.				chlorophyll a (ug/L)	50	---	
				E. Coli (per 100 mL) 5/1 - 10/31	TVS	TVS	
				E. Coli (per 100 mL) 11/1 - 4/30	TVS	TVS	
		Inorganic (mg/L)					
		acute	chronic				
				Ammonia	---	WS	
				Boron	TVS	TVS	
				Chloride	0.75	---	
				Chlorine	250	TVS/WS	
				Cyanide	0.019	0.01	
				Nitrate	0.005	---	
				Nitrite	---	---	
				<u>Nitrogen</u>	10	TVS	
				Phosphorus	---	0.025*TVS	
				Sulfate	---	---	
				Sulfide	WS	0.002	
					Iron	---	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

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	CL	CL	Temperature °C	340	---	
	Recreation E	acute	chronic				
	Water Supply			D.O. (mg/L)	TVS	TVS	
Qualifiers:				D.O. (spawning)	5.0	---	
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.				pH	---	TVS	
				chlorophyll a (ug/L)	50	---	
				E. Coli (per 100 mL)	TVS	TVS	
		Inorganic (mg/L)					
		acute	chronic				
				Ammonia	---	WS	
				Boron	TVS	TVS	
				Chloride	0.75	---	
				Chlorine	250	TVS/WS	
				Cyanide	0.019	0.01	
				Nitrate	0.005	---	
				Nitrite	---	---	
				<u>Nitrogen</u>	10	TVS	
				Phosphorus	---	0.025*TVS	
				Sulfate	---	---	
				Sulfide	WS	0.002	
					Iron	---	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

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		acute	chronic	Arsenic(T)	---	0.02	
	Recreation N	5/1 - 10/31	---	6.0	Cadmium	TVS	TVS	
	Water Supply	11/1 - 4/30	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
<b>Other:</b>  *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)	---	8*TVS	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
		Inorganic (mg/L)			Iron	---	WS	
			acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		<u>Nitrogen</u>	---	TVS	Selenium	TVS	TVS	
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)	
Sulfate	---	WS	Uranium	varies*	varies*			
Sulfide	---	0.002	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*TVS	Chromium III	--- TVS
Other:		E. Coli (per 100 mL)	--- 126	Chromium III(T)	50 ---
<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>		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
		Nitrogen	--- - TVS	Nickel	TVS TVS
		Phosphorus	--- 0.083*TVS	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

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	WL	WL	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	0.02-10 <sup>A</sup>
	Water Supply			Cadmium	TVS
Qualifiers:		D.O. (mg/L)	5.0	Cadmium(T)	TVS
Other:	<p>*Southern Ute Indian Reservation</p> <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		
		chlorophyll a (ug/L)	20*TVS	Chromium III	TVS
		E. Coli (per 100 mL)	205	Chromium III(T)	TVS
		Inorganic (mg/L)		Chromium VI	TVS
				Copper	TVS
				Iron	WS
				Iron(T)	1000
				Lead	TVS
				Lead(T)	50
				Manganese	TVS/WS
				Mercury(T)	0.01
				Molybdenum(T)	150
				Nickel	TVS
				Nickel(T)	100
				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 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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  *chlorophyll a (mg/m <sup>2</sup> )(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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS*	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

## 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)	---	TVS	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
*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	---	---	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, including wetlands, from the boundary of the Southern Ute Indian Reservation to the confluence 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
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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
*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	---	---	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, including wetlands, from the boundary of the Southern Ute Indian Reservation to the confluence 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 *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (mg/m²)	---	<del>TVS</del>	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

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, including wetlands, from the boundary of the Southern Ute Indian Reservation to the confluence 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	TVS	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  
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, including wetlands, 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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

5. Mainstem of Vallecito Creek, including wetlands, 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 <sup>2</sup> )	---	<del>150</del> TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 34.5(5).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).</div> <div>*Uranium(acute) = See 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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

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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
<b>Fish Ingestion</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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		<b>Inorganic (mg/L)</b>			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	---	---	Nickel	TVS	TVS
		Phosphorus	---	<del>0.14</del> TVS	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, including wetlands, from the Southern Ute Indian Reservation boundary to the Colorado/New Mexico border, except for the specific listings in Segments 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)	---	0.02-10 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
<b>Other:</b>  *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	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	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	---	<del>0.17</del> TVS	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 and wetlands, from their sources 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/m²)	---	150TVS	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	---	0.17TVS			
		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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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	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
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	WS
		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)	0.01
		Nitrate	10	Molybdenum(T)	150
		Nitrite	0.05	Nickel	TVS
		Nitrogen	TVS	Nickel(T)	100
		Phosphorus	0-025*TVS	Selenium	TVS
		Sulfate	WS	Silver	TVS(tr)
		Sulfide	0.002	Uranium	varies*
				Zinc	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	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
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*TVS	Chromium III(T)	50
		E. Coli (per 100 mL)	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	WS
		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)	0.01
		Nitrate	10	Molybdenum(T)	150
		Nitrite	0.05	Nickel	TVS
		Nitrogen	TVS	Nickel(T)	100
		Phosphorus	0-025*TVS	Selenium	TVS
		Sulfate	WS	Silver	TVS(tr)
		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

## 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 Recreation E	CL	CL	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---
Other:				Beryllium(T)	100
<p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 34.5(3) for details.</p> <p>*Uranium(chronic) = See 34.5(3) for details.</p>	D.O. (mg/L)	---	6.0	Cadmium	TVS
	D.O. (spawning)	---	7.0	Chromium III	TVS
	pH	6.5 - 9.0	---	Chromium III(T)	100
	chlorophyll a (ug/L)	---	8*TVS	Chromium VI	TVS
	E. Coli (per 100 mL)	---	126	Copper	TVS
				Iron(T)	---
				Lead	TVS
				Manganese	TVS
				Mercury(T)	---
				Molybdenum(T)	150
				Nickel	TVS
				Selenium	TVS
				Silver	TVS
				Uranium	varies*
				Zinc	TVS
		Inorganic (mg/L)			
		acute	chronic		
		Ammonia	TVS		
		Boron	---		
		Chloride	---		
		Chlorine	0.019		
		Cyanide	0.005		
		Nitrate	100		
		Nitrite	---		
		Nitrogen	---		
		Phosphorus	---		
		Sulfate	---		
		Sulfide	---		

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 Recreation E	CL	CL	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---
Other:				Beryllium(T)	100
<p>*Southern Ute Indian Reservation</p> <p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 34.5(3) for details.</p> <p>*Uranium(chronic) = See 34.5(3) for details.</p>	D.O. (mg/L)	---	6.0	Cadmium	TVS
	D.O. (spawning)	---	7.0	Chromium III	TVS
	pH	6.5 - 9.0	---	Chromium III(T)	100
	chlorophyll a (ug/L)	---	20*TVS	Chromium VI	TVS
	E. Coli (per 100 mL)	---	126	Copper	TVS
				Iron(T)	---
				Lead	TVS
				Manganese	TVS
				Mercury(T)	---
				Molybdenum(T)	150
				Nickel	TVS
				Selenium	TVS
				Silver	TVS
				Uranium	varies*
				Zinc	TVS
		Inorganic (mg/L)			
		acute	chronic		
		Ammonia	TVS		
		Boron	---		
		Chloride	---		
		Chlorine	0.019		
		Cyanide	0.005		
		Nitrate	100		
		Nitrite	---		
		Nitrogen	---		
		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

1. All tributaries to the Animas River and Florida River, including all wetlands, which are within the Weminuche Wilderness Area. Mainstem Grasshopper Creek including tributaries and wetlands from source to confluence with Animas River. Mainstem Lime Creek including tributaries and wetlands from source to confluence with Cascade Creek.

COSJAF01	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	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 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		DM	MWAT		acute	chronic	
UP	Agriculture						
	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 standards established for segments 3a, 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	5.8-9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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

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		
<b>Other:</b>  *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) = See section 34.6(6) for site-specific standards. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Zinc(acute) = See section 34.6(6) for site-specific standards. *Zinc(chronic) = See section 34.6(6) for site-specific standards.				D.O. (spawning)		---	7.0	Cadmium	TVS	varies*		
				pH		6.5 - 9.0		---		Chromium III	TVS	TVS
				chlorophyll a (mg/m²)		---	<del>150</del> TVS	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	---	varies*	
				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		---		<del>0.44</del> TVS	Zinc	varies*	varies*	
Sulfate		---		---								
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				acute	chronic	Arsenic	---	---	
Qualifiers:				D.O. (mg/L)		---	3.0	Cadmium	---	---	
<b>Other:</b>  *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. <del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 34.5(5).</del> *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.				pH		6.0-9.0		---	Chromium III	---	---
				chlorophyll a (mg/m²)		---	<del>150</del> *TVS	Chromium VI	---	---	
				E. Coli (per 100 mL)		5/15 - 9/10	---	126	Copper	---	---
				E. Coli (per 100 mL)		9/11 - 5/14	---	630	Iron	---	---
								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	Temperature °C	CS-I	CS-I	Arsenic	340
	Recreation E	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)	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium VI	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)		Lead	TVS	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	---	0.14TVS		
		Sulfate	---	---		
		Sulfide	---	0.002		

\*Uranium(acute) = See 34.5(3) for details.  
 \*Uranium(chronic) = See 34.5(3) for details.

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*	Temperature °C	CS-I	CS-I	Aluminum(T)	varies*
	Recreation E	acute	chronic	Arsenic	340	---
Qualifiers:		D.O. (mg/L)	---	6.0	Arsenic(T)	---
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS
		pH	varies*	---	Chromium III	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III(T)	---
		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron(T)	---	varies*
		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	---	---	Silver	TVS
		Phosphorus	---	---	Uranium	varies*
		Sulfate	---	---	Zinc	varies*
		Sulfide	---	0.002		

\*Classification: Aquatic life indicator goal: Brook Trout  
 \*Aluminum(T)(acute) = See section 34.6(6) for site-specific standards.  
 \*Aluminum(T)(chronic) = See section 34.6(6) for site-specific standards.  
 \*Iron(T)(chronic) = See section 34.6(6) for site-specific standards.  
 \*Uranium(acute) = See 34.5(3) for details.  
 \*Uranium(chronic) = See 34.5(3) for details.  
 \*Zinc(acute) = See section 34.6(6) for site-specific standards.  
 \*Zinc(chronic) = See section 34.6(6) for site-specific standards.  
 \*pH(acute) = See section 34.6(6) for site-specific standards.

All metals are dissolved unless 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	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	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	Chromium III	---	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
Expiration Date of 12/31/2024					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	---	---	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(T)	TVS	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	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	Chromium III	---	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
Expiration Date of 12/31/2024					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	---	---	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(T)	TVS	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	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---TVS -	Chromium III	---	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
Expiration Date of 12/31/2024					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	---	---	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(T)	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 <sup>2</sup> )	---	TVS	Chromium III	---
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	50
Expiration Date of 12/31/2024					Chromium VI	TVS
*Southern Ute Indian Reservation		Inorganic (mg/L)			Copper	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)	---
		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

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(T)	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 <sup>2</sup> )	---	TVS	Chromium III	---
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	50
Expiration Date of 12/31/2024					Chromium VI	TVS
*Southern Ute Indian Reservation		Inorganic (mg/L)			Copper	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)	---
		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

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(T)	TVS	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	TVS
Other:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Temporary Modification(s):		chlorophyll a (mg/m²)	---	---TVS -	Chromium III	---	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
Expiration Date of 12/31/2024					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

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(T)	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)	---
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium III(T)	---
Expiration Date of 12/31/2024		Inorganic (mg/L)		Chromium VI	TVS	TVS
*Southern Ute Indian Reservation		acute		Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		chronic		Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	---
		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
						TVS

6. All tributaries and wetlands to 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, 8a, 8b, 9, and 12c. South Mineral Creek and all other tributaries and wetlands to Mineral Creek, except for those specifically listed in segments 8a, 9, and 12c.						
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)	---
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III(T)	---
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS
*Uranium(acute) = See 34.5(3) for details.		acute		Iron	---	WS
*Uranium(chronic) = See 34.5(3) for details.		chronic		Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	---
		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	---	TVS	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 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:	D.O. (mg/L)	---	3.0	Cadmium(T)	---	10
	pH	3.7-9.0	---	Chromium III(T)	---	100
	chlorophyll a (mg/m²)	---	150TVS	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	---	---			
8a. Mainstem of Mineral Creek, including all wetlands and tributaries on the east side (except for Big Horn Creek), from the source to a point immediately above the confluence with South Mineral Creek, except for the listing in segment 8b. Mainstem of the Middle Fork of Mineral Creek, including all tributaries and wetlands, from the source to the confluence with Mineral Creek, except for the unnamed tributary exiting Crystal Lake, from the outlet of Crystal Lake to the confluence with the Middle Fork of Mineral Creek.						
COSJAF08A	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
	pH	4.5-9.0	---	Chromium III(T)	---	100
	chlorophyll a (mg/m²)	---	150TVS	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

8b. Mainstem of Mineral Creek from a point immediately below the confluence with Mill Creek to a point immediately above the confluence with the Middle Fork of Mineral Creek.							
COSJAF08B	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	Beryllium(T)	---	100
Other:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
*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)	---	<del>450</del> TVS	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	Thallium(T)	---	0.47
		Phosphorus	---	<del>0.44</del> TVS	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
	Sulfide	---	0.002				

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(T)	---	varies*
	Recreation E	acute	chronic	Arsenic	340	---	
	Water Supply	D.O. (mg/L)	---	6.0	Arsenic(T)	---	0.02-10 <sup>A</sup>
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
Other:		pH	varies*	---	Cadmium(T)	5.0	---
*Classification: Aquatic Life indicator goal: Macroinvertebrates; Brook Trout corridor *Aluminum(T)(chronic) = See section 34.6(6) for site-specific standards. *Copper(chronic) = See section 34.6(6) for site-specific standards. *Iron(T)(chronic) = See section 34.6(6) for site-specific standards. *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details. *Zinc(chronic) = See section 34.6(6) for site-specific standards. *pH(acute) = See section 34.6(6) for site-specific standards.		chlorophyll a (mg/m²)	---	<del>450</del> TVS	Chromium III	TVS	TVS
		E. Coli (per 100 mL)	---	126	Chromium III(T)	50	---
					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	varies*
		acute	chronic	Iron	---	WS	
		Ammonia	TVS	TVS	Iron(T)	---	varies*
		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	---	<del>0.44</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
				Uranium	varies*	varies*	
				Zinc	TVS	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450TVS	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	---	0.44TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS/TVS(sc)

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450*TVS	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	---	0.44TVS*	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 34.6 for further details on applied standards.

## REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

### Animas and Florida River Basins

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS
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)	---	TVS	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

All metals are dissolved unless 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

11c. All tributaries, including wetlands, 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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Water + Fish Standards		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> *TVS	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
*Southern Ute Indian Reservation		acute		chronic	Lead	TVS	TVS
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 34.5(5).		Ammonia	TVS	TVS	Lead(T)	50	---
*Phosphorus(chronic) = applies only above the facilities listed at 34.5(5).		Boron	---	0.75	Manganese	TVS	TVS/WS
*Uranium(acute) = See 34.5(3) for details.		Chloride	---	250	Mercury(T)	---	0.01
*Uranium(chronic) = See 34.5(3) for details.		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	---	<del>0.44</del> TVS*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

12a. All tributaries, including wetlands, 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 1, 12c and 15. All tributaries, including wetlands, 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 <sup>2</sup> )	---	450*TVS	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 <sup>2</sup> )(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	---	0.14TVS*	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

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*TVS	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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	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.

12c. Hermosa Creek, including tributaries and wetlands, from the source to immediately below the confluence with Long Hollow, except for the East Fork of Hermosa Creek. Mainstem of Bear Creek, including tributaries and wetlands, from its source to the confluence with Mineral Creek. Mainstem of Boulder Creek, including tributaries and wetlands, from its source to the downstream public land boundary. Mainstem of Cascade Creek including tributaries and wetlands from source to Tacoma diversion.

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

\*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

12d. Mainstem of Junction Creek, including tributaries and wetlands, from the source to the U.S. Forest Boundary. Mainstem of Falls Creek, including tributaries and wetlands, 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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
			Zinc	TVS	TVS			

13a. Mainstem of Junction Creek, including tributaries and wetlands, 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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Water + Fish Standards</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> <u>TVS</u>	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		<b>Inorganic (mg/L)</b>			Iron	---	WS
*Uranium(acute) = See 34.5(3) for details.  *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	---	<del>0.44</del> <u>TVS</u>	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

13b. All tributaries, including wetlands, 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, including wetlands, 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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

13c. Mainstem of the unnamed tributary to Coal Gulch which crosses Highway 160 at (37.267877, -107.961598), including wetlands, 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) = See Section 34.6(4) for details on the variance for Durango West Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 34.5(5).</del> *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 <sup>2</sup> )	---	<del>150</del> *TVS	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	---	<del>0.44</del> 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

## Animas and Florida River Basins

13d. Brice Draw, including tributaries and wetlands, 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:  *chlorophyll a (mg/m <sup>2</sup> )(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.		D.O. (mg/L)	---	3.0	Cadmium(T)	---	10
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	---					
13e. All tributaries to the Animas River, including wetlands, 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:  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.		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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*TVS	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

13f. All tributaries, including wetlands, 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)	---	150TVS	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
*Southern Ute Indian Reservation		Ammonia	TVS	TVS	Lead(T)	50	---
*Uranium(acute) = See 34.5(3) for details.		Boron	---	0.75	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 34.5(3) for details.		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	---	0.14TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

14a. Mainstem of Lightner Creek, including tributaries and wetlands, 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150TVS	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 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	---	0.14TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

14a. Mainstem of Lightner Creek, including tributaries and wetlands, 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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

All metals are dissolved unless 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

14b. Mainstem of Lightner Creek, including wetlands, 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/m <sup>2</sup> )	---	450*TVS	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 <sup>2</sup> )(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	---	0.44TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

15. Mainstem of Purgatory Creek, including wetlands, from the source to Cascade Creek; Goulding Creek, including wetlands, from the source to Elbert Creek; and Nary Draw, including wetlands, 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:		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/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

15. Mainstem of Purgatory Creek, including wetlands, from the source to Cascade Creek; Goulding Creek, including wetlands, from the source to Elbert Creek; and Nary Draw, including wetlands, 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/m²)	---	450TVS	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	---	0.44TVS	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

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	CL	CL	Arsenic	340	---
	Recreation E	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
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(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
		<u>Nitrogen</u>	---	Nickel(T)	---	100
		Phosphorus	---	Selenium	TVS	TVS
		Sulfate	---	Silver	TVS	TVS(tr)
		Sulfide	---	Uranium	varies*	varies*
			0.002	Zinc	TVS	TVS

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)	---	100
Qualifiers:		D.O. (mg/L)	---	Cadmium	TVS	TVS
Other:		D.O. (spawning)	---	Chromium III	TVS	TVS
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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 (ug/L)	---	Chromium VI	TVS	TVS
		E. Coli (per 100 mL)	---	Copper	TVS	TVS
		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
		Ammonia	TVS	Manganese	TVS	TVS
		Boron	---	Mercury(T)	---	0.01
		Chloride	---	Molybdenum(T)	---	150
		Chlorine	0.019	Nickel	TVS	TVS
		Cyanide	0.005	Selenium	TVS	TVS
		Nitrate	100	Silver	TVS	TVS(tr)
		Nitrite	---	Uranium	varies*	varies*
		<u>Nitrogen</u>	---	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 34.6 for further details on applied standards.

# REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

## Animas and Florida River Basins

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	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (mg/L)	---	Cadmium(T)	5.0
Other:		D.O. (spawning)	---	Chromium III	---
<p><i>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</i></p> <p><i>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</i></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	---	TVS
		chlorophyll a (ug/L)	---	8*TVS	---
		E. Coli (per 100 mL)	---	126	---
		Inorganic (mg/L)		Chromium VI	TVS
		acute	chronic	Copper	TVS
		Ammonia	TVS	Iron	---
		Boron	---	0.75	1000
		Chloride	---	250	---
		Chlorine	0.019	0.011	TVS
		Cyanide	0.005	---	TVS
		Nitrate	10	---	TVS
		Nitrite	---	0.05	---
		<u>Nitrogen</u>	---	TVS	---
		Phosphorus	---	0.025*TVS	---
		Sulfate	---	WS	---
		Sulfide	---	0.002	---
				Lead	TVS
				Manganese	TVS
				Mercury(T)	---
				Molybdenum(T)	---
				Nickel	TVS
				Nickel(T)	---
				Selenium	TVS
				Silver	TVS
				Uranium	varies*
				Zinc	TVS

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	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
Qualifiers:		D.O. (mg/L)	---	6.0	100
Other:		D.O. (spawning)	---	7.0	---
<p><i>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</i></p> <p><i>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</i></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	---	100
		chlorophyll a (ug/L)	---	8*TVS	---
		E. Coli (per 100 mL)	---	126	---
		Inorganic (mg/L)		Chromium VI	TVS
		acute	chronic	Copper	TVS
		Ammonia	TVS	Iron(T)	---
		Boron	---	0.75	1000
		Chloride	---	---	---
		Chlorine	0.019	0.011	TVS
		Cyanide	0.005	---	TVS
		Nitrate	100	---	TVS
		Nitrite	---	0.05	---
		<u>Nitrogen</u>	---	TVS	---
		Phosphorus	---	0.025*TVS	---
		Sulfate	---	---	---
		Sulfide	---	0.002	---
				Lead	TVS
				Manganese	TVS
				Mercury(T)	---
				Molybdenum(T)	---
				Nickel	TVS
				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 34.6 for further details on applied standards.

# REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

## Animas and Florida River Basins

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	Temperature °C	CL	CL	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
<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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*TVS	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		
		Nitrogen	---	TVS			
		Phosphorus	---	0.025*TVS			
		Sulfate	---	---			
		Sulfide	---	0.002			

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 22. All lakes and reservoirs tributary to the Florida River from the source to the outlet of Lemon Reservoir, except the specific listings in Segments 12b and 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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

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
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)	---	8*TVS	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
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Ammonia	TVS	TVS	Lead	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Boron	---	0.75	Lead(T)	50
*Uranium(acute) = See 34.5(3) for details.		Chloride	---	250	Manganese	TVS
*Uranium(chronic) = See 34.5(3) for details.		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	TVS

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.

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
	DUWS*	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Water + Fish Standards		chlorophyll a (ug/L)	---	8*DUWS	Chromium III(T)	50
Other:		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		E. Coli (per 100 mL)	---	126	Copper	TVS
*Classification: DUWS applies to City Reservoir #1 and Lake Durango only.		Inorganic (mg/L)			Iron	---
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		acute	chronic	Iron(T)	---	1000
*Uranium(acute) = See 34.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
*Uranium(chronic) = See 34.5(3) for details.		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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	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 34.6 for further details on applied standards.

# REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

## Animas and Florida River Basins

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---	TVS
<div>Other:</div> <div>*Southern Ute Indian Reservation</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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	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.

All metals are dissolved unless 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				Cadmium	TVS
Qualifiers:					Cadmium(T)	5.0
<b>Other:</b>  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	---	TVS
			chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	50
			E. Coli (per 100 mL)	---	205	TVS
			Inorganic (mg/L)		Copper	TVS
					Iron	---
			acute	chronic	Iron(T)	1000
			Ammonia	TVS	TVS	Lead
			Boron	---	0.75	Lead(T)
			Chloride	---	250	Manganese
			Chlorine	0.019	0.011	Mercury(T)
			Cyanide	0.005	---	Molybdenum(T)
			Nitrate	10	---	Nickel
			Nitrite	---	0.05	Nickel(T)
			Phosphorus	---	0.44TVS	Selenium
			Sulfate	---	WS	Silver
			Sulfide	---	0.002	Uranium
					Zinc	TVS
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			Cadmium	TVS
	Water Supply				Cadmium(T)	5.0
Qualifiers:					Chromium III	---
<b>Other:</b>  *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			pH	6.5 - 9.0	---	TVS
			chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	50
			E. Coli (per 100 mL)	5/1 - 10/31	---	126
			E. Coli (per 100 mL)	11/1 - 4/30	---	630
			Inorganic (mg/L)		Copper	TVS
					Iron	---
			acute	chronic	Iron(T)	1000
			Ammonia	TVS	TVS	Lead
			Boron	---	0.75	Lead(T)
			Chloride	---	250	Manganese
			Chlorine	0.019	0.011	Mercury(T)
			Cyanide	0.005	---	Molybdenum(T)
			Nitrate	10	---	Nickel
			Nitrite	---	0.05	Nickel(T)
			Phosphorus	---	0.44TVS	Selenium
			Sulfate	---	WS	Silver
			Sulfide	---	0.002	Uranium
					Zinc	TVS

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

D.O. = dissolved oxygen  
 DM = daily maximum  
 MWAT = maximum weekly average temperature  
 See 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/m²)	---	150TVS	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	
*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	---	0.17TVS	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/m²)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> ---	Chromium III(T)	---	100
*Uranium(acute) = See 34.5(3) for details.		E. Coli (per 100 mL)	---	630	Chromium VI	TVS	TVS
*Uranium(chronic) = See 34.5(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	---	<del>0.17</del> TVS	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)	---	<del>150---</del>	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	---	<del>0.17</del> TVS	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		
<div>Other:</div> <div>*Southern Ute Indian Reservation</div> <div>*Uranium(acute) = See 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		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	TVS/WS		
		Nitrate	10	---	Mercury(T)	---	0.01		
		Nitrite	---	0.05	Molybdenum(T)	---	150		
		Phosphorus	---	0.17TVS	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	---		
<div>Other:</div> <div>*Uranium(acute) = See 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		pH	6.5 - 9.0	---	Chromium III	---	TVS		
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.14TVS	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, including wetlands, 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Chromium VI	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)	---
		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	---	0.14TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS(sc)
3e. East Alkali Gulch, including wetlands, from the source to the Southern Ute Indian Boundary. Hay Gulch, including tributaries and wetlands, 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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m²)	---	150---	Chromium III	TVS
*Uranium(acute) = See 34.5(3) for details.		E. Coli (per 100 mL)	---	630	Chromium III(T)	---
*Uranium(chronic) = See 34.5(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	---	0.14TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					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 34.6 for further details on applied 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
	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)	---	<del>459</del> TVS	Chromium III(T)	50	---
Temporary Modification(s):		E. Coli (per 100 mL)	5/1 - 10/31	---	126	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	11/1 - 4/30	---	630	Copper	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	---	<del>0.11</del> TVS	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*DUWS	Chromium III(T)	50	---
		<u>chlorophyll a (ug/L)</u>	<u>---</u>	<u>TVS</u>	Chromium VI	TVS	TVS
*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.		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
		<u>Nitrogen</u>	<u>---</u>	<u>TVS</u>	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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 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 tributaries and wetlands, from below the San Juan National Forest Boundary to Hwy 160. Chicken Creek, including tributaries and wetlands, 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	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	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/m <sup>2</sup> )	---	<del>450</del> TVS	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
			Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000	
			Ammonia	TVS	TVS	Lead	TVS	TVS	
			Boron	---	0.75	Lead(T)	50	---	
			Chloride	---	250	Manganese	TVS	TVS/WS	
			Chlorine	0.019	0.011	Mercury(T)	---	0.01	
			Cyanide	0.005	---	Molybdenum(T)	---	150	
			Nitrate	10	---	Nickel	TVS	TVS	
			Nitrite	---	0.05	Nickel(T)	---	100	
			Phosphorus	---	<del>0.44</del> TVS	Selenium	TVS	TVS	
			Sulfate	---	WS	Silver	TVS	TVS(tr)	
			Sulfide	---	0.002	Uranium	varies*	varies*	
						Zinc	TVS	TVS	
5. Mainstem of the Mancos River from Hwy 160 to the boundary of the Ute Mountain Indian Reservation and mainstem of Weber Canyon, including wetlands, 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	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/m <sup>2</sup> )	---	<del>450</del> *TVS	Chromium III	---	TVS	
Other:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 34.5(5).</del> *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.			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
			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	---	<del>0.47</del> TVS*	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

6a. All tributaries to the Mancos River, including 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 tributaries and wetlands, 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:  *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.			chlorophyll a (mg/m²)	---	159TVS	Chromium III(T)	---	100	
			E. Coli (per 100 mL)	5/1 - 10/31	---	205	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	
						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	---	0.17TVS				
			Sulfate	---	---				
			Sulfide	---	0.002				

6b. East Fork of Mud Creek, including tributaries and wetlands, from the source to the confluence with the West Fork of Mud Creek. East Canyon, including wetlands, 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 <sup>A</sup>				
	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)	---	<del>150</del> TVS	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		---	<del>0.17</del> TVS	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, including wetlands, located in Mesa Verde National Park.

COSJLP06C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture Aq Life Warm 1 Recreation E	DM		MWAT	acute		chronic
OW		Temperature °C	WS-III	WS-III	Arsenic	340	---
		acute		chronic	Arsenic(T)	---	7.6
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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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 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	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
<b>Other:</b>  Discharger Specific Variance(s): Ammonia(ac/ch) = See Section 34.6(4) for details on the variance for Vista Verde Village Mobile Home Park. Expiration Date of 6/30/2031  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 34.5(5).</del> *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	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.17TVS*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

Discharger Specific Variance(s):  
 Ammonia(ac/ch) = See Section 34.6(4)  
 for details on the variance for Vista  
 Verde Village Mobile Home Park.  
 Expiration Date of 6/30/2031  
 \*chlorophyll a (mg/m<sup>2</sup>)(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.

All metals are dissolved unless 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:		chlorophyll a (mg/m²)	---	<del>TVS</del>	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 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 and 9.								
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 <sup>A</sup>		
	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)	---	<del>150*TVS</del>	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	---	<del>0.47TVS*</del>	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), including wetlands.								
COSJLP09	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	
<b>Other:</b>  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 34.5(5).</del> *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	TVS	
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> *TVS	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	---	<del>0.17</del> *TVS*	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 9.						
		COSJLP10	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)	---	7.6		
Qualifiers:		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100	
<b>Other:</b>  Discharger Specific Variance(s): Ammonia(ac/ch) = See Section 34.6(4) for details on the variance for the Town of Dove Creek. Expiration Date of 6/30/2025  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 34.5(5).</del> *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	---	Cadmium	TVS	TVS	
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> *TVS	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	---	<del>0.17</del> *TVS*	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	---	
<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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		chlorophyll a (ug/L)	---	20*TVS	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	
		Nitrogen	---	TVS	Nickel	TVS	TVS	
		Phosphorus	---	0.083*TVS	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	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	---	
<div>Other:</div> <div>Temporary Modification(s):</div> <div>Arsenic(chronic) = hybrid</div> <div>Expiration Date of 12/31/2024</div> <div>*chlcorephyll 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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>		pH	6.5 - 9.0	---	Chromium III	---	TVS	
		chlorophyll a (ug/L)	---	8*TVS	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	
		Nitrogen	---	TVS	Selenium	TVS	TVS	
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
		Sulfide	---	0.002	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	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 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

## 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	WL	WL	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
<b>Other:</b>  *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)	---	20*TVS	Chromium III(T)	---
		E. Coli (per 100 mL)	---	205	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
		Nitrogen	---	TVS	Uranium	varies*
		Phosphorus	---	0.083*TVS	Zinc	TVS
		Sulfate	---	---		
		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	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
<b>Other:</b>  *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*TVS	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
		Nitrogen	---	TVS	Uranium	varies*
		Phosphorus	---	0.083*TVS	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 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	
	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*TVS	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	
			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	
			Nitrogen	---	TVS	Selenium	TVS	TVS	
			Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)	
			Sulfate	---	WS	Uranium	varies*	varies*	
			Sulfide	---	0.002	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*TVS	Chromium III(T)	---	100		
<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 34.5(3) for details.</div> <div>*Uranium(chronic) = See 34.5(3) for details.</div>			E. Coli (per 100 mL)	5/1 - 10/31	---	205	Chromium VI	TVS	TVS	
			E. Coli (per 100 mL)	11/1 - 4/30	---	630	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*
			Nitrogen			---	TVS	Zinc	TVS	TVS
			Phosphorus			---	0.083*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	WL	WL	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---
		D.O. (mg/L)	---	Beryllium(T)	100
Other:		pH	6.5 - 9.0	Cadmium	TVS
		chlorophyll a (ug/L)	---	Chromium III	TVS
		E. Coli (per 100 mL)	---	Chromium III(T)	100
		Inorganic (mg/L)		Chromium VI	TVS
		acute	chronic	Copper	TVS
		Ammonia	TVS	Iron(T)	1000
		Boron	---	Lead	TVS
		Chloride	---	Manganese	TVS
		Chlorine	0.019	Mercury(T)	---
		Cyanide	0.005	Molybdenum(T)	150
		Nitrate	100	Nickel	TVS
		Nitrite	---	Selenium	TVS
		Nitrogen	---	Silver	TVS
		Phosphorus	---	Uranium	varies*
		Sulfate	---	Zinc	TVS
		Sulfide	---		

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	WL	WL	Arsenic	340
Qualifiers:		acute	chronic	Arsenic(T)	---
		D.O. (mg/L)	---	Cadmium	TVS
Other:		pH	6.5 - 9.0	Chromium III	TVS
		chlorophyll a (ug/L)	---	Chromium III(T)	100
		E. Coli (per 100 mL)	---	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron(T)	2200
		Ammonia	TVS	Lead	TVS
		Boron	---	Manganese	TVS
		Chloride	---	Mercury(T)	---
		Chlorine	0.019	Molybdenum(T)	150
		Cyanide	0.005	Nickel	TVS
		Nitrate	100	Selenium	TVS
		Nitrite	---	Silver	TVS
		Nitrogen	---	Uranium	varies*
		Phosphorus	---	Zinc	TVS
		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

## 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 and except for the specific listings in Segment 11. This segment includes Denny Lake.							
COSJLP19	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:		chlorophyll a (ug/L)	---	20*TVS	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
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.083*TVS	Zinc	TVS	TVS
		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

## Dolores River Basin

1. All tributaries and wetlands to the Dolores River and West Dolores River, which are within the Lizard Head Wilderness area. Mainstems of Coal Creek and Slate Creek, including tributaries and wetlands, from the boundary of the Lizard Head Wilderness Area to their confluences with the Dolores River.

COSJDO01	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture Aq Life Cold 1 Recreation E Water Supply	DM MWAT		acute	chronic	
OW		Temperature °C	CS-I CS-I	Arsenic	340	---
		acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS(sc)

2. Mainstem of the Dolores River from a point immediately below the confluence with Snow Spur Creek to a point immediately above the confluence with Horse Creek.

COSJDO02	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture Aq Life Cold 1 Recreation E Water Supply	DM MWAT		acute	chronic	
Reviewable		Temperature °C	CS-I CS-I	Arsenic	340	---
		acute	chronic	Arsenic(T)	---	0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
				Zinc	TVS	TVS(sc)

Qualifiers:

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.

All metals are dissolved unless 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)	---	<del>150</del> TVS	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/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	---	<del>0.14</del> TVS	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS*	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/m <sup>2</sup> )	---	<del>150</del> *TVS	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 <sup>2</sup> )(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	---	<del>0.14</del> TVS*	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 - 3/31	CLL	Arsenic	340
	Recreation E	Temperature °C	4/1 - 12/31	CLL*	Arsenic(T)	0.02
	Water Supply				Cadmium	TVS
	DUWS*				Cadmium(T)	5.0
Qualifiers:		acute		chronic		
		D.O. (mg/L)	---	6.0	Chromium III	TVS
		D.O. (spawning)	---	7.0	Chromium III(T)	---
		pH	6.5 - 9.0	---	Chromium VI	TVS
		chlorophyll a (ug/L)	---	8*DUWS	Copper	TVS
		chlorophyll a (ug/L)	---	TVS	Iron	WS
		E. Coli (per 100 mL)	---	126	Iron(T)	1000
		Inorganic (mg/L)				
		acute	chronic			
		Ammonia	TVS	TVS	Lead	TVS
		Boron	---	0.75	Lead(T)	50
		Chloride	---	250	Manganese	TVS
		Chlorine	0.019	0.011	Mercury(T)	0.01
		Cyanide	0.005	---	Molybdenum(T)	150
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	100
		Nitrogen	---	TVS*	Selenium	TVS
		Phosphorus	---	0.025TVS*	Silver	TVS(tr)
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	TVS

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				Arsenic(T)	0.02
	Water Supply				Cadmium	TVS
Qualifiers:		acute		chronic		
		D.O. (mg/L)	---	6.0	Cadmium(T)	5.0
		D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	50
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium VI	TVS
		E. Coli (per 100 mL)	---	126	Copper	TVS
		Inorganic (mg/L)				
		acute	chronic			
		Ammonia	TVS	TVS	Iron	WS
		Boron	---	0.75	Iron(T)	1000
		Chloride	---	250	Lead	TVS
		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	0.01
		Nitrite	---	0.05	Molybdenum(T)	150
		Phosphorus	---	0.11TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	100
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS(tr)
					Uranium	varies*
					Zinc	TVS(sc)*

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

D.O. = dissolved oxygen  
DM = daily maximum  
MWAT = maximum weekly average temperature  
See 34.6 for further details on applied standards.

# REGULATION #34 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

## Dolores River Basin

5b. Mainstem of Rio Lado, including wetlands, from the source to the confluence with the Dolores River. Mainstem of Little Taylor Creek, including wetlands, from the source to the confluence with Taylor Creek. Mainstems of Bear Creek, -Priest Creek, Wildcat Creek and Stoner Creek, including tributaries and wetlands, from their sources to the downstream San Juan National Forest boundary. Mainstem of the Dolores River, including tributaries and wetlands, from the source to a point immediately below the confluence with Snow Spur Creek, except for the listings in Segment 1.

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
		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Qualifiers:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	--- <del>450</del> TVS	Chromium III(T)	50 ---
		E. Coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
*Uranium(acute) = See 34.5(3) for details.	*Uranium(chronic) = See 34.5(3) for details.	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		--- <del>0.14</del> TVS		Nickel(T)	--- 100
Sulfate		--- WS		Selenium	TVS TVS
Sulfide		--- 0.002		Silver	TVS TVS(tr)
				Uranium	varies* varies*
				Zinc	TVS TVS(sc)

6. Mainstem of Coke Oven Creek, including wetlands, from the Lizard Head Wilderness Area boundary to its 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
		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Qualifiers:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	--- <del>450</del> TVS	Chromium III(T)	50 ---
		E. Coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
*Uranium(acute) = See 34.5(3) for details.	*Uranium(chronic) = See 34.5(3) for details.	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		--- <del>0.14</del> TVS		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

7. Deleted.						
COSJDO07	Classifications	Physical and Biological		Metals (ug/L)		
Designation		DM	MWAT	acute	chronic	
Qualifiers:		acute	chronic			
Other:						
		Inorganic (mg/L)				
		acute	chronic			
8. Mainstem of Horse Creek, including wetlands, 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)	--- 159TVS	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	--- 0.14TVS	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, including wetlands, 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	CS-I	CS-I	Arsenic	340	---
	Recreation E 5/1 - 10/31	acute	chronic	Arsenic(T)	---	7.6
	Recreation N 11/1 - 4/30	---	6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (mg/L)	---	D.O. (spawning)	---	7.0
<b>Fish Ingestion</b>		pH	6.5 - 9.0	---	Chromium III	TVS
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium III(T)	---
*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	---
		acute	chronic	---	Lead	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	---	0.14TVS	Zinc	TVS
		Sulfate	---	---		
		Sulfide	---	0.002		

10a. Mainstem of the West Dolores River, including wetlands, 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	CS-I	CS-I	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---
*Uranium(acute) = See 34.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium III(T)	50
*Uranium(chronic) = See 34.5(3) for details.		E. Coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		---	Copper	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	---	0.14TVS	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 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, including wetlands, 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.14TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

11a. Lost Canyon, including tributaries and wetlands, 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.14TVS	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

## 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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Water + Fish Standards</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<b>Other:</b>  *Uranium(acute) = See 34.5(3) for details.  *Uranium(chronic) = See 34.5(3) for details.	chlorophyll a (mg/m²)	---	450TVS		Chromium III(T)	50	---
	E. Coli (per 100 mL)	---	126		Chromium VI	TVS	TVS
					Copper	TVS	TVS
	<b>Inorganic (mg/L)</b>				Iron	---	WS
			<b>acute</b>	<b>chronic</b>	Iron(T)	---	1000
	Ammonia	TVS	TVS		Lead	TVS	TVS
	Boron	---	0.75		Lead(T)	50	---
	Chloride	---	250		Manganese	TVS	TVS/WS
	Chlorine	0.019	0.011		Mercury(T)	---	0.01
	Cyanide	0.005	---		Molybdenum(T)	---	150
	Nitrate	10	---		Nickel	TVS	TVS
	Nitrite	---	0.05		Nickel(T)	---	100
	Phosphorus	---	0.14TVS		Selenium	TVS	TVS
	Sulfate	---	WS		Silver	TVS	TVS
	Sulfide	---	0.002		Uranium	varies*	varies*
					Zinc	TVS	TVS(sc)

11c. All tributaries to McPhee Reservoir, including wetlands, except for the specific listings in Segments 4a and 11b. All tributaries to the Dolores River, including wetlands, 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 tributaries and wetlands, from their sources to their confluences 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	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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

## 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	---
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0-025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS
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	---
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0-025*TVS	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 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	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
<b>Other:</b>  <del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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	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
Water + Fish Standards		pH	6.5 - 9.0	---	Chromium III	---
<b>Other:</b>  <del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 34.5(3) for details. *Uranium(chronic) = See 34.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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.

## 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

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#### 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

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll *a*, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to ~~May~~December 31, 2027~~2~~, ~~interim-total nitrogen and total phosphorus nutrient~~-values will be considered for adoption only in the limited circumstances defined at 31.17(e2)(a)(i) and (ii). For lakes and reservoirs, these circumstances include headwaters~~waterbodies~~upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs~~sub-classification~~(31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)), and other special circumstances determined by the Commission (31.17(2)(a)(i)(D)). For rivers and streams, these circumstances include headwaterswaterbodies upstream of certain domestic and non-domestic

wastewater treatment facilities (31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).

~~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(e2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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
COGUUG05a	East River Regional Sanitation District	East River Regional SD WWTF	COG588079
COGUUG05b	Crested Butte South Metro District	Crested Butte South Metro Dist WWTF	COG588045
COGUUG08	Crested Butte Town of	Crested Butte Town of WWTF	CO0020443
COGUUG13	Mt Crested Butte WSD	Mt Crested Butte WSD	CO0027171
COGUUG14	Camp Gunnison Inc	Camp Gunnison Church Camp	COG588112
COGUUG14	Gunnison City of	Gunnison City of	CO0041530
COGUUG29a	L and N Inc	L & N Inc	COG588052
COGUUG29a	Lake City Town of	Lake City WWTF	CO0040673
COGUUG29a	Ute Trail Ranch Foundation	Sky Ranch at Ute Trail	COG588109
COGUNF03	Hotchkiss Town of	Hotchkiss Town of	CO0044903
COGUNF03	Paonia Town of	Paonia WWTF	CO0047431
COGUNF04a,c	Scarp Ridge Lodge	Irwin Mountain Lodge	CO0045217
COGUNF06b	Crawford Town of	Crawford WWTF	CO0037729
COGUUN03b	Ouray City of	Ouray City of	CO0043397
COGUUN03c	Ridgway Town of	Ridgway, Town of	COG588047
COGUUN04b	Montrose City of	Montrose WWTP	CO0039624
COGUUN04b	Olathe Town of	Olathe Town of	CO0020907
COGUUN04b	West Montrose Sanitation District	West Montrose Sanitation Dist WWTF	CO0030449
COGUUN10b	Elk Meadows Estates	Elk Meadows WWTF	COG589091
COGULG02	Delta City of	Delta WWTF	CO0039641
COGULG06b	Delta Correctional Center	Delta Correctional Center	COG588032
COGULG07b	Volunteers of America Care Fac	Horizon Health Care & Retirement Community	CO0042617
COGULG07b	Cedaredge Town of	Cedaredge WWTF	CO0031984
COGUSM03b	Last Dollar PUD Improvements Assn	Last Dollar WWTF	COG588005
COGUSM03b	Telluride Town of	Regional WWTF	CO0041840
COGUSM04a	Ilium Park Owners Association	Lawson Hull PUD Ilium Valley WWTF	COG588021
COGUSM04a	Wick Hospitality Group LLC	Blue Jay Restaurant and Lodge	COG588113
COGUSM04a	Fall Creek HOA	Fall Creek	COG588119
COGUSM05a	Naturita Town of	Naturita WWTF	CO0024007

Segment	Permittee Name	Facility Name	Permit No.
COGUSM08	Stemz LLC	Ilium Power Station Church Camp	COG588033
COGUSM12c	Nucla Town of	Nucla WWTF	COG589067
COGULD02	SW Mesa County Rural Public Improvement District	SW Mesa Co Rural Pub Imp Dist WWTF	COG588086

Prior to ~~May~~ December 31, ~~2022~~ 2027:

- For segments located entirely above these facilities, ~~nutrient-total nitrogen and total phosphorus~~ standards apply to the entire segment.
- For segments with portions downstream of these facilities, ~~nutrient-total nitrogen and total phosphorus~~ standards only apply above these facilities, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll-a~~ total nitrogen standards in these segments. The note references the table of qualified facilities at 35.5(4).
- For segments located entirely below these facilities, ~~nutrient-total nitrogen and total phosphorus~~ standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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)
AEL	=	alternative effluent limit
°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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>
Aluminum(T)	<p>Acute = <math>e^{(1.3695 \cdot \ln(\text{hardness}) + 1.8308)}</math></p> <p>pH equal to or greater than 7.0</p> <p>Chronic = <math>e^{(1.3695 \cdot \ln(\text{hardness}) - 0.1158)}</math></p> <p>pH less than 7.0</p> <p>Chronic = <math>e^{(1.3695 \cdot \ln(\text{hardness}) - 0.1158)}</math> or 87, whichever is less</p>
Ammonia <sup>(4)</sup>	<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)<sup>(5)</sup> = <math>(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \cdot \ln(\text{hardness}) - 3.443)}</math></p> <p>Acute(cold)<sup>(5)</sup> = <math>(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \cdot \ln(\text{hardness}) - 3.866)}</math></p> <p>Chronic = <math>(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \cdot \ln(\text{hardness}) - 3.909)}</math></p>
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>

Chromium III <sup>(76)</sup>	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$					
Chromium VI <sup>(76)</sup>	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 = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$					
Nitrogen <sup>(6)</sup>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
Phosphorus <sup>(6)</sup>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>					
Selenium <sup>(87)</sup>	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	all other cold-water species	April – Oct.	9.0	13.0
				Nov. – March	18.3	24.3
	Cold Lakes <sup>(98)</sup>	CL	brook trout, brown trout, cutthroat trout, lake trout, rainbow trout, Arctic grayling, sockeye salmon	April – Dec.	9.0	13.0
				Jan. – March	17.0	21.2
	Cold Large Lakes (>100 acres surface area) <sup>(98)</sup>	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,	April – Dec.	26.2	29.3



			pumpkinseed, sauger, smallmouth bass, spottail shiner, stonecat, striped bass, tiger muskellunge, walleye, wiper, white bass, white crappie, yellow perch	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 CaCO<sup>3</sup> 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. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (76) 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.

(87) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.

(98) 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): AEL=no limit;

Ammonia (chronic): AEL=13.8 mg/L (11/1-4/30);

Ammonia (chronic): AEL=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).~~

(eb) 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.

(dc) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.

(ed) 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 (4/1 – 10/31)
  - 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 (3/16 – 11/15)
  - North Fork Gunnison River above mouth near Lazear: 38.785167, -107.833417

**35.7 - 35.10      RESERVED**

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**35.52 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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**

**A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17**

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

**B. Implementation of Nutrients Table Value Standards**

The commission revised 35.5(4) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V (nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 35.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 35.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface area. The chlorophyll *a* standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of

all sizes. This information was previously included in the segment tables in Appendix 35-1, but was moved to Footnote 6 for clarity.

**1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

**a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously adopted the DUWS sub-classification and notation in the Appendix 35-1 tables on several waterbodies in previous rulemaking hearings, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned nitrogen and phosphorus standards. Therefore, the “Public Swim Beach” notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. Due to the presence of a public swim beach, the commission adopted total nitrogen and total phosphorus standards, “Public Swim Beach” in the Qualifier column, and a note to specify the swim beach reservoir in the Other column on the following segments:

Uncompahgre River: 19 (COGUUN19; Ridgway Reservoir)

**b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 35.5(4).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 35-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 35-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 35-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

## 2. Chlorophyll *a* Standards for Lakes, Reservoirs, Rivers, and Streams

The commission made no changes to the chlorophyll *a* standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll *a* standards.

Adoption of chlorophyll *a* standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll *a* standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll *a* table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 35-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; in Appendix 35-1, these table value standards are shown as “DUWS”. The phased implementation of the chlorophyll *a* standards adoption is now complete.

## C. Clarifications and Corrections

The following edits were made to Appendix 35-1 to improve clarity and correct errors:

- The Direct Use Water Supply (DUWS) references in segments in Appendix 35-1 were revised to improve clarity and consistency.
- Where the chlorophyll *a* and phosphorus standards adopted in previous rulemaking hearings were not consistent with the use(s), the commission made the following corrections:

Uncompahgre River: 6a (COGUUN06a; chlorophyll *a*; delete because the chlorophyll *a* standard of 150 mg/m<sup>2</sup> does not apply to river and stream segments with a Recreation N use)

- In Appendix 35-1, on Uncompahgre River Segment 22 (COGUUN22), the Direct Use Water Supply (DUWS) note specifying that “DUWS applies to Fairview Reservoir only” was deleted. Fairview Reservoir is the only waterbody included in this segment, so it is not necessary to specify which waterbody is DUWS.

**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 ~~09/30/2022~~04/30/2023

## 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 <sup>2</sup>	=	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 and wetlands to the Gunnison River 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
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/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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 and Willow 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/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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. Mainstem of the Taylor River, including all tributaries and wetlands, from the source to a point immediately below the confluence with Illinois Creek, except for listings in Segment 1.

COGUUG03	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

4. Mainstem of the Taylor River, including all tributaries and wetlands, from a point immediately below the confluence with Illinois Creek to the confluence with the Gunnison River, except for 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:  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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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
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 <sup>2</sup> )	---	150*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 35.5(4).		Inorganic (mg/L)			Iron	---
*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
*Uranium(chronic) = See 35.5(3) for details.		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	---	0.14TVS*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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
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 <sup>2</sup> )	---	TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---
*Uranium(chronic) = See 35.5(3) for details.		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  
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 and wetlands to the East River from a point immediately above its confluence with the Slate River to its confluence with the Gunnison River, except for listings in Segments 6b and 6c.

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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS			
		Sulfate	---	---			
		Sulfide	---	0.002			

6b. Cement Creek, including all 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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	
	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)	---	150TVS	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	---	0.44TVS	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	
	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)	---	150TVS	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	---	0.44TVS	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* <sup>C</sup>	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	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)	---	<del>TVS</del>	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	
*Temperature = summer criteria apply from 6/1-10/15		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	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
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)	---	<del>TVS</del>	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	---	<del>TVS</del>	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

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				
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 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)	---	150TVS	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
			Inorganic (mg/L)		Lead	TVS	8.6	
				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	---	0-14TVS				
		Sulfate	---	---				
		Sulfide	---	0.002				

10b. Mainstem of Redwell Creek, including all tributaries and wetlands, from the source to the confluence with Oh-Be-Joyful Creek.								
COGUUG10B	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)	---	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)	---	150TVS	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron(T)	---	1000	
			Inorganic (mg/L)		Lead	TVS	407	
				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	---	0-14TVS				
		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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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/m <sup>2</sup> )	---	<del>150</del> TVS	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)	---	210
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	<del>0.11</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024 Cadmium(ac/ch) = 3.5/2.79*      4/1 - 6/30 Expiration Date of 12/31/2027  *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details. *TempMod: Cadmium(4/1 - 6/30) = Coal Creek. Adopted 6/12/2017(ac) and 6/12/2006(ch).		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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/191
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Phosphorus	---	<del>0.11</del> TVS	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

## 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)	---	450*TVS	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	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.44*TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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)	---	--TVS	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

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 <sup>2</sup> )	---	<u>TVS</u>	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

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 <sup>A</sup>
	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/m <sup>2</sup> )	---	<del>450</del> TVS	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)	---	1950
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	Uranium	varies*	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	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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

## Upper Gunnison River Basin

16a. Mainstem of Ohio Creek, including all tributaries and wetlands, from the source to a point immediately below 7 Road, except for 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)	---	150TVS	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	---	0.44TVS	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)	---	150TVS	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	---	0.44TVS	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:		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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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:		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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

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)	---	150TVS	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	---	0.44TVS	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	varies*	varies* °C	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)	---	150TVS	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	
*Temperature =		Ammonia	TVS	TVS	Lead	TVS	TVS
DM and MWAT=CS-II from 11/1-3/31		Boron	---	0.75	Lead(T)	50	---
DM=CS-II and MWAT=18.9 from 4/1-10/31		Chloride	---	250	Manganese	TVS	TVS/WS
See temperature assessment locations at 35.6(6).		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.44TVS	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

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)	---	150TVS	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. *Uranium(chronic) = See 35.5(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	---	0.44TVS	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 and wetlands, 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 *Uranium(chronic) = lowest practical level		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS				
		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 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)	---	<del>450</del> TVS	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 12/31/2025		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 from the confluence with Indian Creek to the confluence with Tomichi Creek. Adopted 6/12/2017.		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Uranium(T)	---	16.8-30 <sup>A</sup>
					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)	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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:  *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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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:  *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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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

## 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)	---	---TVS	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
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)	---	450±TVS	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	---	0.44TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*TVS	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	---	0.11TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

\*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.

All metals are dissolved unless 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.				
<b>COGUUG27</b>	<b>Classifications</b>	<b>Physical and Biological</b>		<b>Metals (ug/L)</b>
<b>Designation</b>		DM	MWAT	acute      chronic
<b>Qualifiers:</b>		acute	chronic	
<b>Other:</b>				
		Inorganic (mg/L)		
		acute	chronic	

28. Deleted.				
<b>COGUUG28</b>	<b>Classifications</b>	<b>Physical and Biological</b>		<b>Metals (ug/L)</b>
		DM	MWAT	acute      chronic
<b>Qualifiers:</b>		acute	chronic	
<b>Other:</b>				
		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
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*TVS	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
<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>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.44TVS*	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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)	---	450*TVS	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			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 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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	TVS

31. Mainstem of Palmetto Gulch Creek, including all tributaries and wetlands.

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
<b>Qualifiers:</b>		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<b>Other:</b>		D.O. (spawning)	---	7.0	Chromium III	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(T)	---	100
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

## 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)	---	450TVS	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	---	0.14TVS	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±TVS	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	
		Nitrogen	---	TVS	Selenium	TVS	TVS	
		Phosphorus	---	0.025±TVS	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
		Sulfide	---	0.002	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<b>Other:</b>  *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*TVS	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	---	0.02	Nickel	TVS	TVS
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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	acute	chronic
Reviewable	Aq Life Cold 1	Temperature °C	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	Cadmium	TVS
	DUWS*	D.O. (spawning)	---	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	Chromium III	---
Other:		chlorophyll a (ug/L)	---	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.		chlorophyll a (ug/L)	---	Chromium VI	TVS
		E. coli (per 100 mL)	---	Copper	TVS
		Inorganic (mg/L)		Iron	---
		acute	chronic	Iron(T)	---
		Ammonia	TVS	Lead	TVS
		Boron	---	Lead(T)	50
		Chloride	---	Manganese	TVS
		Chlorine	0.019	Mercury(T)	---
		Cyanide	0.005	Molybdenum(T)	---
		Nitrate	10	Nickel	TVS
		Nitrite	---	Nickel(T)	---
		Nitrogen	---	Selenium	TVS
		Phosphorus	---	Silver	TVS
		Sulfate	---	Uranium	varies*
		Sulfide	---	Zinc	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	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
Qualifiers:		D.O. (mg/L)	---	Cadmium	TVS
Other:		D.O. (spawning)	---	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 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	Chromium III(T)	100
		chlorophyll a (ug/L)	---	Chromium VI	TVS
		E. coli (per 100 mL)	---	Copper	TVS
		Inorganic (mg/L)		Iron(T)	1000
		acute	chronic	Lead	TVS
		Ammonia	TVS	Manganese	TVS
		Boron	---	Mercury(T)	---
		Chloride	---	Molybdenum(T)	150
		Chlorine	0.019	Nickel	TVS
		Cyanide	0.005	Selenium	TVS
		Nitrate	100	Silver	TVS
		Nitrite	---	Uranium	varies*
		Nitrogen	---	Zinc	TVS
		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

## 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	---
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>  *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)	---	<del>8*TVS</del>	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
		<u>Nitrogen</u>	<del>---</del>	<u>TVS</u>	Selenium	TVS	TVS
		Phosphorus	---	<del>0.025*TVS</del>	Silver	TVS	TVS
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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	---		
		pH	6.5 - 9.0	---	Chromium III	---	TVS		
Qualifiers:		chlorophyll a (ug/L)		---	8*DUWS		Chromium III(T)	50	---
<div>Other:</div> <div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Classification: DUWS applies to Evergreen Lake only.</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)		---	TVS		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
		Nitrogen		---	TVS	Selenium		TVS	TVS
		Phosphorus		---	0.025*TVS	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 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	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	---
Temporary Modification(s):		chlorophyll a (ug/L)	---	8*TVS	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)	---
		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)	---
		Nitrogen	---	TVS*	Selenium	TVS
		Phosphorus	---	0.025TVS*	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

## 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/m²)	---	---TVS	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	---	---TVS	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/m²)	---	---TVS	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	varies*	varies* °C	Arsenic	340	---	
	Recreation E	4/1 - 9/30		acute	chronic		Arsenic(T)	---	0.02	
	Recreation P	10/1 - 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:				chlorophyll a (mg/m²)	---	<del>TVS</del>	Chromium III(T)	50	---	
Temporary Modification(s):				E. coli (per 100 mL)	4/1 - 9/30	---	126	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid				E. coli (per 100 mL)	10/1 - 3/31	---	205	Copper	TVS	TVS
Expiration Date of 12/31/2024				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	
*Temperature =				Boron	---	0.75	Lead(T)	50	---	
DM and MWAT=CS-II from 11/16-3/15				Chloride	---	250	Manganese	TVS	TVS/WS	
DM=26.5 and MWAT=21.9 from 3/16-11/15				Chlorine	0.019	0.011	Mercury(T)	---	0.01	
See temperature assessment location at 35.6(6)				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	
4a. All 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 and wetlands 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 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	
				D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
Qualifiers:				pH	6.5 - 9.0	---	Chromium III	---	TVS	
Other:				chlorophyll a (mg/m²)	---	<del>TVS</del>	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/m2)(chronic) = applies only above the facilities listed at 35.5(4).				acute	chronic		Iron(T)	---	1000	
*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).				Ammonia	TVS	TVS	Lead	TVS	TVS	
*Uranium(acute) = See 35.5(3) for details.				Boron	---	0.75	Lead(T)	50	---	
*Uranium(chronic) = See 35.5(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	---	<del>TVS</del> *	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

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
*Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	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	
				Boron	---	0.75	
				Chloride	---	250	
				Chlorine	0.019	0.011	
				Cyanide	0.005	---	
				Nitrate	10	---	
				Nitrite	---	0.05	
				Phosphorus	---	<del>0.44</del> TVS	
				Sulfate	---	WS	
				Sulfide	---	0.002	
				Zinc	TVS	TVS/TVS(sc)	

4c. All tributaries and wetlands 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	
		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Chromium III	---	TVS
Other:		pH	6.5 - 9.0	---	Chromium III(T)	50	---
*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/m <sup>2</sup> )	---	<del>450</del> *TVS	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	
				Boron	---	0.75	
				Chloride	---	250	
				Chlorine	0.019	0.011	
				Cyanide	0.005	---	
				Nitrate	100	---	
				Nitrite	---	0.05	
				Phosphorus	---	<del>0.44</del> TVS*	
				Sulfate	---	---	
				Sulfide	---	0.002	
				Zinc	TVS	TVS/TVS(sc)	

4c. All tributaries and wetlands 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
<b>Other:</b>  *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.		D.O. (spawning)	---	7.0	Chromium III	---	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	50	---
		chlorophyll a (mg/m²)	---	150*TVS	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron(T)	---	1000

All metals are dissolved unless 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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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 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	---	<del>0.14</del> TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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 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	---	<del>0.14</del> TVS	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					---
Qualifiers:			acute	chronic	Arsenic(T)	---
		D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	---
		E. coli (per 100 mL)	---	205	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	---	<del>0.17</del> TVS	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

6b. Mainstem of Bear Creek and Stevens Gulch, including all tributaries and wetlands. All tributaries and 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 and 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. This segment excludes the 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					---
	Water Supply					---
Qualifiers:			acute	chronic	Arsenic(T)	---
		D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	---
		E. coli (per 100 mL)	---	205	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	---	<del>0.17</del> TVS*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS

**Water + Fish Standards**

**Other:**

Temporary Modification(s):

Arsenic(chronic) = hybrid

Expiration Date of 12/31/2024

\*chlorophyll a (mg/m<sup>2</sup>)(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.

All metals are dissolved unless 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)	---	150TVS	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	---	0.47TVS	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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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

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	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	---
<p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 35.5(3) for details.</p> <p>*Uranium(chronic) = See 35.5(3) for details.</p>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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	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	---
<p><del>*chlorophyll a (ug/L)(Nitrogen)(chronic) = applies only above the facilities listed at 35.5(4); applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4); applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 35.5(3) for details.</p> <p>*Uranium(chronic) = See 35.5(3) for details.</p>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS*	Nickel(T)	---
		Phosphorus	---	0.025TVS*	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 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	CL	CL	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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	WL	WL	Arsenic	340	---
	Recreation P	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0
<b>Water + Fish Standards</b>		chlorophyll a (ug/L)	---	20*TVS	Chromium III	---
<b>Other:</b>		E. coli (per 100 mL)	---	205	Chromium III(T)	50
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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	---
		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)	---
		Nitrogen	---	TVS	Nickel	TVS
		Phosphorus	---	0.083*TVS	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

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	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m²)	---	150TVS	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Temporary Modification(s):		Inorganic (mg/L)		Copper	TVS	TVS
		Ammonia	TVS	TVS	Iron	---
Arsenic(chronic) = hybrid		Boron	---	0.75	Iron(T)	---
		Chloride	---	250	Lead	TVS
Expiration Date of 12/31/2024		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
*Uranium(acute) = See 35.5(3) for details.		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
*Uranium(chronic) = See 35.5(3) for details.		Phosphorus	---	0.14TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	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	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m²)	---	150TVS	Chromium III(T)	50
		E. coli (per 100 mL)	---	205	Chromium VI	TVS
*Uranium(acute) = See 35.5(3) for details.		Inorganic (mg/L)		Copper	TVS	TVS
		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	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.14TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					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

## 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
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 <sup>2</sup> )	---	TVS	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)	---	7438
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
*Uranium(chronic) = See 35.5(3) for details.		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

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
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 <sup>2</sup> )	---	TVS	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)	---	2971
		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	---	TVS	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 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)	---	450*TVS	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)	---	1793
*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	---	0.44TVS*	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
*Uranium(acute) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	TVS	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)	---	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

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:  *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/m <sup>2</sup> )	---	---TVS	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	TVS
		Inorganic (mg/L)			Iron	---	WS
					Iron(T)	---	2053
					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

## 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* <sup>C</sup>	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	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 <sup>2</sup> )	---	---TVS <sup>-</sup>	Chromium III(T)	50	---
*Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Temperature = summer criteria apply from 4/1-11/15					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/m <sup>2</sup> )	---	---TVS <sup>-</sup>	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

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/m <sup>2</sup> )	---	---TVS -	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
		</					

All metals are dissolved unless 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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	<del>---</del> TVS	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 35.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 35.5(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

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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	<del>---</del> TVS	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
*Uranium(acute) = See 35.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 35.5(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  
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 Recreation E	Temperature °C	WS-II WS-II		Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	---
Other:		D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
		pH	6.5 - 9.0	---	Chromium III	TVS TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>TVS</del>	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	---
		Chlorine	0.019	0.011	Molybdenum(T)	---
		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		

\*Uranium(acute) = See 35.5(3) for details.  
\*Uranium(chronic) = See 35.5(3) for details.

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 Recreation E Water Supply	Temperature °C	CS-I CS-I		Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	---
Other:		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	---
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>TVS</del>	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Iron(T)	---
		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)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS TVS
		Phosphorus	---	<del>TVS</del>	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS TVS
		Sulfide	---	0.002	Silver	TVS TVS(tr)
					Uranium	varies* varies*
					Zinc	TVS TVS

\*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

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	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)	---	<del>450</del> ---	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	630	Copper	TVS	TVS	
					Iron(T)	---	1000	
		Inorganic (mg/L)			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	
		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 and wetlands 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:  *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (mg/L)	---	3.0	Chromium III	---	---	
		pH	ambient	---	Chromium VI	---	---	
		chlorophyll a (mg/m²)	---	---	Copper	---	---	
		E. coli (per 100 mL)	---	630	Iron	---	---	
		Inorganic (mg/L)			Lead	---	---	
					Manganese	---	---	
					Mercury(T)	---	---	
					Molybdenum(T)	---	---	
					Nickel	---	---	
					Selenium	---	---	
					Silver	---	---	
					Uranium	varies*	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

## 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 <sup>A</sup>
	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 <sup>2</sup> )	--- <del>150</del> TVS	Chromium III(T)	50 ---
*Uranium(acute) = See 35.5(3) for details.		E. coli (per 100 mL)	--- 205	Chromium VI	TVS TVS
*Uranium(chronic) = See 35.5(3) for details.				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	--- <del>0.14</del> TVS	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 <sup>A</sup>
	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 <sup>2</sup> )	--- <del>150</del> TVS	Chromium III(T)	50 ---
*Uranium(acute) = See 35.5(3) for details.		E. coli (per 100 mL)	--- 205	Chromium VI	TVS TVS
*Uranium(chronic) = See 35.5(3) for details.				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	--- <del>0.14</del> TVS	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 of Sneffels Creek, including all tributaries and wetlands, 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:  *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.11TVS			
		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
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 <sup>2</sup> )	---	450*TVS	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 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)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.14TVS*	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	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
*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(T)	50	---
		chlorophyll a (mg/m²)	---	450*TVS	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	---	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	---	0.44TVS*			
		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. -All tributaries and wetlands 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 the source to the confluence with the Uncompahgre River. Mainstem of Beaver Creek from the source to the confluence with the East Fork of Dallas Creek. 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	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): 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)	---	450TVS	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	---	0.44TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		

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. -All tributaries and wetlands 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 the source to the confluence with the Uncompahgre River. Mainstem of Beaver Creek from the source to the confluence with the East Fork of Dallas Creek. 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	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:		chlorophyll a (mg/m²)	---	450TVS	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	
*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	---	0.44TVS	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

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	Agriculture		DM	MWAT		acute	chronic
UP	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:		chlorophyll a (mg/m²)	---	450TVS	Chromium III	TVS	TVS
Temporary Modification(s):		E. coli (per 100 mL)	---	205	Chromium III(T)	---	100
Arsenic(chronic) = hybrid					Chromium VI	TVS	TVS
Expiration Date of 12/31/2024					Copper	TVS	TVS
*Uranium(acute) = See 35.5(3) for details.					Iron	---	WS
*Uranium(chronic) = See 35.5(3) for details.					Iron(T)	---	1400
					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

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	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 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)	---	150TVS	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	---	0.44TVS			
		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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS			
		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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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	Temperature °C	CS-II	CS-II	Arsenic	340	---
		Recreation P	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/m²)	---	<del>450</del> TVS	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	---	0.5	Zinc	TVS	TVS		
	Phosphorus	---	<del>0.44</del> TVS					
	Sulfate	---	---					
	Sulfide	---	0.002					

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	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
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)	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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:  *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)	---	<del>450</del> TVS	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	---	0.5	Zinc	TVS	TVS
		Phosphorus	---	<del>0.44</del> TVS			
		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
<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)	---	8*TVS	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/50
		Cyanide	0.005	---	Mercury(T)	---	0.01
		Nitrate	10	---	Molybdenum(T)	---	150
		Nitrite	---	0.05	Nickel	TVS	TVS
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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 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	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02-10 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
<b>Other:</b>  <del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*TVS	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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	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	CL	CL	Arsenic	340	---
	Recreation P	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	---
<b>Other:</b>  <del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Classification: DUWS applies to Lake Otonawanda only. <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*DUWS	Chromium III(T)	50
		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
		E. coli (per 100 mL)	---	205	Copper	TVS
		Inorganic (mg/L)		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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	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

19. Ridgway Reservoir.						
COGUUN19	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
Reviewable	Aq Life Cold 1 Recreation E	CLL	CLL	Arsenic	340	---
Qualifiers:	<u>Public Swim Beach*</u>	acute	chronic	Arsenic(T)	---	7.6
		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:	<u>*Public Swim Beach applies to Ridgway Reservoir.</u>	D.O. (spawning)	---	7.0	Chromium III	TVS
		pH	6.5 - 9.0	---	Chromium III(T)	---
	<u>*Uranium(acute) = See 35.5(3) for details.</u>	chlorophyll a (ug/L)	---	<del>TVS</del>	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
	<u>*Uranium(chronic) = See 35.5(3) for details.</u>	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*
		<u>Nitrogen</u>	---	<del>TVS</del>	Zinc	TVS
		Phosphorus	---	<del>TVS</del>		
		Sulfate	---	---		
		Sulfide	---	0.002		

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	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)	---	<del>20*TVS</del>	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
		<u>Nitrogen</u>	---	<del>TVS</del>	Uranium	varies*
		Phosphorus	---	<del>0.083*TVS</del>	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

## 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	WL	WL	Temperature °C	340	---
	Recreation P	acute	chronic			
<b>Qualifiers:</b> <b>Fish Ingestion</b> <b>Other:</b> <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		D.O. (mg/L)	---	5.0	Arsenic(T)	---
		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (ug/L)	---	20*TVS	Chromium III	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---
					Chromium VI	TVS
					Copper	TVS
					Iron(T)	---
					Lead	TVS
					Manganese	TVS
					Mercury(T)	---
					Molybdenum(T)	---
					Nickel	TVS
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS
22. Fairview Reservoir.						
COGUUN22	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
UP	Aq Life Warm 2	WL	WL	Temperature °C	340	---
	Recreation P	acute	chronic			
	Water Supply	D.O. (mg/L)	---	5.0	Arsenic(T)	0.02
	DUWS*	pH	6.5 - 9.0	---	Cadmium	TVS
<b>Qualifiers:</b> <b>Other:</b> <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Classification: DUWS applies to Fairview Reservoir only.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	20*DUWS	Cadmium(T)	5.0
		chlorophyll a (ug/L)	---	TVS	Chromium III	TVS
		E. coli (per 100 mL)	---	205	Chromium III(T)	---
					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
		Inorganic (mg/L)				
		acute	chronic			
		Ammonia	TVS	TVS		
		Boron	---	0.75		
		Chloride	---	250		
		Chlorine	0.019	0.011		
		Cyanide	0.005	---		
		Nitrate	10	---		
		Nitrite	---	0.05		
		Nitrogen	---	TVS		
		Phosphorus	---	0.083*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 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)	---	---TVS	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 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)	---	---TVS	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 35.5(3) for details.		Ammonia	TVS	TVS	Iron	---	WS
*Uranium(chronic) = See 35.5(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	---	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

3a. 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 3b, 10, 11a, 11b, and 12.

COGULG03A	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

3b. Mainstem of Big Dominguez Creek, Little Dominguez Creek, Escalante Creek, Potter Creek, and Roubideau Creek, including all tributaries and wetlands, within the boundaries of the Uncompahgre National Forest.

COGULG03B	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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

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 3a, 3b, 4b, 4c, 5a, 5b, 5c, 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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>  *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)	---	450*TVS	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	---	0.4*TVS*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

4b. All tributaries and wetlands 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 <sup>A</sup>
	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)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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

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 <sup>A</sup>
	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)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS
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	TVS
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					Uranium	TVS	varies*
					Uranium(T)	---	16.8-30 <sup>A</sup>
			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

5b. Mainstem of Roubideau Creek from the national forest boundary to a point immediately above the confluence with Potter Creek. Mainstem of Monitor Creek from the national forest boundary to the confluence with Potter Creek. Mainstem of Potter Creek from immediately below Monitor Creek to the confluence with Roubideau Creek.						
COGULG05B	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW	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:  *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.47TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
				Silver	TVS	TVS
				Uranium	TVS	varies*
				Uranium(T)	---	16.8-30 <sup>A</sup>
				Zinc	TVS	TVS
5c. All tributaries and wetlands to Roubideau Creek from the national forest boundary to a point immediately below the confluence with Potter Creek, excluding the portion of the mainstems of Potter Creek and Monitor Creek in Segment 5b. All tributaries and wetlands to Escalante Creek from the national forest boundary to the Delta/Montrose County line (38.668215, -108.328144), excluding listings in Segment 5a. All tributaries and wetlands to Little Dominguez Creek from the national forest boundary to the confluence with Big Dominguez Creek. All tributaries and wetlands to Big Dominguez Creek from the national forest boundary to the confluence with the Gunnison River.						
COGULG05C	Classifications	Physical and Biological		Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic	
OW	Aq Life Warm 2	Temperature °C	WS-II	WS-II	Arsenic	340
	Recreation P	acute	chronic	Arsenic(T)	---	0.02-10 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	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/m <sup>2</sup> )	---	450TVS	Chromium III	---
		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	---
		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	---	0.47TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	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

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	
OW	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
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
<p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 35.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).</p> <p>*Uranium(chronic) = See 35.5(3) for details.</p>		pH	6.5 - 9.0	---	Chromium III(T)	100
		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
					Lead	TVS
		Inorganic (mg/L)			Manganese	TVS
		acute	chronic		Mercury(T)	---
		Ammonia	TVS	TVS	Molybdenum(T)	---
		Boron	---	0.75	Nickel	TVS
		Chloride	---	---	Selenium	TVS
		Chlorine	0.019	0.011	Silver	TVS
		Cyanide	0.005	---	Uranium	TVS
		Nitrate	100	---	Uranium(T)	---
		Nitrite	---	0.05	Zinc	TVS
		Phosphorus	---	0.14TVS*		
		Sulfate	---	---		
		Sulfide	---	0.002		

6b. 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
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
<p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 35.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).</p> <p>*Uranium(chronic) = See 35.5(3) for details.</p>		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	Chromium III(T)	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Copper	TVS
		Inorganic (mg/L)			Iron(T)	---
		acute	chronic		Lead	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	TVS
		Phosphorus	---	0.17TVS*	Uranium(T)	---
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

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

D.O. = dissolved oxygen  
DM = daily maximum  
MWAT = maximum weekly average temperature  
See 35.6 for further details on applied standards.

# REGULATION #35 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

## Lower Gunnison Basin

6c. 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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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 <sup>A</sup>
			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 <sup>A</sup>	
	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 <sup>2</sup> )	---	<del>150</del> TVS	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
<del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 35.5(4).</del>		Inorganic (mg/L)			Iron			---	WS
<del>*Phosphorus(chronic) = applies only above the facilities listed at 35.5(4).</del>			acute	chronic	Iron(T)			---	1000
<del>*Uranium(acute) = See 35.5(3) for details.</del>		Ammonia	TVS	TVS	Lead			TVS	TVS
<del>*Uranium(chronic) = See 35.5(3) for details.</del>		Boron	---	0.75	Lead(T)			50	---
		Chloride	---	250	Manganese			TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)			---	0.01
		Cyanide	0.005	---	Molybdenum(T)			---	150
		Nitrate	10	---	Nickel			TVS	TVS
		Nitrite	---	0.05	Nickel(T)			---	100
		Phosphorus	---	<del>0.11</del> TVS*	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 and wetlands, 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/m²)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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

## Lower Gunnison Basin

8b. Mainstem of Kannah Creek, including all tributaries and wetlands, 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:				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)	---	<del>450</del> TVS	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			---	<del>0.14</del> TVS	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)	---	<del>---</del> TVS	Chromium III(T)	---	100		
*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		
							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			---	---			
				Sulfate			---	---			
				Sulfide			---	0.002			

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)	---	TVS	Chromium III(T)	---	100	
Other:			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
							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  
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)	---	450TVS	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	---	0.44TVS	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)	---	450TVS	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	---	0.44TVS	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 35.5(3) for details.	*Uranium(chronic) = See 35.5(3) for details.	Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
Ammonia		TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	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		---	0.14TVS	Nickel(T)	---	100
Sulfate		---	WS	Selenium	TVS	TVS
Sulfide		---	0.002	Silver	TVS	TVS(tr)
				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
		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	---
Other:		E. coli (per 100 mL)	---	205	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
Ammonia		acute	chronic	Copper	TVS	TVS
		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		---	0.17TVS	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	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 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.	pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (ug/L)	---	20*TVS	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
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.083*TVS	Zinc	TVS	TVS
		Sulfate	---	---			
Sulfide	---	0.002					
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	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 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.	chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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 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	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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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

15. Island Lake, Eggleston Lake, and Trickle Park Reservoir (aka Park Reservoir).								
COGULG15	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	
<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)	---	8*TVS	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	
		Nitrogen	---	TVS	Selenium	TVS	TVS	
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
		Sulfide	---	0.002	Zinc	TVS	TVS	
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	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*DUWS	Chromium III	---	TVS	
Other:		chlorophyll a (ug/L)	---	TVS	Chromium III(T)	50	---	
<div>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</div> <div>*Classification: DUWS applies to Hallenbeck Reservoir and Juniata Reservoirs onlyReservoir.</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>		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	---	0.5	Nickel(T)	---	100	
		Nitrogen	---	TVS	Selenium	TVS	TVS	
		Phosphorus	---	0.083*TVS	Silver	TVS	TVS	
		Sulfate	---	WS	Uranium	varies*	varies*	
		Sulfide	---	0.002	Zinc	TVS	TVS	

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	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)	---	20*DUWS	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>*Classification: DUWS applies to Hallenbeck Reservoir and Juniata Reservoirs onlyReservoir.</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)	---	TVS	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	---	0.5	Nickel	TVS	TVS
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.083*TVS	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

## 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	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	---
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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	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	---
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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 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	---
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	<del>20</del> <u>TVS</u>	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
		<u>Nitrogen</u>	<del>---</del>	<u>TVS</u>	Nickel	TVS	TVS
		Phosphorus	---	<del>0.083</del> <u>TVS</u>	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 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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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 listings in Segments 1, 6a, 6b, 7a, 7b, 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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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	TVS
Other:	D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	450TVS	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	---
		Nitrate	100	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	---	190
		Phosphorus	---	0.44TVS			
		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	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:	D.O. (spawning)	---	450*TVS	Chromium III(T)	50	---	
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	---	---
		Inorganic (mg/L)			Copper	---	TVS
		acute	chronic	Copper	---	---	
		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	---	0.44TVS*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					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

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)	---	TVS	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 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	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:  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 = DM=13 and MWAT=9 from 11/1-2/29 DM=30.9 and MWAT=23.3 from 3/1-10/31		chlorophyll a (mg/m²)	---	TVS	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  
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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III	TVS
*Uranium(chronic) = See 35.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium III(T)	---
		Inorganic (mg/L)		100	Chromium VI	TVS
		acute	chronic	TVS	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	TVS
					Uranium(T)	---
					Zinc	TVS
						varies*
						16.8-30 <sup>A</sup>
						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
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
*Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		Inorganic (mg/L)		100	Copper	TVS
		acute	chronic	TVS	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	---	0.5	Silver	TVS
		Phosphorus	---	---	Uranium	TVS
		Sulfate	---	---	Uranium(T)	---
		Sulfide	---	0.002	Zinc	TVS
						varies*
						16.8-30 <sup>A</sup>
						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

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)	---	150TVS	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)	---	150	
					Nickel	TVS	TVS	
					Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	---	190	
		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)	---	150TVS	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)	---	150	
					Nickel	TVS	TVS	
					Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	---	190	

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)	---	150TVS	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)	---	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

7a. Mainstem of Howard Fork, including all tributaries and wetlands, from a point immediately below the confluence of Swamp Gulch to the confluence with the South Fork of the San Miguel River, except for listings in Segment 7b.

COGUSM07A	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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

7b. Mainstem of Waterfall Creek, including all tributaries and wetlands, from the source to the confluence with Howard Fork.

COGUSM07B	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 35.5(3) for details.  *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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			---	<del>0.11</del> TVS	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

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
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 <sup>2</sup> )	---	450*TVS	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
		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	---	0.44TVS*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

\*chlorophyll a (mg/m<sup>2</sup>)(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.

9a. 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 listings in Segments 9b and 10a.

COGUSM09A	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 <sup>2</sup> )	---	450TVS	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
		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	---	0.44TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

\*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

## San Miguel River Basin

9b. All tributaries and wetlands to Tabeguache Creek that are within the boundaries of the Uncompahgre National Forest.							
COGUSM09B	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 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS	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		
OW	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 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	150TVS	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/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	---	0.44TVS	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
OW	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:  *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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 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:  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)	---	<del>150</del> TVS	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/75
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.47</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

10c. Mainstem of Tabeguache Creek from the point it exits the Uncompahgre National Forest to the confluence with the San Miguel River.							
COGUSM10C	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM	MWAT	acute	chronic		
OW	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 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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/75
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.47</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

10c. Mainstem of Tabeguache Creek from the point it exits the Uncompahgre National Forest to the confluence with the San Miguel River.							
COGUSM10C		Classifications		Physical and Biological		Metals (ug/L)	
Designation	Agriculture		DM	MWAT		acute	chronic
OW	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 35.5(3) for details.  *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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/75
		Nitrate	10	---	Mercury(T)	---	0.01
		Nitrite	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.47</del> TVS	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

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:  *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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS			
		Sulfate	---	---			
		Sulfide	---	0.002			

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	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/m²)	---	<del>150</del> TVS	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	---	<del>0.11</del> 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

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 9a, 11a, 11b, 12b, and 12c.

COGUSM12A	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 <sup>2</sup> )	---	<del>150</del> TVS	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(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	---	<del>0.14</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	TVS	varies*
					Uranium(T)	---	16.8-30 <sup>A</sup>
					Zinc	TVS	TVS

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 9a, 9b, 10a, 10b, 10c, 11a, 12a, 12c, and 12d. 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
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Water + Fish Standards</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	---	TVS
<b>Other:</b>		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
<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(chronic) = See 35.5(3) for details.</div>		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	---	<del>0.17</del> TVS*	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 <sup>A</sup>
					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

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(ac/ch) = See Section 35.6(4) for details on the variance for the Town of Nucla. 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.	chlorophyll a (mg/m²)	---	150*TVS	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	---	0.17TVS*	Uranium	TVS	varies*	
		Sulfate	---	---	Uranium(T)	---	16.8-30 <sup>A</sup>	
		Sulfide	---	0.002	Zinc	TVS	TVS	
		12d. All tributaries and wetlands to Tabeguache Creek from the point it exits the Uncompahgre National Forest to the confluence with the San Miguel River.						
		COGUSM12D	Classifications	Physical and Biological			Metals (ug/L)	
		Designation	Agriculture	DM	MWAT	acute	chronic	
OW	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)	---	150TVS	Chromium III	---	TVS	
Water + Fish Standards		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---	
Other:	*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	---	0.17TVS	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 <sup>A</sup>	
					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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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
		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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 35.5(3) for details. *Uranium(chronic) = See 35.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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

## 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	Temperature °C	CL	CL	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 (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS			
	Phosphorus	---	0.025*TVS				
	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	Temperature °C	CL	CL	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 (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS			
	Phosphorus	---	0.025*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

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 Recreation E	CL	CL	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)	---	8*TVS	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*
		Nitrogen	---	TVS	Zinc	TVS
		Phosphorus	---	0.025*TVS		
		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 Recreation E Water Supply	CL	CL	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	---
		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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 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	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	Cadmium	TVS
	DUWS*	D.O. (spawning)	---	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	Chromium III	TVS
Other:		chlorophyll a (ug/L)	---	Chromium III(T)	50
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	Chromium VI	TVS
*Classification: DUWS applies to Town Reservoir only.		E. coli (per 100 mL)	---	Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)		Iron	WS
*Uranium(acute) = See 35.5(3) for details.		acute	chronic	Iron(T)	---
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	Lead	TVS
		Boron	---	Lead(T)	50
		Chloride	---	Manganese	TVS
		Chlorine	0.019	Mercury(T)	---
		Cyanide	0.005	Molybdenum(T)	---
		Nitrate	10	Nickel	TVS
		Nitrite	---	Nickel(T)	---
		Nitrogen	---	Selenium	TVS
		Phosphorus	---	Silver	TVS
		Sulfate	---	Uranium	varies*
		Sulfide	---	Zinc	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	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	Cadmium	TVS
	DUWS*	D.O. (spawning)	---	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	Chromium III	---
Other:		chlorophyll a (ug/L)	---	Chromium III(T)	50
*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		chlorophyll a (ug/L)	---	Chromium VI	TVS
*Classification: DUWS applies to Gurley Reservoir only.		E. coli (per 100 mL)	---	Copper	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		Inorganic (mg/L)		Iron	WS
*Uranium(acute) = See 35.5(3) for details.		acute	chronic	Iron(T)	---
*Uranium(chronic) = See 35.5(3) for details.		Ammonia	TVS	Lead	TVS
		Boron	---	Lead(T)	50
		Chloride	---	Manganese	TVS
		Chlorine	0.019	Mercury(T)	---
		Cyanide	0.005	Molybdenum(T)	---
		Nitrate	10	Nickel	TVS
		Nitrite	---	Nickel(T)	---
		Nitrogen	---	Selenium	TVS
		Phosphorus	---	Silver	TVS
		Sulfate	---	Uranium	varies*
		Sulfide	---	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

## 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	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)	---	<del>---</del> TVS	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) = See 35.5(3) for details. *Temperature = DM and MWAT=CS-II from 11/1-3/22 DM=26.6 and MWAT=23.8 from 3/23-10/31		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	TVS	varies*	
						Uranium(T)	---	16.8-30 <sup>A</sup>
						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	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)	---	<del>TVS</del>	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) = See 35.5(3) for details.		Inorganic (mg/L)			Iron	---	WS
*Temperature =		acute		chronic	Iron(T)	---	1000
DM=CS-II and MWAT=9.1 from 11/1-3/22		Ammonia	TVS	TVS	Lead	TVS	TVS
DM= 27.6 and MWAT=24.7 from 3/23-10/31		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	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	TVS	varies*
					Uranium(T)	---	16.8-30 <sup>A</sup>
					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)	---	<del>---</del> TVS	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 <sup>A</sup>
					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 <sup>A</sup>	
	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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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 Recreation E	Temperature °C	CS-I CS-I	Arsenic	340 ---
Qualifiers:	Other:	acute	chronic	Arsenic(T)	--- 7.6
		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 <sup>2</sup> )	--- <del>150</del> TVS	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(tr)
		Nitrite	--- 0.05	Uranium	TVS TVS
		Phosphorus	--- <del>0.11</del> TVS	Zinc	TVS TVS/TVS(sc)
		Sulfate	--- ---		
		Sulfide	--- 0.002		

3c. Mainstem of Salt Creek, including all tributaries and wetlands, from the source within the Sinbad Valley to the confluence with the Dolores River.

COGULD03C	Classifications	Physical and Biological		Metals (ug/L)	
Designation	Agriculture	DM	MWAT	acute	chronic
Reviewable	Aq Life Warm 2 Recreation E	Temperature °C	WS-III WS-III	Arsenic	340 ---
Qualifiers:	Other:	acute	chronic	Arsenic(T)	--- 100
		D.O. (mg/L)	--- 5.0	Cadmium	TVS TVS
		pH	6.5 - 9.0 ---	Chromium III	TVS TVS
		chlorophyll a (mg/m <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.17</del> TVS	Uranium	TVS varies*
		Sulfate	--- ---	Uranium(T)	--- 16.8-30 <sup>A</sup>
		Sulfide	--- 0.002	Zinc	TVS TVS

\*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 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 of Blue Creek, including all tributaries and wetlands, 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)	---	150TVS	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	---	0.47TVS	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	<sup>A</sup>
				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)	---	150TVS	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	---	0.44TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
				Uranium	TVS	varies*	
				Uranium(T)	---	16.8-30	<sup>A</sup>
				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/m <sup>2</sup> )	---	150TVS	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	---	0.11TVS	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:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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)	---	8TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025TVS	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 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		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)	---	20*TVS	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
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.083*TVS	Zinc	TVS	TVS
		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 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.

## **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.

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Water Quality Control Commission

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

### 5 CCR 1002-36

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#### 36.1 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

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll a, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to December 31, ~~2022~~ for chlorophyll a and prior to December 31, 2027 for, total nitrogen and total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17(~~e2~~)(a)(i) and (~~f~~). ~~These~~ii). For lakes and reservoirs, these circumstances include ~~headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)),~~ 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 (31.17(2)(a)(i)(D)). For rivers and streams, these 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 include waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The (31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).~~

~~Pursuant to 31.17(2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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
CORGCB06	Baca Grande Water and Sanitation District	Aspen Institute	CO0046914

Prior to ~~May~~December 31, ~~2022~~2027:

- For segments located entirely above these facilities, ~~nutrient~~total nitrogen and total phosphorus standards apply to the entire segment.
- For segments with portions downstream of these facilities, ~~nutrient~~total nitrogen and total phosphorus standards only apply above these facilities, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll a~~total nitrogen standards in these segments. The note references the table of qualified facilities at 36.5(4).
- For segments located entirely below these facilities, ~~nutrient~~total nitrogen and total phosphorus standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total

phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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)
AEL	=	alternative effluent limit
°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
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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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>				
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 <sup>(4)</sup>	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) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$				
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>				
Chromium III <sup>(Z6)</sup>	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$				
Chromium VI <sup>(Z6)</sup>	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 = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$				
<u>Nitrogen<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>				
<u>Phosphorus<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>				
Selenium <sup>(87)</sup>	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	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. – May	9.0	13.0
	Cold Stream Tier II	CS-II	Other cold-water species	April – Oct.	18.3	24.3
				Nov. – March	9.0	13.0
	Cold Lake	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 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 = $e^{(1.1021 \ln(\text{hardness})+2.7088)}$ Chronic = $e^{(1.1021 \ln(\text{hardness})+2.2382)}$					
Zinc	Acute = $0.978 * e^{(0.9094 \ln(\text{hardness})+0.9095)}$ Chronic = $0.986 * e^{(0.9094 \ln(\text{hardness})+0.6235)}$					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (76) 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.
- (87) 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

##### High flow (April 1-July 31):

Cadmium(chronic)=0.42 µg/L



Manganese(chronic)=81 µg/L  
Zinc(acute/chronic)=253 / 162 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

High flow (April 1-July 31):

Cadmium(acute/chronic)=22.5 / 15.5 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

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).~~
- (~~eb~~) 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.
- (~~ec~~) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- (~~ed~~) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

(6) **Discharger-specific Variances**

- (a) Alamosa River/La Jara Creek/Conejos River Segment 12 (CORGal12):

Discharger-specific Variance, Town of La Jara (CO0020150), Adopted 6/13/2022.

TIN (acute): Initial AEL=23 mg/L, Final AEL=14.5 mg/L.  
Includes a Pollutant Minimization Program.  
Expiration date: 12/31/2025.

**36.7 - 36.9 RESERVED**

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**36.49 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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**

**A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17**

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

**B. Implementation of Nutrients Table Value Standards**

The commission revised 36.5(4) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V (nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 36.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 36.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface area. The chlorophyll *a* standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of

all sizes. This information was previously included in the segment tables in Appendix 36-1, but was moved to Footnote 6 for clarity.

**1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

**a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously considered the adoption of the DUWS sub-classification and notation in the Appendix 36-1 tables in previous rulemaking hearings and did not find any DUWS, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned total nitrogen and total phosphorus standards. Therefore, the “Public Swim Beach” notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. In Regulation No. 36, no public swim beaches were identified. As a result, there was not a need to add total nitrogen and total phosphorus standards solely due to the presence of a public swim beach on any waterbodies.

**b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 36.5(4).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 36-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 36-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 36-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

## **2. Chlorophyll a Standards for Lakes, Reservoirs, Rivers, and Streams**

The commission made no changes to the chlorophyll a standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll a standards.

Adoption of chlorophyll a standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll a standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll a table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 36-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; however, there are no DUWS waterbodies in Regulation No. 36. The phased implementation of the chlorophyll a standards adoption is now complete.

**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 ~~09/30/2022~~04/30/2023

## 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 <sup>2</sup>	=	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
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 <sup>2</sup> )	---	450*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS
*chlorophyll-a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 36.5(4).		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Boron	---	0.75	Iron(T)	---
*Uranium(acute) = See 36.5(3) for details.		Chloride	---	250	Lead	TVS
*Uranium(chronic) = See 36.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.44*TVS*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	TVS
						TVS
2. Mainstem of the Rio Grande, including all tributaries and wetlands, from the source to a point immediately above the confluence with Willow Creek, excluding the listings in segments 1 and 3.						
CORGRG02	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 <sup>2</sup> )	---	450*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	TVS	TVS
*chlorophyll-a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 36.5(4).		Ammonia	TVS	TVS	Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		Boron	---	0.75	Iron(T)	---
*Uranium(acute) = See 36.5(3) for details.		Chloride	---	250	Lead	TVS
*Uranium(chronic) = See 36.5(3) for details.		Chlorine	0.019	0.011	Lead(T)	50
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.44*TVS*	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					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

## 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:  *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS			
		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*
		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  *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)	---	--TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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	---	---	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:		chlorophyll a (mg/m²)	---	TVS	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	---	0.05	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

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:		chlorophyll a (mg/m²)	---	TVS	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	---	0.05	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
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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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	
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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

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:		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
	*Uranium(acute) = See 36.5(3) for details.	pH	6.5 - 9.0	---	Chromium VI	TVS	TVS
	*Uranium(chronic) = See 36.5(3) for details.	chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS			
		Sulfate	---	---			
		Sulfide	---	0.002			

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:		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS	
		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).		chlorophyll a (mg/m²)	---	150*TVS	Chromium VI	TVS	TVS	
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).		E. coli (per 100 mL)	---	126	Copper	varies*	varies*	
*Cadmium(acute) = See 36.6(4) for site-specific standards and assessment locations.					Iron(T)	---	1000	
*Cadmium(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Inorganic (mg/L)			Lead	varies*	varies*	
*Copper(acute) = See 36.6(4) for site-specific standards and assessment locations.			acute	chronic	Manganese	varies*	varies*	
*Copper(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Ammonia	TVS	TVS	Mercury(T)	---	0.01	
*Lead(acute) = See 36.6(4) for site-specific standards and assessment locations.		Boron	---	0.75	Molybdenum(T)	---	150	
*Lead(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Chloride	---	---	Nickel	TVS	TVS	
*Manganese(acute) = See 36.6(4) for site-specific standards and assessment locations.		Chlorine	0.019	0.011	Selenium	TVS	TVS	
*Manganese(chronic) = See 36.6(4) for site-specific standards and assessment locations.		Cyanide	0.005	---	Silver	TVS	TVS	
*Uranium(acute) = See 36.5(3) for details.		Nitrate	100	---	Uranium	varies*	varies*	
*Uranium(chronic) = See 36.5(3) for details.		Nitrite	10	---	Zinc	varies*	varies*	
*Zinc(acute) = See 36.6(4) for site-specific standards and assessment locations.		Phosphorus	---	0.11TVS*				
*Zinc(chronic) = See 36.6(4) for site-specific standards and assessment locations.		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

## 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:  *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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
							Zinc

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:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).</del> *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)	---	<del>450*</del> TVS	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	---	<del>0.44</del> TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
							Zinc

All metals are 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)	---	<del>450</del> *TVS	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
<del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).</del>		Inorganic (mg/L)			Iron	---	WS
<del>*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).</del>		acute	chronic	Iron(T)	---	1000	
<del>*Uranium(acute) = See 36.5(3) for details.</del>		Ammonia	TVS	TVS	Lead	TVS	TVS
<del>*Uranium(chronic) = See 36.5(3) for details.</del>		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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.		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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:	*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)	---	<del>450</del> TVS	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

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)	---	450TVS	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	---	0.14TVS	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)	---	TVS	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

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)	---	<del>---</del> TVS	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

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)	---	TVS	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)	---	TVS	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	---	TVS	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

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 <sup>A</sup>
	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
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium VI	---
*Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	630	Chromium VI(T)	50
		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
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	150TVS	Chromium III(T)	100
*Uranium(chronic) = See 36.5(3) for details.		E. coli (per 100 mL)	126	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron(T)	1000
		Ammonia	TVS	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	0.47TVS	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/m²)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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/m²)	---	<del>TVS</del>	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			

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/m²)	---	---TVS	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)	---	150TVS	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	---	0.44TVS	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)	---	150TVS	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	---	0.44TVS	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 <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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

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 Recreation E	Temperature °C	CS-II	CS-II	Arsenic	340	---
Qualifiers:		acute	chronic		Arsenic(T)	---	7.6
Other:		D.O. (mg/L)	---	6.0	Beryllium(T)	---	100
		D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	Zinc	TVS	TVS
		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 Recreation E Water Supply	Temperature °C	CS-I	CS-I	Arsenic	340	---
Qualifiers:		acute	chronic		Arsenic(T)	---	0.02
Other:		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
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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	---	0.44TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	
*Temperature =		Ammonia	TVS	TVS	Lead	TVS	TVS
DM=CS-I from 10/1-5/31		Boron	---	0.75	Lead(T)	50	---
DM=22.3 from 6/1-9/30		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS	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	<sup>A</sup>
	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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	<sup>A</sup>
	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 <sup>2</sup> )	---	<del>150</del> TVS	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

\*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

## 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	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)	---	450TVS	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	---	0.44TVS			
		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	Temperature °C	varies* varies*	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 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = DM=14.7 and MWAT=9 from 10/1-4/30 DM=25.3 and MWAT=19 from 5/1-9/30		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	450TVS	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	---	0.44TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	TVS

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	Temperature °C	varies*	varies*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details. *Temperature = DM=14.7 and MWAT=9 from 10/1-4/30 DM=25.3 and MWAT=19 from 5/1-9/30		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS	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

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 Recreation E	Temperature °C	CS-II	CS-II	Arsenic	340	---
		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
*Uranium(acute) = See 36.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium VI	TVS	TVS
*Uranium(chronic) = See 36.5(3) for details.		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	---	0.44TVS			
		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 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 <sup>2</sup> )	---	450TVS	Chromium III(T)	50	---
*Uranium(acute) = See 36.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*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	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.44TVS	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)	---	0.02-10 <sup>A</sup>
	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 <sup>2</sup> )	---	450TVS	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	---	0.14TVS	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)	---	450TVS	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	---	0.44TVS	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	
	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)	---	450TVS	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	---	0.44TVS	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 <sup>A</sup>	
	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 <sup>2</sup> )	---	150TVS	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

## 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/m <sup>2</sup> )	---	<del>150</del> TVS	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 36.5(3) for details.		acute		chronic	Iron(T)	---	1000
*Uranium(chronic) = See 36.5(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	---	<del>0.11</del> TVS	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)	---	<del>150</del> TVS	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
<del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 36.5(4).</del>		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	---	<del>0.11</del> TVS*	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	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	---
<p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 36.5(3) for details.</p> <p>*Uranium(chronic) = See 36.5(3) for details.</p>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	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	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	---
<p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 36.5(3) for details.</p> <p>*Uranium(chronic) = See 36.5(3) for details.</p>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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 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	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	---	Cadmium	TVS
Qualifiers:		D.O. (spawning)	---	Cadmium(T)	5.0
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	Chromium III	---
		chlorophyll a (ug/L)	---	Chromium III(T)	50
		E. coli (per 100 mL)	---	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron	---
		Ammonia	TVS	Iron(T)	---
		Boron	---	Lead	TVS
		Chloride	---	Lead(T)	50
		Chlorine	0.019	Manganese	TVS
		Cyanide	0.005	Mercury(T)	---
		Nitrate	10	Molybdenum(T)	---
		Nitrite	---	Nickel	TVS
		Nitrogen	---	Nickel(T)	---
		Phosphorus	---	Selenium	TVS
		Sulfate	---	Silver	TVS
		Sulfide	---	Uranium	varies*
				Zinc	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	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
Qualifiers:		D.O. (mg/L)	---	Cadmium	TVS
Fish Ingestion Standards Apply		pH	6.5 - 9.0	Chromium III	TVS
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	Chromium III(T)	---
		E. coli (per 100 mL)	---	Chromium VI	TVS
		Inorganic (mg/L)		Copper	TVS
		acute	chronic	Iron(T)	---
		Ammonia	TVS	Lead	TVS
		Boron	---	Manganese	TVS
		Chloride	---	Mercury(T)	---
		Chlorine	0.019	Molybdenum(T)	---
		Cyanide	0.005	Nickel	TVS
		Nitrate	100	Selenium	TVS
		Nitrite	---	Silver	TVS
		Nitrogen	---	Uranium	varies*
		Phosphorus	---	Zinc	TVS
		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

## 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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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
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 36.5(3) for details.</div> <div>*Uranium(chronic) = See 36.5(3) for details.</div>		chlorophyll a (ug/L)	---	20*TVS	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
		Nitrogen	---	TVS	Nickel	TVS	TVS
		Phosphorus	---	0.083*TVS	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 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	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
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	8*TVS	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	Iron(T)	---	1000
		Boron	0.75	Lead	TVS	TVS
		Chloride	250	Lead(T)	50	---
		Chlorine	0.011	Manganese	TVS	TVS/WS
		Cyanide	---	Mercury(T)	---	0.01
		Nitrate	10	Molybdenum(T)	---	150
		Nitrite	0.05	Nickel	TVS	TVS
		Nitrogen	TVS	Nickel(T)	---	100
		Phosphorus	0.025*TVS	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:		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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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:		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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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	---
<b>Other:</b>  *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		D.O. (spawning)	---	7.0	Arsenic(T)	---	100
		pH	varies*	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

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	---
<b>Other:</b>  *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.		D.O. (spawning)	---	7.0	Arsenic(T)	---	7.6
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

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	---
<b>Other:</b>  *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.		D.O. (spawning)	---	7.0	Arsenic(T)	---	7.6
		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III	TVS	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	---	100
					Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	30
					Iron(T)	---	12000
					Lead	TVS	TVS
					Manganese	TVS	TVS
					Mercury(T)	---	0.01
					Molybdenum(T)	---	150
					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 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:		D.O. (spawning)	---	7.0	Arsenic(T)	7.6
*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.		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	100
					Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron(T)	12000
		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(tr)
		Phosphorus	---	0.44TVS	Uranium	varies*
		Sulfate	---	---	Zinc	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:		D.O. (spawning)	---	7.0	Arsenic(T)	7.6
*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.		pH	6.5 - 9.0	---	Cadmium	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	100
					Chromium VI	TVS
		Inorganic (mg/L)			Copper	TVS
		acute	chronic		Iron(T)	12000
		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(tr)
		Phosphorus	---	0.44TVS	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

## 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 <sup>2</sup> )	---	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	---		

\*Uranium(acute) = See 36.5(3) for details.  
\*Uranium(chronic) = See 36.5(3) for details.

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)	7.6
Qualifiers:		acute	chronic	Cadmium	TVS
Other:		D.O. (mg/L)	6.0	Chromium III	TVS
		D.O. (spawning)	7.0	Chromium III(T)	100
		pH	6.5 - 9.0	Chromium VI	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	Copper	TVS
		E. coli (per 100 mL)	---	Iron(T)	1000
		Inorganic (mg/L)		Lead	TVS
		acute	chronic	Manganese	TVS
		Ammonia	TVS	Mercury(T)	0.01
		Boron	0.75	Molybdenum(T)	150
		Chloride	---	Nickel	TVS
		Chlorine	0.019	Selenium	TVS
		Cyanide	0.005	Silver	TVS(tr)
		Nitrate	100	Uranium	varies*
		Nitrite	0.05	Zinc	TVS
		Phosphorus	---		
		Sulfate	---		
		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

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	Recreation E	Temperature °C	CS-I	CS-I	Arsenic	340 ---
	Aq Life Cold 1	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)	---
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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)	---
		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
		Phosphorus	---	0.44TVS		
		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:		D.O. (mg/L)	---	---	Chromium III	---
		pH	---	---	Chromium VI	---
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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:		D.O. (spawning)	---	7.0	Chromium III(T)	---	100
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	5.5-9.0	---	Chromium VI(T)	---	25
		chlorophyll a (mg/m²)	---	450TVS	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	---	0.14TVS			
		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:		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*TVS	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)
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.025*TVS	Zinc	TVS	TVS
		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:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
<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>*Aluminum(acute) = See 36.6(4) for site-specific standards and assessment locations.</div> <div>*Aluminum(chronic) = See 36.6(4) for site-specific standards and assessment locations.</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*TVS	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
					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*
		Nitrogen	---	TVS	Zinc	TVS	TVS
		Phosphorus	---	0.025*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
	Water Supply	acute	chronic	Arsenic	340	---
	Recreation E	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
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
					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	Manganese(T)	---
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Phosphorus	---	0.14TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	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
	Water Supply	acute	chronic	Arsenic	340	---
	Recreation E	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
		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
					Chromium VI	TVS
		Inorganic (mg/L)			Copper	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	---	Manganese(T)	---
		Nitrate	10	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.14TVS	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 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	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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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	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 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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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)	---	450*TVS	Chromium III	---	TVS
Other:  Discharger Specific Variance(s): Nitrate(acute) = See Section 36.6(6) for details on the variance for the Town of La Jara. Expiration Date of 12/31/2025  *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	---	0.47TVS*	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)	---	450*TVS	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	---	0.44TVS*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 36.5(4).					Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 36.5(4).					Lead	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.					Lead(T)	50	---
*Uranium(chronic) = See 36.5(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 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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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 <sup>2</sup> )	---	450*TVS	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	---	0.44*TVS*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

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 <sup>2</sup> )	---	TVS	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		

All metals are 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
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)	---	450TVS	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	---	0.44TVS	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)	---	450TVS	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	---	0.44TVS	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

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)	---	450*TVS	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	---	0.47TVS*	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)	---	450TVS	Chromium III(T)	50	---
*Uranium(chronic) = See 36.5(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	---	0.44TVS	Nicel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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
		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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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

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	CS-II		CS-II	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02-10 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
					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 <sup>A</sup>
	Water Supply	acute		chronic	Beryllium(T)	---	4.0
<b>Qualifiers:</b>		D.O. (mg/L)	---	3.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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/m <sup>2</sup> )	---	---	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 Recreation E	Temperature °C	WS-III WS-III		Arsenic	340 ---
		acute	chronic		Arsenic(T)	---
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	---
		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	---	0.47TVS	Uranium	varies* varies*
		Sulfate	---	---	Zinc	TVS TVS
		Sulfide	---	0.002		

\*Uranium(acute) = See 36.5(3) for details.  
\*Uranium(chronic) = See 36.5(3) for details.

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 Recreation E Water Supply	Temperature °C	CL CL		Arsenic	340 ---
		acute	chronic		Arsenic(T)	---
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	---
		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50 ---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic		Iron	---
		Ammonia	TVS	TVS	Iron(T)	---
		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)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS TVS
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	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 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

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	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)	---	8*TVS	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	
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	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	7.6
Water Supply		D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Chromium III	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III(T)	---	100
Other:		chlorophyll a (ug/L)	---	8*TVS	Chromium VI	TVS	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
					Iron	---	---
					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

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	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*TVS	Chromium VI	TVS	TVS	
		E. coli (per 100 mL)	---	126	Copper	TVS	TVS	
					Iron	---	---	
			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)
			Nitrogen	---	TVS	Uranium	varies*	varies*
			Phosphorus	---	0.025*TVS	Zinc	TVS	TVS
			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 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	CL		CL	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	---		6.0	Cadmium	TVS	TVS
Qualifiers:		---		7.0	Cadmium(T)	5.0	---
Other:		6.5 - 9.0		---	Chromium III	---	TVS
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		---		8*TVS	Chromium III(T)	50	---
		---		126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		TVS		TVS	Iron(T)	---	1000
		---		0.75	Lead	TVS	TVS
		---		250	Lead(T)	50	---
		0.019		0.011	Manganese	TVS	TVS/WS
		0.005		---	Mercury(T)	---	0.01
		10		---	Molybdenum(T)	---	150
		---		0.05	Nickel	TVS	TVS
		---		TVS	Nickel(T)	---	100
		---		TVS	Selenium	TVS	TVS
		---		0.025*TVS	Silver	TVS	TVS(tr)
		---		WS	Uranium	varies*	varies*
		---		0.002	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	CL		CL	Arsenic	340	---
	Recreation E	acute		chronic	Arsenic(T)	---	0.02
	Water Supply	---		6.0	Cadmium	TVS	TVS
Qualifiers:		---		7.0	Cadmium(T)	5.0	---
Other:		6.5 - 9.0		---	Chromium III	---	TVS
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		---		8*TVS	Chromium III(T)	50	---
		---		126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		TVS		TVS	Iron(T)	---	1000
		---		0.75	Lead	TVS	TVS
		---		250	Lead(T)	50	---
		0.019		0.011	Manganese	TVS	TVS/WS
		0.005		---	Mercury(T)	---	0.01
		10		---	Molybdenum(T)	---	150
		---		0.05	Nickel	TVS	TVS
		---		TVS	Nickel(T)	---	100
		---		TVS	Selenium	TVS	TVS
		---		0.025*TVS	Silver	TVS	TVS(tr)
		---		WS	Uranium	varies*	varies*
		---		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

## 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	CL	CL	Temperature °C	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		<b>Inorganic (mg/L)</b>			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
		<u>Nitrogen</u>	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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	WL	WL	Temperature °C	Arsenic	340	---
	Recreation E	acute	chronic		Arsenic(T)	---	100
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	20*TVS	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		<b>Inorganic (mg/L)</b>			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)
		<u>Nitrogen</u>	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.083*TVS	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

30. Platoro Reservoir.						
CORGAL30	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
Qualifiers:		D.O. (spawning)	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	Chromium III	---	TVS
		chlorophyll a (ug/L)	8*TVS	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	Iron(T)	---	1000
		Boron	0.75	Lead	TVS	TVS
		Chloride	250	Lead(T)	50	---
		Chlorine	0.019	Manganese	TVS	TVS/WS
		Cyanide	0.005	Mercury(T)	---	0.01
		Nitrate	10	Molybdenum(T)	---	150
		Nitrite	0.05	Nickel	TVS	TVS
		Nitrogen	TVS	Nickel(T)	---	100
		Phosphorus	0.025*TVS	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.							
CORGCBO1	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/m²)	---	150TVS	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	---	0.14TVS	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 Carnero Creek, including all tributaries and wetlands, from their sources to their confluences at the inception of the mainstem of Carnero Creek.					
CORGCBO2A	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)	---	150TVS	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	---	0.14TVS	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	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 <sup>2</sup> )	---	150TVS	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	---	0.44TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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

## 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:		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.47</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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 36.5(3) for details.		acute	chronic		Iron	---	WS
*Uranium(chronic) = See 36.5(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	---	<del>0.44</del> TVS	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

5. Mainstem of San Luis Creek from a point immediately below the confluence with Piney Creek to the inlet to San Luis Lake.								
CORGCBO5	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	
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100	
		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS				
		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.								
CORGCBO6	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/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.		chlorophyll a (mg/m²)	---	<del>450</del> *TVS	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	---	<del>0.47</del> TVS*	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/m <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.11</del> 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.

## 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)	---	0.02-10 <sup>A</sup>
Qualifiers:	D.O. (mg/L)	---	3.0	Cadmium(T)	5.0	---
Goal Qualifier for Agriculture and Water Supply	pH	6.5 - 9.0	---	Chromium III(T)	50	---
Other:	chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium VI(T)	50	---
	E. coli (per 100 mL)	---	126	Copper(T)	---	1000
	Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Lead(T)	50	---
	Ammonia	---	---	Manganese	---	WS
	Boron	---	0.75	Mercury(T)	2.0	---
	Chloride	---	250	Molybdenum(T)	---	150
	Chlorine	---	---	Nickel(T)	---	100
	Cyanide	---	---	Selenium(T)	---	20
	Nitrate	10	---	Silver(T)	---	50
	Nitrite	1.0	---	Uranium	varies*	varies*
	Phosphorus	---	---	Zinc(T)	---	5000
	Sulfate	---	WS			
	Sulfide	---	0.002			

9b. Mainstem of Kerber Creek from a point immediately above the confluence with Brewery Creek to the confluence with San Luis Creek.

CORGC09B	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture			DM	MWAT		
UP	Aq Life Cold 1	Temperature °C	CS-I	CS-I	Arsenic	acute	chronic
	Recreation E		acute	chronic	Arsenic(T)	340	---
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	---	0.02
		D.O. (spawning)	---	7.0	Cadmium	SSE*	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	---	SSE*
Goal Qualifier for Agriculture and Water Supply		chlorophyll a (mg/m²)	---	150	Chromium III	5.0	TVS
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	---	---
Temporary Modification(s):					Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		Inorganic (mg/L)			Copper	TVS	---
Expiration Date of 12/31/2024					Copper	---	SSE*
*Cadmium(acute) = e^(0.7852ln[hard]-1.545)					Copper	SSE*	TVS
*Cadmium(chronic) = e^(0.7852ln[hard]-2.906)		Ammonia			Iron	---	300
*Copper(acute) = e^(0.8889ln[hard]+0.53)		Boron			Iron(T)	---	1000
*Copper(chronic) = e^(0.8889ln[hard]-1.519)		Chloride			Lead	TVS	TVS
*Uranium(acute) = See 36.5(3) for details.		Chlorine			Lead(T)	50	---
*Uranium(chronic) = See 36.5(3) for details.		Cyanide			Manganese	TVS	TVS/WS
*Zinc(acute) = e^(0.8179ln[hard]+3.757)		Nitrate			Mercury(T)	---	0.01
*Zinc(chronic) = e^(0.8179ln[hard]+2.907)		Nitrite			Molybdenum(T)	---	150
		Phosphorus			Nickel	TVS	TVS
		Sulfate			Nickel(T)	---	100
		Sulfide			Selenium	TVS	TVS
					Silver	TVS	TVS(tr)
					Uranium	varies*	varies*
					Zinc	TVS	---
					Zinc	---	SSE*
					Zinc	SSE*	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	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	---	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )		---	450	TVS	---
		E. coli (per 100 mL)		---	126	---	---
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		Ammonia		TVS	TVS	TVS	1000
		Boron		---	0.75	---	---
		Chloride		---	250	---	---
		Chlorine		0.019	0.011	---	0.01
		Cyanide		0.005	---	---	210
		Nitrate		10	---	---	---
		Nitrite		---	0.05	---	100
		Phosphorus		---	0.44	TVS	TVS
		Sulfate		---	WS	---	---
		Sulfide		---	0.002	---	---
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---

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	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	---	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )		---	450	TVS	---
		E. coli (per 100 mL)		---	126	---	---
		Inorganic (mg/L)			Copper	TVS	TVS
		acute		chronic	Iron	---	WS
		Ammonia		TVS	TVS	TVS	1000
		Boron		---	0.75	---	---
		Chloride		---	250	---	---
		Chlorine		0.019	0.011	---	0.01
		Cyanide		0.005	---	---	150
		Nitrate		10	---	---	---
		Nitrite		---	0.05	---	100
		Phosphorus		---	0.44	TVS	TVS
		Sulfate		---	WS	---	---
		Sulfide		---	0.002	---	---
					Iron(T)	---	1000
					Lead	TVS	TVS
					Lead(T)	50	---

All metals are 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
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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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.

CORGC12B	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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 36.5(3) for details.		acute		chronic	Iron(T)	---	1000
*Uranium(chronic) = See 36.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS	TVS
*Temperature =		Boron	---	0.75	Lead(T)	50	---
MWAT=CS-II from 11/1-3/31		Chloride	---	250	Manganese	TVS	TVS/WS
MWAT=18.6 from 4/1-10/31		Chlorine	0.019	0.011	Mercury(T)	---	0.01
See temperature assessment locations at 36.6(4).		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS	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/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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/m²)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					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/m²)	---	<del>150</del> TVS	Chromium III	---	TVS
Other:  *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	---	Mercury(T)	---	0.01
		Nitrite	---	0.5	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.17</del> TVS	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.							
CORGC14	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
*Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (mg/m²)	---	<del>TVS</del>	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			
		15. All lakes and reservoirs tributary to the Closed Basin, and within the La Garita Wilderness Area.					
CORGC15	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 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.		chlorophyll a (ug/L)	---	<del>8*TVS</del>	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
		<del>Nitrogen</del>	<del>---</del>	<del>TVS</del>	Nickel(T)	---	100
		Phosphorus	---	<del>0.025*TVS</del>	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			Zinc	TVS	TVS		

15. All lakes and reservoirs tributary to the Closed Basin, and within the La Garita Wilderness Area.							
CORGC15	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
<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*TVS	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		
Nitrogen	---	TVS	Selenium	TVS	TVS		
Phosphorus	---	0.025*TVS	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

## 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 Camero 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.

CORGC16	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	---
<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>		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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.

CORGC17	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
<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*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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

18. All lakes and reservoirs within the Closed Basin, excluding the specific listings in segments 16, 17, 19 and 20.							
CORGCB18	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
Qualifiers: Water + Fish Standards Apply  Other:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 36.5(3) for details. *Uranium(chronic) = See 36.5(3) for details.	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (ug/L)	---	20*TVS	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
		Nitrogen	---	TVS	Nickel	TVS	TVS
		Phosphorus	---	0.083*TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
				Uranium	varies*	varies*	
				Zinc	TVS	TVS	

19. San Luis Lake.							
CORGCB19	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:  Other:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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. (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 (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS			
		Phosphorus	---	0.025*TVS			
	Sulfate	---	---				
	Sulfide	---	0.002				

19. San Luis Lake.							
CORGCB19	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:		D.O. (spawning)	---	7.0	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. *Temperature = MWAT=CLL from 1/31-3/31 MWAT=21.2 from 4/1-12/31		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS			
		Phosphorus	---	0.025*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

## Closed Basin-San Luis Valley River Basin

20. Head Lake.						
CORGC20	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 2	CLL	CLL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100
Qualifiers:		D.O. (mg/L)	---	6.0	Cadmium	TVS
Other:		D.O. (spawning)	---	7.0	Chromium III	TVS
<p><del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p><del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 36.5(3) for details.</p> <p>*Uranium(chronic) = See 36.5(3) for details.</p>		pH	6.5 - 9.0	---	Chromium III(T)	---
		chlorophyll a (ug/L)	---	8*TVS	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
					Iron(T)	---
					1000	
		Inorganic (mg/L)			Lead	TVS
		acute	chronic		Manganese	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
		Nitrogen	---	TVS		
		Phosphorus	---	0.025*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.

## **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.



## 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

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#### 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

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll a, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to December 31, ~~2022~~ for chlorophyll a and prior to December 31, 2027 for, total nitrogen and total phosphorus, ~~interim nutrient~~ values will be considered for adoption only in the limited circumstances defined at 31.17(~~e~~2)(a)(i) and (~~f~~). ~~These~~ ii). For lakes and reservoirs, these circumstances include ~~headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)),~~ 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 (31.17(2)(a)(i)(D)). For rivers and streams, these 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 include waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The (31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).~~

~~Pursuant to 31.17(2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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~~total nitrogen and total phosphorus standards apply to the entire segment.
- For segments with portions downstream of these facilities, ~~nutrient~~total nitrogen and total phosphorus standards only apply above these facilities, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll a~~total nitrogen standards in these segments. The note references the table of qualified facilities at 37.5(4).

- For segments located entirely below these facilities, ~~nutrient~~total nitrogen and total phosphorus standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>
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 <sup>(4)</sup>	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 $acute = \frac{0.411}{1 + 10^{7.204 - pH}} + \frac{58.4}{1 + 10^{pH - 7.204}}$
	$chronic \text{ (Apr 1 - Aug 31)} = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * MIN(2.85, 1.45 * 10^{0.028(25 - T)})$ $chronic \text{ (Sep 1 - Mar 31)} = \left( \frac{0.0577}{1 + 10^{7.688 - pH}} + \frac{2.487}{1 + 10^{pH - 7.688}} \right) * 1.45 * 10^{0.028(25 - MAX(T, 7))}$
Cadmium	Acute(warm) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>
Chromium III <sup>(76)</sup>	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$
Chromium VI <sup>(76)</sup>	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 = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$
<u>Nitrogen<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>
<u>Phosphorus<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>
Selenium <sup>(87)</sup>	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 <sup>(98)</sup>	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. – May	9.0	13.0
	Cold Stream Tier II <sup>(98)</sup>	CS-II	all other cold-water species	April – Oct.	18.3	24.3
				Nov. – March	9.0	13.0
	Cold Lake	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 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	Acute = e <sup>(1.1021*ln(hardness)+2.7088)</sup> Chronic = e <sup>(1.1021*ln(hardness)+2.2382)</sup>					
Zinc	Acute = 0.978*e <sup>(0.9094*ln(hardness)+0.9095)</sup> Chronic = 0.986*e <sup>(0.9094*ln(hardness)+0.6235)</sup> Where hardness is less than 102 mg/L CaCO <sup>3</sup> and mottled sculpin are expected to be present: Chronic (sculpin) = e <sup>(2.140*ln(hardness)-5.084)</sup>					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- ~~(76)~~ 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.
- ~~(87)~~ Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- ~~(98)~~ 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.

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(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.~~

- (eb) 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.

(~~dc~~) All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.

(~~ed~~) All ammonia, nitrate, and nitrite standards are based upon the concentration reported as nitrogen.

### 37.7 – 37.9 RESERVED

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### 37.46 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023

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

##### A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

##### B. Implementation of Nutrients Table Value Standards

The commission revised 37.5(4) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V

(nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 37.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 37.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface area. The chlorophyll *a* standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of all sizes. This information was previously included in the segment tables in Appendix 37-1, but was moved to Footnote 6 for clarity.

## **1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

### **a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously adopted the DUWS sub-classification and notation in the Appendix 37-1 tables on several waterbodies in previous rulemaking hearings, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned total nitrogen and total phosphorus standards. Therefore, the "Public Swim Beach" notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. In Regulation No. 37, all public swim beaches are also classified as DUWS or located above certain discharge facilities, so total nitrogen and total phosphorus standards were adopted for those reasons. As a result, there was not a need to add total nitrogen and total phosphorus standards solely due to the presence of a public swim beach on any waterbodies.

### **b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 37.5(4).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 37-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 37-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 37-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

**2. Chlorophyll a Standards for Lakes, Reservoirs, Rivers, and Streams**

The commission made no changes to the chlorophyll a standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll a standards.

Adoption of chlorophyll a standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll a standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll a table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 37-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; in Appendix 37-1, these table value standards are shown as “DUWS”. The phased implementation of the chlorophyll a standards adoption is now complete.

**C. Clarifications and Corrections**

The following edits were made to Appendix 37-1 to improve clarity and correct errors:

- The Direct Use Water Supply (DUWS) references in segments in Appendix 37-1 were revised to improve clarity and consistency.
- Where the chlorophyll a and phosphorus standards adopted in previous rulemaking hearings were not consistent with the use(s), the commission made the following corrections:

White River: 6a (COLCLC13d; chlorophyll a and phosphorus; delete because the chlorophyll a and phosphorus standards for Aquatic Life and/or Recreation do not apply to lakes and reservoirs of 25 acres or less, and Violett Springs Ponds are less than 25 acres in size)

**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 ~~09/30/2022~~04/30/2023

## 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 <sup>2</sup>	=	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		DM	MWAT		acute	chronic
Reviewable	Agriculture	WS-II	WS-II	Arsenic	340	---
	Aq Life Warm 1			Arsenic(T)	---	0.02
	Recreation E			Cadmium	TVS	TVS
	Water Supply			Cadmium(T)	5.0	---
Qualifiers:				Chromium III	---	TVS
Other:				Chromium III(T)	50	---
Temporary Modification(s):				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.				Iron(T)	---	1000
*Uranium(chronic) = See 37.5(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
				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
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
<b>Water + Fish Standards Apply</b>		chlorophyll a (mg/m²)	---	<del>150</del> TVS	Cadmium(T)	5.0	---
<b>Other:</b>		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	---	<del>0.47</del> TVS	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:  *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)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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
*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	---	<del>0.17</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nicel(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:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Beryllium(T)	---	100
<b>Other:</b>		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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	340	---
	Recreation P	acute		chronic		
Qualifiers:		D.O. (mg/L)	---	5.0	Arsenic(T)	---
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	---	Beryllium(T)	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Cadmium	TVS
		E. coli (per 100 mL)	---	205	Chromium III	TVS
		Inorganic (mg/L)			Chromium III(T)	---
		acute		chronic	Chromium VI	TVS
		Ammonia	TVS	TVS	Copper	TVS
		Boron	---	0.75	Iron(T)	---
		Chloride	---	---	Iron(T)	varies*
		Chlorine	0.019	0.011	Lead	TVS
		Cyanide	0.005	---	Manganese	TVS
		Nitrate	100	---	Manganese(T)	---
		Nitrite	---	0.05	Mercury(T)	---
		Phosphorus	---	0.17TVS	Molybdenum(T)	---
		Sulfate	---	---	Nickel	TVS
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	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	340	---
	Recreation P	acute		chronic		
	Water Supply	D.O. (mg/L)	---	5.0	Arsenic(T)	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
Other:  *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Cadmium(T)	5.0
		E. coli (per 100 mL)	---	205	Chromium III	---
		Inorganic (mg/L)			Chromium III(T)	TVS
		acute		chronic	Chromium VI	TVS
		Ammonia	TVS	TVS	Copper	TVS
		Boron	---	0.75	Iron	---
		Chloride	---	250	Iron(T)	WS
		Chlorine	0.019	0.011	Lead	1000
		Cyanide	0.005	---	Lead(T)	TVS
		Nitrate	10	---	Lead(T)	TVS
		Nitrite	---	0.05	Manganese	TVS
		Phosphorus	---	0.17TVS	Manganese(T)	TVS/WS
		Sulfate	---	WS	Mercury(T)	---
		Sulfide	---	0.002	Mercury(T)	0.01
					Molybdenum(T)	---
					Nickel	150
					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 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 Recreation P	Temperature °C	WS-III WS-III		Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	---
Other:		D.O. (mg/L)	---	5.0	Cadmium	TVS TVS
*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 <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	---
		E. coli (per 100 mL)	---	205	Chromium VI	TVS TVS
		Inorganic (mg/L)			Copper	TVS TVS
		acute	chronic		Iron(T)	---
		Ammonia	TVS	TVS	Lead	TVS TVS
		Boron	---	0.75	Manganese	TVS TVS
		Chloride	---	---	Mercury(T)	---
		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	---	<del>0.47</del> TVS	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 Recreation P	Temperature °C	WS-III WS-III		Arsenic(T)	---
Qualifiers:		acute	chronic		Beryllium(T)	---
Other:		D.O. (mg/L)	---	5.0	Cadmium(T)	---
*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/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium VI(T)	---
		E. coli (per 100 mL)	---	205	Copper(T)	---
		Inorganic (mg/L)			Iron	---
		acute	chronic		Lead(T)	---
		Ammonia	---	---	Manganese(T)	---
		Boron	---	0.75	Mercury(T)	---
		Chloride	---	---	Molybdenum(T)	---
		Chlorine	---	---	Nickel(T)	---
		Cyanide	0.2	---	Selenium(T)	---
		Nitrate	100	---	Silver	---
		Nitrite	10	---	Uranium	varies* varies*
		Phosphorus	---	<del>0.47</del> TVS	Zinc(T)	---
		Sulfate	---	---		2000
		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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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 <sup>A</sup>
	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 <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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)	---	<del>450</del> TVS	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/TVS(sc)
		Phosphorus	---	<del>0.44</del> 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

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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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
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 <sup>2</sup> )	---	450TVS	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	---	0.14TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					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/m²)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
	*Uranium(acute) = See 37.5(3) for details.	chlorophyll a (mg/m²)	---	<del>150</del> TVS	Chromium VI	TVS	TVS
	*Uranium(chronic) = See 37.5(3) for details.	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	---	250	Nickel	TVS	TVS
		Chlorine	0.019	0.011	Selenium	TVS	TVS
		Cyanide	0.005	---	Silver	TVS	TVS(tr)
		Nitrate	10	---	Uranium	varies*	varies*
		Nitrite	---	0.05	Zinc	TVS	TVS
		Phosphorus	---	<del>0.44</del> 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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	<sup>A</sup>
	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 <sup>A</sup>
	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
<div>*Uranium(acute) = See 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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

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 <sup>A</sup>
	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 <sup>2</sup> )	---	150TVS	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	TVS
		Inorganic (mg/L)		Chromium VI	50	---
		acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS
		Boron	---	0.75	Iron	---
		Chloride	---	250	Iron(T)	WS
		Chlorine	0.019	0.011	Lead	1000
		Cyanide	0.005	---	Lead(T)	TVS
		Nitrate	10	---	Lead(T)	TVS
		Nitrite	---	0.05	Manganese	TVS
		Phosphorus	---	0.17TVS	Manganese	TVS/WS
		Sulfate	---	WS	Mercury(T)	TVS
		Sulfide	---	0.002	Mercury(T)	0.01
					Molybdenum(T)	---
					Nickel	150
					Nickel(T)	TVS
					Nickel(T)	TVS
					Selenium	100
					Selenium	TVS
					Silver	TVS
					Silver	TVS
					Uranium	varies*
					Uranium	varies*
					Zinc	TVS
					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
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 <sup>2</sup> )	---	450TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Copper	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)	---
		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	---	0.14TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Water + Fish Standards Apply		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
Temporary Modification(s):		Inorganic (mg/L)			Chromium VI	TVS
Arsenic(chronic) = hybrid		acute	chronic	Copper	TVS	TVS
Expiration Date of 12/31/2024		Ammonia	TVS	TVS	Iron	---
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Iron(T)	---
*Uranium(chronic) = See 37.5(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	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.17TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					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 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	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
		pH	6.5 - 9.0	---	Chromium III(T)	---	100
	*Uranium(acute) = See 37.5(3) for details.	chlorophyll a (mg/m²)	---	<del>450</del> TVS	Chromium VI	TVS	TVS
	*Uranium(chronic) = See 37.5(3) for details.	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	---	<del>0.11</del> TVS			
		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	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)	---	<del>450</del> TVS	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	---	<del>0.17</del> TVS	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 Recreation P	Temperature °C	WS-III WS-III	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	0.02-10 <sup>A</sup>
Other:		D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	Chromium III(T)	---
		E. coli (per 100 mL)	---	205	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	---	0.14TVS	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.05		

\*Uranium(acute) = See 37.5(3) for details.  
\*Uranium(chronic) = See 37.5(3) for details.

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 Recreation P Water Supply	Temperature °C	CS-I CS-I	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	0.02
Other:		D.O. (mg/L)	---	6.0	Cadmium	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.14TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	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.

All metals are dissolved unless 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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III(T)	50
		E. coli (per 100 mL)	---	126	Chromium VI	TVS
*Uranium(acute) = See 37.5(3) for details.	*Uranium(chronic) = See 37.5(3) for details.	Inorganic (mg/L)		Copper	TVS	TVS
		acute	chronic	Iron	---	WS
Ammonia		TVS	TVS	Iron(T)	---	1000
		Boron	---	0.75	Lead	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		---	0.14TVS	Nickel(T)	---	100
Sulfate		---	WS	Selenium	TVS	TVS
Sulfide		---	0.002	Silver	TVS	TVS(tr)
				Uranium	varies*	varies*
				Zinc	TVS	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
		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III	---
Other:		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		Chromium VI	TVS	TVS
Ammonia		acute	chronic	Copper	TVS	TVS
		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		---	0.17TVS	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

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 Recreation E	Temperature °C	CS-II CS-II	Arsenic	340 ---
Qualifiers:		acute	chronic	Arsenic(T)	--- 100
		D.O. (mg/L)	--- 6.0	Beryllium(T)	--- 100
Other:		D.O. (spawning)	--- 7.0	Cadmium	TVS TVS
		pH	6.5 - 9.0 ---	Chromium III	TVS TVS
*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		chlorophyll a (mg/m²)	--- <del>150</del> TVS	Chromium III(T)	--- 100
		E. coli (per 100 mL)	--- 126	Chromium VI	TVS TVS
Qualifiers:		Inorganic (mg/L)		Copper	TVS TVS
		acute	chronic	Iron(T)	--- 1000
Other:		Ammonia	TVS TVS	Lead	TVS TVS
		Boron	--- 0.75	Manganese	TVS TVS
		Chloride	--- ---	Manganese(T)	--- 200
		Chlorine	0.019 0.011	Mercury(T)	--- 0.01
		Cyanide	0.005 ---	Molybdenum(T)	--- 150
		Nitrate	100 ---	Nickel	TVS TVS
		Nitrite	--- 0.05	Selenium	TVS TVS
		Phosphorus	--- <del>0.44</del> TVS	Silver	TVS TVS
		Sulfate	--- ---	Uranium	varies* varies*
		Sulfide	--- 0.002	Zinc	TVS TVS

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 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:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
		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)	--- <del>150</del> TVS	Chromium III(T)	50 ---
		E. coli (per 100 mL)	--- 205	Chromium VI	TVS TVS
Qualifiers:		Inorganic (mg/L)		Copper	TVS TVS
		acute	chronic	Iron	--- WS
Other:		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	--- <del>0.44</del> TVS	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

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			
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:	*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)	---	450TVS	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	---	0.44TVS			
		Sulfate	---	---			
		Sulfide	---	0.002			

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			
Reviewable	Aq Life Warm 1	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P		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)	---	450TVS	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	---	0.47TVS	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

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	Temperature °C	WS-III	WS-III	Arsenic	340	---
	Recreation P		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)	---	450TVS	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	---	0.47TVS	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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 <sup>A</sup>	
	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)	---	<del>150</del> TVS	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	---	Manganese(T)	---	200
		Nitrite	---	0.05	Mercury(T)	---	0.01
		Phosphorus	---	<del>0.14</del> TVS	Molybdenum(T)	---	150
		Sulfate	---	WS	Nickel	TVS	TVS
		Sulfide	---	0.002	Nickel(T)	---	100
			Selenium	TVS	TVS		
			Silver	TVS	TVS(tr)		
			Uranium	varies*	varies*		
			Zinc	TVS	TVS		

### 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:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
		chlorophyll a (mg/m²)	---	450TVS	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  
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 Recreation U	WL	WL	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	7.6
Other:		D.O. (mg/L)	---	5.0	Cadmium	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	20*TVS	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
		Nitrogen	---	TVS	Uranium	varies*
		Phosphorus	---	0.083*TVS	Zinc	TVS
		Sulfate	---	---		
		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 Recreation E	CL	CL	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 (ug/L)	---	8*TVS	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*
		Nitrogen	---	TVS	Zinc	TVS
		Phosphorus	---	0.025*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

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div>		chlorophyll a (ug/L)	---	8±TVS	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)		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	
				Nitrogen	---	TVS	
				Phosphorus	---	0.025±TVS	
				Sulfate	---	WS	
				Sulfide	---	0.002	

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
<b>Other:</b>  *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*TVS	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)
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.083*TVS	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

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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (ug/L)	---	20*TVS	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	TVS
		Inorganic (mg/L)		Chromium VI	50	---
		acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS
		Boron	---	0.75	Iron	---
		Chloride	---	250	Iron(T)	WS
		Chlorine	0.019	0.011	Lead	---
		Cyanide	0.005	---	Lead(T)	TVS
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.05	Mercury(T)	TVS/WS
		Nitrogen	---	TVS	Molybdenum(T)	---
		Phosphorus	---	0.083*TVS	Nickel	0.01
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	100
					Silver	TVS
					Uranium	TVS
					varies*	varies*
					Zinc	TVS
					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.

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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	TVS
Other:		pH	6.5 - 9.0	---	Chromium	---
		chlorophyll a (ug/L)	---	8*TVS	Chromium III	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	---
		Inorganic (mg/L)		Chromium VI	50	---
		acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	TVS	Copper	TVS
		Boron	---	0.75	Iron	---
		Chloride	---	250	Iron(T)	WS
		Chlorine	0.019	0.011	Lead	---
		Cyanide	0.005	---	Lead(T)	TVS
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.05	Mercury(T)	TVS/WS
		Nitrogen	---	TVS	Mercury(T)	---
		Phosphorus	---	0.025*TVS	Molybdenum(T)	0.01
		Sulfate	---	WS	Nickel	0.01
		Sulfide	---	0.002	Nickel(T)	---
					Selenium	100
					Silver	TVS
					Uranium	TVS
					varies*	varies*
					Zinc	TVS
					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.

All metals are dissolved unless 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	CL	CL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	D.O. (mg/L)	6.0	Cadmium	TVS
<b>Qualifiers:</b>		D.O. (spawning)	7.0	Cadmium(T)	5.0
<b>Other:</b>		pH	6.5 - 9.0	Chromium III	---
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>		chlorophyll a (ug/L)	8*TVS	Chromium III(T)	50
<del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>		E. coli (per 100 mL)	126	Chromium VI	TVS
*Uranium(acute) = See 37.5(3) for details.		Inorganic (mg/L)		Copper	TVS
*Uranium(chronic) = See 37.5(3) for details.		acute	chronic	Iron	---
		Ammonia	TVS	Iron(T)	---
		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
		Nitrogen	---	Nickel(T)	---
		Phosphorus	0.025*TVS	Selenium	TVS
		Sulfate	WS	Silver	TVS
		Sulfide	0.002	Uranium	varies*
				Zinc	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	CL	CL	Arsenic	340
	Recreation U	acute	chronic	Arsenic(T)	---
<b>Qualifiers:</b>		D.O. (mg/L)	6.0	Cadmium	TVS
<b>Other:</b>		D.O. (spawning)	7.0	Chromium III	TVS
<del>*Chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>		pH	6.5 - 9.0	Chromium III(T)	---
<del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>		chlorophyll a (ug/L)	8*TVS	Chromium VI	TVS
*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	126	Copper	TVS
*Uranium(chronic) = See 37.5(3) for details.		Inorganic (mg/L)		Iron(T)	1000
		acute	chronic	Lead	TVS
		Ammonia	TVS	Manganese	TVS
		Boron	0.75	Mercury(T)	---
		Chloride	---	Molybdenum(T)	150
		Chlorine	0.019	Nickel	TVS
		Cyanide	0.005	Selenium	TVS
		Nitrate	100	Silver	TVS
		Nitrite	0.05	Uranium	varies*
		Nitrogen	---	Zinc	TVS
		Phosphorus	0.025*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

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	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:	<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 37.5(3) for details.</div><div>*Uranium(chronic) = See 37.5(3) for details.</div></div>	pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	8*TVS	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	
Nitrogen		---	TVS	Nickel(T)	---	100	
Phosphorus		---	0.025*TVS	Selenium	TVS	TVS	
Sulfate		---	WS	Silver	TVS	TVS(tr)	
Sulfide		---	0.002	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	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E		acute	chronic	Arsenic(T)	---	7.6
Qualifiers:		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Other:</b>  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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)	---	<del>20*TVS</del>	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
		<u>Nitrogen</u>	<del>---</del>	<u>TVS</u>	Uranium	varies*	varies*
		Phosphorus	---	<del>0.083*TVS</del>	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

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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50	---
<del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del>		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)				
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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	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)	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	varies*	
					Zinc	TVS	TVS/TVS(sc)	
		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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		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/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	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.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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 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 ---
<b>Other:</b> 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 <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.11</del> TVS	Selenium	TVS TVS
		Sulfate	--- WS	Silver	TVS TVS(tr)
		Sulfide	--- 0.002	Uranium	varies* varies*
				Zinc	TVS TVS

5. Deleted.

COLCWH05	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

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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---
*Uranium(acute) = See 37.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	50
*Uranium(chronic) = See 37.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
		<b>Inorganic (mg/L)</b>		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	---	<del>0.14</del> TVS	Nickel(T)	---
		Sulfate	---	WS	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
				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
	Water Supply	D.O. (spawning)	---	7.0	Cadmium(T)	5.0
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Chromium III	---
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> *TVS	Chromium III(T)	50
Temporary Modification(s):		E. coli (per 100 mL)	3/2 - 11/30	---	Chromium VI	TVS
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	12/1 - 3/1	---	Copper	TVS
Expiration Date of 12/31/2024		<b>Inorganic (mg/L)</b>		Iron	---	WS
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 37.5(4).		acute	chronic	Iron(T)	---	1000
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		Ammonia	TVS	TVS	Lead	TVS
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Lead(T)	50
*Uranium(chronic) = See 37.5(3) for details.		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	---	<del>0.14</del> TVS*	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

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:  *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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 <sup>A</sup>
	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 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div>		pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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 <sup>A</sup>
	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 <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	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 <sup>A</sup>
	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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

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/m²)	---	<del>150</del> TVS	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 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	---	<del>0.11</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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)	---	<del>8</del> TVS	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.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(chronic) = See 37.5(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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	<del>0.025</del> TVS	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

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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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)	---	<del>20</del> *DUWS	Chromium III	---	TVS
Other:		<u>chlorophyll a (ug/L)</u>	---	TVS	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: <u>DUWS applies to</u> Kenney Reservoir = DUWS.					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 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
		<u>Nitrogen</u>	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	<del>0.083</del> *TVS	Silver	TVS	TVS
		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

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)	---	<del>TVS</del>	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)	---	<del>TVS</del>	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	---	<del>TVS</del>	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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	acute	chronic		Arsenic(T)	---	0.02-10 <sup>A</sup>		
	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 <sup>2</sup> )	---	150*TVS	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	---	5.0	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	---	0.47TVS*	Nickel	TVS	TVS
				Sulfate	---	WS	Nickel(T)	---	100
				Sulfide	---	0.002	Selenium	TVS	varies*
							Silver	TVS	TVS
							Uranium	varies*	varies*
							Zinc	TVS	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	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 <sup>2</sup> )	---	150TVS	Chromium III(T)	---	100		
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS		
				Inorganic (mg/L)	Copper	TVS	TVS		
				acute	chronic		Iron(T)	---	1625*
				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	---	0.47TVS	Uranium	varies*	varies*
				Sulfate	---	---	Zinc	TVS	TVS
				Sulfide	---	0.002			
*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.									

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	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:  *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.		chlorophyll a (mg/m²)	---	<del>150</del> TVS	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	205	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic		Iron(T)	---	1625*
		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	---	<del>0.47</del> TVS	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

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 Recreation P	Temperature °C	CL CL		Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	--- 100
Other:		D.O. (mg/L)	--- 6.0		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 37.5(3) for details.</p> <p>*Uranium(chronic) = See 37.5(3) for details.</p>		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 Recreation P Water Supply	Temperature °C	CS-I CS-I		Arsenic	340 ---
Qualifiers:		acute	chronic		Arsenic(T)	--- 0.02
Other:		D.O. (mg/L)	--- 6.0		Cadmium	TVS TVS
<p>Temporary Modification(s):</p> <p>Arsenic(chronic) = hybrid</p> <p>Expiration Date of 12/31/2024</p> <p>*Uranium(acute) = See 37.5(3) for details.</p> <p>*Uranium(chronic) = See 37.5(3) for details.</p>		D.O. (spawning)	--- 7.0		Cadmium(T)	5.0 ---
		pH	6.5 - 9.0 ---		Chromium III	--- TVS
		chlorophyll a (mg/m²)	--- 450TVS		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	--- 0.14TVS		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

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)	---	150TVS	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	---	0.44TVS			
		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)	---	150TVS	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	---	0.44TVS	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	Recreation P Water Supply Agriculture Aq Life Warm 2	DM	MWAT	acute		chronic	
Reviewable		Temperature °C	WS-III	WS-III	Arsenic	340	---
		acute	chronic	Arsenic(T)	---	0.02-10 <sup>A</sup>	
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	Chromium III	---	TVS
*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
*Uranium(chronic) = See 37.5(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	---	<del>0.44</del> TVS	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 Aq Life Warm 2 Recreation P	DM	MWAT	acute		chronic	
Reviewable		Temperature °C	WS-III	WS-III	Arsenic	340	---
		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:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	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	---	<del>0.44</del> TVS	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 Recreation P	Temperature °C	WS-III WS-III	Arsenic	340	---
Qualifiers:		acute	chronic	Arsenic(T)	---	100	
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	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	---	<del>0.44</del> TVS	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	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 Standards Apply		D.O. (spawning)	---	7.0	Chromium III	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(T)	---	100	
		chlorophyll a (mg/m²)	---	TVS	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	---	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	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation P	acute	chronic		Arsenic(T)	---	100	
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)	---	TVS	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	---	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 <sup>A</sup>	
	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 <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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:  *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)	---	<del>450</del> TVS	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	---	<del>0.44</del> 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

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)	---	<del>TVS</del>	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	---	<del>TVS</del>	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)	---	<del>TVS</del>	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	
		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

## 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	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)	---	150TVS	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	---	0.17TVS	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	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/m²)	---	150TVS	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	---	0.14TVS	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	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*TVS	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
		Inorganic (mg/L)		Copper	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
*Uranium(chronic) = See 37.5(3) for details.		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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	varies*	varies* <sup>B</sup>	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*TVS	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
		Inorganic (mg/L)		Copper	TVS	TVS
*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.		acute	chronic	Iron	---	WS
		Ammonia	TVS	TVS	Iron(T)	---
*Uranium(acute) = See 37.5(3) for details.		Boron	---	0.75	Lead	TVS
		Chloride	---	250	Lead(T)	50
*Uranium(chronic) = See 37.5(3) for details.		Chlorine	0.019	0.011	Manganese	TVS
		Cyanide	0.005	---	Mercury(T)	---
*Temperature =		Nitrate	10	---	Molybdenum(T)	---
		Nitrite	---	0.05	Nickel	TVS
DM=CLL and MWAT=CLL from 1/1-3/31		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
DM=CLL and MWAT=20.7 from 4/1-12/31		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 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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:	<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 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div>	chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---	100
		Phosphorus	---	0.025*TVS	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*TVS	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
		Nitrogen	---	TVS	Uranium	varies*	varies*
		Phosphorus	---	0.083*TVS	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 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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	TVS	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	
*Temperature =		Ammonia	TVS	TVS	Lead	TVS	TVS
See 37.6(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	---	---	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:		chlorophyll a (mg/m²)	---	TVS	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:		chlorophyll a (mg/m²)	---	<del>TVS</del>	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. *Uranium(chronic) = See 37.5(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	---	0.05	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	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)	---	<del>TVS</del>	Chromium III(T)	---	100
*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Uranium(chronic) = See 37.5(3) for details.		Inorganic (mg/L)			Copper	TVS	TVS
*Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(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	---	0.05	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>  *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 <sup>2</sup> )	---	---	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	630	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	---	<del>0.14</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	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	---
<b>Qualifiers:</b>		acute	chronic		Arsenic(T)	---	100
<b>Other:</b>  *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details.		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	---	Mercury(T)	---	0.01
		Chloride	---	---	Molybdenum(T)	---	---
		Chlorine	0.019	0.011	Nickel	TVS	TVS
		Cyanide	0.005	---	Selenium	TVS	TVS
		Nitrate	---	---	Silver	TVS	TVS
		Nitrite	---	---	Uranium	varies*	varies*
		Phosphorus	---	<del>0.17</del> TVS	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 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:		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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 37.5(4). *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(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	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.47</del> TVS	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 <sup>A</sup>		
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)	---	~~450~~TVS	Chromium III	---	TVS
\*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium III(T)	50	---
\*Uranium(chronic) = See 37.5(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	---	~~0.44~~TVS	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 <sup>A</sup>
	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

\*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 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
<b>Other:</b>  *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.		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	---	0.44TVS*	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
<b>Other:</b>  *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.		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	---	0.44TVS*	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
		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	---	0.44TVS*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			
	*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.						

All metals are dissolved unless 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)	---	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 <sup>2</sup> )	---	150TVS	Chromium III(T)	50
Temporary Modification(s):		E. coli (per 100 mL)	---	205	Chromium VI	TVS
Arsenic(chronic) = hybrid					Copper	TVS
Expiration Date of 12/31/2024		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
		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	---	0.14TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	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)	---	0.02-10 <sup>A</sup>
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 <sup>2</sup> )	---	150TVS	Chromium III(T)	50
*Uranium(acute) = See 37.5(3) for details.		E. coli (per 100 mL)	---	205	Chromium VI	TVS
*Uranium(chronic) = See 37.5(3) for details.					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	---	0.14TVS	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 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/m²)	---	450*TVS	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	---	0.44TVS*	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)	---	450TVS	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	---	0.44TVS	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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	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*TVS	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)	---
		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
		Nitrogen	---	Nickel(T)	---
		Phosphorus	0.025*TVS	Selenium	TVS
		Sulfate	WS	Silver	TVS
		Sulfide	0.002	Uranium	varies*
				Zinc	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	CS-I	CS-I	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 (mg/m <sup>2</sup> )	450TVS	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)	---
		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	0.14TVS	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 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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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	
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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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/m²)	---	---	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	---	<del>0.44</del> TVS	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
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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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/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	---	0.44TVS	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 <sup>A</sup>	
	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS	
		Sulfate	---	WS	Silver	TVS	TVS(tr)	
		Sulfide	---	0.002	Uranium	varies*	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	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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

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 <sup>A</sup>
	Recreation P	D.O. (mg/L)	---	5.0	Cadmium	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 <sup>2</sup> )	---	150TVS	Chromium III	---
		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	---
		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	---	0.17TVS	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	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
		D.O. (mg/L)	---	5.0	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS
Fish Ingestion Standards Apply  Other:  *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/m <sup>2</sup> )	---	150*TVS	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	---	0.17TVS*	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

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

D.O. = dissolved oxygen  
DM = daily maximum  
MWAT = maximum weekly average temperature  
See 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	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)	--- <u>20*TVS</u>	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
		<u>Nitrogen</u>	--- - <u>TVS</u>	Uranium	varies* varies*
		Phosphorus	--- <u>0.083*TVS</u>	Zinc	TVS TVS
		Sulfate	--- ---		
		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
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Cadmium(T)	---	10
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.17TVS	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.17TVS	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)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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	Recreation E	DM	MWAT	acute	chronic		
Reviewable	Water Supply	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Agriculture	acute	chronic		Arsenic(T)	---	0.02
	Aq Life Warm 1	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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)	---	<del>150</del> *TVS	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	---	<del>0.44</del> TVS*	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)	---	<del>150</del> TVS	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	
<div>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 37.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).</div> <div>*Uranium(acute) = See 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS	
				acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	<del>0.44</del> TVS*	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	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 37.5(3) for details.		Inorganic (mg/L)			Iron(T)	---
*Uranium(chronic) = See 37.5(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	---	0.44TVS	Silver	TVS
		Sulfate	---	WS	Uranium	varies*
		Sulfide	---	0.002	Zinc	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	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 <sup>2</sup> )(chronic) = applies only above the facilities listed at 37.5(4).		Inorganic (mg/L)			Iron(T)	---
*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).		acute	chronic		Lead	TVS
*Uranium(acute) = See 37.5(3) for details.		Ammonia	TVS	TVS	Lead(T)	50
*Uranium(chronic) = See 37.5(3) for details.		Boron	---	0.75	Manganese	TVS
*Temperature =		Chloride	---	250	Mercury(T)	---
DM=15.7 and MWAT=11.2 from 10/1-10/31		Chlorine	0.019	0.011	Molybdenum(T)	---
DM=14.1 and MWAT=CS-II from 11/1-3/31		Cyanide	0.005	---	Nickel	TVS
DM=27.3 and MWAT=21.6 from 4/1-9/30		Nitrate	10	---	Nickel(T)	---
		Nitrite	---	0.05	Selenium	TVS
		Phosphorus	---	0.44TVS*	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 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	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  *Uranium(acute) = See 37.5(3) for details. *Uranium(chronic) = See 37.5(3) for details. *Temperature = DM=CS-II and MWAT=CS-II from 11/1-3/31 DM=25.1 and MWAT=18.9 from 4/1-10/31		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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
		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  <del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 37.5(4).</del> *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. *Temperature = DM=WS-II and MWAT=WS-II from 12/1-2/29 DM=31 and MWAT=WS-II from 3/1-11/30		chlorophyll a (mg/m²)	---	<del>450</del> <sup>*</sup> TVS	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	---	<del>0.44</del> TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		Sulfide	---	0.002	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/m <sup>2</sup> )	---	<del>450</del> *TVS	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
<div>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 37.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 37.5(4).</div> <div>*Uranium(acute) = See 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div> <div>*Temperature = DM=WS-II and MWAT=WS-II from 12/1-2/29 DM=31 and MWAT=WS-II from 3/1-11/30</div>		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> *TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450TVS	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	---	0.44TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450TVS	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	---	0.44TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS	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	---	0.44TVS	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	acute chronic			
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	
		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. *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		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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	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:  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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)	---	<del>20*</del> TVS	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
		<u>Nitrogen</u>	<del>---</del>	<u>TVS</u>	Uranium	varies*	varies*
		Phosphorus	---	<del>0.083*</del> TVS	Zinc	TVS	TVS
		Sulfate	---	---			
		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					
	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	
<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 37.5(3) for details.</div> <div>*Uranium(chronic) = See 37.5(3) for details.</div>		chlorophyll a (ug/L)	---	20*TVS	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	
		Nitrogen	---	TVS	Uranium	varies*	varies*	
		Phosphorus	---	0.083*TVS	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 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* <sup>B</sup>	Arsenic	340 ---
	Recreation E	acute	chronic	Arsenic(T)	--- 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)	--- <u>8*TVS</u>	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
		<u>Nitrogen</u>	--- - <u>TVS</u>	Nickel(T)	--- 100
		Phosphorus	--- <u>0.025*TVS</u>	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)	--- <u>DUWS8*</u>	Chromium III(T)	50 ---
		<u>chlorophyll a (ug/L)</u>	--- <u>TVS</u>	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
		<u>Nitrogen</u>	--- - <u>TVS</u>	Selenium	TVS TVS
		Phosphorus	--- <u>0.025*TVS</u>	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.

## **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.

## DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

### Water Quality Control Commission

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

##### 5 CCR 1002-38

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### 38.1 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

See Basic Standards and Methodologies for Surface Water at 31.17 for a listing of chlorophyll a, total nitrogen, and total phosphorus standards for lakes and reservoirs (Table V) and rivers and streams (Table VI). As described in 31.17(2), total nitrogen and total phosphorus standards will be considered for adoption in phases.

Prior to December 31, ~~2022~~ for chlorophyll a and prior to December 31, 2027 for, total nitrogen and total phosphorus, interim nutrient values will be considered for adoption only in the limited circumstances defined at 31.17~~(e), (f), and (g). These~~2)(a)(i) and (ii). For lakes and reservoirs, these circumstances include ~~headwaters, waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities (31.17(2)(a)(i)(A)), waterbodies with a~~ Direct Use Water Supply (DUWS) Lakes and Reservoirs, sub-classification (31.17(2)(a)(i)(B)), waterbodies with public swim beaches (31.17(2)(a)(i)(C)), and other special circumstances determined by the

Commission. ~~After December 31, 2022, total nitrogen will be considered for adoption per the (31.17(2)(a)(i)(D)). For rivers and streams, these 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 include waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities subject to Regulation 85 effluent limits and discharging prior to May 31, 2012. The (31.17(2)(a)(ii)(A)) and other special circumstances determined by the Commission (31.17(2)(a)(ii)(B)).~~

Pursuant to 31.17(2)(a)(i)(A) and 31.17(2)(a)(ii)(A), 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, cooling tower discharges, 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

<b>Segment</b>	<b>Permittee</b>	<b>Facility name</b>	<b>Permit No.</b>
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
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



<b>Segment</b>	<b>Permittee</b>	<b>Facility name</b>	<b>Permit No.</b>
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
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

Segment	Permittee	Facility name	Permit No.
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
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
COSPRE03	Wray City of	Wray City of	CO0023833
COSPRE06	Flagler Town of	Flagler WWTF	COG589036
COSPRE06	Arriba Town of	Arriba WWTF	COG589055
COSPRE06	Holyoke City of	Holyoke, City of	COG589059
COSPRE06	Akron Town of	Akron WWTF	COG589061
COSPRE06	Haxtun Town of	Haxtun. Town of	COG589062
COSPRE06	Stratton Town of	Stratton WWTF	COG589100
COSPRE06	Burlington City of	Burlington City of WWTF	COG589114
COSPRE06	Seibert Town of	Seibert WWTF	COG589120
COSPRE07	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~~total nitrogen and total phosphorus standards apply to the entire segment.
- For segments with portions downstream of these facilities, ~~nutrient~~total nitrogen and total phosphorus standards only apply above these facilities, except where a waterbody has a DUWS sub-classification or public swim beach. A note was added to the total phosphorus and ~~chlorophyll-a~~total nitrogen standards in these segments. The note references the table of qualified facilities at 38.5(4).

- For segments located entirely below these facilities, ~~nutrient~~total nitrogen and total phosphorus standards do not apply, except where a waterbody has a DUWS sub-classification or public swim beach.
- Additionally, for segments with portions downstream of these facilities or for segments located entirely below these facilities, total nitrogen and total phosphorus standards may apply where special circumstances have been identified by the Commission (31.17(2)(a)(i)(D) and 31.17(2)(a)(ii)(B)).

~~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)
AEL	=	alternative effluent limit
°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 <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>				
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 <sup>(4)</sup>	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) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.443)}$ Acute(cold) <sup>(5)</sup> = $(1.136672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.9789 \ln(\text{hardness}) - 3.866)}$ Chronic = $(1.101672 - (\ln(\text{hardness}) * 0.041838)) * e^{(0.7977 \ln(\text{hardness}) - 3.909)}$				
<u>Chlorophyll a<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation and Direct Use Water Supply (DUWS).</u>				
Chromium III <sup>(Z6)</sup>	Acute = $e^{(0.819 \ln(\text{hardness}) + 2.5736)}$ Chronic = $e^{(0.819 \ln(\text{hardness}) + 0.5340)}$				
Chromium VI <sup>(Z6)</sup>	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 = $e^{(0.846 \ln(\text{hardness}) + 0.0554)}$				
<u>Nitrogen<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>				
<u>Phosphorus<sup>(6)</sup></u>	<u>See 31.17 TVS for Aquatic Life and/or Recreation.</u>				
Selenium <sup>(8Z)</sup>	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)

PARAMETER <sup>(1)</sup>	TABLE VALUE STANDARDS <sup>(2)(3)</sup>					
	Cold Stream Tier I <sup>(98)</sup>	CS-I	brook trout, cutthroat trout	June – Sept.	17.0	21.7
				Oct. - May	9.0	13.0
	Cold Stream Tier II <sup>(98)</sup>	CS-II	all other cold-water species	April – Oct.	18.3	24.3
				Nov. - March	9.0	13.0
	Cold Lake <sup>(109)</sup>	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 Lake (>100 acres surface area) <sup>(109)</sup>	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 <sup>(1.1021*ln(hardness)+2.7088)</sup> Chronic = e <sup>(1.1021*ln(hardness)+2.2382)</sup>					
Zinc	Acute = 0.978*e <sup>(0.9094*ln(hardness)+0.9095)</sup> Chronic = 0.986*e <sup>(0.9094*ln(hardness)+0.6235)</sup>					

TABLE VALUE STANDARDS - FOOTNOTES

- (1) Metals are stated as dissolved unless otherwise specified. Nitrogen and phosphorus standards are based upon the concentration of total nitrogen and total phosphorus.
- (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) For lakes and reservoirs, the chlorophyll a, total nitrogen, and total phosphorus standards for Aquatic Life and Recreation apply only to lakes and reservoirs greater than 25 acres in surface area. The chlorophyll a standard for Direct Use Water Supply (DUWS) applies to lakes and reservoirs of any size.
- (76) 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.
- (87) Selenium is a bioaccumulative metal and subject to a range of toxicity values depending upon numerous site-specific variables.
- (98) 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.
- (109) Lake trout-based summer temperature criteria [16.6 (ch), 22.4 (ac)] apply where appropriate and necessary to protect lake trout from thermal impacts.

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(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 6<sup>th</sup> Avenue near the gage station.
  - East Toll Gate Creek (ET1): Upstream of the confluence with West Toll Gate Creek, at Chambers Road and 1<sup>st</sup> Avenue.
  - West Toll Gate Creek (WT1): Upstream of the confluence with East Toll Gate Creek, at 2<sup>nd</sup> 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 <sup>1,2,3</sup>	3.0 mg/L (acute)
7-Day Average <sup>1,4,5</sup>	5.0 mg/L

Older Life Stage Protection Period (August 1 through March 31)

1-Day <sup>1,2</sup>	2.0 mg/L (acute)
7-Day Mean of Minimums <sup>1,6</sup>	2.5 mg/L
30-Day Average <sup>1,4</sup>	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 85<sup>th</sup> and 95<sup>th</sup> 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 ( $\mu\text{g/L}$ ) 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) <sup>1</sup>	Segment 3 (Great Western Reservoir) <sup>1</sup>	Segments 4a, 4b, 5a, and 5b <sup>1</sup>
Ambient-based site-specific standards			
Gross Alpha	6	5	NA
Gross Beta	9	12	NA
Plutonium	0.03	0.03	0.15 <sup>2,3</sup>
Americium	0.03	0.03	0.15 <sup>2,3</sup>
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.~~
- ~~(e**b**)~~ 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.
- ~~(e**c**)~~ All mercury standards apply to the total recoverable fraction of all forms, both organic and inorganic, of mercury in water.
- ~~(e**d**)~~ 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.

- (b) Lower South Platte River Segment 2 (COSPLS02):

Discharger-specific Variance, Town of Crook (COG589015), Adopted 6/13/2022.

Ammonia (acute): Initial AEL=4 lbs/day, Final AEL=3.4 lbs/day;  
Ammonia (chronic): Initial AEL=4 lbs/day, Final AEL=3.4 lbs/day.  
Includes a Pollutant Minimization Program.  
Expiration date: 12/31/2025.

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**38.8 – 38.9      RESERVED**

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**38.106 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 14, 2022 RULEMAKING; FINAL ACTION \_\_\_\_\_; EFFECTIVE DATE APRIL 30, 2023**

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**

**A. Revision of Total Nitrogen and Total Phosphorus Table Value Standards for Lakes and Reservoirs at 31.17**

In March 2012, the commission adopted interim numerical nutrient table value standards for chlorophyll *a* to protect the Aquatic Life, Recreation, and Direct Use Water Supply (DUWS) uses and table value standards for total nitrogen and total phosphorus to protect the Aquatic Life and Recreation uses (31.50) in lakes, reservoirs, rivers, and streams. In its July 2016 action letter for the March 2012 rulemaking hearing, EPA recommended revisiting the classification analysis for lakes and reservoirs to account for the variability between lakes (e.g., Cold and Warm lakes), evaluating confounding factors in the stressor-response relationship between nutrients and chlorophyll *a*, and evaluating whether the standards are protective of lakes with a high chlorophyll *a* yield per unit of nutrient.

In this hearing, the commission adopted revised total nitrogen and total phosphorus standards for lakes and reservoirs to address EPA's 2016 recommendations and ensure protective standards are adopted on lakes and reservoirs with Aquatic Life, Recreation, and/or DUWS uses (31.17 Table V). The numeric nutrient standards for total nitrogen and total phosphorus represent growing season (July through September) average concentrations with an allowable exceedance frequency is once in five years, and apply to lakes greater than 25 acres in size and with a residence time of at least 14 days. The commission adopted these standards into Regulation No. 31 and the basin regulations (Regulation Nos. 32-38) in this rulemaking; additional details about the revised total nitrogen and total phosphorus standards for lakes and reservoirs are included in 31.60.

**B. Implementation of Nutrients Table Value Standards**

The commission revised 38.5(4) to reflect the current status of the phased implementation framework for nutrients standards and remove information regarding implementation that concludes December 31, 2022. These revisions included removing language regarding phased implementation of chlorophyll *a* standards for lakes, reservoirs, rivers, and streams, as these standards now apply to all waterbodies with Aquatic Life, Recreation, and/or DUWS uses in Colorado. The information regarding the specific circumstances where nitrogen and phosphorus standards will apply before December 31, 2027 was clarified and includes additional references to 31.17. Also, to be consistent with past practice and the commission's intent in 31.55, the word "headwaters" was replaced with "waterbodies upstream of certain domestic and non-domestic wastewater treatment facilities". Finally, references to new Tables V (nutrients standards for lakes and reservoirs) and VI (nutrients standards for rivers and streams) in 31.17 were also added.

The commission revised the Table Value Standards table in 38.6(3) to include chlorophyll *a*, total nitrogen, and total phosphorus. Instead of replicating the numerical values for these table value standards, the table references 31.17, as 31.17 contains the numeric standards (in Tables V and VI), implementation information, and additional details regarding the phased implementation framework. As part of this change, the commission revised Footnote 1 to specify that the nitrogen and phosphorus standards are based upon the total concentration; this information was previously contained in 38.6(5)(b), which was deleted. Additionally, the commission adopted a new Footnote 6 that clarifies that, with the exception of the chlorophyll *a* standard to protect the DUWS sub-classification, the chlorophyll *a*, total nitrogen, and total phosphorus standards apply only to lakes and reservoirs larger than 25 acres surface



area. The chlorophyll a standard to protect DUWS lakes and reservoirs applies to lakes and reservoirs of all sizes. This information was previously included in the segment tables in Appendix 38-1, but was moved to Footnote 6 for clarity.

**1. Nitrogen and Phosphorus Standards for Lakes, Reservoirs, Rivers, and Streams**

**a. Lakes and Reservoirs**

Adoption of total phosphorus standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). Prior to this rulemaking hearing, total nitrogen standards had not been adopted on any waterbodies. However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of the total phosphorus standards to also include all lake and reservoirs with the DUWS sub-classification and waterbodies with a public swim beach (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area). The commission also adopted total nitrogen standards on the same set of waterbodies (i.e., waterbodies above certain discharge facilities, site-specific situations where numeric standards were needed to protect uses, DUWS, and swim beaches). Consistent with 31.17, the total phosphorus and total nitrogen standards apply only to lakes and reservoirs greater than 25 acres.

The commission previously adopted the DUWS sub-classification and notation in the Appendix 38-1 tables on several waterbodies in previous rulemaking hearings, but public swim beaches were identified in the current rulemaking. However, it was only necessary to specify the presence of a public swim beach in limited cases, because most public swim beaches in Colorado are also either classified as DUWS or located above certain discharge facilities; waterbodies falling into either of those categories are also assigned nitrogen and phosphorus standards. Therefore, the “Public Swim Beach” notation only needed to be applied to waterbodies where the total nitrogen and total phosphorus standards were only being applied due to the presence of a swim beach. Due to the presence of a public swim beach, the commission adopted total nitrogen and total phosphorus standards, “Public Swim Beach” in the Qualifier column, and a note to specify the swim beach reservoir in the Other column on the following segments:

Upper South Platte River: 6b (COSPUS06b; Chatfield Reservoir)

Cherry Creek: 2 (COSPCH02; Cherry Creek Reservoir)

Bear Creek: 11 (COSPBE11; Big Soda Reservoir)

St. Vrain Creek: 9 (COSPSV09; Union Reservoir)

Lower South Platte River: 3 (COSPLS03; North Sterling Reservoir)

**b. Rivers and Streams**

In rivers and streams, the commission did not adopt total phosphorus standards on any additional river or stream waterbodies or total nitrogen table value standards on any waterbodies, consistent with the phased implementation timeline outlined in 31.17 and 38.5(4).

**c. Formatting of Nitrogen and Phosphorus Standards in Appendix 38-1**

The commission changed how previously-adopted total phosphorus table value standards were presented in the segment tables in Appendix 38-1. Specifically, the table value standards were previously shown as numeric values, which were replaced with “TVS”. Similarly, any total nitrogen or total phosphorus standards adopted in this rulemaking hearing were adopted into the Appendix 38-1 tables as “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

**2. Chlorophyll a Standards for Lakes, Reservoirs, Rivers, and Streams**

The commission made no changes to the chlorophyll a standards to protect Aquatic Life, Recreation, and/or DUWS uses in lakes, reservoirs, rivers, or streams. In addition, the commission made no changes to existing site-specific chlorophyll a standards.

Adoption of chlorophyll a standards was previously limited to specific segments or portions of segments, as outlined in 31.50(VI)(A) (i.e., waterbodies above certain discharge facilities and site-specific situations where numeric standards were needed to protect uses). However, consistent with the phased implementation strategy developed in 2012 (31.50(VI)(A)) and 2017 (31.55), the commission expanded the adoption of chlorophyll a standards to all segments with Aquatic Life, Recreation, and/or DUWS uses.

Specifically, in this rulemaking hearing, the commission adopted the chlorophyll a table value standard of 8 µg/L for all cold water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; 20 µg/L for all warm water lakes or reservoirs (larger than 25 acres) with Aquatic Life or Recreation E, U, or P uses; and 150 mg/m<sup>2</sup> for all cold or warm water streams with a Recreation E, U, or P use. In the segment tables in Appendix 38-1, these table value standards were adopted as “TVS” and any previously-adopted table value standards shown as numeric values were changed to “TVS”. This approach allows the regulation to point directly to 31.17, which has a complete record of information regarding these table value standards.

In addition, the commission adopted the table value standard of 5 µg/L for all lakes or reservoirs (of any size) with DUWS; in Appendix 38-1, these table value standards are shown as “DUWS”. The phased implementation of the chlorophyll a standards adoption is now complete.

**3. Site-specific Standards for Nutrients**

Cherry Creek Segment 7 (COSPCH07): The commission continues to support a phased implementation approach to adoption of nutrient criteria and declined to consider any site-specific standards during this rulemaking. However, evidence on the record attests that consideration of site-specific standards on some segments may be warranted in future commission reviews of water quality standards and classifications. Parker Water and Sanitation District (PWSD) submitted data indicating that an alternative chlorophyll a standard may be appropriate to protect the Direct Use Water Supply use for Rueter-Hess Reservoir (COSPCH07) based on site-specific relationships between chlorophyll a, dissolved organic carbon, and disinfection byproducts (PWSD Exhibit XX).

The commission appreciates the efforts of PWSD to obtain, and make available for this hearing, data that improve the understanding of existing conditions within and treatment of raw water from Rueter-Hess Reservoir and understands that PWSD will not face unreasonable consequences by delaying consideration of any appropriate revisions to the chlorophyll a standard to a future date. The division is committed to supporting PWSD’s efforts to develop an appropriate site-specific standard for Rueter-Hess Reservoir as resources become available and practical implications are considered. The division’s efforts to support the development of a site-specific standard will

include coordination of interdisciplinary staff from across the division, including drinking water, engineering, and water quality, as well as the toxicology and environmental epidemiology office.

#### **4. Control Regulations**

The commission may consider revised site-specific nutrients standards for the following lake and reservoir segments that have existing nutrient control regulations in future rulemaking hearings if information to support appropriate and protective revisions is developed:

Upper South Platte River: 6b (COSPUS06b; Chatfield Reservoir)

Cherry Creek: 2 (COSPC02; Cherry Creek Reservoir)

*[This text is in development and will be included in Consolidated Proposal]*

#### **C. Clarifications and Corrections**

The following edits were made to Appendix 38-1 to improve clarity and correct errors:

- The Direct Use Water Supply (DUWS) references in segments in Appendix 38-1 were revised to improve clarity and consistency.
- In Appendix 38-1, on Middle South Platte River Segment 8 (COSPMS08), the notes in the "Other" column regarding chlorophyll *a* and phosphorus standards applying only above facilities listed in 38.5(4) are unnecessary. These notes were adopted in error, as the only waterbody in this segment (Riverside Reservoir) is not below any facilities listed in 38.5(4).

**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 ~~09/30/2022~~04/30/2023

## 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 <sup>2</sup>	=	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/m²)	---	<del>450</del> *TVS	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	
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div> <div>*Temperature = summer criteria apply from 4/1-10/31</div>		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	---	<del>0.44</del> TVS*	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	
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	<del>0.44</del> TVS	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

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	acute		chronic	Arsenic(T)	---	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 <sup>2</sup> )	---	<del>150</del> *TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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
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)	---	<del>TVS</del>	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	---	---	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	220

All metals are 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

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:  *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 (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS			
		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:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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/m²)	---	<del>150*</del> TVS	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	---	<del>0.14</del> TVS*	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m²)	---	450*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		acute	chronic		Iron(T)	---
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Lead	TVS
*Uranium(chronic) = See 38.5(3) for details.		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	---	0.14TVS*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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)	---
*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)	---	450TVS	Chromium III(T)	---
		E. coli (per 100 mL)	---	126	Chromium VI	---
		Inorganic (mg/L)			Chromium VI(T)	---
		acute	chronic		Copper	---
		Ammonia	TVS	TVS	Iron(T)	---
		Boron	---	0.75	Lead	---
		Chloride	---	---	Lead(T)	---
		Chlorine	0.019	0.011	Manganese	---
		Cyanide	0.005	---	Mercury(T)	---
		Nitrate	100	---	Mercury(T)	---
		Nitrite	---	0.05	Molybdenum(T)	---
		Phosphorus	---	0.14TVS	Nickel	---
		Sulfate	---	---	Nickel(T)	---
		Sulfide	---	0.002	Selenium	---
					Selenium(T)	---
					Silver	---
					Silver(T)	---
					Uranium	varies*
					Zinc	---

All metals are 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:  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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	6.0	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 <sup>2</sup> )	---	---TVS <sup>-</sup>	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 <sup>A</sup>
	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)	---	<del>TVS</del>	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

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
	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)	---	<del>TVS</del>	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

## Upper South Platte River Basin

6b. Chatfield Reservoir								
COSPUS06B	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: <u>Public Swim Beach*</u>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
<b>Other:</b>  *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. <u>*Public Swim Beach applies to Chatfield Reservoir.</u> *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	
					Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		<u>Nitrogen</u>	---	<u>TVS</u>	Selenium	TVS	TVS	
		Phosphorus	---	0.03*	Silver	TVS	TVS(tr)	
		Sulfate	---	WS	Uranium	varies*	varies*	
Sulfide	---	0.002	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		acute	chronic		
Reviewable	Aq Life Cold 2	Temperature °C	CS-II	CS-II	Arsenic	340	---	
	Recreation E	acute	chronic		Arsenic(T)	---	0.02-10 <sup>A</sup>	
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS	
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
<b>Other:</b>  *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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	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 <sup>2</sup> )	---	<del>450</del> <sup>*</sup> TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		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	---	<del>0.47</del> <sup>*</sup> TVS	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 <sup>A</sup>		
	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)	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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 <sup>A</sup>
	Recreation E	D.O. (mg/L)	--- 5.0	Cadmium	TVS TVS
Qualifiers:		pH	6.5 - 9.0 ---	Cadmium(T)	5.0 ---
<b>Other:</b>  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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 <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.17</del> TVS*	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 ---
<b>Other:</b>  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 <sup>2</sup> )	--- <del>150</del> TVS	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	--- <del>0.17</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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:		chlorophyll a (mg/m²)	---	<del>---</del> TVS	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*	
*Copper(acute) = Copper BLM-based FMB		Ammonia	TVS	TVS	Copper	TVS*	---
Cu FMB(ac)=31.5 ug/l		Boron	---	0.75	Iron	---	WS
downstream of Marcy Gulch.		Chloride	---	250	Iron(T)	---	1000
*Copper(chronic) = Copper BLM-based FMB		Chlorine	0.019	0.011	Lead	TVS	TVS
Cu FMB(ch)=20.8 ug/l		Cyanide	0.005	---	Lead(T)	50	---
downstream of Marcy Gulch.		Nitrate	10	---	Manganese	TVS	TVS/190
*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
*Temperature = summer criteria apply from 2/14 -		Sulfate	---	WS	Nickel	TVS	TVS
11/30		Sulfide	---	0.002	Nickel(T)	---	100
					Selenium	TVS	TVS
					Silver	TVS	TVS
					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:		chlorophyll a (mg/m²)	---	---TVS	Chromium III	---	TVS
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		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
Qualifiers:		pH	6.0-9.0*	---	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Copper	---	TVS*
Discharger Specific Variance(s):		acute		Copper	TVS*	---
Selenium(acute) = TVS: no limit		Ammonia	TVS*	TVS*	Iron	---
Selenium(chronic) = TVS: 24 µg/L		Boron	---	0.75	Iron(T)	---
Expiration Date of 12/31/2023		Chloride	---	250	Lead	TVS
*Ammonia(acute) = See section 38.6(4) for site-specific standards.		Chlorine	0.019	0.011	Lead(T)	50
*Ammonia(chronic) = See section 38.6(4) for site-specific standards.		Cyanide	0.005	---	Manganese	TVS
*Copper(acute) = Copper BLM-based FMB		Nitrate	10	---	Mercury(T)	---
Cu FMB(ac)=26.4 ug/l		Nitrite	1.0	---	Molybdenum(T)	---
Downstream of the Metro Hite WWTF outfall.		Phosphorus	---	---	Nickel	TVS
*Copper(chronic) = Copper BLM-based FMB		Sulfate	---	WS	Nickel(T)	---
Cu FMB(ch)= 18.0 ug/l		Sulfide	---	0.002	Selenium	TVS
Downstream of the Metro Hite WWTF outfall.					Silver	TVS
*Uranium(acute) = See 38.5(3) for details.					Uranium	varies*
*Uranium(chronic) = See 38.5(3) for details.					Zinc	TVS
*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						
*Variance: Selenium = see 38.6(6) for details.						
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 <sup>A</sup>
	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 <sup>2</sup> )	---	TVS	Chromium III	---
E. coli (per 100 mL)		---	126	Chromium III(T)	50	---
Inorganic (mg/L)		acute		Chromium VI	TVS	TVS
Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Copper	TVS
Uranium(chronic) = See 38.5(3) for details.		Boron	---	0.75	Iron	---
		Chloride	---	250	Iron(T)	---
		Chlorine	0.019	0.011	Lead	TVS
		Cyanide	0.005	---	Lead(T)	50
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.5	Mercury(T)	---
		Phosphorus	---	---	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

## 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)	---	---DUWS	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	TVS	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	---	0.5	Nickel(T)	---	100
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	---TVS	Silver	TVS	TVS
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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/m³)(chronic) = applies only above the facilities listed at 38.5(4).		chlorophyll a (mg/m²)	---	150*TVS	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	---	0.4*TVS	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
<div>Other:</div> <div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> *TVS	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	---	<del>0.47</del> TVS*	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
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	150*TVS	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	---	0.5	Silver	TVS
		Phosphorus	---	0.47TVS*	Uranium	varies*
		Sulfate	---	---	Zinc	TVS
		Sulfide	---	0.002		

\*chlorophyll a (mg/m<sup>2</sup>)(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.

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 <sup>A</sup>
	Recreation E	D.O. (mg/L)	---	4.0*	Cadmium	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	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	---	0.5	Molybdenum(T)	---
		Phosphorus	---	---	Nickel	TVS
		Sulfate	---	WS	Nickel(T)	---
		Sulfide	---	0.002	Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	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.

All metals are 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/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. *D.O. (mg/L)(chronic) = When water is present, D.O. concentrations shall be maintained at levels that protect classified uses.		chlorophyll a (mg/m²)	---	450*TVS	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	---	0.47TVS*	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* 12/1 - 2/29 Expiration Date of 12/31/2025  *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/m²)	---	TVS	Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	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	21*	13*
		Phosphorus	---	---	Silver	TVS	TVS
		Sulfate	---	---	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

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	
<div>Other:</div> <div>Temporary Modification(s): temperature(MWAT) = current condition* Expiration Date of 12/31/2025</div> <div>*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</div>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m²)	---	<del>TVS</del>		Chromium III(T)	---	100
		E. coli (per 100 mL)	---	126		Chromium VI	TVS	TVS
		Inorganic (mg/L)				Copper	<del>TVS*</del>	<del>TVS*</del>
		acute	chronic		Copper	<del>TVS*</del>	<del>TVS*</del>	
		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	WS-II		WS-II	340		---
	Recreation E	acute		chronic	---		7.6
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Arsenic(T)		TVS
<b>Fish Ingestion Standards</b>		pH	6.5 - 9.0	---	Cadmium		TVS
<b>Other:</b>		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	Chromium III		TVS
<p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</p> <p>*Selenium(acute) = See section 38.6(4)(b) for selenium standards and assessment locations.</p> <p>*Selenium(chronic) = See section 38.6(4)(b) for selenium standards and assessment locations.</p> <p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p>		E. coli (per 100 mL)	---	126	Chromium III(T)		100
		Inorganic (mg/L)			Chromium VI		TVS
		acute		chronic	Copper		TVS
		Ammonia	TVS	TVS	Iron(T)		1000
		Boron	---	0.75	Lead		TVS
		Chloride	---	---	Manganese		TVS
		Chlorine	0.019	0.011	Mercury(T)		0.01
		Cyanide	0.005	---	Molybdenum(T)		150
		Nitrate	100	---	Nickel		TVS
		Nitrite	---	0.5	Selenium		varies*
		Phosphorus	---	0.17TVS*	Silver		TVS
		Sulfate	---	---	Uranium		varies*
		Sulfide	---	0.002	Zinc		TVS

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	WS-II		WS-II	340		---
	Recreation E	acute		chronic	---		7.6
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Arsenic(T)		TVS
<b>Other:</b>		pH	6.5 - 9.0	---	Cadmium		TVS
<p>Discharger Specific Variance(s):</p> <p>Selenium(acute) = TVS: no limit</p> <p>Selenium(chronic) = 9: 24 ug/L</p> <p>Expiration Date of 12/31/2023</p> <p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</p> <p>*Mercury(T)(chronic) = 0.026 below Brighton Blvd, see section 38.6(4)(f) for mercury assessment locations</p> <p>*Selenium(acute) = See section 38.6(4)(f) for selenium standards and assessment locations.</p> <p>*Selenium(chronic) = See section 38.6(4)(f) for selenium standards and assessment locations.</p> <p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p> <p>*Variance: Selenium = see 38.6(6) for details.</p>		chlorophyll a (mg/m <sup>2</sup> )	---	450*TVS	Chromium III		TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)		100
		Inorganic (mg/L)			Chromium VI		TVS
		acute		chronic	Copper		TVS
		Ammonia	TVS	TVS	Iron(T)		1000
		Boron	---	0.75	Lead		TVS
		Chloride	---	---	Manganese		TVS
		Chlorine	0.019	0.011	Mercury(T)		0.026*
		Cyanide	0.005	---	Mercury(T)		0.01
		Nitrate	100	---	Molybdenum(T)		150
		Nitrite	---	0.5	Nickel		TVS
		Phosphorus	---	0.17TVS*	Selenium		varies*
		Sulfate	---	---	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

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	<sup>A</sup>	
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
<b>Other:</b>  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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/m <sup>2</sup> )	---	<del>150</del> <sup>TVS</sup>	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	---	<del>0.47</del> <sup>TVS</sup> *	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	---	
<b>Other:</b>  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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 <sup>2</sup> )	---	<del>150</del> <sup>TVS</sup>	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	---	<del>0.47</del> <sup>TVS</sup> *	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
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	TVS	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
		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		

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
Other:		pH	6.5 - 9.0	---	Chromium III	TVS
		chlorophyll a (ug/L)	---	TVS	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
		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		

All metals are 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

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	WL	WL	Aluminum	TVS	TVS
	Recreation E	acute	chronic	Arsenic	340	---
Qualifiers:	D.O. (mg/L)	---	5.0	Arsenic(T)	---	7.6
Other:	D.O. (spawning)	---	7.0	Cadmium	TVS	TVS
	pH	6.5 - 9.0	---	Chromium III	TVS	TVS
	chlorophyll a (ug/L)	---	<del>TVS</del>	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	Water Supply	DM	MWAT	acute	chronic	
OW	Agriculture	CL	CL	Arsenic	340	---
	Aq Life Cold 1	acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	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)	---	<del>8*TVS</del>	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
	<del>Nitrogen</del>	<del>---</del>	<del>TVS</del>	Selenium	TVS	TVS
	Phosphorus	---	<del>0.025*TVS</del>	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

## 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	---
		pH	6.5 - 9.0	---	Chromium III	---	TVS
Qualifiers:					Chlorophyll a (ug/L)	---	8*DUWS
Other:					chlorophyll a (ug/L)	---	TVS
Temporary Modification(s):					E. coli (per 100 mL)	---	126
Arsenic(chronic) = hybrid					Inorganic (mg/L)		
Expiration Date of 12/31/2024						acute	chronic
<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.*Classification: DUWS applies to Strontia Springs Reservoir and Woodland Park Reservoir.</div> <div>*Classification: DUWSNitrogen(chronic) = applies to Strontia Springs and Woodland Park Reservoir only, above the facilities listed at 38.5(4) and in DUWS waterbodies.</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.) and in DUWS waterbodies.</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div> <div>*Temperature = See 38.6(4) for temperature standards.</div>		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
		Nitrogen	---	TVS*	Nickel(T)	---	100
		Phosphorus	---	0.025TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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:  *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)	---	<del>TVS</del>	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	DUWS*	DM	MWAT	acute	chronic
Reviewable	Agriculture	WL	WL	Arsenic	340
	Aq Life Warm 2	acute	chronic	Arsenic(T)	---
	Recreation E	D.O. (mg/L)	5.0	Cadmium	TVS
	Water Supply	pH	6.5 - 9.0	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	Chromium III	---
Other:		chlorophyll a (ug/L)	---	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	Lead	TVS
		Boron	---	Lead(T)	50
		Chloride	250	Manganese	TVS
		Chlorine	0.019	Mercury(T)	---
		Cyanide	0.005	Molybdenum(T)	---
		Nitrate	10	Nickel	TVS
		Nitrite	---	Nickel(T)	---
		Nitrogen	---	Selenium	TVS
		Phosphorus	---	Silver	TVS
		Sulfate	---	Uranium	varies*
		Sulfide	---	Zinc	TVS

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)	---
	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		chlorophyll a (ug/L)	---	Chromium III(T)	50
Other:		E. coli (per 100 mL)	126	Chromium VI	TVS
				Copper	TVS
		Inorganic (mg/L)		Iron	---
		acute	chronic	Iron(T)	---
		Ammonia	TVS	Lead	TVS
		Boron	---	Lead(T)	50
		Chloride	250	Manganese	TVS
		Chlorine	0.019	Mercury(T)	---
		Cyanide	0.005	Molybdenum(T)	---
		Nitrate	10	Molybdenum(T)	---
		Nitrite	---	Nickel	TVS
		Nitrogen	---	Nickel(T)	---
		Phosphorus	---	Selenium	TVS
		Sulfate	---	Silver	TVS
		Sulfide	---	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

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	Temperature °C	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	100	
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)	---	—TVS	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			

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	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:  *See section 38.7 (Marston Forebay). *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	—TVS	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			

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	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:		chlorophyll a (ug/L)	---	—TVS—	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			
	*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*TVS	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). *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.		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	---	0.17TVS*	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: <u>Public Swim Beach*</u>		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. <u>*Public Swim Beach applies to Cherry Creek Reservoir.</u> *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(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	
		<u>Nitrogen</u>	---	-	TVS	Nickel	TVS	TVS
		Phosphorus	---	-TVS-	Nickel(T)	---	100	
		Sulfate	---	WS	Selenium	TVS	TVS	
		Sulfide	---	0.002	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: <u>Public Swim Beach*</u>		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	
*Public Swim Beach applies to Cherry Creek Reservoir.		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	
		Nitrogen	---	-	TVS	Nickel	TVS	TVS
		Phosphorus	---	---	TVS	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 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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	<del>TVS</del>	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
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 <sup>A</sup>	
	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)	---	<del>150</del> <sup>TVS</sup>	Chromium III	---	TVS
*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).		E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
*Phosphorus(chronic) = Applies only above the facilities listed at 38.5(4).		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
		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	---	<del>0.47</del> <sup>TVS</sup> *	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 <sup>A</sup>
	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 38.5(4).</div> <div>*Phosphorus(chronic) = Applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		chlorophyll a (mg/m²)	---	<del>150*</del> TVS	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	---	<del>0.17</del> TVS*	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 <sup>A</sup>		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
<b>Other:</b>  <del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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.		chlorophyll a (mg/m²)	---	<del>150</del> <sup>TVS</sup>	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	---	<del>0.17</del> <sup>TVS*</sup>	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	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Water + Fish Standards		chlorophyll a (ug/L)	---	<del>20</del> <sup>TVS</sup>	Chromium III	---	TVS	
<b>Other:</b>  <del>*chlorophyll a (ug/L)(Nitrogen(chronic) = applies only above the facilities listed at 38.5(4); applies only to lakes and reservoirs larger than 25 acres surface area.)</del> *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(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	
		<u>Nitrogen</u>	---	<del>TVS*</del>	Nickel	TVS	TVS	
		Phosphorus	---	<del>0.083</del> <sup>TVS*</sup>	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 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	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)	---	TVS	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		
		Ammonia			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			
7. Rueter-Hess Reservoir									
COSPCH07	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)	---	DUWS	Chromium III	---	TVS		
Other:		chlorophyll a (ug/L)	---	TVS	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.					Iron(T)	---	1000		
		Ammonia			TVS	TVS	Lead	TVS	TVS
		Boron			---	0.75	Lead(T)	50	---
		Chloride			---	250	Manganese	TVS	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
		Nitrogen			---	TVS	Selenium	TVS	TVS
		Phosphorus			---	TVS	Silver	TVS	TVS
		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.

## 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*TVS	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	---	0.14TVS*	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)	---	TVS	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
*Temperature =		Boron	---	0.75	Lead(T)	50	---
DM=CS-II and MWAT=CS-II from 11/1-3/31		Chloride	---	250	Manganese	TVS	TVS/WS
DM=CS-II and MWAT= 19.3 from 4/1-10/31		Chlorine	0.019	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS	
Temporary Modification(s):		chlorophyll a (ug/L)	7/1 - 9/30	---	12.2*	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	
*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		Inorganic (mg/L)			Iron	---	WS	
		acute		chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	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:		chlorophyll a (ug/L)	---	<del>---</del> DUWS	Chromium III(T)	50	---	
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		<u>chlorophyll a (ug/L)</u>	<del>---</del>	<u>TVS</u>	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	
		<u>Nitrogen</u>	<del>---</del>	<u>TVS</u>	Selenium	TVS	TVS	
		Phosphorus	---	<del>---</del> TVS	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

## 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)	---	TVS	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	Nicel(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)	---	TVS	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		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	---	0.5	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

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	
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)	---	<del>450</del> *TVS	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	---	<del>0.44</del> TVS*	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	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
Water + Fish Standards		chlorophyll a (mg/m²)	---	<del>TVS</del>	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. *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

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	
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
<b>Water + Fish Standards</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS	
<b>Other:</b>		chlorophyll a (mg/m²)	---	<del>450</del> *TVS	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		<b>Inorganic (mg/L)</b>			Iron	---	WS	
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		<b>acute</b>	<b>chronic</b>	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	<del>0.44</del> TVS*	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	
<b>Qualifiers:</b>		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---	
<b>Water + Fish Standards</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS	
<b>Other:</b>		chlorophyll a (mg/m²)	---	<del>450</del> *TVS	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		<b>Inorganic (mg/L)</b>			Iron	---	WS	
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		<b>acute</b>	<b>chronic</b>	Iron(T)	---	1000		
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	<del>0.44</del> TVS*	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
<b>Other:</b>  Temporary Modification(s):  Arsenic(chronic) = hybrid  Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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 <sup>2</sup> )	---	450*TVS	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	---	0.44TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>TVS</del>	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	---	---	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>TVS</del>	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	---	<del>TVS</del>	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	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	---
<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 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	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	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	---
<p>*chlorophyll a (ug/L)(Nitrogen)(chronic) = applies only above the facilities listed at 38.5(4); applies only to lakes and reservoirs larger than 25 acres surface area.</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4); applies only to lakes and reservoirs larger than 25 acres surface area.</p> <p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS*	Nickel(T)	---
		Phosphorus	---	0.025*TVS*	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

## 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)		
<b>Designation</b>	Agriculture		<b>DM</b>	<b>MWAT</b>		<b>acute</b>	<b>chronic</b>
<b>Reviewable</b>	Aq Life Cold 2	Temperature °C	CL	CL	Arsenic	340	---
	Recreation E		<b>acute</b>	<b>chronic</b>	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	6.0	Cadmium	TVS	TVS
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<b>Water + Fish Standards</b>		chlorophyll a (ug/L)	---	-- <u>TVS</u> -	Chromium III(T)	50	---
<b>Other:</b>		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		<b>Inorganic (mg/L)</b>			Copper	TVS	TVS
			<b>acute</b>	<b>chronic</b>	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

\*Uranium(acute) = See 38.5(3) for details.

\*Uranium(chronic) = See 38.5(3) for details.

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)	---	---TVS-	Chromium III	---	TVS
Public Swim Beach*		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
*Public Swim Beach applies to Big Soda Reservoir.		Chloride	---	250	Lead	TVS	TVS
*Nitrogen(chronic) = applies only to Public Swim Beach		Chlorine	0.019	0.011	Lead(T)	50	---
*Phosphorus(chronic) = applies only to Public Swim Beach		Cyanide	0.005	---	Manganese	TVS	TVS/WS
*Uranium(acute) = See 38.5(3) for details.		Nitrate	10	---	Mercury(T)	---	0.01
*Uranium(chronic) = See 38.5(3) for details.		Nitrite	---	0.5	Molybdenum(T)	---	150
		Nitrogen	---	TVS*	Nickel	TVS	TVS
		Phosphorus	---	---TVS*-	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 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	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)	---	<del>TVS</del>	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	---		
		Chloride			---	250	---		
		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

### Clear Creek Basin

1. Mainstem of Clear Creek, including all tributaries and wetlands, from the source to the I-70 bridge above Silver Plume.

COSPCLO1	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 <sup>2</sup> )	---	<del>150*</del> TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Designation: 9/30/00 Baseline does not apply</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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)	---	<del>450</del> *TVS	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
<del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</del>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
*Designation: 9/30/00 Baseline does not apply		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
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Cyanide	0.005	---	Molybdenum(T)	---	150
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS*	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	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 <sup>2</sup> )	---	<del>450</del> *TVS	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
<del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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.		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	TVS	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	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)	---	450*TVS	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). *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. *Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467) *Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		Inorganic (mg/L)			Iron	---	WS
			acute	chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.44TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	—SSE*	SSE*---
					Zinc	SSE*---	—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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (mg/m²)	---	450TVS	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	---
*Zinc(acute) = 0.978e^(0.8537[ln(hardness)]+1.9467)		Boron	---	0.75	Manganese	TVS	TVS/WS
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		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	---	0.44TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Water + Fish Standards		chlorophyll a (mg/m²)	---	450TVS	Chromium III(T)	50	---
Other:		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) = 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	---	0.44TVS	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Water + Fish Standards		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					Zinc	---	SSE*
					Zinc	SSE*	---
	*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)							

All metals are 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:	pH6.5 - 9.0 chlorophyll a (mg/m²)--- <del>450</del> TVS E. coli (per 100 mL)---126  Inorganic (mg/L)  acutechronic AmmoniaTVS TVS Boron---0.75 Chloride---250 Chlorine0.0190.011 Cyanide0.005--- Nitrate10--- Nitrite---0.05 Phosphorus--- <del>0.44</del> TVS Sulfate---WS Sulfide---0.002	pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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:	pH6.5 - 9.0 chlorophyll a (mg/m²)--- <del>450</del> *TVS E. coli (per 100 mL)---126  Inorganic (mg/L)  acutechronic AmmoniaTVS TVS Boron---0.75 Chloride---250 Chlorine0.0190.011 Cyanide0.005--- Nitrate10--- Nitrite---0.05 Phosphorus--- <del>0.44</del> TVS* Sulfate---WS Sulfide---0.002	pH	6.5 - 9.0	---	Chromium III	---	TVS
		chlorophyll a (mg/m²)	---	<del>450</del> *TVS	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	---	<del>0.44</del> TVS*	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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
*Designation: 9/30/00 Baseline does not apply		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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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:		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	10/1 - 11/30	pH	6.5 - 9.0	---	Copper	TVS	TVS
condition*		chlorophyll a (mg/m²)	---	---	Iron(T)	---	1000
temperature(MWAT) = current	4/1 - 5/31	E. coli (per 100 mL)	---	630	Lead	TVS	TVS
condition*					Manganese	TVS	TVS
Expiration Date of 12/31/2023		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
*TempMod: temperature(10/1 - 11/30) = Adopted 6/9/2015		Boron	---	---	Selenium	TVS	TVS
*TempMod: temperature(4/1 - 5/31) = Adopted 6/9/2015		Chloride	---	---	Silver	TVS	TVS(tr)
		Chlorine	0.019	0.011	Uranium	varies*	varies*
		Cyanide	0.005	---	Zinc	TVS	TVS
		Nitrate	---	---			
		Nitrite	---	0.05			
		Phosphorus	---	<del>0.44</del> TVS			
		Sulfate	---	---			
		Sulfide	---	0.002			

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			
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): temperature(MWAT) = current condition* temperature(MWAT) = current condition* Expiration Date of 12/31/2023	10/1 - 11/30	D.O. (spawning)	---	7.0	Chromium VI	TVS TVS	
	4/1 - 5/31	pH	6.5 - 9.0	---	Copper	TVS TVS	
		chlorophyll a (mg/m²)	---	---	Iron(T)	---	1000
		E. coli (per 100 mL)	---	630	Lead	TVS TVS	
					Manganese	TVS TVS	
		Inorganic (mg/L)		Mercury(T)	---	0.01	
			acute	chronic	Molybdenum(T)	---	---
*Uranium(acute) = See 38.5(3) for details.		Ammonia	TVS	TVS	Nickel	TVS TVS	
*Uranium(chronic) = See 38.5(3) for details.		Boron	---	---	Selenium	TVS TVS	
*TempMod: temperature(10/1 - 11/30) = Adopted 6/9/2015		Chloride	---	---	Silver	TVS TVS(tr)	
*TempMod: temperature(4/1 - 5/31) = Adopted 6/9/2015		Chlorine	0.019	0.011	Uranium	varies* varies*	
		Cyanide	0.005	---	Zinc	TVS TVS	
		Nitrate	---	---			
		Nitrite	---	0.05			
		Phosphorus	---	0.44TVS			
		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 12/31/2023  *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *TempMod: temperature(10/1 - 11/30) = Adopted 6/9/2015 *TempMod: temperature(4/1 - 5/31) = Adopted 6/9/2015		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)	---	TVS	Iron(T)	---	1000
		E. coli (per 100 mL)	---	630	Lead	TVS	TVS
				Manganese	TVS	TVS	
		Inorganic (mg/L)		Mercury(T)	---	0.01	
		acute	chronic	Molybdenum(T)	---	---	
		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			
		Nitrogen	---	TVS			
		Phosphorus	---	TVS			
Sulfate	---	---					
Sulfide	---	0.002					

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)	---	TVS	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	---	---					

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:		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)	---	<del>150</del> TVS	Iron	---	---
		E. coli (per 100 mL)	---	126	Lead	---	---
					Manganese	---	---
					Mercury(T)	---	---
					Molybdenum(T)	---	---
					Nickel	---	---
					Selenium	---	---
					Silver	---	---
					Uranium	varies*	varies*
					Zinc	---	---

All metals are 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	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 <sup>2</sup> )	---	450*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*chlorophyll a (mg/m <sup>2</sup> )(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.		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	---	0.44TVS*	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	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	---
Designation: 9/30/00 Baseline does not apply		chlorophyll a (mg/m <sup>2</sup> )	---	450TVS	Chromium III(T)	50
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.					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	---	0.44TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS
						200

All metals are 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
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 <sup>2</sup> )	---	450*TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	TVS
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Iron	---
*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
*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
		Chlorine	0.019	0.011	Mercury(T)	---
		Cyanide	0.005	---	Molybdenum(T)	---
		Nitrate	10	---	Nickel	TVS
		Nitrite	---	0.05	Nickel(T)	---
		Phosphorus	---	0.14TVS*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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
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 <sup>2</sup> )	---	TVS	Chromium III(T)	50
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Chromium VI	TVS
Expiration Date of 12/31/2024					Copper	---
*Uranium(acute) = See 38.5(3) for details.		Inorganic (mg/L)			Iron	---
*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
*Zinc(chronic) = 0.986e^(0.8537[ln(hardness)]+1.8032)		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	---
					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 <sup>A</sup>
	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Designation: 9/30/00 Baseline does not apply</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> <u>TVS</u>	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	---	<del>0.44</del> <u>TVS</u> *	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):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> <u>TVS</u>	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Designation: 9/30/00 Baseline does not apply</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute	chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> <u>TVS</u> *	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
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)	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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 <sup>2</sup> )	---	<del>150</del> TVS	Chromium III(T)	50	---
Temporary Modification(s):		E. coliE. 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
<del>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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.		acute	chronic	Iron(T)	---	5400	
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
		Zinc	---	740			

\*chlorophyll a (mg/m<sup>2</sup>)(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.

All metals are 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 <sup>A</sup>	
	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)	---	<del>TVS</del>	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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	<del>---</del> TVS	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

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	Water Supply	DM	MWAT	acute	chronic		
UP	Agriculture	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Aq Life Warm 2	acute	chronic	Arsenic(T)	---	0.02-10	<sup>A</sup>
	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)	---	<del>150</del> TVS	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	---	0.05	Molybdenum(T)	---	150
		Phosphorus	---	<del>0.47</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	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	Water Supply	DM	MWAT		acute	chronic	
UP	Agriculture	Temperature °C	WS-II	WS-II	Arsenic	340	---
	Aq Life Warm 2	acute	chronic		Arsenic(T)	---	0.02-10 <sup>A</sup>
	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)	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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

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:  *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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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)	---	<del>8</del> DUWS	Chromium III(T)	50	---
Other:  *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		<del>chlorophyll a (ug/L)</del>	---	TVS	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
		<del>Nitrogen</del>	---	<del>TVS</del>	Selenium	TVS	TVS
		Phosphorus	---	<del>0.025</del> TVS	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

## 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/m²)	---	<del>450</del> TVS	Chromium III(T)	50	---
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
		Inorganic (mg/L)			Copper	TVS	TVS
		acute	chronic	Iron	---	WS	
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(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	---	<del>0.44</del> TVS	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS(tr)
		Uranium	varies*	varies*			
		Zinc	TVS	TVS			
		17a. 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)	---	<del>450</del> TVS	Chromium III	---	TVS
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	TVS
		acute	chronic	Copper	TVS	TVS	
*Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(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	---	<del>0.47</del> TVS	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
		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)	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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	<sup>A</sup>	
	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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:  *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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Nickel(T)	---
		Phosphorus	---	0.025*TVS	Selenium	TVS
		Sulfate	---	250	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	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
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
Other:		pH	6.5 - 9.0	---	Chromium III	---
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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 <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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*DUWS	Chromium III(T)	50
		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	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)	---
		Nitrogen	---	TVS	Selenium	TVS
		Phosphorus	---	0.025*TVS	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

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
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Designation: 9/30/00 Baseline does not apply <del>*Phosphorus(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Chromium III(T)	---	100
		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS			
		Phosphorus	---	0.025*TVS			
		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	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Water + Fish Standards		chlorophyll a (ug/L)	---	8*DUWS	Chromium III(T)	50	---
Other:		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS	TVS
<del>*chlorophyll a (ug/L)(chronic) = applies only to lakes and reservoirs larger than 25 acres surface area.</del> *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.		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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

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*DUWS	Chromium III(T)	50	---
Water + Fish Standards		<u>chlorophyll a (ug/L)</u>	---	TVS	Chromium VI	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 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		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
		<u>Nitrogen</u>	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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

## 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	WL	WL	Arsenic	340
	Recreation E	acute	chronic	Arsenic(T)	---
	Water Supply	---	5.0	Cadmium	TVS
	DUWS*	pH	6.5 - 9.0	Cadmium(T)	5.0
Qualifiers:		chlorophyll a (ug/L)	---	Chromium III	TVS
Other:		chlorophyll a (ug/L)	---	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	WS
		Inorganic (mg/L)		Iron(T)	1000
		acute	chronic	Lead	TVS
		Ammonia	TVS	Lead(T)	50
		Boron	0.75	Manganese	TVS/WS
		Chloride	250	Mercury(T)	0.01
		Chlorine	0.011	Molybdenum(T)	150
		Cyanide	---	Nickel	TVS
		Nitrate	10	Nickel(T)	100
		Nitrite	0.5	Selenium	TVS
		Nitrogen	---	Silver	TVS
		Phosphorus	0.083TVS*	Uranium	varies*
		Sulfate	WS	Zinc	TVS
		Sulfide	0.002		

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	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)	100
		chlorophyll a (ug/L)	---	Chromium VI	TVS
		E. coli (per 100 mL)	126	Copper	TVS
				Iron(T)	1000
		Inorganic (mg/L)		Lead	TVS
		acute	chronic	Manganese	TVS
		Ammonia	TVS	Mercury(T)	0.01
		Boron	0.75	Molybdenum(T)	---
		Chloride	---	Nickel	TVS
		Chlorine	0.011	Selenium	TVS
		Cyanide	---	Silver	TVS(tr)
		Nitrate	100	Uranium	varies*
		Nitrite	0.05	Zinc	TVS
		Nitrogen	---		
		Phosphorus	0.025*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 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.

COSPBD01	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture	DM		MWAT	acute		chronic
UP	Aq Life Warm 1	WS-I		WS-I	Arsenic	340	---
	Water Supply	acute		chronic	Arsenic(T)	---	0.02-10 <sup>A</sup>
	Recreation E	---		5.0	Beryllium(T)	---	100
<b>Qualifiers:</b>		pH		6.5 - 9.0	---	---	TVS
<b>Fish Ingestion Standards Do Not Apply</b>		chlorophyll a (mg/m <sup>2</sup> )		---	450*TVS	---	---
<b>Other:</b>		E. coli (per 100 mL)		---	126	---	TVS
<p>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</p> <p>*Selenium(acute) = 19.1 ug/L from 11/1 - 3/31 TVS from 4/1 - 10/31.</p> <p>Refer to Section 38.6(4)(d).</p> <p>*Selenium(chronic) = 15 ug/L from 11/1 - 3/31 7.4 ug/L from 4/1 - 10/31.</p> <p>Refer to Section 38.6(4)(d).</p> <p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p>		Inorganic (mg/L)			Chromium III	---	TVS
		acute		chronic	Chromium III(T)	50	---
		Ammonia		TVS	TVS	TVS	TVS
		Boron		---	0.75	---	WS
		Chloride		---	250	---	1000
		Chlorine		0.019	0.011	TVS	TVS
		Cyanide		0.005	---	Lead	TVS
		Nitrate		10	---	Lead(T)	50
		Nitrite		---	4.5	Manganese	TVS
		Phosphorus		---	0.47*TVS*	TVS	TVS/WS
		Sulfate		---	WS	Mercury(T)	---
		Sulfide		---	0.002	---	0.01
					Molybdenum(T)	---	150
					Nickel	TVS	TVS
					Nickel(T)	---	100
					Selenium	---	varies*
					Selenium	varies*	---
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	TVS

2. Standley Lake.

COSPBD02	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	---		5.0	Beryllium(T)	---	4.0
<b>Qualifiers:</b>		D.O. (mg/L)		---	5.0	---	TVS
<b>Other:</b>		pH		6.5 - 9.0	---	---	TVS
<p>Temporary Modification(s):</p> <p>Arsenic(chronic) = hybrid</p> <p>Expiration Date of 12/31/2024</p> <p>*chlorophyll a (ug/L)(chronic) = The trophic status of Standley Lake shall be maintained as mesotrophic as measured by a combination of common indicator parameters such as total phosphorus, chlorophyll a, secchi depth, and dissolved oxygen. Refer to Section 38.6(4)(e).</p> <p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(T)(chronic) = 3(t) Picocuries/Liter. See 38.6(4) for additional standards for segment 2.</p>		chlorophyll a (ug/L)		---	4.0*	---	---
		E. coli (per 100 mL)		---	126	---	TVS
		Inorganic (mg/L)			Chromium III	---	TVS
		acute		chronic	Chromium III(T)	50	---
		Ammonia		TVS	TVS	TVS	TVS
		Boron		---	0.75	---	WS
		Chloride		---	250	---	1000
		Chlorine		0.019	0.011	TVS	TVS
		Cyanide		0.005	---	Lead	TVS
		Nitrate		10	---	Lead(T)	50
		Nitrite		---	0.5	Manganese	TVS
		Nitrogen		---	TVS	TVS	TVS/WS
		Phosphorus		---	TVS	Mercury(T)	---
		Sulfate		---	WS	---	0.01
		Sulfide		---	0.002	Molybdenum(T)	---
					Nickel	TVS	150
					Nickel(T)	---	TVS
					Selenium	TVS	100
					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)	--- <del>TVS</del>	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 <sup>A</sup>
	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/m <sup>2</sup> )	--- <del>150TVS</del>	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	--- <del>0.47TVS</del>	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 <sup>A</sup>
	Water Supply	D.O. (mg/L)	---	5.0	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	TVS
<div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(T)(chronic) = See 38.6(4) for additional standards for segment 4b.</div>		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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 <sup>A</sup>
	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 <sup>2</sup> )	---	---	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	---	0.17TVS	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	acute	chronic	
		WL	WL					
UP	Aq Life Warm 2	Temperature °C				Arsenic	340	---
	Recreation N					Arsenic(T)	---	0.02-10 <sup>A</sup>
	Water Supply					Beryllium(T)	---	4.0
Qualifiers:		D.O. (mg/L)				Cadmium	TVS	TVS
<b>Other:</b>  *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.		pH	6.5 - 9.0	---		Cadmium(T)	5.0	---
		chlorophyll a (ug/L)	---	20*TVS		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(T)	---	1000
		Boron	---	0.75		Lead	TVS	TVS
		Chloride	---	---		Lead(T)	50	---
		Chlorine	0.019	0.011		Manganese	TVS	TVS
		Cyanide	0.005	---		Mercury(T)	---	0.01
		Nitrate	10	---		Molybdenum(T)	---	150
		Nitrite	---	0.5		Nickel	TVS	TVS
		Nitrogen	---	TVS		Nickel(T)	---	100
		Phosphorus	---	0.083*TVS		Selenium	TVS	TVS
		Sulfate	---	---		Silver	TVS	TVS
		Sulfide	---	0.002		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	acute	chronic	
		WS-I	WS-I					
UP	Aq Life Warm 2	Temperature °C				Arsenic	340	---
	Recreation E					Arsenic(T)	---	0.02-10 <sup>A</sup>
	Water Supply					Cadmium	TVS	TVS
Qualifiers:		D.O. (mg/L)				Cadmium(T)	5.0	---
<b>Other:</b>  *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---		Cadmium(T)	5.0	---
		chlorophyll a (mg/m <sup>2</sup> )	---	150TVS		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	---	0.17TVS		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.							
COSPB07	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
Qualifiers:		chlorophyll a (ug/L)	---	20*DUWS	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (ug/L)	---	TVS	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	---	0.5	Molybdenum(T)	---	150
		Nitrogen	---	TVS*	Nickel	TVS	TVS
		Phosphorus	---	0.083TVS*	Nickel(T)	---	100
		Sulfate	---	WS	Selenium	TVS	TVS
		Sulfide	---	0.002	Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	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.\*Classification: DUWS applies to Welton Reservoir.

\*Classification: DUWSNitrogen(chronic) = applies to Welton Reservoir only: above the facilities listed at 38.5(4) and in DUWS waterbodies.

\*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.) and in DUWS waterbodies.

\*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

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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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/m²)	---	<del>150</del> <u>TVS</u>	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
<del>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</del>		Inorganic (mg/L)			Iron	---	WS
<del>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</del>		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	---	<del>0.14</del> <u>TVS</u> *	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.							
COSPBO02B	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)	---	450*TVS	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	---	0.44TVS*	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)	---	450*TVS	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	---	0.44TVS*	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	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	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)	---	<del>450*</del> TVS	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	---	<del>0.44</del> TVS*	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 <sup>A</sup>
	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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 <sup>A</sup>
	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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.17</del> TVS	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:  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)	---	<del>TVS</del>	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
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 <sup>A</sup>
	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)	---	<del>150TVS</del>	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	---	<del>0.44TVS</del>	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:		chlorophyll a (mg/m²)	---	<del>150</del> TVS	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	---	<del>0.47</del> TVS	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)	---	<del>TVS</del>	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

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/m <sup>2</sup> )	---	<del>---</del> TVS	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. *Uranium(chronic) = See 38.5(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	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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	450*TVS	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	---	0.47TVS*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	TVS	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

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:  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)	---	TVS	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		
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:  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)	---	TVS	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		

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)	---	<del>TVS</del>	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		DM	MWAT	acute	chronic	
OW	Agriculture	CL	CL	Arsenic	340	---
	Aq Life Cold 1	acute	chronic	Arsenic(T)	---	0.02
	Recreation E	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*TVS	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	Iron(T)	---	1000
		Boron	0.75	Lead	TVS	TVS
		Chloride	250	Lead(T)	50	---
		Chlorine	0.019	Manganese	TVS	TVS/WS
		Cyanide	0.005	Mercury(T)	---	0.01
		Nitrate	10	Molybdenum(T)	---	150
		Nitrite	0.05	Nickel	TVS	TVS
		Nitrogen	TVS	Nickel(T)	---	100
		Phosphorus	0.025*TVS	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	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	8*DUWS	Chromium III(T)	50	---
Temporary Modification(s):		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)			Iron	---	WS
<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.*Classification: DUWS applies to Lakewood Reservoir.</div> <div>*Classification: DUWSNitrogen(chronic) = applies to Lakewood Reservoir only; above the facilities listed at 38.5(4) and in DUWS waterbodies.</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;) and in DUWS waterbodies.</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div> <div>*Temperature = DM and MWAT=CL,CLL from 1/1-3/31 Barker Reservoir DM=CL and MWAT=16.6 from 4/1-12/31 All others DM and MWAT=CL,CLL from 4/1-12/31</div>		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Nitrogen	---	TVS*	Selenium	TVS	TVS
		Phosphorus	---	0.025TVS*	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	Zinc	TVS	TVS

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 <sup>A</sup>
	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*DUWS	Chromium III(T)	50	---
<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.*Classification: DUWS applies to Kossler Lake.</div> <div>*Classification: DUWSNitrogen(chronic) = applies to Kossler Lake only, above the facilities listed at 38.5(4) and in DUWS waterbodies.</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-) and in DUWS waterbodies.</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)	---	TVS	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
		Nitrogen	---	TVS*	Selenium	TVS	TVS
		Phosphorus	---	0.025TVS*	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

## 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	WL	WL	Temperature °C	340	---	
	Recreation E	acute	chronic		---	0.02-10 <sup>A</sup>	
	Water Supply	---	5.0	D.O. (mg/L)	TVS	TVS	
Qualifiers:		6.5 - 9.0	---	pH	5.0	---	
Other:		---	<del>TVS</del>	chlorophyll a (ug/L)	---	TVS	
		---	126	E. coli (per 100 mL)	50	---	
		Inorganic (mg/L)			TVS	TVS	
		acute	chronic		TVS	TVS	
		TVS	TVS	Ammonia	---	WS	
		---	0.75	Boron	---	1000	
		---	250	Chloride	TVS	TVS	
		0.019	0.011	Chlorine	50	---	
		0.005	---	Cyanide	TVS	TVS/WS	
		10	---	Nitrate	---	0.01	
		---	0.5	Nitrite	---	150	
		---	---	Phosphorus	TVS	TVS	
		---	WS	Sulfate	---	100	
		---	0.002	Sulfide	TVS	TVS	
					TVS	TVS	
					varies*	varies*	
					TVS	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	WL	WL	Temperature °C	340	---	
	Recreation E	acute	chronic		---	0.02	
	Water Supply	---	5.0	D.O. (mg/L)	TVS	TVS	
	DUWS*	6.5 - 9.0	---	pH	5.0	---	
Qualifiers:		---	<del>DUWS</del>	chlorophyll a (ug/L)	---	TVS	
Water + Fish Standards		---	TVS	chlorophyll a (ug/L)	50	---	
Other:		---	126	E. coli (per 100 mL)	TVS	TVS	
		Inorganic (mg/L)			TVS	TVS	
		acute	chronic		TVS	TVS	
		TVS	TVS	Ammonia	---	WS	
		---	0.75	Boron	---	1000	
		---	250	Chloride	TVS	TVS	
		0.019	0.011	Chlorine	50	---	
		0.005	---	Cyanide	TVS	TVS/WS	
		10	---	Nitrate	---	0.01	
		---	0.5	Nitrite	---	150	
		---	TVS*	Nitrogen	TVS	TVS	
		---	<del>TVS*</del>	Phosphorus	---	100	
		---	WS	Sulfate	TVS	TVS	
		---	0.002	Sulfide	TVS	TVS	
					varies*	varies*	
					TVS	TVS	

Temporary Modification(s):  
 Arsenic(chronic) = hybrid  
 Expiration Date of 12/31/2024  
 \*Classification: DUWS applies to Goosehaven Reservoir, Erie Lake, Twomile Canyon Reservoir, Baseline Reservoir, Marshall Reservoir, Thomas Reservoir, and Waneka Reservoir ~~only~~.  
 \*Nitrogen(chronic) = applies only to DUWS waterbodies  
 \*Phosphorus(chronic) = applies only to DUWS waterbodies  
 \*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

18. Gross Reservoir.						
COSPBO18	Classifications	Physical and Biological			Metals (ug/L)	
Designation	Agriculture	DM	MWAT		acute	chronic
Reviewable	Aq Life Cold 1	varies*	varies*	Temperature °C	Arsenic	340
	Recreation E	acute	chronic		Arsenic(T)	0.02
	Water Supply	D.O. (mg/L)	6.0		Cadmium	TVS
<b>Qualifiers:</b>  <b>Other:</b>  *chlorophyll a (ug/L)(Nitrogen(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		D.O. (spawning)	7.0		Cadmium(T)	5.0
		pH	6.5 - 9.0		Chromium III	TVS
		chlorophyll a (ug/L)	8*TVS		Chromium III(T)	50
		E. coli (per 100 mL)	126		Chromium VI	TVS
					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	0.011	Mercury(T)	0.01
		Cyanide	0.005		Molybdenum(T)	150
		Nitrate	10		Nickel	TVS
		Nitrite	0.05		Nickel(T)	100
		Nitrogen	TVS*		Selenium	TVS
		Phosphorus	0.025TVS*		Silver	TVS(tr)
		Sulfate	WS		Uranium	varies*
		Sulfide	0.002		Zinc	TVS

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

D.O. = dissolved oxygen  
 DM = daily maximum  
 MWAT = maximum weekly average temperature  
 See 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 <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.14</del> TVS	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/m²)	---	<del>150</del> *TVS	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	
<div>*chlorophyll a (mg/m²)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS	
		acute		chronic	Iron(T)	---	1000	
		Ammonia	TVS	TVS	Lead	TVS	TVS	
		Boron	---	0.75	Lead(T)	50	---	
		Chloride	---	250	Manganese	TVS	TVS/WS	
		Chlorine	0.019	0.011	Mercury(T)	---	0.01	
		Cyanide	0.005	---	Molybdenum(T)	---	150	
		Nitrate	10	---	Nickel	TVS	TVS	
		Nitrite	---	0.05	Nickel(T)	---	100	
		Phosphorus	---	<del>0.14</del> *TVS*	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/m²)	---	450*TVS	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	---	0.44TVS*	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/m²)	---	TVS	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

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/m²)	---	---TVS	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

## 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	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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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)	---	150TVS	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	---	0.44TVS	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	Water Supply	DM	MWAT	acute	chronic		
Reviewable	Agriculture	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Aq Life Cold 1	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150TVS	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	---	0.44TVS	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	Water Supply	DM	MWAT		acute	chronic	
Reviewable	Agriculture	Temperature °C	CS-II	CS-II	Arsenic	340	---
	Aq Life Cold 1	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.44</del> TVS	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	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Temporary Modification(s):		chlorophyll a (mg/m <sup>2</sup> )	---	---TVS	Chromium III(T)	---	100
Iron(chronic) = current condition*		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
Expiration Date of 12/31/2023		Inorganic (mg/L)			Copper	TVS	TVS
		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	Manganese	TVS	TVS
*TempMod: Iron = Adopted 12/12/2016		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			

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 <sup>A</sup>
	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 <sup>2</sup> )	---	---TVS	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

## 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)	---	---DUWS	Chromium III	---	TVS	
Other:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  *Classification: DUWS applies to Boulder <u>Reservoir</u> , Spurgeon <u>Reservoir</u> , and Left Hand Valley <u>Reservoirs-onlyReservoir</u> . <u>*Nitrogen(chronic) = applies only to DUWS waterbodies</u> <u>*Phosphorus(chronic) = applies only to DUWS waterbodies</u>  *Uranium(acute) = See 38.5(3) for details.  *Uranium(chronic) = See 38.5(3) for details.		<u>chlorophyll a (ug/L)</u>	---	<u>TVS</u>	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	---	0.5	Nickel(T)	---	100	
		<u>Nitrogen</u>	---	<u>TVS</u>	Selenium	TVS	TVS	
		Phosphorus	---	---TVS	Silver	TVS	TVS	
Sulfate	---	WS	Uranium	varies*	varies*			
Sulfide	---	0.002	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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	TVS	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

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	CL,CLL	CL,CLL	Temperature °C	340	---
	Recreation E	acute	chronic			
	Water Supply	---	6.0	Arsenic(T)	---	0.02
Qualifiers:	<b>Public Swim Beach*</b>	D.O. (mg/L)	---	Cadmium	TVS	TVS
		D.O. (spawning)	---	Cadmium(T)	5.0	---
Other:		pH	6.5 - 9.0	Chromium III	---	TVS
		chlorophyll a (ug/L)	---	Chromium III(T)	50	---
Temporary Modification(s):	Arsenic(chronic) = hybrid	E. coli (per 100 mL)	---	Chromium VI	TVS	TVS
			126	Copper	TVS	TVS
Expiration Date of 12/31/2024		Inorganic (mg/L)		Iron	---	WS
		acute	chronic	Iron(T)	---	1000
*Public Swim Beach applies to Union Reservoir.	*Nitrogen(chronic) = applies only to Public Swim Beach	Ammonia	TVS	Lead	TVS	TVS
		Boron	---	Lead(T)	50	---
*Phosphorus(chronic) = applies only to Public Swim Beach		Chloride	---	Manganese	TVS	TVS/WS
		Chlorine	0.019	Mercury(T)	---	0.01
*Uranium(acute) = See 38.5(3) for details.	*Uranium(chronic) = See 38.5(3) for details.	Cyanide	0.005	Molybdenum(T)	---	150
		Nitrate	10	Nickel	TVS	TVS
		Nitrite	---	Nickel(T)	---	100
		Nitrogen	---	Selenium	TVS	TVS
		Phosphorus	---	Silver	TVS	TVS(tr)
		Sulfate	---	Uranium	varies*	varies*
		Sulfide	---	Zinc	TVS	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	CL	CL	Temperature °C	340	---
	Recreation E	acute	chronic			
	Water Supply	---	6.0	Arsenic(T)	---	0.02
	DUWS*	D.O. (mg/L)	---	Cadmium	TVS	TVS
Qualifiers:		D.O. (spawning)	---	Cadmium(T)	5.0	---
		pH	6.5 - 9.0	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	Chromium III(T)	50	---
		chlorophyll a (ug/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.*Classification: DUWS applies to Joder Reservoir.	*Classification: DUWSNitrogen(chronic) = applies to Joder Reservoir only, above the facilities listed at 38.5(4) and in DUWS waterbodies.	E. coli (per 100 mL)	---	Copper	TVS	TVS
			126	Iron	---	WS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4), applies only to lakes and reservoirs larger than 25 acres surface area.) and in DUWS waterbodies.		Inorganic (mg/L)		Iron(T)	---	1000
		acute	chronic	Lead	TVS	TVS
*Uranium(acute) = See 38.5(3) for details.	*Uranium(chronic) = See 38.5(3) for details.	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
		Nitrogen	---	Silver	TVS	TVS(tr)
		Phosphorus	---	Uranium	varies*	varies*
		Sulfate	---	Zinc	TVS	TVS
		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

## 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	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 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	TVS	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	
		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	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)	---	TVS	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

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 <sup>A</sup>	
	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)	--- <del>---DUWS -</del>	Chromium III	--- TVS	
<b>Other:</b>  *Classification: DUWS applies to Burch lake onlyLake. *Nitrogen(chronic) = applies only to DUWS waterbodies *Phosphorus(chronic) = applies only to DUWS waterbodies  *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		<del>chlorophyll a (ug/L)</del>	<del>---</del> <del>TVS</del>	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	---	0.5	Nickel	TVS TVS
		<del>Nitrogen</del>	<del>---</del> -	<del>TVS</del>	Nickel(T)	--- 100
		Phosphorus	---	<del>---TVS -</del>	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

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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0
Other:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  *Ammonia(acute) = See section 38.6(4) for site-specific standards. *Ammonia(chronic) = See section 38.6(4) for site-specific standards. *Copper(acute) = Copper BLM-based FMB Cu FMB(ac)=26.4 ug/l *Copper(chronic) = Copper BLM-based FMB Cu FMB(ch)=18.0 ug/l *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.	chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III	---	TVS
	E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
	Inorganic (mg/L)		Chromium VI	TVS	TVS	TVS
	acute	chronic	Copper	26.4*	---	---
	Ammonia	TVS*	TVS*	Copper	---	18.0*
	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*	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
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/m <sup>2</sup> )	---	TVS	Chromium III	---	TVS
	E. coli (per 100 mL)	---	126	Chromium III(T)	50	---
	Inorganic (mg/L)		Chromium VI	TVS	TVS	TVS
	acute	chronic	Copper	TVS	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

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		DM	MWAT	acute	chronic	
UP	Agriculture	WS-I	WS-I	Arsenic	340	---
	Aq Life Warm 2	acute	chronic	Arsenic(T)	---	0.02
	Recreation E	D.O. (mg/L)	---	Cadmium	TVS	TVS
	Water Supply	pH	6.5 - 9.0	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m <sup>2</sup> )	---	Chromium III	---	TVS
Water + Fish Standards		E. coli (per 100 mL)	---	Chromium III(T)	50	---
Other:		Inorganic (mg/L)		Chromium VI	TVS	TVS
Temporary Modification(s):		Ammonia	TVS	Copper	TVS	TVS
Arsenic(chronic) = hybrid		Boron	---	Iron	---	WS
Expiration Date of 12/31/2024		Chloride	---	Iron(T)	---	1000
*chlorophyll a (mg/m <sup>2</sup> )(chronic) = applies only above the facilities listed at 38.5(4).		Chlorine	0.019	Lead	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Cyanide	0.005	Lead(T)	50	---
*Uranium(acute) = See 38.5(3) for details.		Nitrate	10	Manganese	TVS	TVS/WS
*Uranium(chronic) = See 38.5(3) for details.		Nitrite	---	Mercury(T)	---	0.01
		Phosphorus	---	Molybdenum(T)	---	150
		Sulfate	---	Nickel	TVS	TVS
		Sulfide	---	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

## 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
<div>Other:</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div> <div>*D.O. (mg/L)(chronic) = When water is present, D.O. concentrations shall be maintained at levels that protect classified uses.</div>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
		chlorophyll a (mg/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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
		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (mg/m2ug/L)	---	TVS	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

All metals are 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 <sup>A</sup>		
	Water Supply	D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS	
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---	
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.		chlorophyll a (mg/m <sup>2</sup> )	---	---	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	TVS/WS	
		Nitrate	10	---	Mercury(T)	---	0.01	
		Nitrite	---	0.5	Molybdenum(T)	---	150	
		Phosphorus	---	0.17TVS*	Nickel	TVS	TVS	
		Sulfate	---	WS	Nickel(T)	---	100	
		Sulfide	---	0.002	Selenium	TVS	TVS	
					Silver	TVS	TVS	
					Uranium	varies*	varies*	
					Zinc	TVS	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	TVS	
Other:  *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.		pH	6.5 - 9.0	---	Chromium III	TVS	TVS	
		chlorophyll a (mg/m <sup>2</sup> )	---	---	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	10	---	Silver	TVS	TVS	
		Phosphorus	---	---	Uranium	varies*	varies*	
		Sulfate	---	---	Zinc	TVS	TVS	
		Sulfide	---	0.002				

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				
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	TVS
Other:  *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.		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	10	---	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

## 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	---	0.47TVS*	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:		pH	6.5 - 9.0	---	Cadmium	---	---
		chlorophyll a (mg/m <sup>2</sup> )	---	---	Cadmium(T)	---	10
		E. coli (per 100 mL)	---	630	Chromium III	---	---
		Inorganic (mg/L)			Chromium III(T)	---	100
		acute	chronic		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	---	<del>0.17</del> IVS*	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
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m2ug/L)	---	---TVS	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

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	---
<div>Other:</div> <div>*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.⌵</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/Lmg/m²)	---	20*TVS	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
		Nitrogen	---	TVS	Nickel	TVS	TVS
		Phosphorus	---	0.083TVS*	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 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:		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 (mg/m²)	---	<del>450</del> TVS	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		
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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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.		chlorophyll a (mg/m²)	---	<del>450*</del> TVS	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	TVS	---
		Inorganic (mg/L)			Copper	---	7.5*
					Copper	11*	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 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 <sup>2</sup> )	---	TVS	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
						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 <sup>2</sup> )	---	TVS	Chromium III(T)	---
		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	---	---	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)	---	<del>TVS</del>	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)	---	<del>TVS</del>	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	---	<del>TVS</del>	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

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
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 <sup>2</sup> )	---	450*TVS	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
		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	---	0.44TVS*	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

\*chlorophyll a (mg/m<sup>2</sup>)(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.

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
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 <sup>2</sup> )	---	450TVS	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
		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	---	0.44TVS	Selenium	TVS
		Sulfate	---	WS	Silver	TVS
		Sulfide	---	0.002	Uranium	varies*
					Zinc	TVS

\*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

## 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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	<del>150</del> *TVS	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	---	<del>0.47</del> TVS*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
					Zinc	TVS	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	
		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
Qualifiers:		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
Other:		chlorophyll a (mg/m²)	---	<del>150</del> *TVS	Chromium III(T)	---	100
*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).		Inorganic (mg/L)			Copper	TVS	TVS
*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	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	---	<del>0.47</del> TVS*	Uranium	varies*	varies*
		Sulfate	---	---	Zinc	TVS	TVS
		Sulfide	---	0.002			

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	TVS
<b>Other:</b>  *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*TVS	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	---	0.47TVS*	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

## 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)	---	DUWS -	Chromium III(T)	50	---
		chlorophyll a (ug/L)	---	TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	TVS -	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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)	---	DUWS -	Chromium III	---	TVS
Other:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  *Classification: DUWS Appliesapplies to Boyd Lake and Lake LovelandLakes-only. *Nitrogen(chronic) = applies only to DUWS waterbodies *Phosphorus(chronic) = applies only to DUWS waterbodies *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	TVS	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	---	0.5	Nickel	TVS	TVS
		Nitrogen	---	TVS*	Nickel(T)	---	100
		Phosphorus	---	TVS* -	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS
		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)	---	<del>DUWS</del>	Chromium III	---	TVS
Other:		<del>chlorophyll a (ug/L)</del>	---	<del>TVS</del>	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
*Classification: DUWS <u>Applies</u> to Boyd <u>Lake</u> and <u>Lake</u> Loveland <u>Lakes</u> only. <u>*Nitrogen(chronic) = applies only to DUWS waterbodies</u> <u>*Phosphorus(chronic) = applies only to DUWS waterbodies</u>  *Uranium(acute) = See 38.5(3) for details.  *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
		<u>Nitrogen</u>	---	<u>TVS*</u>	Selenium	TVS	TVS
		Phosphorus	---	<del>TVS*</del>	Silver	TVS	TVS
		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.

# 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	TVS
	DUWS	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	---DUWS -	Chromium III	---	TVS
Water + Fish Standards		chlorophyll a (ug/L)	---	TVS	Chromium III(T)	50	---
Other:		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
					Uranium	varies*	varies*
					Zinc	TVS	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	TVS
	DUWS*	pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Qualifiers:		chlorophyll a (ug/L)	---	---DUWS -	Chromium III	---	TVS
Other:		chlorophyll a (ug/L)	---	TVS	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
					Uranium	varies*	varies*
					Zinc	TVS	TVS
	Temporary Modification(s):						
	Arsenic(chronic) = hybrid						
Expiration Date of 12/31/2024							
*Classification: DUWS applies to Lonetree Reservoir-only.							
*Nitrogen(chronic) = applies only to DUWS waterbodies							
*Phosphorus(chronic) = applies only to DUWS waterbodies							
*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

## 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		acute	chronic			0.02
		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)	---	TVS	Chromium III(T)	50
*Uranium(acute) = See 38.5(3) for details.		E. coli (per 100 mL)	---	126	Chromium VI	TVS
					Chromium VI	TVS
*Uranium(chronic) = See 38.5(3) for details.					Copper	TVS
					Iron	---
		Inorganic (mg/L)			Iron(T)	---
		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

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		acute	chronic			0.02
		D.O. (mg/L)	---	6.0	Cadmium	TVS
DUWS*		D.O. (spawning)	---	7.0	Cadmium(T)	5.0
		pH	6.5 - 9.0	---	Chromium III	---
Qualifiers:		chlorophyll a (ug/L)	---	DUWS	Chromium III(T)	50
Other:		chlorophyll a (ug/L)	---	TVS	Chromium VI	TVS
		E. coli (per 100 mL)	---	126	Copper	TVS
Temporary Modification(s):					Iron	---
					Iron(T)	---
Arsenic(chronic) = hybrid					Lead	TVS
					Lead(T)	50
Expiration Date of 12/31/2024					Manganese	TVS
					Mercury(T)	---
*Classification: DUWS applies to St. Mary's Lake and Mirror Lake only.					Molybdenum(T)	---
					Nickel	TVS
*Nitrogen(chronic) = applies only to DUWS waterbodies					Nickel(T)	---
					Selenium	TVS
*Phosphorus(chronic) = applies only to DUWS waterbodies					Silver	TVS
					Uranium	varies*
*Uranium(acute) = See 38.5(3) for details.					Zinc	TVS
*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

## 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 ---
<b>Qualifiers:</b>		chlorophyll a (ug/L)	--- <del>DUWS</del>	Chromium III	--- TVS
<b>Water + Fish Standards</b>		<u>chlorophyll a (ug/L)</u>	--- <u>TVS</u>	Chromium III(T)	50 ---
<b>Other:</b>		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
*Classification: DUWS applies to Pinewood Lake only.		Ammonia	TVS TVS	Lead(T)	50 ---
*Nitrogen(chronic) = applies only to DUWS waterbodies		Boron	--- 0.75	Manganese	TVS TVS/WS
*Phosphorus(chronic) = applies only to DUWS waterbodies		Chloride	--- 250	Mercury(T)	--- 0.01
*Uranium(acute) = See 38.5(3) for details.		Chlorine	0.019 0.011	Molybdenum(T)	--- 150
*Uranium(chronic) = See 38.5(3) for details.		Cyanide	0.005 ---	Nickel	TVS TVS
		Nitrate	10 ---	Nickel(T)	--- 100
		Nitrite	--- 0.5	Selenium	TVS TVS
		<u>Nitrogen</u>	--- <u>TVS*</u>	Silver	TVS TVS
		Phosphorus	--- <del>TVS*</del>	Uranium	varies* varies*
		Sulfate	--- WS	Zinc	TVS TVS
		Sulfide	--- 0.002		

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
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III	--- TVS
*Uranium(acute) = See 38.5(3) for details.		chlorophyll a (ug/L)	--- <del>TVS</del>	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	--- ---	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	WL		WL	Arsenic		---
	Recreation E	acute		chronic	Arsenic(T)		0.02
	Water Supply	D.O. (mg/L)		---	Cadmium		TVS
Qualifiers:		pH		6.5 - 9.0	Cadmium(T)		---
Other:  *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)		---	Chromium III		TVS
		E. coli (per 100 mL)		126	Chromium III(T)		---
		Inorganic (mg/L)			Chromium VI		TVS
		acute		chronic	Copper		TVS
		Ammonia		TVS	Iron		WS
		Boron		0.75	Iron(T)		1000
		Chloride		250	Lead		TVS
		Chlorine		0.019	Lead(T)		---
		Cyanide		0.005	Manganese		TVS/WS
		Nitrate		10	Mercury(T)		0.01
		Nitrite		0.5	Molybdenum(T)		150
		Phosphorus		---	Nickel		TVS
		Sulfate		WS	Nickel(T)		100
		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

## 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)	---	<del>150</del> TVS	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 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	---	<del>0.14</del> TVS	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
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)	---	<del>150</del> TVS	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
<div>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.14</del> TVS*	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

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/m <sup>2</sup> )	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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:  *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)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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.				
<b>COSPCP04</b>	<b>Classifications</b>	<b>Physical and Biological</b>		<b>Metals (ug/L)</b>
<b>Designation</b>		<b>DM</b>	<b>MWAT</b>	<b>acute</b> <b>chronic</b>
<b>Qualifiers:</b>		acute	chronic	
<b>Other:</b>				
		Inorganic (mg/L)		
		acute	chronic	

5. Deleted.				
<b>COSPCP05</b>	<b>Classifications</b>	<b>Physical and Biological</b>		<b>Metals (ug/L)</b>
<b>Designation</b>		<b>DM</b>	<b>MWAT</b>	<b>acute</b> <b>chronic</b>
<b>Qualifiers:</b>		acute	chronic	
<b>Other:</b>				
		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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>450</del> TVS	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	---	<del>0.14</del> TVS	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>---</del> TVS	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	150*TVS	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
<div>*chlorophyll a (mg/m2)(chronic)= applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	0.14TVS*	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
<b>Qualifiers:</b>		acute	chronic		
<b>Other:</b>					
		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
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 <sup>2</sup> )	---	TVS	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

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/m <sup>2</sup> )	---	TVS	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	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	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

11. Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to Prospect Road.						
COSPCP11	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
	Water Supply*	acute	chronic	Arsenic(T)	---	0.02*
	Recreation E	D.O. (mg/L)	---	6.0	Arsenic(T)	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS
<b>Other:</b>  *Classification: effective 12/31/2025 *Chloride(chronic) = effective 12/31/2025 *Nitrate(acute) = effective 12/31/2025 *Nitrite(acute) = effective 12/31/2025 *Sulfate(chronic) = effective 12/31/2025 *Arsenic(T)(chronic) = effective 12/31/2025 *Cadmium(T)(acute) = effective 12/31/2025 *Chromium III(T)(acute) = effective 12/31/2025 *Iron(chronic) = effective 12/31/2025 *Lead(T)(acute) = effective 12/31/2025 *Manganese(chronic) = effective 12/31/2025 *Nickel(T)(chronic) = effective 12/31/2025 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		pH	6.5 - 9.0	---	Cadmium(T)	5.0*
		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Chromium III	TVS
		E. coli (per 100 mL)	---	126	Chromium III(T)	50*
		Inorganic (mg/L)		TVS	Chromium VI	TVS
				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	---	Manganese	---
		Nitrate	10*	---	Mercury(T)	---
		Nitrate	100	---	Molybdenum(T)	---
		Nitrite	1*	2.7	Nickel	TVS
		Phosphorus	---	---	Nickel(T)	---
		Sulfate	---	WS*	Selenium	TVS
		Sulfide	---	0.002	Silver	TVS
					Uranium	varies*
					Zinc	TVS
12a. Mainstem of the Cache La Poudre River from Prospect Road to U.S. Hwy 85 in Greeley.						
COSPCP12A	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	Arsenic(T)	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
<b>Other:</b>  *Classification: effective 12/31/2025 *Chloride(chronic) = effective 12/31/2025 *Nitrate(acute) = effective 12/31/2025 *Nitrite(acute) = effective 12/31/2025 *Sulfate(chronic) = effective 12/31/2025 *Arsenic(T)(chronic) = effective 12/31/2025 *Cadmium(T)(acute) = effective 12/31/2025 *Chromium III(T)(acute) = effective 12/31/2025 *Iron(chronic) = effective 12/31/2025 *Lead(T)(acute) = effective 12/31/2025 *Manganese(chronic) = effective 12/31/2025 *Nickel(T)(chronic) = effective 12/31/2025 *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m <sup>2</sup> )	---	TVS	Cadmium(T)	5.0*
		E. coli (per 100 mL)	---	126	Chromium III	TVS
		Inorganic (mg/L)		TVS	Chromium III(T)	50*
				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*	---	Manganese	---
		Nitrate	100	---	Mercury(T)	---
		Nitrite	1*	2.7	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

## 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)	---	---TVS	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	
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\*TVS	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	---	0.17TVS\*	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	---
<b>Other:</b>  Temporary Modification(s):  Arsenic(chronic) = hybrid  Expiration Date of 12/31/2024  <i>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).</i> <i>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</i> <i>*Uranium(acute) = See 38.5(3) for details.</i> <i>*Uranium(chronic) = See 38.5(3) for details.</i>		chlorophyll a (mg/m²)	---	<del>TVS</del>	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	---	<del>TVS</del>	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:  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/m <sup>2</sup> )	---	<del>150</del> TVS	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	---	<del>0.11</del> TVS	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
			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:  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  <del>*chlorophyll a (mg/m2)(chronic) = applies only above the facilities listed at 38.5(4).</del> *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)	---	<del>150</del> *TVS	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	---	<del>0.17</del> TVS*	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* <sup>B</sup>	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)	--- <del>DUWS</del>	Chromium III(T)	50 ---
		<u>chlorophyll a (ug/L)</u>	--- <u>TVS</u>	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
		<u>Nitrogen</u>	--- <u>TVS</u>	Selenium	TVS TVS
		Phosphorus	--- <del>TVS</del>	Silver	TVS TVS(tr)
		Sulfate	--- WS	Uranium	varies* varies*
		Sulfide	--- 0.002	Zinc	TVS 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 TVS
Qualifiers:		D.O. (spawning)	--- 7.0	Cadmium(T)	5.0 ---
Other:		pH	6.5 - 9.0 ---	Chromium III	--- TVS
		chlorophyll a (ug/L)	--- <del>TVS</del>	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

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	WL		WL	340		---
	Recreation E	acute		chronic	---		7.6
<b>Qualifiers:</b>		D.O. (mg/L)	---	5.0	Cadmium	TVS	TVS
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	TVS	TVS
<p>*chlorophyll a (ug/L)(Nitrogen(chronic) = applies only above the facilities listed at 38.5(4); <del>applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4); <del>applies only to lakes and reservoirs larger than 25 acres surface area.</del></p> <p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p>		chlorophyll a (ug/L)	---	29*TVS	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
		Nitrogen	---	TVS*	Uranium	varies*	varies*
		Phosphorus	---	0.083TVS*	Zinc	TVS	TVS
		Sulfate	---	---			
		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	CL		CL	340		---
	Recreation E	acute		chronic	---		0.02
	Water Supply	D.O. (mg/L)		6.0	Cadmium	TVS	TVS
<b>Qualifiers:</b>		D.O. (spawning)		7.0	Cadmium(T)	5.0	---
<b>Other:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<p>*Uranium(acute) = See 38.5(3) for details.</p> <p>*Uranium(chronic) = See 38.5(3) for details.</p>		chlorophyll a (ug/L)	---	TVS	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	
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T) 5.0 ---	
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III --- TVS	
		chlorophyll a (ug/L)	--- <del>8*TVS</del>	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	
		<u>Nitrogen</u>	--- - <u>TVS</u>	Nickel(T) --- 100	
		Phosphorus	--- <del>0.025*TVS</del>	Selenium TVS TVS	
		Sulfate	--- WS	Silver TVS TVS(tr)	
		Sulfide	--- 0.002	Uranium varies* varies*	
				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	
<b>Qualifiers:</b>		D.O. (spawning)	--- 7.0	Cadmium(T) 5.0 ---	
<b>Other:</b>		pH	6.5 - 9.0 ---	Chromium III --- TVS	
		chlorophyll a (ug/L)	--- <del>8*TVS</del>	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	
		<u>Nitrogen</u>	--- - <u>TVS*</u>	Nickel(T) --- 100	
		Phosphorus	--- <del>0.025*TVS</del>	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

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
		D.O. (spawning)	---	7.0	Cadmium(T)	5.0	---
<b>Qualifiers:</b>		pH	6.5 - 9.0	---	Chromium III	---	TVS
<b>Water + Fish Standards</b>		chlorophyll a (ug/L)	---	8*TVS	Chromium III(T)	50	---
<b>Other:</b>  *chlorophyll a (ug/L)(Nitrogen(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		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
		Nitrogen	---	TVS*	Nickel(T)	---	100
		Phosphorus	---	0.025TVS*	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 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 <sup>A</sup>
	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*DUWS	Chromium III	---	TVS
<b>Other:</b>  *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. *Classification: DUWSNitrogen(chronic) = applies to North Poudre Reservoir No. 3 only; above the facilities listed at 38.5(4) and in DUWS waterbodies. *Phosphorus(chronic) = applies only above the facilities listed at 38.5(4); applies only to lakes and reservoirs larger than 25 acres surface area-) and in DUWS waterbodies. *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (ug/L)	---	TVS	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	---	0.5	Nickel	TVS	TVS
		Nitrogen	---	TVS*	Nickel(T)	---	100
		Phosphorus	---	0.083TVS*	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

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:		chlorophyll a (ug/L)	---	—TVS—	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			
	*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

## 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 <sup>2</sup> )	---	<del>TVS</del>	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	---	<del>TVS</del>	Selenium	TVS	TVS
		Sulfate	---	WS	Silver	TVS	TVS(tr)
		Sulfide	---	0.002	Uranium	varies*	varies*
					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/m²)	---	<del>450</del> TVS	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	---	<del>0.44</del> TVS	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
Temporary Modification(s):		chlorophyll a (mg/m²)	---	<del>TVS</del>	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	---	---	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:		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*TVS	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 38.5(3) for details.					Copper	TVS	TVS
*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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	Silver	TVS	TVS(tr)
		Sulfate	---	WS	Uranium	varies*	varies*
		Sulfide	---	0.002	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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		chlorophyll a (ug/L)	---	8*TVS	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
		Nitrogen	---	TVS	Selenium	TVS	TVS
		Phosphorus	---	0.025*TVS	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

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:		pH	6.5 - 9.0	---	Chromium III	---	TVS
<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 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		chlorophyll a (ug/L)	---	8±TVS	Chromium III(T)	50	---
		E. coli (per 100 mL)	---	126	Chromium VI	TVS	TVS
					Copper	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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Other:		chlorophyll a (mg/m²)	---	TVS	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 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	TVS
Qualifiers:		pH	6.5 - 9.0	---	Cadmium(T)	5.0	---
Water + Fish Standards		chlorophyll a (mg/m²)	---	TVS	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

All metals are 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)	---
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS
<b>Other:</b>  Temporary Modification(s): Arsenic(chronic) = hybrid Expiration Date of 12/31/2024  Discharger Specific Variance(s): Ammonia(ac/ch) = See Section 38.6(6) for details on the variance for the Town of Crook. Expiration Date of 12/31/2025  *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/m <sup>2</sup> )	---	150*TVS	Cadmium(T)	5.0
		E. coli (per 100 mL)	---	126	Chromium III	---
		Inorganic (mg/L)		TVS	Chromium III(T)	50
		acute	chronic	TVS	Chromium VI	TVS
		Ammonia	TVS	TVS	Copper	TVS
		Boron	---	0.75	Iron	---
		Chloride	---	250	Iron(T)	---
		Chlorine	0.019	0.011	Lead	TVS
		Cyanide	0.005	---	Lead(T)	50
		Nitrate	10	---	Manganese	TVS
		Nitrite	---	0.5	Mercury(T)	---
		Phosphorus	---	0.17TVS*	Molybdenum(T)	---
		Sulfate	---	WS	Nickel	TVS
		Sulfide	---	0.002	Nickel(T)	---
					Selenium	TVS
					Silver	TVS
					Uranium	varies*
					Zinc	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
Qualifiers: <u>Public Swim Beach*</u>		pH	6.5 - 9.0	---	Cadmium(T)	5.0
<b>Other:</b>  <u>*Public Swim Beach applies to North Sterling Reservoir.</u> <u>*chlorophyll a (ug/L)(Nitrogen)(chronic) = applies only above the facilities listed at 38.5(4) and in Public Swim Beach; applies only to lakes and reservoirs larger than 25 acres surface area-).</u> <u>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4) and in Public Swim Beach; applies only to lakes and reservoirs larger than 25 acres surface area-).</u> *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details. *Temperature = See 38.6(4) for temperature standards.		chlorophyll a (ug/L)	---	20*TVS	Chromium III	---
		E. coli (per 100 mL)	---	126	Chromium III(T)	50
		Inorganic (mg/L)		TVS	Chromium VI	TVS
		acute	chronic	TVS	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)	---
		Nitrogen	---	TVS*	Nickel	TVS
		Phosphorus	---	0.083TVS*	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 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	WL	WL	Arsenic	340	---
	Recreation E	acute	chronic	Arsenic(T)	---	0.02
	Water Supply	D.O. (mg/L)	---	Beryllium(T)	---	4.0
Qualifiers:		pH	6.5 - 9.0	Cadmium	TVS	TVS
Water + Fish Standards		chlorophyll a (ug/L)	---	Cadmium(T)	5.0	---
Other:		E. coli (per 100 mL)	---	Chromium III	---	TVS
		Inorganic (mg/L)		Chromium III(T)	50	---
		acute	chronic	Chromium VI	TVS	TVS
		Ammonia	TVS	Copper	TVS	TVS
		Boron	---	Iron	---	WS
		Chloride	---	Iron(T)	---	1000
		Chlorine	0.019	Lead	TVS	TVS
		Cyanide	0.005	Lead(T)	50	---
		Nitrate	10	Manganese	TVS	TVS/WS
		Nitrite	---	Mercury(T)	---	0.01
		<u>Nitrogen</u>	---	Molybdenum(T)	---	150
		Phosphorus	---	Nickel	TVS	TVS
		Sulfate	---	Nickel(T)	---	100
		Sulfide	---	Selenium	TVS	TVS
				Silver	TVS	TVS
				Uranium	varies*	varies*
				Zinc	TVS	TVS

\*~~chlorophyll a (ug/L)(Nitrogen)~~(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.

All metals are 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.							
COSPRE01	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)	---	TVS	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.							
COSPRE02	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 <sup>2</sup> )	---	<del>450</del> *TVS	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
<div>*chlorophyll a (mg/m<sup>2</sup>)(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Phosphorus(chronic) = applies only above the facilities listed at 38.5(4).</div> <div>*Uranium(acute) = See 38.5(3) for details.</div> <div>*Uranium(chronic) = See 38.5(3) for details.</div>		Inorganic (mg/L)			Iron	---	WS
		acute		chronic	Iron(T)	---	1000
		Ammonia	TVS	TVS	Lead	TVS	TVS
		Boron	---	0.75	Lead(T)	50	---
		Chloride	---	250	Manganese	TVS	TVS/WS
		Chlorine	0.019	0.011	Mercury(T)	---	0.01
		Cyanide	0.005	---	Molybdenum(T)	---	150
		Nitrate	10	---	Nickel	TVS	TVS
		Nitrite	---	0.05	Nickel(T)	---	100
		Phosphorus	---	<del>0.44</del> TVS*	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/m²)	---	<del>450</del> TVS	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	---	<del>0.47</del> TVS	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.							
COSPREG05	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:  *Uranium(acute) = See 38.5(3) for details. *Uranium(chronic) = See 38.5(3) for details.		chlorophyll a (mg/m²)	---	150TVS	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	---	0.47TVS	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 Republican River system in Colorado, including all wetlands, except for listings in segments 1, 3, 4 and 5.							
COSPREG06	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)	---	100
Qualifiers:		pH	6.5 - 9.0	---	Cadmium	TVS	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.		chlorophyll a (mg/m²)	---	150*TVS	Cadmium(T)	5.0	---
		E. coli (per 100 mL)	---	205	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	---	0.47TVS*	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

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.								
COSPREF07	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	
<b>Other:</b>  *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*TVS	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	---	0.47TVS*	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.						
		COSPREF08	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	
<b>Other:</b>  *chlereophyll a (ug/L)(Nitrogen)(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 (ug/L)	---	20*TVS	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	
		Nitrogen	---	TVS*	Molybdenum(T)	---	150	
		Phosphorus	---	0.083TVS*	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 the Republican River and Smoky Hill River in Colorado.							
COSPREF08	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)	---	20*TVS	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
		Nitrogen	---	TVS*	Molybdenum(T)	---	150
		Phosphorus	---	0.083TVS*	Nickel	TVS	TVS
		Sulfate	---	WS	Nickel(T)	---	100
		Sulfide	---	0.002	Selenium	TVS	TVS
					Silver	TVS	TVS
					Uranium	varies*	varies*
				Zinc	TVS	TVS	

\*chlorophyll a (ug/L)(Nitrogen)(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.

All metals are 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.





# Notice of Proposed Rulemaking

**Tracking number**

2022-00606

**Department**

1100 - Department of Labor and Employment

**Agency**

1101 - Division of Labor Standards and Statistics (Includes 1103 Series)

**CCR number**

7 CCR 1103-6

**Rule title**

PREVAILING WAGE AND RESIDENCY (PWR) RULES

## Rulemaking Hearing

**Date**

11/01/2022

**Time**

03:00 PM

**Location**

633 17th Street, 12th Floor, Denver, CO 80202

**Subjects and issues involved**

Prevailing Wage and Residency (PWR) Rules, 7 CCR 1103-6. The Prevailing Wage and Residency Rules is a revised rule set combining the Divisions existing rule set regarding the Keep Jobs in Colorado Act (KJICA), C.R.S. § 8-17-101 et seq. (previously titled the Keep Jobs in Colorado Act Rules), with a new set of requirements from the Colorado Quality Apprenticeship Training Act of 2019 (Prevailing Wage Act or PWA), C.R.S. § 24-92-201 et seq.

**Statutory authority**

These Rules are issued under the authority, and as enforcement, of Articles 1, 4 and 17 of C.R.S. (Colorado Revised Statutes) Title 8 (2022), and Article 92 of C.R.S. Title 24, including but not limited to statutes listed in the Prevailing Wage and Residency Rules (PWR), Rule 1.1 (incorporated into this Part II), and are intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.

## Contact information

**Name**

Michael Primo

**Title**

Rule Coordinator

**Telephone**

3033188462

**Email**

michael.primo@state.co.us

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Labor Standards and Statistics

### KEEP JOBS IN COLORADO ACT RULESPREVAILING WAGE AND RESIDENCY (PWR) RULES

#### 7 CCR 1103-6

##### Rule 1. Statement of Purpose; Dual Jurisdiction; Separability

- 1.1** ~~The general purpose of the Keep Jobs in Colorado Act Rules is to implement the provisions of C.R.S. § 8-17-101 et seq. These rules are adopted pursuant to the Division of Labor Standards and Statistics' authority in C.R.S. § 8-1-107(2)(p), § 8-1-103(3), § 8-1-111, and § 8-17-101, et seq.~~ The general purpose of these Prevailing Wage and Residency (PWR) Rules, 7 CCR 1103-6, is to exercise the authority of this Division to administer and enforce the Keep Jobs in Colorado Act (KJICA), C.R.S. Title 8, Article 17, C.R.S. § 8-17-101 et seq., and the Colorado Quality Apprenticeship Training Act of 2019, C.R.S. Title 24, Article 92, Part 2, C.R.S. § 24-92-201 et seq. (Prevailing Wage Act). These rules are issued under the authority and as enforcement of Articles 1, 4, 6, 17, and 24 of C.R.S. Title 8 (2023); C.R.S. § 24-92-209(7); and C.R.S. §§ 8-17-104 and -106; and are intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.
- 1.2** Incorporations by Reference. Hereby incorporated by reference into these PWR Rules are Title 8, Articles 1, 4, 6, and 17 of the Colorado Revised Statutes (C.R.S.) (2023); Title 24, Article 92, of the C.R.S.; the Wage Protection Rules, 7 CCR 1103-7 (2023); the Colorado WARNING Rules, 7 CCR 1103-11 (2023); and the Davis Bacon Act and its implementing regulations, 40 U.S.C. § 3141 et seq. Earlier versions of such laws and rules may apply to events that occurred in prior years. Incorporation excludes later amendments to or editions of the constitution, statutes, and rules; all cited laws are incorporated in the forms that are in effect as of the effective date of these Rules. Where these Rules reference another rule, the reference shall be deemed to include all subparts of the referenced rule. Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern, so long as they are consistent with Colorado statutory and constitutional provisions. Except where any of these Rules, or any other Colorado rules or statutes, provide otherwise, these Rules, as well as the Acts that these rules implement and enforce (KJICA and Prevailing Wage Act), should be interpreted consistently with the federal Davis-Bacon Act and its implementing regulations, 40 U.S.C. § 3141 et seq. All sources cited or incorporated by reference are available for public inspection at the Colorado Department of Labor and Employment, Division of Labor Standards & Statistics, 633 17th Street, Denver CO 80202. Copies may be obtained from the Division at a reasonable charge or can be accessed from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of them at cost upon request or provide the requestor information on how to obtain a certified copy of the material incorporated by reference from the agency originally issuing them. All Division rules are publicly available at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov).
- 1.3** Administration and Dual Jurisdiction. The Division shall have jurisdiction over all questions arising with respect to the administration and interpretation of these Rules. Pursuant to C.R.S. § 24-92-202(3), the Department of Personnel and Administration (DPA) may promulgate additional rules applicable to rights under C.R.S. Title 24, Article 92, Part 2. Given the remedial purposes of the Prevailing Wage Act, in the event of any conflict between the DPA's rules and these Rules, the rule(s) providing greater protection for the rights of employees shall govern. Whenever employers are subject to both Colorado and federal and/or local law, the law providing the greater protection or setting the higher standard shall apply. For information on federal law, contact the U.S. Department of Labor, Wage and Hour Division.

- 1.4 Separability. These Rules are intended to remain in effect to the maximum extent possible. If any part (including any section, sentence, clause, phrase, word, or number) is held invalid, (A) the remainder of the Rules remain valid, and (B) if the provision is held not wholly invalid, but merely in need of narrowing, the provision should be retained in narrowed form.

## **Rule 2. Definitions**

- 2.1** Any reference made to “the law” means the Keep Jobs in Colorado Act, C.R.S. § 8-17-101, et seq. “Agency of government” as used in the Prevailing Wage Act, C.R.S. § 24-92-201(1) means any agency, department, division, board, bureau, commission, institution, or section of the state, which is a budgetary unit exercising construction contracting authority or discretion. “Agency of government” does not include any county, city and county, city, municipality, town, school district, special district, or any other political subdivision of the state.
- 2.1.1** “Contracting Agency” is the specific agency of government with which a Contractor or Subcontractor has a contract for a public project.
- 2.2** “Authorized representative” means a person who is designated by a party to a complaint to represent the party during the Division’s complaint and/or appeal process.
- 2.32** “Colorado labor” as used in KJICA, § 8-17-101(2)(a), means labor that is performed on a public project by any person who is a resident of the state of Colorado, at the time of the public works project, without discrimination as to race, color, creed, sex, sexual orientation, marital status, national origin, ancestry, age, or religion, except when sex or age is a bona fide occupational qualification.
- 2.32.1** A resident of the state of Colorado is a person who can provide a valid Colorado driver’s license, a valid Colorado state-issued photo identification, or other documentation showing that the person he or she has resided in Colorado for the last thirty days, and includes any persons who establish residency during the course of the project.
- 2.43** “Contractor” as used in the Prevailing Wage Act, C.R.S. § 24-92-201(2), means any employer, person, entity, individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons that has a contract for a public project with a Contracting Agency.
- 2.53** “Davis Bacon Act” refers to the Davis-Bacon and Related Acts (DBRA), 40 U.S.C. § 3141 et seq. 29 C.F.R. §§ 1, 3, 5, 6, 7, and any related regulat
- 2.64** “Director” means the Director of the Colorado Division of Labor Standards and Statistics, or his or her designee.
- 2.75** “Division” means the Division of Labor Standards and Statistics within the Colorado Department of Labor and Employment.
- 2.86** “Employees” and/or “workers” under KJICA and Prevailing Wage Act.
- 2.8.12.9** Under KJICA, § 8-17-101(2)(a), a “worker” is defined pursuant to the Davis Bacon Act, 29 C.F.R. § 5.2. Workers are those whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual.
- 2.8.2** Under the Prevailing Wage Act, C.R.S. § 24-92-201(4), “employees” are workers who are employees pursuant to the Colorado Wage Act, C.R.S. § 8-4-101(5), and who are

engaged by contractors or subcontractors to perform jobs on various types of public projects, including as mechanics, laborers, or other construction workers.

**2.96** "Fringe benefit", as used in KJICA, C.R.S. § 8-17-105, is defined pursuant to the Davis Bacon Act, 29 C.F.R. § 5.23. Fringe benefit includes the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workers pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workers affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits.

**2.107** "Public works project" or "public project" have the following definitions: shall have the same meaning as "public project" as defined in C.R.S. § 8-19-102(2).

**2.10.1** ~~i. In accordance with Under KJICA, C.R.S. § 8-17-101(2)(b), C.R.S. § 24-103-908(1), and C.R.S. § 24-92-102(8), "public works project" has the same meaning as "public project", and~~ is defined as:

- (A) any public project as defined in C.R.S. § 24-92-102(8), including any construction, alteration, repair, demolition, or improvement of any land, building, structure, facility, road, highway, bridge, or other public improvement suitable for and intended for use in the promotion of the public health, welfare, or safety and any maintenance programs for the upkeep of such projects, including any such project awarded by any county, including any home rule county, municipality, as defined in C.R.S. § 31-1-101(6), school district, special district, or other political subdivision of the state. It does not include any project;
  - i. ~~Public works project under rule 2.7(i)(a) does not include any project~~ for which appropriation or expenditure of moneys may be reasonably expected not to exceed five hundred thousand dollars in the aggregate for any fiscal year.
  - ii. ~~Public works project under rule 2.7(i)(a) does not include any project~~ under the supervision of the department of transportation for which appropriation or expenditure of funds may be reasonably expected not to exceed ~~twoone~~ hundred fifty thousand dollars in the aggregate of any fiscal year.
  - ~~iii.~~ that is financed with any amount of federal money.
- (B) any publicly funded contract for construction entered into by a governmental body of the executive branch of ~~the~~ the state of Colorado which is subject to the "Procurement Code", articles 101 to 112 of title 24, C.R.S.; and
- (C) any highway or bridge construction, whether undertaken by the department of transportation or by any political subdivision of ~~the~~ the state of Colorado, in which the expenditure of funds may be reasonably expected to exceed fifty thousand dollars.

**2.10.2** Under the Prevailing Wage Act, C.R.S. § 24-92-201, "public project" means any construction, alteration, repair, demolition, or improvement of any land, building, structure, facility, road, highway, bridge, or other public improvement suitable for and intended for use in the promotion of public health, welfare, or safety and any operation or

maintenance programs for the operation and upkeep of such projects. "Public project" includes any work, construction, or repair performed by a private party through a contract to rent, lease, or purchase at least fifty percent of the project by one or more agencies of government, and may include projects undertaken pursuant to contracts awarded under Title 24, Article 92, Part 1, C.R.S., or under Title 24, Article 93, C.R.S. Public projects that receive federal funding and public projects whose contracting agency is the Department of Transportation are not subject to the requirements of Title 24, Article 92, Part 2, C.R.S. or these Rules.

**2.118** "Site of the project" as used in KJICA, C.R.S. § 8-17-105, is defined pursuant to the Davis Bacon Act, 29 C.F.R. § 5.2. Site of the project is the physical place or places where the building or work called for in the contract will remain; and any other site where a significant portion of the building or work is constructed, provided that such site is established specifically for the performance of the contract or project.

**2.11.18** Not included in the site of the project are permanent home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular public works contract or project.

**2.12** A "wage determination" as defined by the Prevailing Wage Act, C.R.S. § 24-92-205(1), is the determination made by the Colorado Department of Personnel and Administration establishing prevailing wage rates for the applicable trade or occupation and the particular geographical locality of the public project. A "wage determination" includes the original decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original decision.

**2.13** "Wages," "scale of wages," "wage rates," "minimum wages," and "prevailing wages" as defined by the Prevailing Wage Act, C.R.S. § 24-92-201(6), means:

(A) The employee's basic hourly rate of pay;

(B) Any contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a bona fide fringe benefit fund, plan, or program; and

(C) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing bona fide fringe benefits to laborers, mechanics, and other construction workers pursuant to an enforceable commitment to carry out a financially responsible plan or program, which was communicated in writing to the workers affected in advance.

Unless otherwise noted, when used herein, the term "wages" includes fringe benefits, except where it is used to refer to wages as defined in the Colorado Wage Act, C.R.S. § 8-4-101(14).

**2.14** A "willful violation," as defined by the Prevailing Wage Act, C.R.S. § 24-92-209(2)(b), includes an intentional violation and a violation made with reckless disregard or deliberate ignorance of the law. A contractor or subcontractor acts with "reckless disregard" of the requirements of the law if, for example, it should have inquired further into whether its conduct was in compliance with the law and failed to make adequate further inquiry. Whether employees accepted or agreed to accept less than the required rate of wages or voluntarily made refunds is not a defense to willfulness.

~~**2.8** "Site of the project" is defined pursuant to the Davis Bacon Act, 29 C.F.R. § 5.2. Site of the project is the physical place or places where the building or work called for in the contract will remain; and any other site where a significant portion of the building or work is constructed, provided that such site is established specifically for the performance of the contract or project.~~

~~2.8.1~~ Not included in the site of the project are permanent home offices, branch plant establishments, fabrication plants, tool yards, etc., of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to a particular public works contract or project.

~~2.9~~ "Worker" is defined pursuant to the Davis Bacon Act, 29 C.F.R. § 5.2. Workers are those whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term does not apply to workers whose duties are primarily administrative, executive, or clerical, rather than manual.

### **Rule 3. Eighty Percent KJICA: The "Colorado Labor" Requirement and Contractor Obligations**

~~3.1~~ Under C.R.S. § 8-17-101(1), workers meeting the Rule 2.3 definition of "Colorado labor" are required ~~Whenever any public works project financed in whole or in part by funds of the state, counties, school districts, or municipalities of the state of Colorado are undertaken in this state, Colorado labor shall be employed to perform at least eighty percent of the work on public projects undertake in the state of Colorado and financed in whole or in part by funds of the state of Colorado or its counties, school districts, or municipalities, unless the requirement is waived by governmental body financing the public works project.~~

3.2 Compliance with Rule 3.1 is measured over the entirety of the completed project, and is determined using the total taxable wages ~~plus and~~ fringe benefits paid to workers meeting the Rule 2.8.1 definition of "Colorado labor," minus any per diem payments made to such workers.

~~3.3~~ In order to meet the Rule 2.3 definition of "Colorado labor," workers must provide contractors with adequate proof of residency.

~~3.3.13.3~~ Each contractor shall retain the documentation required under the law for at least ninety days after the completion of the project.

~~3.32.24~~ Workers who establish residency during the course of the project also qualify as "Colorado labor" under Rule 2.3.

~~3.3.37.2~~ The dDivision assesses the acceptability and validity of residency documentation on a case-by-case basis. The dDivision examines the totality of the circumstances and the evidence provided for each covered worker in the reviewing of residency documentation. Examples of potentially acceptable residency documentation may include, but not limited to:

- (A) valid Colorado's driver's license or ~~valid Colorado~~ state-issued photo identification;
- (B) Colorado voter registration;
- (C) utility or water bill;
- (D) rental lease;
- (E) state income tax returns; and/or
- (F) documentation reflecting ownership of residential real property in Colorado.

~~3.3.43.2.4~~ The following documentation must be provided by the contractor to the dDivision in the event of an investigation:

(A) documentation reflecting the taxable wages and fringe benefits for each covered worker on the public works project; and

(B) the required residency documentation for each covered worker on the public works project.

**3.44.4** The governmental body financing a public works project shall waive the eighty percent requirement if there is reasonable evidence to demonstrate insufficient Colorado labor to perform the work of the project and if compliance with the law would create an undue burden that would substantially prevent a project from proceeding to completion.

**3.4.14.1.1** A governmental body that allows a waiver shall post notice of the waiver and a justification for the waiver on its website.

**3.4.24.1.2** A governmental body shall not impose contractual damages on a contractor for a delay in work due to the waiver process.

**3.55.4** All contracts let for public works financed in whole or in part by funds of the state, counties, school districts, or municipalities of the state of Colorado shall contain provisions for the preference in employment of Colorado labor.

#### **Rule 4. ~~Waivers of the Eighty Percent Colorado Labor Requirement~~**

~~4.1 The governmental body financing a public works project shall waive the eighty percent requirement if there is reasonable evidence to demonstrate insufficient Colorado labor to perform the work of the project and if compliance with the law would create an undue burden that would substantially prevent a project from proceeding to completion.~~

~~4.1.1 A governmental body that allows a waiver shall post notice of the waiver and a justification for the waiver on its website.~~

~~4.1.2 A governmental body shall not impose contractual damages on a contractor for a delay in work due to the waiver process.~~

#### **Rule 4. Prevailing Wage Act: Contractor Payment Obligations**

**4.1** A contractor or subcontractor is required to pay all laborers, mechanics, and other construction workers all wages owed under the Prevailing Wage Act, C.R.S. § 24-92-202(6), no less frequently than once every seven calendar days (not workdays), regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such employees.

**4.2** A contractor or subcontractor may discharge its minimum obligation for the payment of wages as contained in a wage determination by paying all employees the full amount unconditionally and at least once per week, the prevailing wage as defined in Rule 2.13.

**4.3** An employee performing multiple positions with differing prevailing wage rates or classifications must be paid the appropriate wages on the wage determination for the classification(s) of work actually performed, without regard to skill.

#### **Rule 5. Filing and Investigation of Complaints**

##### **5.1 KJICA Complaints**

**5.1.18.4** A person who alleges a potential violation of KJICA may file a complaint with the Division within ninety days after the date the public project was has been completed (not the date that the work was performed).



~~(A)8.1.1~~ Anonymous complaints are not accepted by the ~~D~~ivision.

~~(B)8.1.2~~ Complaints shall be filed using the ~~D~~ivision-approved form, ~~and t~~The complaint shall include the complainant's signature, contact information, and the basis for the complaint. Failure to include this information on the complaint form may result in administrative dismissal of the complaint.

~~8.1.3~~ ~~The complaint shall include the complainant's signature, contact information, and the basis for the complaint. Failure to include this information on the complaint form may result in administrative dismissal of the complaint.~~

~~5.1.28.2~~ Upon the receipt of a ~~KJICA~~ complaint, the ~~D~~ivision shall notify the contractor of the complaint ~~in writing via U.S. mail. In the event that the contractor cannot be contacted via U.S. mail, or other circumstances exist which warrant the use of other contact methods, the division shall utilize other methods to contact the contractor.~~

~~5.1.3~~ Either party may designate an authorized representative to act on its behalf in filing a complaint with the Division. The party may designate an authorized representative by filing the Division-approved form with the Division. The party may revoke the authorized representative's authority by contacting the Division in writing.

~~5.1.48.3~~ The ~~D~~ivision ~~shall~~ commences the investigation only after ~~at the~~ completion of the project.

~~5.1.5~~ The Division investigates KJICA complaints pursuant to the Wage Protection Rules, 7 CCR 1103-7, to the extent not inconsistent with those Rules.

## **5.2 Prevailing Wage Act Complaints**

~~5.2.1~~ An employee, former employee, or contracting agency ("complainant") may file a complaint with the contracting agency for a public project regarding any perceived violation of the prevailing wage requirements of Title 24, Article 92, Part 2 or Rule 4 of these Rules.

~~(A)~~ A complainant may, but is not required to, use the Division's public project prevailing wage complaint form to file a complaint with the contracting agency.

~~(B)~~ Upon receipt of a complaint, the contracting agency shall report the perceived violation to the contractor of the project, and, if applicable, the subcontractor which is the subject of the complaint within 48 hours of being made aware of the alleged violation.

~~(C)~~ If, within fifteen days of being notified of the alleged violation, the contractor or subcontractor (1) demonstrates to the contracting agency that no violation occurred or that any violation was the result of legitimate administrative error and (2) remedies any violation, the complaint shall be dismissed.

~~(D)~~ If the contracting agency determines that a "willful violation" occurred or the contractor or subcontractor fails to remedy any alleged violation within fifteen days of being notified, the contracting agency shall report the violation to the Division. Upon receiving a report of an alleged violation from a contracting agency, the Division will treat the report as a complaint and investigate it pursuant to the Wage Protection Rules, 7 CCR 1103-7, to the extent not inconsistent with those Rules, to determine if the perceived violation was conducted in a willful manner, as defined in Rule 2.14 of these Rules.

**5.2.2** If a complaint is not resolved by either the contracting agency, or the Division, the complaining employee or former employee may file a civil action in court within 120 days from the later of: (1) the employee's complaint to the contracting agency, if it is not resolved under Rule 5.2.1(C) or reported to the Division under Rule 5.2.1(D) of these Rules in that time; or (2) the Division's determination pursuant to Rule 5 of the Wage Protection Rules, 7 CCR 1103-7.

**(A)** Such civil action may be brought in the district court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom in the civil complaint is filed resides or has their principal place of business, and must be brought within three years after the occurrence of the alleged violation.

**(B)** Such civil action may be brought for appropriate injunctive relief, actual damages, or both, and may be brought by one or more employees or former employees on behalf of him or herself or themselves and other employees similarly situated.

## **Rule 6. Compliance Standard**

**6.1** ~~Compliance with the requirements of the law shall be calculated on the total taxable wages and fringe benefits, minus any per diem payments, paid to workers employed directly on the site of the project and who satisfy the definition of Colorado labor.~~

**6.2** ~~In order for a contractor to be found in compliance, eighty percent of total taxable wages plus fringe benefits must be paid to workers who satisfy the definition of Colorado labor and are employed directly on the site of the public works project.~~

## **Rule 6. Remedies and Fines**

### **6.1 KJICA Remedies and Fines**

**6.1.1** If the Division determines that a contractor has knowingly violated Rule 3, it shall subject the contractor to the following fines:

- (A)** ~~10.2(i)~~ for the first violation, either five thousand dollars or an amount equal to one percent of the cost of the contract, whichever is less;
- (B)** ~~10.2(ii)~~ for the second violation, either ten thousand dollars or an amount equal to one percent of the cost of the contract, whichever is less; or
- (C)** ~~10.2(iii)~~ for the third violation and any subsequent violation thereafter, either twenty-five thousand dollars or an amount equal to one percent of the cost of the contract, whichever is less.

~~10.3~~ If the Division has imposed three or more KJICA fines on a contractor ~~pursuant to the law~~ within the past five years and finds the violations to be egregious, the ~~d~~ Division may initiate the process to debar the contractor pursuant to C.R.S. § 24-109-105.

### **6.2 Prevailing Wage Act Remedies and Fines**

**6.2.1** If the Division reaches a determination pursuant to Rule 5 of the Wage Protection Rules, 7 CCR 1103-7, that a willful violation of Rule 4 of these Rules occurred, the Division may order any remedies permitted by law, including but not limited to that the Division:

- (A)** shall order restitution of applicable back pay for the impacted employees, including damages in an amount equal to the amount of unpaid wages or

benefits owed, and any penalties that may be awarded under the Colorado Wage Act (unpaid fringe benefit contributions owed shall be paid to the appropriate benefit fund, except that in the absence of an appropriate fund the benefit shall be paid directly to the individuals), and

(B) shall subject the contractor to the following fines:

- (1) for the first violation, five thousand dollars;
- (2) for the second violation, ten thousand dollars; and
- (3) for the third violation and all subsequent violations thereafter, twenty-five thousand dollars.

## **Rule 7. Residency Documentation**

~~7.1 — In order for a worker to satisfy the residency requirement, the worker must provide a valid Colorado driver's license, a valid Colorado state issued photo identification, or documentation that he or she has resided in Colorado for the last thirty days prior to his or her first date of work on the public works project.~~

~~7.1.1 — Workers who establish residency during the course of the project may also qualify pursuant to the director's determination.~~

~~7.2 — The division assesses the acceptability and validity of residency documentation on a case by case basis. The division examines the totality of the circumstances and the evidence provided for each covered worker in the review of residency documentation.~~

~~7.2.1 — Examples of acceptable residency documentation include:~~

~~a valid Colorado driver's license, or~~

~~a valid Colorado state issued photo identification.~~

~~7.2.2 — Examples of potentially acceptable residency documentation may include, but are not limited to:~~

~~Colorado voter registration;~~

~~utility bill;~~

~~rental lease;~~

~~state income tax returns;~~

~~ownership of residential real property in Colorado; and/or~~

~~additional documentation which establishes proof of residency in the State of Colorado.~~

## **Rule 7. Retaliation Prohibited**

7.1 It is unlawful to retaliate for filing any complaint, or instituting or causing to be instituted any proceeding, under any law or rule related to wages or hours, including but not limited to these Rules and the statutes they implement, under C.R.S. §§ 8-4-120, 8-6-115, Rules 4.7 – 4.8 of the Wage Protection Rules, 7 CCR 1103-7, and the Colorado WARNING Rules, 7 CCR 1103-11.

## **Rule 8. Complaints**

~~8.1 — A person who alleges a potential violation of the law may file a complaint with the division.~~

- ~~8.1.1 Anonymous complaints are not accepted by the division.~~
- ~~8.1.2 Complaints shall be filed using the division approved form.~~
- ~~8.1.3 The complaint shall include the complainant's signature, contact information, and basis for the complaint. Failure to include this information on the complaint form may result in administrative dismissal of the complaint.~~
- ~~8.2 Upon the receipt of a complaint, the division shall notify the contractor of the complaint in writing via U.S. mail. In the event that the contractor cannot be contacted via U.S. mail, or other circumstances exist which warrant the use of other contact methods, the division shall utilize other methods to contact the contractor.~~
- ~~8.3 The division shall commence the investigation only at the completion of the project.~~
- ~~8.4 The division shall complete any investigation in response to a complaint within ninety days of the date that the division began the investigation.~~
- ~~8.5 Compliance shall be measured over the entirety of the completed project.~~
- ~~8.6 The division shall not investigate or take any other action regarding a complaint filed more than ninety days after the project has been completed.~~

## **Rule 8. Appeals**

- 8.1 A complainant or respondent may appeal a Division determination pursuant to Rule 6 of the Wage Protection Rules, 7 CCR 1103-7. A Division determination is appealable to a hearing officer pursuant to Wage Protection Rule 6, and for judicial review of a hearing officer decision pursuant to C.R.S. § 8-4-111.5 and Wage Protection Rule 6.11. The hearing officer's decision constitutes a final agency action pursuant to C.R.S. § 24-4-106.

## **Rule 9. Investigation Process**

- ~~9.1 Complaints shall be assigned to division investigators. Investigatory methods utilized by the division may include, but are not limited to:~~
- ~~i. interviews of the contractor, subcontractor, complainant, workers, and any other relevant parties;~~
  - ~~ii. information gathering, fact-finding, and reviews of written submissions; and~~
  - ~~iii. any other techniques which enable the division to assess the contractor's compliance with the law.~~

## **~~Rule 10. Compliance Determination and Penalties~~**

- ~~10.1 After investigating the complaint and assessing the contractor's compliance, the division investigator will issue a determination in writing.~~
- ~~10.1.1 The determination will be provided to the contractor in writing.~~
- ~~10.1.2 The determination will contain information on the extent of the contractor's compliance with the law, and will describe what provisions of the law were adhered to and/or violated.~~
- ~~10.1.3 The determination will contain information on appeal rights and appeal procedures.~~

~~10.2—After conducting an investigation of a complaint alleging a violation of the law, if the division determines that a contractor has knowingly violated the requirements by importing labor in excess of that permitted pursuant to the law, the division shall impose a fine on such contractor as follows:~~

- ~~i. for the first violation, five thousand dollars or an amount equal to one percent of the cost of the contract, whichever is less;~~
- ~~ii. for the second violation, ten thousand dollars or an amount equal to one percent of the cost of the contract, whichever is less; or~~
- ~~iii. for the third violation and any violation thereafter, twenty-five thousand dollars or an amount equal to one percent of the cost of the contract, whichever is less.~~

~~10.3—If the division has imposed three fines on a contractor pursuant to the law within five years and finds the violations to be egregious, the division may initiate the process to debar the contractor pursuant to C.R.S. § 24-109-105.~~

~~10.4—The division may dismiss a complaint in its discretion if, after conducting an investigation, the division determines that the circumstances that led to the complaint were the result of a minor paperwork violation.~~

## **Rule 11. Appeals and Hearings**

~~11.1—The determination issued by the investigator may be appealed to the division.~~

~~11.2—A party to the claim who appeals the determination is entitled to an appeal hearing and final agency decision in conformity with the Colorado Administrative Procedure Act, C.R.S. § 24-4-105.~~

~~11.3—A division hearing officer will preside over the hearing.~~

~~11.4—The decision issued by the hearing officer is considered the initial decision.~~

~~11.5—Any party to the claim may appeal the hearing officer's initial decision by filing written exceptions with the director of the division within thirty calendar days of the initial decision in accordance with C.R.S. § 24-4-105(14)(a)(II).~~

~~11.5.1—A party may file written exceptions with the director of the division via email (cdle\_LS\_appeals@state.co.us), fax (303-318-8400), or mail/delivery (633 17th Street, Suite 600, Denver, CO 80202).~~

~~11.5.2—If no party files written exceptions with the director of the division within thirty calendar days of the initial decision, the initial decision shall become the final agency decision.~~

~~11.6—The record on appeal to the director is the division's record of its investigation unless the appealing party files a designation of the record with the division within twenty calendar days of the initial decision in accordance with C.R.S. § 24-4-105(15)(a).~~

~~11.7—The director's decision upon review of any exceptions is the final agency decision. Any party to the claim may seek judicial review of this decision in accordance with C.R.S. § 24-4-106.~~

~~11.8—Failure to file exceptions in accordance with rule 11.5 shall result in a waiver of the right to judicial review of the final agency decision in accordance with C.R.S. § 24-4-105(14)(c).~~

## **Rule 12. Enforcement**

~~12.1—The division shall enforce the requirements of the law in the event of a complaint alleging a potential violation of the requirements of the law.~~

~~12.2—The requirements of the law may not be enforced through a private right of action.~~

### **Rule 13. Revenue Collected From Fines**

~~13.1—The revenue collected from the fines imposed pursuant to C.R.S. § 8-17-104(2) shall be transmitted to the state treasurer, who shall credit the same to the Colorado labor enforcement cash fund, which is hereby created. The general assembly shall make appropriations from the fund as necessary to cover the direct and indirect costs of the division in connection with the requirements of this law. All moneys not expended or encumbered and all interest earned on the investment or deposit of moneys in the fund remains in the fund and does not revert to the general fund or any other fund at the end of any fiscal year.~~

### **Rule 14. Severability**

~~14.1—If any provision of these rules or their application to any person or circumstance is held illegal, invalid, or unenforceable, no other provisions or applications of the rules shall be affected that can be given effect without the illegal, invalid, or unenforceable provision or application, and to this end the provisions of these rules are severable.~~

### **Rule 15. Federal and State Law**

~~15.1—Nothing in the law applies to any project that receives federal moneys. If the public works project is financed with any amount of federal money, the public works project is not covered by the provisions of the law.~~

~~15.2—Nothing in the law contravenes any existing treaty, law, agreement, or regulation of the United States. Contracts entered into in accordance with any treaty, law, agreement, or regulation of the United States do not violate this article to the extent of that accordance.~~

~~15.2.1—The requirements of this law are suspended if such requirement would contravene any treaty, law, agreement, or regulation of the United States, or would cause denial of federal moneys or preclude the ability to access federal moneys that would otherwise be available.~~



## **NOTICE OF PUBLIC HEARING CONCERNING PROPOSED RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to adoption of the below **four sets of proposed rules**, under authority granted to the Division of Labor Standards and Statistics by the Administrative Procedure Act, C.R.S. § 24-4-103, provisions of C.R.S. Title 24, Article 92, and C.R.S. Title 8, Articles 1-4, 6, 12, 13.3, 13.5, 14.4, and 17; and § 15 of Art. XVIII of the Colorado Constitution.

The proposed changes to Colorado labor rules include:

1. Implementing and enforcing three laws recently enacted:
  - (a) Senate Bill 22-161, which amends wage-and-hour responsibilities, mostly with additional responsibilities to pay wages due, including: new procedures for certain kinds of deductions; protection against retaliation related to wage rights; worker misclassification reporting; and various aspects of wage rights enforcement, including new statutory provisions as to fines and penalties, attorney fees for retaliation or higher-value wage claims, collections where ordered payments are not made, and collaboration between DLSS and other branches of state government;
  - (b) Senate Bill 22-097, which amends whistleblower retaliation rights and responsibilities to cover a range of health and safety matters, not just those related to a public health emergency;
  - (c) Senate Bill 19-196, which requires paying prevailing wages to construction laborers on state public projects.
2. Implementing the annual adjustment of the minimum wage, as mandated by the Colorado Constitution, and other related minimum wage and salary figures adjusted annually; and
3. Other non-substantive or procedural changes to labor rules suggested or proposed, based on stakeholder input or other developments that warrant rule changes.

For the details of each proposed rule, see the text of the accompanying proposed draft rules, as well as the proposed statement of basis and purpose that accompanies each set of rules.

**(1) Wage Protection Rules, 7 CCR 1103-7.** These rules amend the prior version of the Wage Protection Rules, which implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by (among other laws) the Wage Protection Act of 2014 (WPA) and Colorado Senate Bill 22-161, C.R.S. § 8-4-101 et seq.; the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq.; and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.

**(2) Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules (“Colorado WARNING Rules”), 7 CCR 1103-11.** These rules amend the prior version of the Colorado WARNING Rules, the Division’s existing rules governing retaliation, interference, and notice of rights under several Division-enforced statutes.

**(3) 2023 Publication And Yearly Calculation of Adjusted Labor Compensation (“2023 PAY CALC”) Order, 7 CCR 1103-14 (2023).** The PAY CALC Order publishes inflation-adjusted and other annually updating values applied in the Colorado Overtime and Minimum Pay Standards (“COMPS”) Order, 7 CCR 1103-1.

**(4) Prevailing Wage and Residency (PWR) Rules, 7 CCR 1103-6.** The “Prevailing Wage and Residency Rules” is a revised rule set combining the Division’s existing rule set regarding the Keep Jobs in Colorado Act (KJICA), C.R.S. § 8-17-101 et seq. (previously titled the “Keep Jobs in Colorado Act Rules”), with a new set of requirements from the Colorado Quality Apprenticeship Training Act of 2019 (Prevailing Wage Act or PWA), C.R.S. § 24-92-201 et seq.



**Public Hearing Information:**

Date and Time of Hearing: **Tuesday, November 1, 2022, from 3:00 pm until at least 6:00 pm.** Division will stay until at least 6:00 pm, or longer if by that time anyone still wishes to speak, to assure opportunity for anyone who may wish to attend in the early evening. You need not arrive by a particular time or stay the entire meeting.

Written Comment Deadline for the above rules: **Thursday, November 3, 2022, at 5:00 pm**

The Division is administering this public hearing, and all interested persons are free to offer oral testimony and to listen to part or all of the hearing. However, due to the current public health crisis, **participation will be primarily by remote means**, with limited in-person participation at the Division by RSVP only and subject to (A) space limitations and (B) the possibility of a decision, which would be announced on the [rulemaking page](#) no later than 24 hours before the meeting, as to whether the public health situation permits in-person attendance or requires an exclusively remote hearing. While not required, we request and highly recommend that **anyone interested in oral testimony use this [rulemaking comment form](#) to RSVP**, because at the hearing, after those in person speak, we will then call on those who RSVP'd to speak, followed by testimony from others by remote means. A recording of the public hearing will be publicly posted afterwards on our [rulemaking page](#).

Written comments may be submitted by: 1) our online [rulemaking comment form](#); 2) mail to the below address; 3) fax to 303-318-8400; or 4) email to [michael.primo@state.co.us](mailto:michael.primo@state.co.us). Because **written comments become part of the same record as oral testimony**, and are reviewed by the same officials, **you may submit written comments in lieu of oral testimony**, but are free to participate by both means.

**Instructions for Hearing Participation:** Either of the below options will work to participate, but for orderly administration of participation, and to avoid possible audio feedback, please do not use both simultaneously. *(You do not need to have a Google account to access any of the below means.)*

- (A) **To Participate by Internet, Including Testifying:**  
visit this "Meet" webpage: [meet.google.com/hcx-tpbo-mtr](https://meet.google.com/hcx-tpbo-mtr)
- (B) **To Participate by Phone, Whether to Listen or to Testify:**  
call (US) +1 929-276-0796, and then enter this pin: 807 708 207#
- (C) **To Participate in Person:** (633 17th Street, Denver, CO, 80202, Room 12A on the 12th floor)  
RSVP via our [rulemaking comment form](#) to attend in person.

Please contact [michael.primo@state.co.us](mailto:michael.primo@state.co.us) with any questions about how to access either the public hearing or its recording, or **if you need accommodations or translation services** to attend or participate. This public hearing is held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101 et seq., and Colorado Open Meetings Law, C.R.S. § 24-6-401 (2022), to receive any testimony, written, views, or arguments that interested parties wish to submit regarding the proposed rules.

Copies of proposed rules, including redlined copies showing changes from prior versions, and statements of basis and purpose further detailing the proposed rules, are available at [www.ColoradoLaborLaw.gov](http://www.ColoradoLaborLaw.gov) or by request to: **Division of Labor Standards and Statistics, 633 17th Street, Denver, Colorado 80202.**



**STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS****Prevailing Wage and Residency (PWR) Rules, 7 CCR 1103-6 (2023), as proposed September 29, 2022; to be followed and replaced by a final Statement at the conclusion of the rulemaking process.**

**I. BASIS:** The Director (“Director”) of the Division of Labor Standards and Statistics (“Division”) has authority to adopt rules and regulations on wage-and-hour and workplace conditions, under the authority listed in Part II, which is incorporated into Part I as well.

**II. SPECIFIC STATUTORY AUTHORITY:** These Rules are issued under the authority, and as enforcement, of Articles 1, 4 and 17 of C.R.S. (Colorado Revised Statutes) Title 8 (2022), and Article 92 of C.R.S. Title 24, including but not limited to statutes listed in the Prevailing Wage and Residency Rules (PWR), Rule 1.1 (incorporated into this Part II), and are intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.

**III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

**IV. SPECIFIC FINDINGS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(6), the Director finds as follows. The “Prevailing Wage and Residency (PWR) Rules” is a revised rule set combining existing rules on the Keep Jobs in Colorado Act (“KJICA”), C.R.S. § 8-17-101 et seq. (previously, the “Keep Jobs in Colorado Act Rules”), with new rules on the Colorado Quality Apprenticeship Training Act of 2019 (the “Prevailing Wage Act,” or “PWA”), C.R.S. § 24-92-201 et seq. Below are findings and explanations on the nature and basis of the rules proposed to satisfy the Division’s statutory charge.

**A. Rule 1: Statement of Purpose, Authority, and Construction; and Definitions**

Rules 1.1, 1.2, and 1.4 detail the relationship of these rules to other applicable rules and statutes, and the intent that these Rules remain in effect to the maximum extent possible if any portion is held invalid. Because the Department of Personnel and Administration (“DPA”) may have additional rules applicable to rights and responsibilities under C.R.S. Title 24, Article 92, Part 2, C.R.S. § 24-92-202(3), and because federal or local law may address prevailing wages, Rule 1.3 provides that “[w]henver employers are subject to both Colorado and federal and/or local law, the law providing the greater protection or setting the higher standard shall apply” — as is generally true when multiple labor laws from different jurisdictions or sources apply — including that while the Division has jurisdiction “over all questions arising with respect to the administration and interpretation of these Rules,” in light of the remedial purposes of the PWA, in the event of differences between rules from this Division, DPA, or other sources, “the rule providing greater protection for the rights of employees shall govern.”

**B. Rule 2: Definitions**

Rule 2 defines key terms separately and jointly for the two Acts: some are statutory (e.g., Rules 2.3 and 2.10 incorporate the PWA and KJICA definitions of “employee” and “public project”); others are specific to these rules (e.g.: “contractor”; “site of the project”; “wage determination”; “willful violation”). The “reckless disregard” example in Rule 2.14 “willful violation” is verbatim from the FLSA definition at 29 C.F.R. 578.3(c)(3). Rule 2.9’s definition of fringe benefit, Rule 2.11’s definition of site of the project, and Rule 2.13’s definition of “wage determination” are verbatim from Davis-Bacon regulatory definitions of those terms, 29 CFR § 5.2 (2022), some of which already existed in the prior KJICA rules.

**C. Rule 3: KJICA’s “80% Colorado Labor” Requirement; Contractor Obligations**

Rule 3 combines, consolidates, and simplifies several rules from the prior “Keep Jobs in Colorado Act Rules.” Rule 3.1 describes KJICA’s substantive requirement, at C.R.S. § 8-17-101(1), that workers meeting the Rule 2.3 definition of “Colorado labor” perform at least eighty percent of the work on public projects undertaken in the state of Colorado and financed in whole or in part by funds of the state of Colorado or its counties, school districts, or municipalities, unless the requirement is waived by the governmental body financing the public works project.

Rule 3.2 details how Rule 3.1 compliance is assessed: “measured over the entirety of the completed project, and ...

determined using the total taxable wages and fringe benefits paid to covered workers, minus any per diem payments.”

Rule 3.3 describes the kinds of residency documentation that contractors may rely on to assess whether workers meet the “Colorado labor” requirement.

Rule 3.4 restates statutory language (*i.e.*, C.R.S. § 8-17-101) that the government body may waive the 80% requirement if reasonable evidence demonstrates insufficient Colorado labor to perform the work, and compliance would create an undue burden that would substantially prevent completion of a project. Rule 3.5 restates statutory language (*i.e.*, C.R.S. § 8-17-102) that contracts for public works projects shall contain provisions for the preference of Colorado labor.

**D. Rule 4: Contractor Obligations Under the PWA; Multiple Prevailing Wage Rates**

Rule 4.1 contains the basic PWA requirement, that all contractors and subcontractors must pay employees all wages owed under the PWA, C.R.S. § 24-92-202, on no less than a weekly basis, defined by the rule as “at least once every consecutive seven calendar days, not workdays.”

Rule 4.2 explains how contractors and subcontractors can meet their wage obligations under the PWA, providing that a contractor or subcontractor must pay all employees the full amount listed contained in a wage determination.

Rule 4.3 provides that if employees perform multiple positions with differing prevailing wage rates or classifications, they may be compensated at the rates specified for each classification.

**E. Rule 5: Complaints**

Rule 5 describes how complaints under the KJICA or the PWA can be heard; Rule 5.1 applies to KJICA complaints, and Rule 5.2 applies to PWA complaints.

Rule 5.1, which combined previously numbered rules 8 through 11 under the prior Keep Jobs in Colorado Act Rules, provides information about the complaint process for KJICA complaints.

Rule 5.2.1 details how PWA complaints can be brought either directly to the Division or to a contracting agency; the latter must bring the complaint to the Division if it is not remedied in 15 days, or if it appears to be a willful violation.

Rule 5.2.2 explains the process for a complaining employee or former employee to file a private lawsuit under the PWA: specifically, if a complaint is not resolved by either the contracting agency, or the Division, the complaining employee or former employee may file suit within 120 days from the later of: (1) the employee’s complaint to the contracting agency, if it is not resolved under Rule 5.2.1(C) or reported to the Division under Rule 5.2.1(D) of these Rules in that time; or (2) the Division’s determination, made pursuant to Rule 5 of the Wage Protection Rules, 7 CCR 1103-7.

**F. Rule 6: Determinations and Fines**

Rule 6.1 details the fine schedule for knowing violations of KJICA; it also provides that if the Division has imposed three or more KJICA fines on a contractor within the past five years and finds the violations to be egregious, it may initiate a process to debar the contractor pursuant to C.R.S. § 24-109-105.

Rule 6.2 details the fine schedule for PWA violations, and provides if the Division reaches a determination pursuant to Rule 5 of the Wage Protection Rules, 7 CCR 1103-7, that a willful violation of the PWA occurred, and also provides that the Division shall order restitution of applicable back pay for the impacted employees.

**G. Rule 7: Retaliation Prohibited**

Rule 7.1 recites and restates existing retaliation prohibitions in statutes and rules applicable to prevailing wages.

**H. Rule 8: Appeals**

Rule 8 states that a complainant or respondent filing a KJICA or a PWA complaint may appeal the Division’s determination pursuant to the appeals process in Rule 6 of the Wage Protection Rules, 7 CCR 1103-7.

**V. EFFECTIVE DATE.** If adopted, these rules take effect January 1, 2023, or as soon after as rulemaking completes.



Scott Moss  
Director  
Division of Labor Standards and Statistics  
Colorado Department of Labor and Employment

September 29, 2022  
Date

# Notice of Proposed Rulemaking

**Tracking number**

2022-00591

**Department**

1100 - Department of Labor and Employment

**Agency**

1101 - Division of Labor Standards and Statistics (Includes 1103 Series)

**CCR number**

7 CCR 1103-7

**Rule title**

WAGE PROTECTION RULES

## Rulemaking Hearing

**Date**

11/01/2022

**Time**

03:00 PM

**Location**

633 17th Street, 12th Floor, Denver, CO 80202

**Subjects and issues involved**

These rules amend the prior version of the Wage Protection Rules, which implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by (among other laws) the Wage Protection Act of 2014 (WPA) and Colorado Senate Bill 22-161, C.R.S. § 8-4-101 et seq.; the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq.; and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.

**Statutory authority**

Articles 1, 2, 4, 6, 13.3, and 13.5 of Title 8, C.R.S. (2022), and all rules, regulations, investigations, and other proceedings of any kind thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of Articles 1, 2, 4, 6, 13.3, and 13.5, including but not limited to §§ 8-1-101, 103, 107, 108, 111, 130; §§ 8-4-111, -113; §§ 8-6-102, 104, 105, 106, 108, 109, 111, 116, 117, 120; § 8-12-115; §§ 8-13.3-401, 403-405, 407-411, 416; and § 8-13.5-202, 203, 204.

## Contact information

**Name**

Michael Primo

**Title**

Rule Coordinator

**Telephone**

3033188462

**Email**

michael.primo@state.co.us

## DEPARTMENT OF LABOR AND EMPLOYMENT

### Division of Labor Standards and Statistics

#### WAGE PROTECTION RULES

##### 7 CCR 1103-7

As proposed on September 29, 2022; if adopted November 10, 2024, to be effective January 1, 2023.

#### Rule 1. Statement of Purpose and Authority

- 1.1** The general purpose of these Wage Protection Rules (Rules) is to implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by the Wage Protection Act (WPA) of 2014, C.R.S. § 8-4-101 et seq., the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq., and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq. These rules are adopted pursuant to the Division's authority to adopt and amend rules and regulations to enforce, execute, apply, and interpret Articles 1, 2, 4, 6, ~~and~~ 13.3, and 13.5 of Title 8, C.R.S. (2023~~2~~), and all rules, regulations, investigations, and other proceedings of any kind thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of Articles 1, 2, 4, 6, 13.3, and 13.5, including but not limited to §§ 8-1-101, 103, 107, 108, 111, 130; §§ 8-4-111, ~~-113~~; §§ 8-6-102, 104, 105, 106, 108, 109, 111, 116, 117, 120; § 8-12-115; §§ 8-13.3-401, 403-405, 407-411, 416; and §§ 8-13.5-202, 203, 204.
- 1.2** Incorporation by Reference. Title 8, Articles 1, 2, 4, 6, 12, 13.3, and 13.5 of the Colorado Revised Statutes (2023~~2~~) are hereby incorporated by reference, except that earlier versions of such laws and rules may apply to events that occurred in prior years. Such incorporation excludes later amendments to or editions of the statutes. These statutes are available for public inspection at the Colorado Department of Labor and Employment, Division of Labor Standards & Statistics, 633 17th Street, Denver CO 80202. Copies may be obtained from the Division of Labor Standards & Statistics at a reasonable charge. These statutes can be accessed electronically from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of the statutes 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 originally issuing the statutes. All Division Rules are available to the public at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov). Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern so long as they are consistent with Colorado statutory and constitutional provisions.
- 1.3** Separability. These Rules are intended to remain in effect to the maximum extent possible. If any part of a rule (including any section, sentence, clause, phrase, word, or number) is held invalid, (A) the remainder of the rule remains valid, and (B) if the provision is held not wholly invalid, but merely in need of narrowing, the provision should be retained in narrowed form.
- 1.4** The Director of the Division of Labor Standards and Statistics in the Department of Labor and Employment (Director) has the authority to enforce the statutes cited in Rule 1.1 above and these Rules.

#### Rule 2. Definitions and Clarifications

- 2.1** "Administrative procedure" means the process used by the Division to investigate wage complaints in accordance with C.R.S. § 8-4-111 and C.R.S. §§ 8-13.3-407(4), -410, and -411.
- 2.2** "Authorized representative" means a person designated by a party to a wage complaint to represent the party during the Division's administrative procedure. To designate an authorized representative, the party must comply with the requirements of Rule 4.3.

- 2.3** “Average daily earnings,” as formerly used in C.R.S. § 8-4-109(3)(b), will be calculated as follows, unless the Division identifies a legitimate reason to use a different method of calculation:
- 2.3.1** The most recent typical workweek or pay period will generally be used to calculate the average daily earnings. The total gross amount of wages and compensation will be divided by the number of days worked.
- 2.3.2** If an employee is entitled to and has been paid less than the Colorado minimum wage, and has not earned more than the Colorado minimum wage, then the Colorado minimum wage will be used to calculate average daily earnings.
- 2.3.3** All compensation paid to employees, including the hourly rate, shift differential, minimum wage tip credit, regularly occurring non-discretionary bonuses, commissions, and overtime may be included in the average daily earnings calculation.
- 2.4** “Certified copy,” as used in C.R.S. § 8-4-113, means a copy of a final Division decision (~~issued and by a compliance investigator, or hearing officer~~) signed by the Director of the Division, or his or her designee (including any Division staff designated to issue such decision), certifying that the document is a true and accurate copy of the final decision. A certified copy must be requested in writing or may be issued by the Division on its own initiative. A Division decision (issued by a compliance investigator or hearing officer) will not be filed in court ~~certified~~ unless: either (1) two weeks have passed since the all appeal deadlines have passed and either (1) no appeal has been filed or (2) if an appeal or other legal challenge was timely filed, the decision was not superseded on appeal nor subject to any order barring the filing or enforcement of a certified copy. A certified copy will not be issued in the event of termination pursuant to C.R.S. § 8-4-111(3).
- 2.5** “Determination” means a decision issued by a compliance investigator upon the conclusion of a wage complaint investigation. “Determination” includes: Citation and Notice of Assessment, Determination of Compliance, and Notice of Dismissal, if that Notice of Dismissal is issued after the Division initiated the administrative procedure as described in Rule 4.4.
- 2.6** “Employee” has the following definitions:
- 2.6.1** Under the CWA, C.R.S. § 8-4-101(5), an “employee” means any person, including a migratory laborer, performing labor or services for the benefit of an employer. For the purpose of these Rules, relevant factors in determining whether a person is an employee include the degree of control the employer may or does exercise over the person and the degree to which the person performs work that is the primary work of the employer; except that an individual primarily free from control and direction in the performance of the service, both under his or her contract for the performance of service and in fact, and who is customarily engaged in an independent trade, occupation, profession, or business related to the service performed is not an “employee.”
- 2.6.2** Under the HFWA, C.R.S. § 8-13.3-402(4), “employee” has the same meaning as in C.R.S. § 8-4-101(5), but does not include an “employee” as defined in 45 U.S.C. § 351(d), who is subject to the federal “Railroad Unemployment Insurance Act,” 45 U.S.C. § 351 et seq. An employee’s “family member” means (1) an employee’s immediate family member, as defined in C.R.S. § 2-4-401(3.7); (2) a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor; or (3) a person for whom the employee is responsible for providing or arranging health- or safety-related care. C.R.S. § 8-13.3-402(6).
- 2.7** “Employer” has the following definitions:
- 2.7.1** Under C.R.S. § 8-4-101(6), “employer” has the same meaning as in the federal Fair Labor Standards Act at 29 U.S.C. § 203(d), and includes a foreign labor contractor and a

migratory field labor contractor or crew leader; except that the provisions of the COMPS Order do not apply to the state or its agencies or entities, counties, cities and counties, municipal corporations, quasi-municipal corporations, school districts, and irrigation, reservoir, or drainage conservation companies or districts organized and existing under the laws of Colorado. "Foreign labor contractor" and "field labor contractor" have the definitions in C.R.S. §§ 8-4-101(7), (8.5).

- 2.7.2** Under the HFWA, C.R.S. § 8-13.3-402(5), "employer" has the same meaning as in C.R.S. § 8-4-101(6), except that an "employer" also includes the state and its agencies or entities, counties, cities and counties, municipalities, school districts, and any political subdivisions of the state, but does not include the federal government.
- 2.7.3** A "successor employer" is responsible for an acquired employer's HFWA obligations, including but not limited to accrued, requested, or in-progress leave, and "means an employing unit, whether or not an employing unit at the time of acquisition, that ... acquires all of an organization, a trade, or a business[,] or substantially all of the assets[,] of one or more employers subject to" HFWA. C.R.S. § 8-13.3-402(12). Acquiring "substantially all of the assets" of an employer is defined as in 26 U.S.C. § 368(a)(1)(C) and Rev. Proc. 77-37, § 3.01; acquiring "a trade or a business" is defined as in C.R.S. § 8-76-104(11)(c).
- 2.7.4** To determine whether an employer meets the 16-employee threshold for HFWA coverage in 2021 pursuant to C.R.S. § 8-13.3-403(1)(b), the rules for counting employees to determine whether an employer is covered under the federal Family and Medical Leave Act apply: the employer must employ the requisite number of employees "for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year"; "[a]ny employee whose name appears on the employer's payroll will be considered employed each working day of the calendar week, and must be counted whether or not any compensation is received for the week"; "[e]mployees on paid or unpaid leave, including [sick or medical] leave, leaves of absence, disciplinary suspension, etc., are counted as long as the employer has a reasonable expectation that the employee will later return to active employment"; "a corporation is a single employer rather than its separate establishments or divisions"; and employees are counted only if "within ... the United States," including any state, the District of Columbia, or any territory or possession of the United States. 29 CFR §§ 825.104-105.
- 2.8** The "employer's correct address," including as used in C.R.S. § 8-4-101(15), can include, but is not limited to, the employer's email address, the employer's address on file with the Colorado Secretary of State, and the address of the employer's registered agent on file with the Colorado Secretary of State.
- 2.9** When considering whether there is "good cause" for an extension of time, including as used in C.R.S. § 8-4-113(1)(b), the Division will determine whether the reason is substantial and reasonable and must take into account all available information and circumstances pertaining to the specific complaint.
- 2.10** "Post," including as used in C.R.S. § 8-4-107, may include electronic posting in a place readily accessible to all employees.
- 2.11** "Public health emergency" is defined as in C.R.S. § 8-13.3-402(9):
- (A) An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly infectious agent, for which (1) an emergency is declared by a federal, state, or local public health agency, or (2) a disaster emergency is declared by the Governor; or
  - (B) A highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the Governor.



A public health emergency is “declared” by any initial, amended, extended, restated, or prolonged declaration of an emergency that meets the above definition. Employees have up to 80 hours of supplemental paid sick leave usable as of January 1, 2021, because a public health emergency declared after the HFWA effective date remains in effect long enough to trigger paid leave in 2021 (under HFWA § 405 and Rule 3.5.1(C), distinct from the up to 80 hours of leave provided for 2020 by HFWA § 406 to conform to the federal paid leave law that expires on December 31, 2020). Employees receive their supplement of up to 80 hours of leave usable as of January 1, 2021, under HFWA § 405 only once during the entirety of a public health emergency even if such public health emergency is amended, extended, restated, or prolonged.

- 2.12** “Records reflecting the information contained in an employee’s itemized pay statement,” as used in C.R.S. § 8-4-103(4.5), may be kept electronically. The records are not required to be copies of the pay statements but must reflect all information contained in the pay statements.
- 2.13** “Terminated employee,” as used in C.R.S. § 8-4-105(1)(e)([I](#)), includes any employee separated from employment, whether the separation occurs by volition of the employer or the employee.
- 2.14** The Division may enforce the gratuity provisions described in C.R.S. § 8-4-103(6) through the administrative procedure described in C.R.S. § 8-4-111. The legal treatment of “tips,” “gratuities,” or other monies paid on a similar basis, in any source of law, is identical regardless of the terminology used.
- 2.15** “‘Wages’ or ‘compensation’” has the same meaning as in C.R.S. § 8-4-101(14). “Paid sick leave” required by HFWA constitutes “wages” under C.R.S. § 8-4-101(14); is covered by the provisions of C.R.S. Title 8, Article 4, and these Rules; is defined as paid time off from work that is provided by an employer for one of the qualifying reasons described in C.R.S. §§ 8-13.3-404 to -406. C.R.S. § 8-13.3-402(8)(a),(b).
- 2.16** A “written demand,” including as used in C.R.S. § 8-4-101(15), can be sent to the employer by electronic means, including but not limited to email and text message. Wages must be owed at the time of sending for the written demand to be considered valid. The penalty provisions in C.R.S. § 8-4-109(3)(b) effective on January 1, 2023, shall apply if the 14-day deadline for payment after the sending of a written demand without penalties passes on or after January 1, 2023, unless a prior written demand was sent more than 14 days before January 1, 2023. Notwithstanding the foregoing, when a Notice of Complaint is sent with a 14-day deadline for payment that is on or after January 1, 2023, the passing of that deadline triggers those penalty provisions, regardless of whether a prior written demand was sent before the Notice of Complaint.
- 2.17** Vacation Pay.
- 2.17.1** C.R.S. § 8-4-101(14)(a)(III), includes in the definition of “[w]ages’ or compensation”: “Vacation pay earned in accordance with the terms of any agreement. If an employer provides paid vacation for an employee, the employer shall pay upon separation from employment all vacation pay earned and determinable in accordance with the terms of any agreement between the employer and the employee.” “Vacation pay” is pay for leave, regardless of its label, that is usable at the employee’s discretion (other than procedural requirements such as notice and approval of particular dates), rather than leave usable only upon occurrence of a qualifying event (for example, a medical need, caretaking requirement, bereavement, or holiday).
- 2.17.2** The “earned and determinable in accordance with the terms” provision does not allow a forfeiture of any earned (accrued) vacation pay, but does allow agreements on matters such as: (1) whether there is any vacation pay at all; (2) the amount of vacation pay per year or other period; (3) whether vacation pay accrues all at once, proportionally each week, month, or other period; and (4) whether there is a cap of one year’s worth (or more) of vacation pay. Thus, employers may have policies that cap employees at a year’s worth of vacation pay, but that do not forfeit any of that year’s worth.

For example, an agreement for ten paid vacation days per year:

- (a) *may* provide that employees can accrue more than ten days, by allowing carryover of vacation from year to year;
- (b) *may* cap employees at ten days; but
- (c) may not diminish an employee's number of days (other than due to use by the employee).

**2.18** "Willful," in Articles within C.R.S., Title 8, that this Division enforces or administers, has the same meaning as under 29 U.S.C § 255(a) and 29 C.F.R. § 578.3(c).

**2.19** C.R.S. § 8-4-103(1)(b) describes circumstances under which employers are "subject to the penalties specified in section 8-4-113(1)." Despite use of the word "penalty" in this section, this language does refer to the fine described in C.R.S. § 8-4-113(1) and is payable to the Division.

**2.20** A complaint, appeal, or other submission to the Division is considered "filed" with the Division when it is received by the Division via mail, fax, email, online submission, or personal delivery. Any complaint, appeal, or other submission to the Division received after 11:59 p.m. Mountain Time is considered filed the next business day. Any such submission is considered "signed," or to have a "signature," if it has either an ink signature, a scanned signature, an electronically drawn or generated signature, or a typed name entered by the party or their authorized representative in the signature area; by signing in any such fashion, the individual is deemed to have agreed and assented that the document is signed by them.

**2.21** For purposes of Rule 8, "Division debtor" means any employer, or any other person or entity, who owes wages, fines, or penalties determined by the Division to be due to any employee(s), the Division, or any other party.

**2.221** These Rules are to be read in conjunction with other rules promulgated and enforced by the Division with additional requirements, including but not limited to the Colorado Overtime and Minimum Pay Standards Order ("COMPS Order"), 7 CCR 1103-1, and the Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules ("Colorado WARNING Rules"), 7 CCR 1103-11.

### **Rule 3. Filing a Wage Complaint**

**3.1** An employee who wishes to file a wage complaint with the Division shall use the Division-approved form(s), and shall comply with any other Division instructions as to information or submissions required by the Division.

**3.1.1** A wage complaint may only be filed by the employee who did not receive his or her wages or compensation.

**3.1.2** A wage complaint shall include the employee's signature, employee's contact information, employer's contact information, and basis for the wage complaint. Failure to include this information on the wage complaint form may result in dismissal of the wage complaint.

**3.1.3** The failure of an employee to respond in a timely manner to informational or investigatory requests by the Division may result in dismissal of the wage complaint.

**3.1.4** If a wage complaint is dismissed before a Notice of Complaint is sent to the employer because the employee failed to respond to a Division request for information, the complaint may be reopened if the employee provides the requested information or documentation to the Division within 35 days of the Division's request for information. Employees may be required to file a new complaint if the employee's response is



received more than 35 days after the Division's request for information.

- 3.1.5** The Division shall not accept wage complaints for amounts exceeding \$7,500 per employee.
- 3.1.6** An anonymous complaint is not a "wage complaint" within the meaning of C.R.S. § 8-4-111 and C.R.S. §§ 8-13.3-402(8)(a)(I)-(II), - 407, -410, -411 and will not be investigated using the Division's administrative procedure. The Division may choose to address an anonymous complaint outside of the administrative procedure.
- 3.2** An employee may pursue a wage complaint through either the court system or the Division's administrative procedure.
- 3.2.1** Employees are not required to use the Division's administrative procedure in order to pursue a wage complaint in court.
- 3.2.2** The Division does not have jurisdiction over any wage complaint that has been adjudicated or is currently being adjudicated by a court of competent jurisdiction.
- 3.2.3** As provided by C.R.S. § 8-4-113(2), a certified copy of any citation, notice of assessment, or order imposing wages due, fines, or penalties pursuant to this article may be filed with the clerk of any court having jurisdiction over the parties at any time after the entry of the order. Such a filing can be in a county or district court, and will thereby have the effect of a judgment from which execution may issue.
- 3.3** The employee may withdraw the wage complaint, or their participation in a complaint filed on their behalf as a similarly situated employee, at any time prior to issuance of a determination by notifying the Division in writing.
- 3.4** The Division may exercise its discretion to consolidate complaints, or to have an investigation sequenced and/or divided into two or more stages on discrete questions of liability or relief (e.g., bifurcation), yielding two or more determinations and/or phases of the investigation.
- 3.5** Accrual, use, and other matters relating to paid leave under HFWA.
- 3.5.1** Accrual of HFWA leave. Paid leave begins to accrue at the commencement of employment or on January 1, 2021, whichever is later.
- (A) For the minimum HFWA accrual rate of one hour of leave for every 30 hours worked, up to cap of 48 hours per benefits year (C.R.S. § 8-13.3-403(2)(a)), accrual is based on all "time worked" under Rule 1.9 of the COMPS Order, 7 CCR 1103-1, with regular and overtime hours counting equally; except under C.R.S. § 8-13.3-403(2)(c), an overtime-exempt employee accrues paid leave based on their normal hours worked up to a maximum of forty per week. Once employees have accrued 48 hours of paid leave during the benefit year, they do not accrue more, except if an employer chooses to provide paid leave in a greater amount. C.R.S. §§ 8-13.3-403(2)(a), -413.
- (B) For hours accrual for purposes of C.R.S. § 8-13.3-403(2)(a), the best available, reasonable estimate shall be used for employees paid on a fee-for-service basis for which hours are not ordinarily tracked and cannot feasibly be tracked, except that higher education adjunct faculty paid on a per-credit or per-course basis shall be deemed to work three hours total for each in-class hour.
- (C) On the day a public health emergency is declared within the definition of Rule 2.11, employers are required to immediately provide each employee with additional hours of paid leave, usable as of the date of the declaration, January 1, 2021, or the employee's first date of employment, whichever is later --

whatever the employee has accrued prior to the declaration of the public health emergency at the regular HFWA rate (*i.e.*, one hour per 30 worked, up to a maximum of 48 per benefit year), and a one-time supplement with the number of hours needed for:

- (1) employees who normally work forty or more hours in a week to have access to 80 hours of total paid leave; and
  - (2) employees who normally work under forty hours in a week to have access to paid leave hours that are at least the greater of the number of hours the employee (a) is scheduled for work or paid leave in the fourteen-day period after the leave request, or (b) actually worked in the fourteen-day period prior to the declaration of the public health emergency or the leave request, whichever is later.
- (D) During the entire duration of a public health emergency (*i.e.*, during the time between the date on which the emergency is declared and four weeks after the date of the official termination or suspension of the emergency declaration), employers:
- (1) are required to permit employees to take both (a) the paid leave they have accrued prior to the declaration date of the public health emergency pursuant to C.R.S. § 8-13.3-403(2)(a), for any of the qualifying reasons provided in C.R.S. § 8-13.3-404(1), and (b) the amount of supplemental paid leave that was provided to the employee on the date of the declaration of a public health emergency, for any of the qualifying reasons provided in C.R.S. § 8-13.3-405(3);
  - (2) remain subject to the minimum accrual requirements of C.R.S. § 8-13.3-403(2)(a), and employees continue to accrue paid leave (up to 48 hours per benefit year); and
  - (3) must permit an employee to use the full amount of supplementary leave provided under C.R.S. § 8-13.3-405(1) and this rule, prior to using any of the employee's previously-accrued leave under C.R.S. § 8-13.3-403(2)(a), if an employee required leave in circumstances that qualify under both C.R.S. § 8-13.3-404(1) and C.R.S. § 8-13.3-405(3) (*e.g.*, an employee is experiencing symptoms of a communicable illness that was the subject of the declaration of a public health emergency and needs to obtain testing and treatment).
- (E) Yearly Basis for HFWA leave.
- (1) Carryover. Pursuant to C.R.S. § 8-13.3-403(3)(b), "up to forty-eight hours of paid sick leave that an employee accrues in a year but does not use carries forward to, and may be used in, a subsequent year." For purposes of C.R.S. § 8-13.3-403(3)(b), "year" means "a regular and consecutive twelve-month period as determined by an employer." C.R.S. § 8-13.3-402(13). The employer shall not be required to, but may, permit an employee to carry forward more than forty-eight (48) hours of unused paid leave from one benefit year to the next. C.R.S. §§ 8-13.3-403(3)(b), -413.
  - (2) "Benefit year" definition. The applicable "benefit year" is the period of 12 consecutive months established by an employer in which an employee shall accrue and use earned sick leave. Unless otherwise established by an employer in a written policy, a "benefit year" is the calendar year. If an

employer transitions from one type of year to another, the employer must ensure that the transition process maintains all HFWA rights, and must notify employees in writing of any such changes.

**3.5.2** Pay rate and amount of HFWA leave. Under C.R.S. § 8-13.3-402(8), leave must be paid at the same rate and with the same benefits, including health benefits, as the employee normally earns during hours worked, not including overtime, bonuses, or holiday pay. Leave must be paid on the same schedule as regular wages.

- (A) The pay rate for leave must be at least the applicable minimum wage. The HFWA pay rate shall be calculated based upon the employee's pay over the 30 calendar days prior to taking leave; shall include any set hourly or salary rates, shift differentials, tip credits, and commissions; and shall not include overtime, bonuses, or holiday pay. ~~using the same rules applicable to calculating an employee's "regular rate" under Rule 1.8 of the COMPS Order, 7 CCR 1103-1, except that: (1) bonuses included in the regular rate calculation are excluded from the HFWA pay rate calculation; (2) only the method in COMPS Rule 1.8.3(A) may be used for employees with variable hourly rates, except that the rate is measured over 30 days pursuant to the following subsection (3); and (3) the HFWA regular rate shall be determined based upon the employee's pay over the 30 calendar days prior to taking leave, unless the~~ If an employee has not yet worked 30 calendar days, ~~in which case~~ the longest available period shall be used. The HFWA pay rate for employees covered by Rule 3.5.1(B) shall be calculated in accordance with that Rule.
- (B) The number of hours of paid HFWA leave an employee can take is the number of hours the employer reasonably anticipated they would have worked during the period of the leave, based on: (1) their regular schedule of hours actually worked; (2) or, if leave is during a period the employee was anticipated to depart from a regular schedule, then hours anticipated for that period; (3) or, if the number of hours the employee would have worked during the period cannot be reasonably anticipated, then their average hours worked during their most recent 30 calendar days of work. If an employee has not yet been employed for 30 calendar days, their entitlement must be determined under 3.5.2(B)(1) or (2).
- (C) Indeterminate shifts. If an employee uses paid leave for a shift of indeterminate length (for example, a shift that is defined by business needs rather than a previously specified number of hours), an employer may determine the number of paid leave hours used by the employee based on the number of hours actually worked by a replacement employee in the same shift. If there is no replacement employee for the indeterminate shift, an employer may determine the number of paid leave hours used by the employee based on the number of hours actually worked by the employee for their most similar shift in the past.
- (D) On-call employees are entitled to use paid leave during any hours they have been scheduled to work, including hours among the employee's on-call time that the employer actually requests the employee to work, or any other hours that would qualify as "time worked" as defined by Rule 1.9 of the COMPS Order, 7 CCR 1103-1. Otherwise, being "scheduled to work" does not include shifts for which an employee has been asked to be available or on-call. However, if an on-call employee has an agreement with an employer to be paid for a scheduled shift regardless of whether the employee actually works the shift, the employer must provide paid leave to a qualifying employee for that shift.

**3.5.3** Use of HFWA leave.

- (A) Because an employee "may use accrued paid sick leave as it is accrued," C.R.S.

§ 8-13.3-403(3)(a), HFWA leave may be used immediately upon accrual, but an employer may, in the ordinary course of business and in good faith, verify employee hours within a month after work is performed and adjust accrued leave to correct any inaccuracy, provided that the employee is so notified in writing.

- (B) An employer may require use of HFWA leave in hourly increments, or may require or allow smaller minimum increments; if an employer does not specify the minimum increment in writing, employees nevertheless may not use increments smaller than a tenth of an hour (*i.e.*, six-minute increments).
- (C) An employer cannot apply an absence or attendance policy to an employee's HFWA-qualifying leave use if it could result in adverse action against the employee, including discipline, as defined in C.R.S. § 8-13.3-407(2)(b). However, after an employee has exhausted all leave required by HFWA, an employer can apply an absence or attendance policy to any absences taken by the employee.

**3.5.4** Applicability of a general paid time off ("PTO") policy to HFWA leave. HFWA does not require additional leave if an employer policy provides fully paid leave for both HFWA and non-HFWA purposes (*e.g.*, sick time and vacation) and makes clear to employees, in a writing distributed in advance of an actual or anticipated leave request, that:

- (A) its leave policy provides PTO --
  - (1) in at least an amount of hours and with pay sufficient to satisfy HFWA and applicable rules (including, if a public health emergency is declared, a supplemental amount of leave required to satisfy C.R.S. § 8-13.3-405(1) and Rule 3.5.1(C),
  - (2) for all the same purposes covered by HFWA and applicable rules, not a narrower set of purposes, and
  - (3) under all the same conditions as under HFWA and applicable rules, not stricter or more onerous conditions (including but not limited to matters such as accrual, use, payment, annual carryover of unused accrued leave, notice and documentation requirements, and anti-retaliation and anti-interference rights); and
- (B) additional HFWA leave need not be provided when employees use all of their available PTO for non-HFWA-qualifying reasons (*e.g.*, vacation). C.R.S. § 8-13.3-403(4), except if a public health emergency is declared after an employee uses some or all available PTO for the applicable benefit year, the employer must supplement the employee's current total of accrued, unused leave pursuant to Rule 3.5.1(C).

**3.5.5** Notice by employees of HFWA-qualifying leave.

- (A) An employee may request leave orally or in writing, including electronically (for example, by email or text message). An employer may choose additional methods of receiving requests or notifications that it deems acceptable, but shall not restrict employees from using any method that notifies the employer effectively. C.R.S. § 8-13.3-404(2).
- (B) For HFWA leave for any health-related or safety-related reason within C.R.S. § 8-13.3-404, if the employee's need for leave is "foreseeable," (1) an employee shall make a good-faith effort to provide advance notice and a reasonable effort to schedule the leave in a manner that does not unduly disrupt employer operations, and (2) an employer may by written policy require reasonable

procedures to provide notice of foreseeable leave, but shall not deny paid sick leave based on noncompliance with such a policy. C.R.S. § 8-13.3-404(2),(5).

- (C) For HFWA leave that is “related to public health emergency” under C.R.S. § 8-13.3-405(3): An employee shall notify their employer of their need for leave as soon as practicable if (1) the need for leave is foreseeable and (2) the employer’s place of business is not closed. C.R.S. § 8-13.3-405(4).

**3.5.6** An employer may require “reasonable documentation” that leave is for a HFWA-qualifying purpose only if the leave requested or taken is for “four or more consecutive work days,” C.R.S. § 8-13.3-404(6), defined as four consecutive days on which the employee would have ordinarily worked absent the leave-qualifying condition, not four consecutive calendar days. An employer may not require an employee to provide documentation that leave is for a qualifying reason “related to [a] public health emergency” under C.R.S. § 8-13.3-405(3),(4).

- (A) When documentation is required, an employer may request only “reasonable” documentation, which is defined as not more documentation than needed to show a HFWA-qualifying reason for leave, as described in subparts (B), (C), and (D) below, and an employer shall not require disclosure of “details” regarding the employee’s or family member’s “health information” or the “domestic violence, sexual assault, or stalking” that is the basis for HFWA leave (C.R.S. § 8-13.3-412(1)).
- (B) To document leave for a health-related need under C.R.S. § 8-13.3-404(1)(a), (b):
- (1) If the employee received any services (including remote services) from a health or social services provider for the HFWA-qualifying condition or need, a document from that provider, indicating a HFWA-qualifying purpose for the leave, will suffice.
- (2) An employee who did not receive services from a provider for the HFWA-qualifying leave, or who cannot obtain a document from their provider in reasonable time or without added expense, can provide their own writing indicating that they took leave for a HFWA-qualifying purpose.
- (C) To document leave for a safety-related need covered by C.R.S. § 8-13.3-404(1)(c) (*i.e.*, domestic abuse, sexual assault, or criminal harassment): A document under subpart (B)(1) (from a health provider or a non-health provider of legal services, shelter services, social work, or other similar services) or an employee writing under (B)(2) will suffice, as will a legal document indicating a safety need that was the reason for the leave (*e.g.*, a restraining order, other court order, or police report).
- (D) Submission of documentation to an employer may be provided (1) by any reasonable method, including but not limited to electronic transmission, (2) at any time until whichever is sooner of an employee’s return from leave (or termination of employment, if the employee does not return), (3) without a requirement of the employee’s signature, notarization, or any other particular document format.
- (E) Confidentiality of leave-related information and documentation. Any information an employer possesses regarding the health of an employee or the employee’s family member, or regarding domestic abuse, sexual assault, or criminal harassment affecting an employee or employee’s family member, shall be treated as confidential and may not be disclosed to any other individual except the affected employee, unless the affected employee provides written

permission prior to such disclosure. C.R.S. § 8-13.3-412(2)(c). If the information is in writing, it shall be maintained on a separate form and in a separate file from other personnel information, and shall be treated as a confidential medical record by the employer. C.R.S. § 8-13.3-412(2)(a)-(b).

- (F) If an employer reasonably deems an employee's documentation deficient, without imposing a requirement of providing more documentation than HFWA or applicable rules permit, prior to denying leave, the employer must: (1) notify the employee within seven days of either receiving the documentation or the employee's return to work (or termination of employment, if the employee does not return), and (2) provide the employee the minimum of seven days to cure the deficiency after the employee is notified that the employer deems the existing documentation inadequate.

**3.5.7** Employer records of accrued and used paid leave hours. An employer "shall retain records for each employee for a two-year period, documenting hours worked, paid sick leave accrued, and paid sick leave used" (C.R.S. § 8-13.3-409(1)), except that two-year limit does not diminish the obligation to retain pay statement records for three years (C.R.S. § 8-4-103(4.5)). Upon an employee's request, an employer must provide, in writing or electronically, documents sufficient to show, or a dated statement containing, the then-current amount of paid leave the employee has (1) available for use, and (2) already used during the current benefit year, including information as to any accrued leave provided and used subject to C.R.S. § 8-13.3-403 and any supplemental public health emergency-related leave provided and used subject to C.R.S. § 8-13.3-405(3). Employees may make such requests no more than once per month, except they may make an additional request when any need for HFWA leave arises. Employers may choose a reasonable system for fulfilling such requests, including but not limited to listing such information on each pay stub, using an electronic system where employees can access their own information, or providing the necessary information in a letter or electronic communication.

**3.5.8** Collective bargaining agreements that provide for equivalent or more generous paid sick leave.

- (A) If a bona fide collective bargaining agreement ("CBA") "provides for equivalent or more generous paid sick leave for the employees covered" (C.R.S. § 8-13.3-415(2),(3)), then:
- (1) HFWA does not apply additional requirements (e.g. it does not require an additional 48 hours of leave when a CBA provides the same amount of leave); and
  - (2) HFWA does not invalidate the CBA or require its re-opening.
- (B) A CBA "provides for equivalent or more generous paid sick leave" (C.R.S. §§ 8-13.3-415(2),(3)) if the CBA does not diminish any employee protections under HFWA and rules promulgated thereunder, including but not limited to the requirements in Rule 3.5.4(A) and:
- (1) accrual and carryover;
  - (2) use and its conditions (e.g., documentation and notice to employers); and
  - (3) protection and effectuation of paid sick leave rights through notice to employees and prohibitions against retaliation based on, or interference with, protected activity.



- (C) This Rule applies to a CBA that is either:
  - (1) “in effect on the effective date” of HFWA, July 14, 2020; or
  - (2) “initially negotiated or negotiated for the next collective bargaining agreement after th[at] effective date . . . if the requirements of this Part 4 are expressly waived in the [CBA].” (C.R.S. §§ 8-13.3-415(2),(3).)

#### Rule 4. Investigation

- 4.1 Wage complaints shall be assigned to Division compliance investigators. Investigatory methods used by the Division may include:
  - (A) Interviews of the employer, employee, and other parties;
  - (B) Information gathering, fact-finding, and reviews of written submissions; and
  - (C) Any other lawful techniques that enable the Division to assess the employer’s compliance.
- 4.2 The Division will evaluate wage complaints under the following burden of proof structure:
  - 4.2.1 To initiate a wage complaint, an employee must provide an explanation of the basis for the complaint that is clear, specific, and shows the employee is entitled to relief. The employee must provide sufficient evidence from which both a violation of Colorado wage and hour laws and an estimate of wages due may be reasonably inferred.
  - 4.2.2 The Division may investigate a wage complaint on behalf of a group of employees if (A) the claimant so requests and (B) it may be reasonably inferred that other employees are similarly situated. If the Division declines to investigate a wage complaint on behalf of a group of employees, it shall investigate on behalf of the individual claimant, and others similarly situated may consent in writing to participate as parties, pursuant to any Division instructions as to information or submissions required by the Division.
  - 4.2.32 The burden then shifts to the employer to prove, by a preponderance of the evidence, that the employee is not entitled to the claimed relief. If the employer fails to meet its burden, the Division may award wages and/or penalties to the employee based on the employee’s evidence.
  - 4.2.43 If the Division concludes that wages are owed to the employee, but cannot calculate the precise amount of wages due, then the Division may award a reasonable estimate of wages due.
- 4.3 Any party to a wage complaint may designate an authorized representative to represent the party during the Division’s administrative procedure.
  - 4.3.1 The party may designate an authorized representative by filing the Division-approved form with the Division.
  - 4.3.2 If not using the Division-approved form, and the authorized representative is a licensed attorney or accountant, the party or the authorized representative must provide written notice to the Division that the authorized representative will represent the party during the Division’s administrative procedure.
  - 4.3.3 If not using the Division-approved form, and the authorized representative is not a licensed attorney or accountant, the party must provide a signed written notice to the Division that the authorized representative will represent the party during the Division’s administrative procedure.

- 4.3.4 The party may revoke the authorized representative's authority by contacting the Division in writing.
- 4.4 After receipt of a wage complaint that states a claim for relief, the Division will initiate the administrative procedure by sending a Notice of Complaint to the employer, along with any relevant supporting documentation submitted by the employee, via U.S. postal mail, electronic means, or personal delivery.
  - 4.4.1 If the Notice of Complaint cannot be delivered, the administrative procedure has not been initiated. If a proper address is located or provided, the Division will resend the Notice of Complaint, and the employer's deadline to respond will be calculated from the date of the subsequent notice.
  - 4.4.2 If the Division cannot determine the employer's correct address, it may contact the employee to request the employer's address. The Division may dismiss the wage complaint if neither the employee nor the Division can determine the employer's correct address.
  - 4.4.3 The employer's response to the Notice of Complaint must include the completed Division Employer Response Form, as well as any additional information or documentation requested by the Division. An insufficient response from the employer may be considered a failure to respond under C.R.S. § 8-4-113(1)(b).
  - 4.4.4 If an employer obtains a good cause extension to respond under C.R.S. § 8-4-113(1)(b), the extension does not waive or reduce penalties owed to the employee pursuant to C.R.S. § 8-4-109(3)(b) if the employer fails to pay the employee's wages within fourteen days after the Notice of Complaint is sent.
  - 4.4.5 Where a claim, complaint, or investigation for violation of these Rules or the statutes they enforce has been filed or commenced, the employer shall preserve all relevant documents until final disposition and until the expiration of the statutory period within which a person aggrieved may bring a civil action.
- 4.5 After receipt and review of the employer's response, the Division may contact the employee for additional documentation or information. If the employer denies, in whole or in part, the allegations in the Notice of Complaint, and the Division determines further investigation would be beneficial, the Division shall send to the employee any relevant supporting documentation submitted by the employer. If the employee does not respond to the request for additional documentation or information by the deadline given, the Division will make a determination based on the information in the record.
- 4.6 All parties to a wage complaint are responsible for ensuring the Division has current contact information.
  - 4.6.1 All parties must promptly notify the Division of any change in contact information, including mailing address, email address, and phone number.
  - 4.6.2 Parties should not rely on the U.S. Postal Service to forward mail. Failure to respond to a notice because mail was not forwarded to a new address will not be excused.
- 4.7 In any Division investigation, proceeding, or other action, if information is provided to the Division by a source requesting confidentiality, and that information is used only as a basis for procuring other evidence, not offered as evidence itself, then the source shall remain confidential. Any such confidential source is unlawful to disclose (unless the source consents) in any administrative or judicial proceeding, in response to any records or information request, or in any other manner, in order to effectuate statutory requirements including but not limited to the following:



- (A) If information is properly treated as confidential, the Division “shall provide a physical environment and establish policies and procedures to ensure confidentiality for all information regarding any employer, employee, or person pertaining to any action pursuant to articles 1 to 13” (C.R.S. § 8-1-115);
- (B) “~~An~~~~Ne~~ employer shall not intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate or retaliate against any employee who has: (a) filed any complaint or instituted or caused to be instituted any proceeding under this article 4 or any other related law or rule related to wages or hours; or (b) who has testified or provided other evidence, or may testify or provide other evidence in any proceeding on behalf of the employee himself, herself, or another person regarding afforded protections under this article 4 or under any other law or rule related to wages or hours” (C.R.S. § 8-4-120);
- (C) It is unlawful to “discharge[] or threaten[] to discharge, or in any other way discriminate[] against an employee” because s/he “may testify in any investigation or proceeding relative to enforcement of this article” (C.R.S. § 8-6-115); and
- (D) It is unlawful to take adverse action based on “participat[ing] in an investigation, hearing, or proceeding or cooperat[ing] with or assist[ing] the Division in its investigations of alleged violations” of HFWA (C.R.S. §§ 8-13.3-402(10), -407).

**4.8** Immigration status is irrelevant to wage rights and responsibilities, including the right to access paid leave without retaliation or interference under HFWA, and the Division shall assure that wage rights and responsibilities apply regardless of immigration status, including but not limited to as follows.

**4.8.1** The Division will not voluntarily provide any person or entity information concerning the immigration status of (a) a party to a wage claim, (b) a person offering information concerning a wage claim, or (c) a person with a relationship with anyone in categories (a) or (b).

**4.8.2** Any effort to use a person’s immigration status to negatively impact the wage and hour law rights, responsibilities, or proceedings of any person or entity is an unlawful act of obstruction, retaliation, and/or extortion, based on statutory provisions including but not limited to the following that make it unlawful:

- (A) For “any person” to “hinder[] or obstruct[] the director or any such person authorized by the director in the exercise of any power conferred by this article[.]” including but not limited to wage investigations, rulemakings, or adjudicative or judicial proceedings (C.R.S. § 8-1-116(2));
- (B) For an employer to “intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate or retaliate against any employee who has: (a) filed any complaint or instituted or caused to be instituted any proceeding under this article 4 or any other related law or rule related to wages or hours; or (b) who has testified or provided other evidence, or may testify or provide other evidence in any proceeding on behalf of himself, herself, or another regarding afforded protections under this article 4 or under any other law or rule related to wages or hours” (C.R.S. § 8-4-120);
- (C) For any person to “threaten[] to report to law enforcement officials the immigration status of the threatened person or another person” to “induce another person” to give up money “or another item of value” (C.R.S. § 18-3-207(1.5)), including inducing the surrender of any “tangible and intangible personal property, contract rights, choses in action, [or] services ... , and any rights of use or enjoyment connected therewith” (C.R.S. § 18-1-901); and

- (D) For an employer to deny “any right guaranteed under” HFWA, or to take “any adverse action against an employee for exercising any right guaranteed” by HFWA (C.R.S. §§ 8-13.3-402(10), -407).

## **Rule 5. Determination**

**5.1** Upon conclusion of the investigation of a wage complaint, the Division will issue a determination.

**5.1.1** The Division shall send the determination to all parties via U.S. postal mail, electronic means, or personal delivery on the date the determination is issued by the Division’s compliance investigator. The Division shall notify the parties of their termination and any appeal rights pursuant to C.R.S. § 8-4-111(3) and C.R.S. § 8-4-111.5(1).

**5.1.2** The date of “issuance” of the Division’s determination, as used in C.R.S. § 8-4-111(3), is the date the Division’s determination is “sent,” as used in C.R.S. § 8-4-111.5(1). Both the termination and appeal deadlines are calculated from the date the Division’s determination is originally issued and sent to the parties.

**5.1.3** If any copies of the decision are sent to the parties after the date the Division’s determination is originally issued and sent to the parties, those copies are provided only as a courtesy and do not change the thirty-five day appeal and termination deadlines.

**5.1.4** Determinations by the Division may include the following remedies, depending on which, if any, the Division’s findings support:

- (A) monetary or other relief authorized by the statute(s) under which the wage complaint was filed, including but not limited to, where applicable --
  - (1) any unpaid wages, penalties, and/or fines under C.R.S. Title 8, Articles 1, 4, 6, and 13.3;
  - (2) if a claim under C.R.S. Title 8, Article 13.3 (HFWA) cost the employee a job or pay, back pay plus either reinstatement or (if reinstatement is infeasible) front pay for a reasonable period; and/or
  - (3) other fines or penalties authorized by statutes applicable to the complaint;
- (B) fines or penalties authorized by the statutes on Division investigative and enforcement authority in C.R.S. Title 8, Articles 1, 4, 6, and 13.3; and/or
- (C) order(s) to cease non-compliance and/or effectuate compliance, as authorized by the statute(s) under which the complaint was filed and statutes on Division investigative and enforcement authority in C.R.S. Title 8, Articles 1, 4, 6, and 13.3.

## **Rule 6. Appeal**

**6.1** Any party to the claim may appeal the Division’s determination.

**6.1.1** Parties are encouraged, though not required, to use the Division’s appeal form. A valid appeal is a written statement that is timely filed with the Division, explains the clear error in the determination that is the basis for the appeal, is not frivolous, and has been signed by the party or the party’s authorized representative. An appeal is frivolous if it fails to allege an error that could result in the reversal or modification of the determination or otherwise is manifestly insufficient or futile.

**6.1.2** No appeal will be heard and no hearing will be held unless the appeal is received by the

Division within thirty-five calendar days of the date the determination is sent. It is the responsibility of the party filing the appeal to ensure the appeal is received by the Division within the thirty-five day filing deadline.

- 6.1.3** Upon receipt of the appeal, the Division will notify the parties of the date of the hearing and any interim deadlines via U.S. postal mail, electronic means, or personal delivery.
- 6.1.4** Upon receipt of the appeal, the Division will send a copy of the appeal and a copy of the record of its investigation to the parties via U.S. postal mail, electronic means, or personal delivery. All evidence submitted to the Division as part of the investigation is part of the record on appeal and need not be resubmitted.
- 6.1.5** The filing of an appeal does not, except to the extent that a stay is granted, toll any deadlines applicable under, or triggered by the issuance of, the determination, decision, or order being appealed.
- 6.2** Parties who timely file a valid appeal of the Division's determination will be afforded an administrative appeal hearing before a Division hearing officer, unless the hearing officer finds, based on pre-hearing submissions, that the appeal presents no issues warranting a live hearing, and gives the parties notice and opportunity to be heard as to whether a hearing is warranted. Parties may appear by telephone.
- 6.3** The parties may submit new testimonial evidence to the hearing officer in accordance with deadlines imposed by the Division. The parties may submit new documentary or other non-testimonial evidence in accordance with deadlines imposed by the Division and upon showing "good cause," which may be assessed based on any relevant factors, including but not limited to:
  - 6.3.1** That the new evidence was previously not known or obtainable, despite diligent evidence-gathering efforts by the party offering the new evidence;
  - 6.3.2** That the party failed to receive fair notice of the investigation or of a key filing by another party or by the Division to which the new evidence is responsive;
  - 6.3.3** That factors outside the control of the party prevented a timely action or interfered with the opportunity to act, except that the acts and omissions of a party's authorized representative are considered the acts and omissions of the party and are not considered to be a factor outside the party's control as intended by this rule;
  - 6.3.4** That a determination raised a new issue or argument that cannot be responded to adequately without the new evidence;
  - 6.3.5** That, at the investigation stage, the party offering new evidence requested more time to submit evidence, yet was denied, and in the hearing officer's judgment (a) the need for more time was legitimate and did not reflect neglect by the party, (b) the denial of the request for more time was unwarranted, and (c) exclusion of the evidence would cause substantial injustice to the party; and/or
  - 6.3.6** That failure to admit the evidence otherwise would cause substantial injustice and did not arise from neglect by the party.
- 6.4** New evidence must be sent to all other parties to the appeal. Failure to send all new evidence to all other parties to the appeal may result in the evidence being excluded from the record.
- 6.5** If the party who filed the appeal does not participate in the hearing, the appeal may be dismissed.
- 6.6** All testimony at a hearing must be recorded by the Division but need not be transcribed unless the hearing officer's decision is appealed.

- 6.7 The hearing officer may, upon the application of any party or on his or her own motion, convene a prehearing conference to discuss the issues on appeal, the evidence to be presented, and any other relevant matters that may simplify further proceedings.
- 6.8 The hearing officer will decide whether the Division's determination is based on a clear error of fact or law.
- 6.9 The hearing officer shall not engage in ex parte communication with any party to an appeal.
- 6.10 An appeal may, in the discretion of the hearing officer, be sequenced and/or divided into two or more stages on discrete questions of liability and/or relief (e.g., bifurcation), yielding two or more decisions and/or phases of the appeal.
- 6.11 The hearing officer's decision constitutes a final agency action pursuant to C.R.S. § 24-4-106. The Division shall promptly provide all parties with a copy of the hearing officer's decision via U.S. postal mail, electronic means, or personal delivery. The Division shall notify the parties of their appeal rights pursuant to C.R.S. § 8-4-111.5(5).

### **Rule 7. Attorney Fees and Costs**

- 7.1 Where permitted by law, parties may apply for an award of reasonable attorney fees or costs, no later than 21 calendar days after the date of the determination or other order giving rise to the entitlement to fees, or within any other different timeframe ordered by the Division, and pursuant to orders and instructions provided by the Division.
- 7.2 After an application for attorney fees or costs is filed, the Division will send any other parties a copy of the application, any supporting documents, and any other relevant orders or requests from the Division. Other parties may respond to the application, within 14 days after it is sent by the Division, as to the reasonableness, amount, or recoverability of any attorney fees or costs claimed. The Division will send any responses it receives to the applicant, who may optionally reply to any points, within seven days after it is sent by the Division, or may be ordered to reply by the Division. The Division may extend Rule 7 deadlines for good cause as described in Rule 2.9.
- 7.3 An award of attorney fees or costs is appealable to a hearing officer pursuant to Rule 6, and for judicial review of a hearing officer decision pursuant to C.R.S. § 8-4-111.5 and Rule 6.11. The hearing officer's decision constitutes a final agency action pursuant to C.R.S. § 24-4-106. The Division shall promptly provide all parties with a copy of the hearing officer's decision via U.S. postal mail, electronic means, or personal delivery. The Division shall notify the parties of their appeal rights pursuant to C.R.S. § 8-4-111.5(5).
- 7.4 For unpaid wage claims, this Rule 7 applies to only claims filed on or after January 1, 2023.

### **Rule 8. Administrative Liens and Levies**

- 8.1 The Division may issue a notice of administrative lien and levy if an employer or other Division debtor fails to pay wages, fines, or penalties determined to be due in an order that is not the subject of a pending appeal, that has not been superseded on appeal, and that is not subject to any order barring such action. Upon an employee's written request, the Division will inform the employee within 60 calendar days whether it will issue such notice, subject to the Division's discretion to issue such notices on its own initiative at any later time.
- 8.2 Within 21 calendar days from the date of the lien, a Division debtor may make a claim for an exception or exemption from the Division for the reasons and under the procedures detailed below, which shall be submitted pursuant to orders and instructions provided by the Division to the Division debtor and/or published by the Division on its website.
- 8.2.1 An exception may be granted to a Division debtor:

(A) When the Division has failed to follow the procedures in C.R.S. § 8-4-113(4) or these Rules for issuance of a notice of administrative lien and levy; or

(B) When the Division debtor is a natural person who is terminally ill.

**8.2.2** An exemption shall be granted for any of the following reasons:

(A) Misidentification;

(B) A custodial account created pursuant to the “Colorado Uniform Transfers to Minors Act”, Article 50 of Title 11, C.R.S., or a trust account of moneys held in trust for a third party;

(C) “Earnings” as defined in C.R.S. § 13-54-104(3), from which the maximum percentage amount that can be seized will be determined based upon the documentation provided by the Division debtor; or

(D) Other funds to the extent exempted by law from execution, levy, attachment, garnishment, or other legal process.

**8.2.3** The Division debtor has the burden of claiming with specificity, producing evidence to support, and proving entitlement to, any exceptions or exemptions, all pursuant to any policies or instructions included with any Notice of Lien and Levy.

**8.2.4** The Division shall review the claim and document its decision whether to approve or deny the requested relief. The Division shall provide an initial decision within seven calendar days of receipt, or the next business day thereafter.

(A) An initial grant may be subject to further review by the Division, based on information from the Division debtor or other information obtained by the Division.

(B) An initial denial may include permission or a request to submit further information, based on which the claim for exception or exemption may be re-reviewed by the Division.

(C) An initial denial will be deemed an appealable final lien or levy order (1) if the Division debtor chooses not to provide further information within seven calendar days, on the eighth calendar day; or (2) if the Division does not issue a new decision within seven calendar days of any new information provided by the Division debtor, on the eighth calendar day after the new information is provided.

**8.2.5** If the claim for exception or exemption is approved, the Division will issue a release of lien and levy to the Division debtor and, if applicable, any person(s) with possession, custody or control of the asset(s). If the claim is denied, the lien and levy will remain in effect and the Division shall notify the Division debtor and, where appropriate and applicable, may notify any person(s) with possession, custody or control of the asset(s).

**8.2.6** A decision on an exception or exemption is appealable to a hearing officer pursuant to Rule 6, and for judicial review of a hearing officer decision pursuant to C.R.S. § 8-4-111.5 and Rule 6.11. The hearing officer’s decision constitutes a final agency action pursuant to C.R.S. § 24-4-106. The Division shall promptly provide all parties with a copy of the hearing officer’s decision via U.S. postal mail, electronic means, or personal delivery. The Division shall notify the parties of their appeal rights pursuant to C.R.S. § 8-4-111.5(5).

**8.3** A lien placed on any and all types of joint account(s) shall require the financial institution to freeze 100% of the assets on deposit as of the date of the lien. "Joint accounts" means multiple party accounts as defined in C.R.S. § 15-15-201. The Division shall take the following actions:

**8.3.1** The non-debtor account holders shall be informed in writing that they have 21 calendar days from the date of the lien to request an appeal of the frozen funds on the basis that there is proof of the non-debtor account holders' contribution of the funds on deposit up to 100% as of the date of the lien as governed by C.R.S. § 15-15-211.

**8.3.2** The request for appeal and the required documentation shall be reviewed by the Division within seven calendar days of receipt, or the next business day thereafter.

**8.3.3** The Division shall notify the non-debtor account holder of the appeal decision:

(A) If the appeal is approved, the Division will issue a release of lien and levy to the financial institution releasing the contribution of the non-debtor account holder.

(B) If the appeal is denied, the lien and levy will remain in effect as to the amount frozen at the time of the lien.

**8.3.4** The hearing officer's decision constitutes a final agency action pursuant to C.R.S. § 24-4-106. The Division shall promptly provide all parties with a copy of the Division's decision on the appeal via U.S. postal mail, electronic means, or personal delivery. The Division shall notify the parties of their appeal rights pursuant to C.R.S. § 8-4-111.5(5).





## **NOTICE OF PUBLIC HEARING CONCERNING PROPOSED RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to adoption of the below **four sets of proposed rules**, under authority granted to the Division of Labor Standards and Statistics by the Administrative Procedure Act, C.R.S. § 24-4-103, provisions of C.R.S. Title 24, Article 92, and C.R.S. Title 8, Articles 1-4, 6, 12, 13.3, 13.5, 14.4, and 17; and § 15 of Art. XVIII of the Colorado Constitution.

The proposed changes to Colorado labor rules include:

1. Implementing and enforcing three laws recently enacted:
  - (a) Senate Bill 22-161, which amends wage-and-hour responsibilities, mostly with additional responsibilities to pay wages due, including: new procedures for certain kinds of deductions; protection against retaliation related to wage rights; worker misclassification reporting; and various aspects of wage rights enforcement, including new statutory provisions as to fines and penalties, attorney fees for retaliation or higher-value wage claims, collections where ordered payments are not made, and collaboration between DLSS and other branches of state government;
  - (b) Senate Bill 22-097, which amends whistleblower retaliation rights and responsibilities to cover a range of health and safety matters, not just those related to a public health emergency;
  - (c) Senate Bill 19-196, which requires paying prevailing wages to construction laborers on state public projects.
2. Implementing the annual adjustment of the minimum wage, as mandated by the Colorado Constitution, and other related minimum wage and salary figures adjusted annually; and
3. Other non-substantive or procedural changes to labor rules suggested or proposed, based on stakeholder input or other developments that warrant rule changes.

For the details of each proposed rule, see the text of the accompanying proposed draft rules, as well as the proposed statement of basis and purpose that accompanies each set of rules.

**(1) Wage Protection Rules, 7 CCR 1103-7.** These rules amend the prior version of the Wage Protection Rules, which implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by (among other laws) the Wage Protection Act of 2014 (WPA) and Colorado Senate Bill 22-161, C.R.S. § 8-4-101 et seq.; the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq.; and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.

**(2) Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules (“Colorado WARNING Rules”), 7 CCR 1103-11.** These rules amend the prior version of the Colorado WARNING Rules, the Division’s existing rules governing retaliation, interference, and notice of rights under several Division-enforced statutes.

**(3) 2023 Publication And Yearly Calculation of Adjusted Labor Compensation (“2023 PAY CALC”) Order, 7 CCR 1103-14 (2023).** The PAY CALC Order publishes inflation-adjusted and other annually updating values applied in the Colorado Overtime and Minimum Pay Standards (“COMPS”) Order, 7 CCR 1103-1.

**(4) Prevailing Wage and Residency (PWR) Rules, 7 CCR 1103-6.** The “Prevailing Wage and Residency Rules” is a revised rule set combining the Division’s existing rule set regarding the Keep Jobs in Colorado Act (KJICA), C.R.S. § 8-17-101 et seq. (previously titled the “Keep Jobs in Colorado Act Rules”), with a new set of requirements from the Colorado Quality Apprenticeship Training Act of 2019 (Prevailing Wage Act or PWA), C.R.S. § 24-92-201 et seq.

**Public Hearing Information:**

Date and Time of Hearing: **Tuesday, November 1, 2022, from 3:00 pm until at least 6:00 pm.** Division will stay until at least 6:00 pm, or longer if by that time anyone still wishes to speak, to assure opportunity for anyone who may wish to attend in the early evening. You need not arrive by a particular time or stay the entire meeting.

Written Comment Deadline for the above rules: **Thursday, November 3, 2022, at 5:00 pm**

The Division is administering this public hearing, and all interested persons are free to offer oral testimony and to listen to part or all of the hearing. However, due to the current public health crisis, **participation will be primarily by remote means**, with limited in-person participation at the Division by RSVP only and subject to (A) space limitations and (B) the possibility of a decision, which would be announced on the [rulemaking page](#) no later than 24 hours before the meeting, as to whether the public health situation permits in-person attendance or requires an exclusively remote hearing. While not required, we request and highly recommend that **anyone interested in oral testimony use this [rulemaking comment form](#) to RSVP**, because at the hearing, after those in person speak, we will then call on those who RSVP'd to speak, followed by testimony from others by remote means. A recording of the public hearing will be publicly posted afterwards on our [rulemaking page](#).

Written comments may be submitted by: 1) our online [rulemaking comment form](#); 2) mail to the below address; 3) fax to 303-318-8400; or 4) email to [michael.primo@state.co.us](mailto:michael.primo@state.co.us). Because **written comments become part of the same record as oral testimony**, and are reviewed by the same officials, **you may submit written comments in lieu of oral testimony**, but are free to participate by both means.

**Instructions for Hearing Participation:** Either of the below options will work to participate, but for orderly administration of participation, and to avoid possible audio feedback, please do not use both simultaneously. *(You do not need to have a Google account to access any of the below means.)*

- (A) **To Participate by Internet, Including Testifying:**  
visit this "Meet" webpage: [meet.google.com/hcx-tpbo-mtr](https://meet.google.com/hcx-tpbo-mtr)
- (B) **To Participate by Phone, Whether to Listen or to Testify:**  
call (US) +1 929-276-0796, and then enter this pin: 807 708 207#
- (C) **To Participate in Person:** (633 17th Street, Denver, CO, 80202, Room 12A on the 12th floor)  
RSVP via our [rulemaking comment form](#) to attend in person.

Please contact [michael.primo@state.co.us](mailto:michael.primo@state.co.us) with any questions about how to access either the public hearing or its recording, or **if you need accommodations or translation services** to attend or participate. This public hearing is held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101 et seq., and Colorado Open Meetings Law, C.R.S. § 24-6-401 (2022), to receive any testimony, written, views, or arguments that interested parties wish to submit regarding the proposed rules.

Copies of proposed rules, including redlined copies showing changes from prior versions, and statements of basis and purpose further detailing the proposed rules, are available at [www.ColoradoLaborLaw.gov](http://www.ColoradoLaborLaw.gov) or by request to: **Division of Labor Standards and Statistics, 633 17th Street, Denver, Colorado 80202.**





## **STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS**

### **Wage Protection Rules, 7 CCR 1103-7 (2023), as proposed September 29, 2022; to be followed and replaced by a final Statement at the conclusion of the rulemaking process.**

**I. BASIS:** The Director (“Director”) of the Division of Labor Standards and Statistics (“Division”) has authority to adopt rules and regulations on wage-and-hour and workplace conditions, under authority listed in Part II, which is incorporated into Part I as well. These rules update the Wage Protection Rules, 7 CCR 1103-7, which implement the Colorado Wage Act (“CWA”) as amended, including but not limited to by the Wage Protection Act (“WPA”), C.R.S. § 8-4-101 et seq., and Colorado Senate Bill 22-161 (“SB161”); the Healthy Families and Workplaces Act (“HFWA”), C.R.S. § 8-13.3-401 et seq.; and the Agricultural Labor Rights and Responsibilities Act, codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.

**II. SPECIFIC STATUTORY AUTHORITY:** The Director is authorized to adopt and amend rules and regulations to enforce, execute, apply, and interpret Articles 1, 2, 4, 6, 13.3, and 13.5 of Title 8, C.R.S. (2022), and all rules, regulations, investigations, and other proceedings of any kind thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of Articles 1, 2, 4, 6, 13.3, and 13.5, including but not limited to §§ 8-1-101, 103, 107, 108, 111, 130; §§ 8-4-111, -113; §§ 8-6-102, 104, 105, 106, 108, 109, 111, 116, 117, 120; § 8-12-115; §§ 8-13.3-401, 403-405, 407-411, 416; and § 8-13.5-202, 203, 204.

**III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION.** Per C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

**IV. SPECIFIC FINDINGS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(6), the Director finds as follows.

**A. Rule 1: Statement of Purpose and Authority**

Proposed amendments to Rule 1 non-substantively amend relevant citations.

**B. Rule 2.3: Average Daily Earnings**

The proposed amendment to Rule 2.3 addresses the fact that the rule now says C.R.S. § 8-4-109(3)(b) refers to “average daily earnings,” which it will not as of January 1, 2023, under SB161.

**C. Rule 2.4: Certified Copies**

The proposed amendment to Rule 2.4 clarifies that a “certified copy of any citation, notice of assessment, or order imposing wages due, fines, or penalties” under C.R.S. § 8-4-113: (1) does not require a copy separate from the initially issued citation, notice, or order, as long as the Division certifies the accuracy of the issuance; (2) can be issued for “any” citation, notice of assessment, or order, not just a “final” order — a clarification that became relevant with recent statutory and rule amendments providing for sequenced citations, notices, or orders — such as under SB161 provisions for certain claimants to be awarded attorney fees and costs, which may be awarded in a later order, after an initial citation or notice of assessment is already issued; (3) may be issued by any Division official as delegated by the Director — not just a compliance investigator or hearing officer as existing rule states; and (4) is issued only a reasonable period after the appeal deadline — to allow for the possibility of a stay or other order halting the filing or enforcement of a certified copy.

**D. Rule 2.13: Terminated Employee**

The proposed amendment to Rule 2.13 addresses the fact that the reference to “terminated employee” will move from C.R.S. § 8-4-105(1)(e) to C.R.S. § 8-4-105(1)(e)(I) on January 1, 2023, under SB161.

**E. Rule 2.16: Written Demand**

SB161 amended the penalties applicable under C.R.S. § 8-4-109, effective January 1, 2023. The proposed amendment clarifies as follows. First, the new penalty amounts apply when an employer’s refusal to pay wages within 14

days of a written demand occurs on or after January 1, 2023, even if a written demand was sent before that date; *i.e.*, the new penalty amounts apply if a written demand is sent on or after December 18, 2022. Second, if an employer's first refusal to pay wages is before January 1, 2023 (*i.e.*, if it rejects a written demand sent before December 18, 2022), then: (1) the *pre-SB161* penalties still apply if, on or after December 18, 2022, either (a) the claimant sends another written demand and the employer refuses to pay the wages owed within 14 days of that second written demand, or (b) the Division sends a Notice of Complaint (which by statute counts independently as a written demand triggering penalties), and the employer pays the wages owed within 14 days of the Notice of Complaint; *but* (2) the *SB161 penalties* apply if, on or after December 18, 2022, the Division sends a Notice of Complaint and the employer fails to pay the wages owed within 14 days of that Notice of Complaint.

**F. Rule 2.21: Division Debtors**

Proposed new Rule 2.21 defines "Division debtor," a term used in proposed new Rule 8 to encompass any party who owes wages, fines, or penalties determined to be due. Existing Rule 2.21 is accordingly renumbered to be Rule 2.22.

**G. Rule 3.1: Division Forms and Instructions**

Existing Rule 3.1 already requires use of Division-approved forms. The proposed amendment adds, for situations in which no form exists but the Division requires certain information or submissions from any party, that Division may require such information or submissions to be provided whether or not a Division-approved form exists — which is relevant, among other situations, to multiple new types of matters the Division has been assigned by recent legislation, including attorney fee and cost applications, and filings related to administrative liens and levies, under SB161.

**H. Rule 3.1.5, 3.3, 3.4, 4.2.2 Investigation of Similarly Situated Employees or Multiple Claims**

Existing Rule 3.1.5 already notes the statutory limit of \$7,500 for wage claims. Because SB161 now provides that wage claims can be filed on behalf of other similarly situated employees, the proposed amendment to Rule 3.1.5 clarifies that the \$7,500 limit is per each individual employee. Proposed amendments to Rules 3.3 and 3.4 similarly accommodate Division investigation and disposition of wage claims of multiple employees in group or consolidated investigations. Proposed new 4.2.2 applies existing Division burden of proof and pleading standards to complaints filed on behalf of similarly situated employees, or complaints that other similarly situated employees may join, under SB161.

**I. Rule 3.5.2(A): Pay Rate Calculation for Paid Sick Leave under C.R.S. § 8-13.3-402(8)**

The proposed amendment to Rule 3.5.2(A) changes no substance, but clarifies and streamlines the definition of the pay rate for HFWA leave. The rule had cross-referenced the COMPS Order definition of a regular pay rate, but conformity with HFWA required clarification that HFWA expressly excludes certain pay types from the pay rate for HFWA leave (C.R.S. § 8-13.3-402(8)), and to define a lookback period the rule established. The proposed amendment also adds clarity by removing the COMPS Order cross-reference.

**J. Rules 4.7(B) and 4.8.2(B): Investigation**

The proposed amendments to Rules 4.7(B) and 4.8.2 update the quoted language from C.R.S. § 8-4-120 to conform with SB161 amendments to that statutory section.

**K. Rule 6: Appeal**

The proposed amendments to Rule 6.1.1 and Rule 6.2 aim to enhance appeals efficiency and ensure the prompt resolution of appeals. Rule 6.1.1 already provides that a valid appeal must be timely, be signed, and allege a clear error. Division experience has shown that some appeal requests meet that test, yet still lack any plausible merit, and are certain to be dismissed. Under the proposed amendment, such appeals may, in appropriate cases, be resolved on the papers, without need to plan and conduct a live hearing that would not change the outcome for an appeal that the papers show to be meritless, just as not all lawsuits proceed to trials or other live hearings.

Proposed new Rule 6.1.5 clarifies an appeal filing does not, except to the extent that a stay is granted, automatically toll deadlines applicable under, or triggered by issuance of, the determination, decision, or order being appealed. For example, SB161 creates new penalties and fines applicable to employers who do not pay within 60 days of a determination. If a determination lacks language tolling that deadline in the event of an appeal, an appeal filing alone would not toll those 60 days. A party may still, as in established Division practice, request a stay as part of its appeal.

**L. Rule 7: Attorney Fees and Costs**

SB 161 amended the Colorado Wage Act to give the Division authority to order, in administrative claims, reasonable costs to prevailing wage claimants, and attorney fees to prevailing claimants who recover at least \$5,000 in unpaid wages. To implement this new authority, proposed new Rule 7 sets forth procedures for parties to apply for attorney fees or costs, dispute other parties' fee or cost applications, and appeal fee or cost decisions.

**M. Rule 8. Administrative Liens and Levies**

SB 161 amended the Colorado Wage Act to give the Division authority to issue notices of administrative liens and levies against employers or other persons who have possession, custody or control of the assets of a party that fails to pay wages, fines, or penalties determined to be due. Proposed new Rule 8 sets forth procedures for parties to claim exceptions or exemptions, or to file appeals for joint accounts; for the Division to determine the merits of such claims or appeals; and for the Division to provide notice of those determinations.

**V. EFFECTIVE DATE.** If adopted, these rules take effect January 1, 2023, or as soon after as rulemaking completes.



\_\_\_\_\_  
Scott Moss  
Director, Division of Labor Standards and Statistics  
Colorado Department of Labor and Employment

\_\_\_\_\_  
September 29, 2022

Date

# Notice of Proposed Rulemaking

**Tracking number**

2022-00587

**Department**

1100 - Department of Labor and Employment

**Agency**

1101 - Division of Labor Standards and Statistics (Includes 1103 Series)

**CCR number**

7 CCR 1103-11

**Rule title**

Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules (Colorado WARNING Rules), 7 CCR 1103-11 (2023)

**Rulemaking Hearing****Date**

11/01/2022

**Time**

03:00 PM

**Location**

633 17th Street, 12th Floor, Denver, CO 80202

**Subjects and issues involved**

Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules (Colorado WARNING Rules), 7 CCR 1103-11. These rules amend the prior version of the Colorado WARNING Rules, the Divisions existing rules governing retaliation, interference, and notice of rights under several Division-enforced statutes.

**Statutory authority**

Articles 16, 12, 13.3, 13.5, and 14.4 of C.R.S. Title 8, and all rules, regulations, investigations, and proceedings thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, C.R.S. §§ 8-1-101, -103, -107, -108, -111, -116, -117, -130; 8-2-130, -206; 8-4-110, -111, -113, -120; 8-5-203; 8-6-102, -104, -105, -106, -108, -109, -111, -116, -117; 8-12-115; 8-13.3-403, -407, -408, -409, -410; 8-13.5-204; and 8-14.4-103, -105, and -108.

**Contact information****Name**

Michael Primo

**Title**

Rule Coordinator

**Telephone**

3033188462

**Email**

michael.primo@state.co.us

## DEPARTMENT OF LABOR AND EMPLOYMENT

### Division of Labor Standards and Statistics

#### COLORADO WHISTLEBLOWER, ANTI-RETALIATION, NON-INTERFERENCE, AND NOTICE-GIVING RULES ("Colorado WARNING Rules")

##### 7 CCR 1103-11

As proposed September 29, 2022; if adopted January 11, 2022, to be effective March 2, 2023.

#### Rule 1. Statement of Purpose, Authority, and Construction

- 1.1 The general purpose of these Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules ("WARNING Rules") is to exercise the authority of this Division to enforce and implement Colorado legislative enactments and accompanying rules protecting against retaliation for, or interference with, the exercise of protected rights, and requiring that employees and other workers receive various forms of notification of their rights, including but not limited to the Healthy Family and Workplaces Act of 2020 ("HFWA," C.R.S. Title 8, Article 13.3, Part 4), the Public Health Emergency Whistleblower Act of 2020 and the Protected Health/Safety Expression and Whistleblowing Act ("PHEW," C.R.S. Title 8, Article 14.4), the Equal Pay for Equal Work Act of 2019 ("EPEWA," C.R.S. Title 8, Article 5), the Agricultural Labor Rights and Responsibilities Act of 2021, Colorado Senate Bill 21-87 ("ALRRA") as amended by Colorado House Bill 22-1313, amendments to the Colorado Wage Act (C.R.S. Title 8, Article 4), and rules promulgated under the foregoing statutes. These Rules are adopted pursuant to Division authority in C.R.S. §§ 8-1-103(3), -107(2), -111, -116, -117; §§ 8-2-130, -206(3)(c)(II); §§ 8-4-111, -113(4)(d), -120; § 8-5-203; §§ 8-6-105, -106, -108, -117; §§ 8-13.3-403(9), -407(6), -408(1)-(2), -409, -410; § 8-13.5-204(1)(b); and §§ 8-14.4-103(2), -104, -105(4), -108. Every rule herein applies to all statutes and rules referenced in Rule 1.1, unless a specific rule states otherwise.
- 1.2 Incorporations by Reference. Articles 1-6, 13.3, 13.5, and 14.4 of C.R.S. Title 8 (2022) are hereby incorporated by reference. Earlier versions of such laws may apply to events that occurred in prior years. Such incorporation excludes later amendments to or editions of the statutes. These statutes are available for public inspection at the Colorado Department of Labor and Employment, Division of Labor Standards & Statistics, 633 17th Street, Denver CO 80202. Copies may be obtained from the Division of Labor Standards & Statistics at a reasonable charge. These statutes can be accessed electronically from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of the statutes 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 originally issuing the statutes. All Division Rules are available to the public at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov). Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern so long as they are consistent with Colorado statutory and constitutional provisions.
- 1.3 Separability. These Rules are intended to remain in effect to the maximum extent possible. If any part (including any section, sentence, clause, phrase, word, or number) is held invalid, (A) the remainder of the Rules remain valid, and (B) if the provision is held not wholly invalid, but merely in need of narrowing, the provision should be retained in narrowed form.

#### Rule 2. Definitions and Clarifications

- 2.1 "Administrative Procedure" means the process used by the Division to investigate Complaints arising under any rule or statute cited in Rule 1.1.
- 2.2 "Authorized representative" means a person designated by a party to a Complaint to represent the party during the Division's administrative procedure. To designate an authorized representative, the party must comply with the requirements for authorizing a representative in the Wage Protection Rules, 7 CCR 1103-7, Rule 4.3.

- 2.3** “Complaint” or “Claim” interchangeably mean a Complaint or Claim alleging violation of any retaliation, interference, or notice requirements of any statute or rule cited in Rule 1.1. “Complainant” means an employee, worker, whistleblower, key service provider, or other protected party with a Complaint or Claim.
- 2.4** “Certified copy” means a copy of a final Division decision (issued by a compliance investigator or hearing officer) signed by the Director of the Division, or his or her designee, certifying that the document is a true and accurate copy of the final decision. A certified copy must be requested in writing. A Division decision (issued by a compliance investigator or hearing officer) will not be certified unless: either **(1)** all appeal deadlines have passed and no appeal has been filed or **(2)** if an appeal was timely filed, the decision was not superseded on appeal. A certified copy will not be issued if a Complainant terminated a Complaint in accord with applicable statutes or rules.
- 2.5** “Correct address” can include, but is not limited to, an email address reported to the Division or posted on a party’s website, an address on file with the Colorado Secretary of State, the address of a registered agent on file with the Colorado Secretary of State, or an address provided to the Division by the party. A notice is deemed sent to a party when placed in the U.S. mail; sent by electronic means; or personally delivered to a party or a party’s representative, or a party’s correct address.
- 2.6** “Determination” means a decision issued by a compliance investigator upon the conclusion of an investigation. “Determination” includes: Citation and Notice of Assessment, Determination of Compliance, and Notice of Dismissal, if that Notice of Dismissal is issued after the Division initiated the administrative procedure. A notice that the Division declines to investigate a Complaint is not a Determination.
- 2.7** “Division” means the Division of Labor Standards and Statistics in the Colorado Department of Labor and Employment.
- 2.8** “Employee” and “Employer” have the same meaning as in C.R.S. §§ 8-4-101(5),(6), except as to rights or responsibilities under C.R.S. Title 8, (A) Article 13.3, “Employee” and “Employer” have the same meaning as in C.R.S. §§ 8-13.3-402(4),(5); and (B) Article 5, “Employee” and “Employer” have the same meaning as in C.R.S. §§ 8-5-101(4),(5). As used in these rules, the term “Employee” includes an agricultural employee as defined in C.R.S. § 8-2-206(1)(b) and an agricultural worker as defined in C.R.S. § 8-13.5-201(3), and the term “Employer” includes an agricultural employer as defined in C.R.S. § 8-2-206(1)(c), except as otherwise provided.
- 2.9** “Notice of Right to Sue” means a notice from the Division stating that the Complainant has exhausted administrative remedies pursuant to C.R.S. § 8-14.4-105, and/or that the Division has received and declined to investigate a Complaint for purposes of C.R.S. §§ 8-2-206(3)(c)(II), 8-13.3-411(4)(d), or 8-13.5-204(1)(b).
- 2.10** “Respondent” means an employer or principal that is alleged in a Complaint or Claim to have, or that is the subject of an investigation into whether they have, committed an unlawful practice.
- 2.11** In “retaliation” or “interference” claims or investigations, the following definitions apply:
- 2.11.1** “Protected activity” means, as to any right under these Rules or any statute or rule to which these Rules apply:
- (A)** asserting, seeking, or exercising any right or remedy;
  - (B)** opposing a possible or perceived violation;
  - (C)** participating in a formal or informal investigation, hearing, complaint, or other process or proceeding that relates to any possible or perceived violation, or that relates to any relevant claim, right, or rule; and/or

- (D) engaging in any other activity authorized or protected thereby.

With respect to rights under PHEW, “protected activity” is further defined in Rule 5 herein.

**2.11.2** “Retaliation” means, and is synonymous with, discrimination based on or for protected activity, and it encompasses any act (whether an affirmative act, an omission, or a statement) that is intended to, and could, deter a reasonable person from engaging in, or impose consequences for, protected activity. Examples of retaliation include:

- (A) using the assertion or exercise of any right protected by these Rules, or any statute or rule to which these Rules apply, as a negative factor in any employment action;
- (B) acts that may not affect employment status but that may dissuade, deter, or interfere with engaging in protected activity, such as acts prohibited by Rule 4.8.2 of the Wage Protection Rules (7 CCR 1103-7), or acts that interfere or threaten to interfere with the receipt of public benefits.

**2.11.3** “Interference” means any act (whether an affirmative act, an omission, or a statement) that, regardless of intent, interferes with any protected activity or any right under these Rules or any statute or rule to which these Rules apply, including any act that deters any protected activity. Examples of acts that may constitute interference include:

- (A) failing to authorize the exercise of a right, imposing stricter conditions upon exercising a right (e.g., as to documentation or notice) than the applicable statute or rule permits, or altering employment conditions, rules, or procedures to limit coverage;
- (B) failing to effectively provide a required notice or notification as to an employee’s rights;
- (C) inducing or attempting to induce an employee, worker, whistleblower, key service provider, or other protected party to prospectively waive a right;
- (D) imposing consequences (whether or not employment-related) for or discouraging the exercise of any such right, such as by counting paid sick leave taken by an employee pursuant to HFWA as an absence that may lead to negative consequences;
- (E) “access interference” with an agricultural employee’s rights to reasonable access (as defined by C.R.S. § 8-13.5-202 and the Agricultural Labor Conditions Rules, 7 CCR 1103-15, Rule 4) to visitors at employer-provided housing, to employee residence access and egress, to key service providers, or to required transportation; except an agricultural employer may apply generally applicable hazard or safety protocols to work site visitors.

**2.12** “Wage Protection Rules” refer to the rules contained in 7 CCR 1103-7.

**2.13** “Willful,” in Articles within C.R.S. Title 8 that this Division enforces or administers, has the same meaning as under the federal Fair Labor Standards Act, as used and defined in 29 U.S.C § 255(a) and 29 C.F.R. § 578.3(c).

**2.14** “Worker” and “principal,” as to rights or responsibilities under C.R.S. Title 8, Article 14.4, have the same meaning as in C.R.S. §§ 8-14.4-101(3),(5).

**2.15** Any other definitions set forth in statutes enforced through these Rules are hereby incorporated by reference, except where terms are defined differently in these Rules.

**2.16** Under the ALRRA and PHEW, a “whistleblower” is defined as follows, and need not have personally experienced the relevant violation:



- (A) under the ALRRA, an agricultural employee “with knowledge of an alleged violation of Part 2 [of Article 13.5 of C.R.S. Title 8] or the agricultural worker’s representative” (as defined in C.R.S. § 8-13.5-201(4)); and
- (B) under PHEW, a worker with knowledge of an alleged violation of Article 14.4 of C.R.S. Title 8 or the “worker’s representative” (as defined in C.R.S. § 8-14.4-107).

**2.17** Under the ALRRA, the definitions of the following parties apply.

**2.17.1** “Agricultural employee” and “agricultural worker,” as to rights and responsibilities under C.R.S. § 8-2-206 of the ALRRA, identically mean a person employed by an agricultural employer. As to other rights and responsibilities under the ALRRA, “agricultural employee” and “agricultural worker” identically mean an employee engaged in any service or activity included in 29 U.S.C. § 203(f) or 26 U.S.C. § 3121(g).

**2.17.2** “Agricultural employer,” as to rights and responsibilities under the ALRRA, means a person engaged in any service or activity included in 29 U.S.C. § 203(f) or 26 U.S.C. § 3121(g) who either (1) contracts with any person who recruits, solicits, hires, employs, furnishes, or transports agricultural employees, or (2) regularly engages the services of one or more agricultural employees. Under C.R.S. § 8-3-104(1)(b) of the ALRRA, “[t]he meaning of ‘agricultural employer’ must be liberally construed for the protection of persons providing services to an employer.”

**2.17.3** “Other protected party,” as to rights and responsibilities under the ALRRA, means a person who has, or is perceived as having, any of the following relationships protected against retaliation by C.R.S. § 8-2-206 of the ALRRA:

- (A) a “familial . . . relationship” with an agricultural employee (C.R.S. § 8-2-206(3)(c)), which encompasses (1) a spousal relationship (including a common-law marriage, civil union, or domestic partner), (2) any of the following relationships by blood, marriage, or adoption: parent, grandparent, child, grandchild, sibling, stepparent, stepsibling, stepchild, uncle, aunt, niece, nephew, or cousin, or (3) another person with whom the employee similarly has a significant personal bond regardless of biological or legal relationship.
- (B) a “workplace relationship” with an agricultural employee (C.R.S. § 8-2-206(3)(c)), which encompasses any person with whom the employee has interacted repeatedly in the scope of their employment, regardless of the person’s employer or employment status.
- (C) a “person with whom the agricultural employee exchanges care or support” (C.R.S. § 8-2-206(3)(c)), which encompasses any relationship in which the employee or the person, outside of their scope of employment, provides care or support to the other with (1) health, family care, transportation, or similarly important personal needs, or (2) any other needs that the individual lacks capacity to perform on their own, such as hygiene, financial or similar paperwork, or home tasks (basic cleaning, shopping, cooking, maintenance, etc.).

**2.18** For the purposes of the C.R.S. § 8-4-120 provisions against retaliation as to rights under “any . . . law or rule related to wages or hours”:

**2.18.1** “Filed any complaint” includes formal or informal complaints, written or oral, whether to a court; a governmental labor agency; an employer or principal; or another relevant entity or person, public or private.

**2.18.2** “Proceeding” includes any procedure, process, or action by a court; a governmental labor agency; an employer or principal; or another relevant entity or person, public or private.



**2.19** As referenced by C.R.S. § 8-14.4-102(3)(b), “public health agency” means agencies or authorities of the United States, states or political subdivisions thereof with jurisdiction over the worker’s workplace; or an individual or entity performing public health functions under a grant of authority from such a public health agency.

### **Rule 3. Complaint, Investigation, and Appeal Procedures**

**3.1** Wage Protection Rules 4.1 and 4.3-4.8, 7 CCR 1103-7, regarding investigation procedures and protections, are incorporated by reference, except that as incorporated:

- (A)** all references to “wage” or “wage and hour” Complaints, Claims, rights, responsibilities, or proceedings shall include other labor rights or responsibilities within these Rules;
- (B)** in Rule 4.4.3 “C.R.S. § 8-4-113(1)(b)” is replaced with “C.R.S. § 8-1-140(2)”; and
- (C)** for Claims under PHEW and the ALRRA, references to “employers” or “employees” shall include “principals” and “workers,” respectively, as defined by PHEW and these Rules, and “agricultural employers” and “agricultural employees,” respectively, as defined by the ALRRA and these Rules.

**3.2** Complaint filings.

**3.2.1** An employee, worker, whistleblower, key service provider, or other protected party who wishes to file a Complaint shall use a Division-approved form(s) and shall include the Complainant’s signature, the Complainant’s contact information, the Respondent’s contact information, and basis for the Complaint. If the Division does not have an applicable form publicly posted when the Complainant intends to file, then a Complainant may file a Complaint in any form, by mail or electronic mail, with the Division, and the Division may later require the Complainant to complete the Division’s Complaint form, but the filing date will remain the date of the Complainant’s original filing.

**3.2.2** A Complainant shall respond in a timely manner to informational or investigatory requests by the Division. Failure to comply with this Rule may result in dismissal of the Complaint. If a Complaint is dismissed before a Notice of Complaint is sent to the Respondent due to failure to respond to a Division request for information, the Complaint may be reopened if the Complainant provides the requested information or documentation to the Division within 35 days of the request. A Complainant may be required to file a new Complaint if the response is received more than 35 days after the request.

**3.2.3** Anonymous complaints will be accepted, but will not be investigated using the Division’s administrative procedure, and will be investigated only at the discretion of the Division.

**3.3** Filing, service, and deadlines.

**3.3.1** A Complaint or appeal is considered “filed” with the Division when it is received by the Division via mail, fax, email, online submission, or personal delivery. Any Complaint, appeal, or termination received after 11:59pm Mountain Time is considered filed the next business day.

**3.3.2** Deadlines in these Rules may be extended for good cause. In considering whether good cause exists, under these Rules or applicable statutes allowing good-cause extensions of deadlines, the Division will determine whether the reason is substantial and reasonable, and must take into account all available information and circumstances pertaining to the specific Complaint.

**3.3.3** Within 90 days of receipt of a Complaint (or within 90 days of the effective date of these Rules, whichever is later), the Division will (A) assess whether it will exercise its discretion to investigate the Complaint, and (B) inform the Complainant of the decision, including

sending the Complainant a Notice of Right to Sue if the Complaint is subject to C.R.S. §§ 8-14.4-105(2)(b), 8-2-206(3)(c)(II), 8-13.3-411(4)(d), 8-13.5-204(1)(b) and the Division declines to exercise its discretion to investigate the Complaint. Under this Rule 3.3.3, the Division's decision whether to investigate the Complaint is not required until 90 days after the Complainant has provided all information and documents needed to complete, process, and evaluate the Complaint.

**3.3.4** In a Complaint investigation, the Division will send the Respondent a Notice of Complaint, along with any relevant supporting documentation submitted by the Complainant, via U.S. mail, electronic means, or personal delivery. A Respondent must respond within four weeks after a Complaint is sent to them, unless an extension is granted.

**3.3.5** Where a retaliation or interference Complaint or investigation governed by these Rules is filed or commenced, the Respondent shall comply with the federal "Preservation of records made or kept" rule, 29 C.F.R. § 1602.14, requiring that the Respondent "shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action." For purposes of retaliation or interference Claims, relevant "personnel records relevant" include but are not limited to:

- (A) requests or statements by the individual that are claimed to be protected activity;
- (B) responses to, or analyses of, such request(s) or statement(s);
- (C) policies or decisions, formal or informal, that may apply to such request(s) or statements(s); and
- (D) to the extent relevant to the Complaint or investigation (e.g., if the possible violation includes disparate treatment based on protected activity), the contents of "personnel files" (as defined by C.R.S. § 8-2-129(c)) of the Complainant and "other[s] ... holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected" (29 C.F.R. § 1602.14).

**3.3.6** A Complainant may withdraw a Complaint at any time before issuance of a determination by notifying the Division in writing. Additionally, for a Complaint under PHEW, HFWA, or the ALRA:

- (A) whether or not a Complainant requests Complaint withdrawal or a Notice of Right to Sue, the Division may exercise its discretion to terminate an investigation at any time, in which case it will promptly send a Notice of Right to Sue; and
- (B) if a Determination has not been sent by 180 days after the date the Division notifies the Claimant of its decision to investigate, the Complainant may request a Notice of Right to Sue, and the Division will respond within 30 days by sending either **(1)** the determination or **(2)** a Notice of Right to Sue indicating that the Division has terminated the investigation and that the Complainant has exhausted administrative remedies if required to do so.

### **3.4** Burdens of proof and production.

**3.4.1** Complaints of retaliation are analyzed as follows, with the preponderance of the evidence standard applying to all burdens of proof.

- (A) The Complainant has the burden of proving all elements of a Claim, including that unlawful retaliation occurred. The Respondent must explain which, if any, allegations it disputes. Any evidence probative of a relevant issue may be submitted or considered. If an agricultural employer takes an "adverse action" (as

defined in C.R.S. § 8-2-206(1)(a)) against an agricultural employee within 90 days of protected activity, under C.R.S. § 8-2-206(3)(b), that creates a rebuttable presumption of retaliation, shifting the burden of proof to the Respondent to offer any such rebuttal.

- (B) If the Complainant proves unlawful retaliation or discrimination was a motivating factor for the complained-of practice, then a violation is proven. However, if a violation is proven but the Respondent proves that the complained-of practice would have occurred for another lawful reason, then the Division shall not award reinstatement, back pay, or front pay as of the date the practice would have occurred.

**3.4.2** Complaints of interference or failure to provide any required notice are analyzed as follows, with the preponderance of the evidence standard applying to all burdens of proof.

- (A) The Complainant has the burden of proving all elements of a Claim, including that unlawful interference or failure to provide required notice occurred. The Respondent must explain which, if any, allegations it disputes. Any evidence probative of a relevant issue may be submitted or considered.
- (B) If the Complainant meets its burden of proof, then a violation is proven. However, if a violation is proven but the Respondent proves that the complained-of practice would have occurred for another lawful reason, then the Division shall not award reinstatement, back pay, or front pay as of the date the practice would have occurred.

### **3.5 Determinations.**

**3.5.1** Upon conclusion of the investigation of a Complaint, the Division will issue a determination. The Division shall notify the parties on the date the determination is issued by the Division's compliance investigator by sending (a) a copy of the determination; and (b) notice of the parties' termination and appeal rights.

**3.5.2** The date of "issuance" of the Division's determination is the date the Division's determination is "sent." Both the termination and appeal deadlines are calculated from the date the Division's determination is originally issued and sent to the parties.

**3.5.3** Determinations by the Division may include the following remedies and orders, depending on which, if any, the Division's findings support:

- (A) monetary or other relief authorized by the statute(s) under which the Complaint was filed, including but not limited to, where applicable --
  - (1) any unpaid wages, penalties, finer, and/or other remedies ~~finer~~ under C.R.S. Title 8, Article 4,
  - (2) if a violation of C.R.S. Title 8, Articles 13.3 (HFWA) or 14.4 (PHEW) cost an employee or worker a job or pay, back pay plus either reinstatement or (if reinstatement is infeasible) front pay for a reasonable period,
  - (3) the greater of actual damages or ten thousand dollars for each violation of the ALRRA, as stated in C.R.S. §§ 8-2-206 and 8-13.5-204, and/or
  - (4) other fines or penalties authorized by statutes applicable to the Complaint;
- (B) fines or penalties authorized by the statutes on Division investigative and enforcement authority in C.R.S. Title 8, Articles 1 and 4; and/or
- (C) order(s) to cease non-compliance, effectuate compliance, and/or otherwise

redress direct or indirect consequences of violations, as authorized by the statute(s) under which the Complaint was filed and statutes on Division investigative and enforcement authority, including but not limited to C.R.S. Title 8, Article 1, § 8-2-206(3)(c)(I), Articles 4-6, and § 8-13.5-204(1)(b), (2)(a)(I); and/or

- (D) for any award under C.R.S. § 8-13.5-204 of the ALRRA, the Division's determination must order that any amounts recovered by a whistleblower or key service provider pursuant to the award must be distributed to agricultural workers affected by the violation who can be located, insofar as such disbursement is economically feasible.

**3.6** The Division may exercise its discretion to have an investigation sequenced and/or divided into two or more stages on discrete questions of liability or relief (e.g., bifurcation), yielding two or more determinations and/or phases of the investigation.

**3.7** Appeals.

**3.7.1** Any party to a Claim or determination may appeal the Division's determination. The provisions governing appeals under Rule 6 of the Wage Protection Rules, 7 CCR 1103-7, as amended and modified (or, for direct investigations, Rule 6 of the Direct Investigation Rules, 7 CCR 1103-8, as amended and modified), shall apply to Claims or determinations under these Rules. Parties may not appeal the Division's discretionary decisions as to whether or not to investigate a Complaint.

**3.7.2** An appeal may, in the discretion of the hearing officer, be sequenced and/or divided into two or more stages on discrete questions of liability or relief (e.g., bifurcation), yielding two or more decisions and/or phases of the appeal.

**3.7.3** From the time of the filing of an appeal throughout the appeal, a party or other participant in an appeal must send complete copies of all appeal submissions to the contact information and in the manner designated (a) in the determination and/or any accompanying notices from the Division, and (b) in any subsequent orders or notices from the Division.

**3.8** A certified copy of any citation, notice of assessment, or order imposing relief or remedies may be filed with the clerk of any court having jurisdiction over the parties at any time after the entry of the order. Such a filing can be in a county or district court, and will thereby have the effect of a judgment from which execution may issue.

**3.9** [To the extent applicable, Wage Protection Rule 7, 7 CCR 1103-7, is incorporated by reference.](#)

**3.10** [To the extent applicable, Wage Protection Rule 8, 7 CCR 1103-7, is incorporated by reference.](#)

#### **Rule 4. Notice and Posting Rights and Responsibilities**

**4.1** Poster requirements. A poster informing all employees and workers of their rights under HFWA and PHEW must be posted, displayed, or otherwise provided by employers and principals, as required by C.R.S. § 8-13.3-408 (HFWA), and C.R.S. § 8-14.4-103 (PHEW). All agricultural employers must post a notice of agricultural employees' rights under Part 2 of Article 13.5 of Title 8, C.R.S., as required by C.R.S. § 8-13.5-202.

**4.1.1** The poster(s) must specify:

- (A) for those covered by HFWA, (1) the amount of paid sick leave to which employees are entitled, and (2) the terms of its use;
- (B) for those covered by PHEW, (1) the right to raise reasonable concerns about workplace violations of government health or safety rules, or otherwise significant

workplace health or safety threats, ~~related to a public health emergency,~~ and (2) the right to wear one's own personal protective equipment, such as a mask, faceguard, or gloves, if it provides a higher level of protection than already-provided equipment, is recommended by a governmental public health agency with jurisdiction over the workplace, and does not render the worker incapable of performing the job-its duties;

- (C) for those covered by either HFWA or PHEW, (1) that it is unlawful to retaliate for or interfere with HFWA or PHEW rights, and (2) that a complaint may be filed if retaliation, interference, or another denial of HFWA or PHEW rights occurs; and
- (D) for those covered by the ALRRA, all rights under Part 2 of Article 13.5 of Title 8, C.R.S., and rules issued pursuant to and as implementation of those provisions, including: (1) § 202 of Part 2 (access to key service providers, visitors, and employee residences); (2) § 203 of Part 2 (protections from heat illness and injury; restrictions on short-handled hoe and other short-handled tool use; and for hand-weeding/thinning, additional rest as well as gloves and knee pads); and (3) § 204 of Part 2 (procedures and remedies for enforcement of Part 2 rights); and (4) the Agricultural Labor Conditions Rules, 7 CCR 1103-15.

**4.1.2** Employers and principals may use the latest version of the "Colorado Workplace Public Health Rights Poster" (provided by the Division at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov)) to satisfy the poster requirements of both HFWA and PHEW. Agricultural employers may use an up-to-date "Agricultural Labor Rights and Responsibilities Poster" published by the Division or, at any time such a poster is unavailable, an up-to-date version of an Interpretive Notice and Formal Opinion on agricultural labor rights and responsibilities published by the Division, to satisfy the poster requirements of the ALRRA. Employers and principals may comply by using another poster that contains all substantive information in the "Colorado Workplace Public Health Rights Poster," and if applicable, in an "Agricultural Labor Rights and Responsibilities Poster," and otherwise satisfies all statutory and rule requirements.

**4.1.3** The poster(s) shall be displayed in each establishment where employees or workers work, in a conspicuous location frequented by employees or workers where it may be easily read during the workday, and in all places where notices concerning the rights and safety of employees or workers are customarily posted — such as in break rooms, on employee bulletin boards, and/or adjacent to time clocks, department entrances, and/or facility entrances. In addition:

- (A) Agricultural employers must post an "Agricultural Labor Rights and Responsibilities Poster" or equivalent posting at any employer-provided housing, and must post it electronically, including by e-mail and on an intranet or internet site, if the agricultural employer customarily communicates with agricultural employees by these means.
- (B) If the work site or other conditions make a physical posting of the "Colorado Workplace Public Health Rights Poster" impractical (including remote work, private residences employing only one worker, and certain entirely outdoor work sites lacking an indoor area), the employer or principal shall provide a copy of the poster to each employee or worker within their first month of work, including through (if information is customarily disseminated to the employees or workers through these means) either electronic communication or conspicuous posting in a web-based platform.

## **4.2** Notice and Guidance Requirements.

**4.2.1** A written HFWA notice shall be provided to each employee, in addition to the poster requirement.

- (A) The written HFWA notice to each employee shall specify the same information specified in Rule 4.1.1 for those covered by HFWA.
- (B) Employers may use the latest version of the “Colorado Workplace Public Health Rights Poster” (provided by the Division at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov)) to satisfy the written notice requirements of HFWA. Employers may comply by using another written notice that contains all substantive information in the “Colorado Workplace Public Health Rights Poster” and otherwise satisfies all statutory and rule requirements.
- (C) Including the written HFWA notice among other employment-related documents (such as a handbook, a manual, or other written or posted policies) complies with this written notice requirement, as long as the documents are provided either:
  - (1) in hard copies given to each employee; or
  - (2) in electronic form, if the employee --
    - (a) can easily access the documents electronically, and
    - (b) is provided actual notice that the documents contain information regarding their terms of employment, not just a link that fails to so notify the employee.

**4.2.2** Under C.R.S. § 8-14.4-109 of the ALRRA, during a public health emergency, as defined in C.R.S. § 8-14.4-109(2), a principal engaged in agricultural employment (as defined in C.R.S. § 8-13.5-201(2)) must also provide resources to agricultural employees as follows.

- (A) Employers must “provide informational and educational materials through posters and pamphlets written in English and Spanish and any other relevant languages [...as defined in Rule 4.3, that (1)] lists the contact information for the migrant farm worker division of Colorado Legal Services, or its successor organization, where a worker may receive free and confidential legal services; and [...(2)] informs the workers regarding federal and state guidance concerning [...the] public health emergency.”
- (B) These materials must be provided “in employer-provided housing, work sites, and other places where the principal usually posts information for the workers[.]” If materials are damaged or removed, they must be replaced within 48 hours of damage or removal.
- (C) An employer may comply with the public health emergency guidance portion of these requirements by providing a copy (including an electronic copy, if the employer customarily communicates to the employees in this form) of up-to-date guidance ~~recommended~~ by the Occupational Safety and Health Administration (OSHA) as to workplace conditions in a public health emergency (as of the publication of these rules, available at <https://www.osha.gov/coronavirus/safework>) and ~~guidance~~ by the Colorado Department of Public Health and Environment (CDPHE) ~~that is (a) related to the public health emergency; and (b) relevant to agricultural employees~~ (as of publication of these rules, available at <https://covid19.colorado.gov/guidance-for-businesses-communities>~~<https://covid19.colorado.gov/guidance-for-the-agriculture-industry>~~).
- (D) Employers must also “provide training to workers concerning safety precautions and protections during [...the] public health emergency.” An employer may comply with these requirements by training workers in accordance with federal OSHA ~~recommendations~~ or CDPHE recommendations ~~applicable to agriculture~~.



- 4.3** Posters and notices required by these Rules shall be in English and any language that is the first language spoken by at least five percent of the employer's or principal's workforce. The "Colorado Workplace Public Health Rights Poster" (provided by the Division at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov)) is available in multiple languages. The "Agricultural Labor Rights and Responsibilities Poster" will also be made available in multiple languages. If an employer or principal needs the poster in a language not already provided, it has 30 days to procure a translation, and may ask the Division for a translation, which the Division will endeavor to provide if feasible.
- 4.4** Employers or principals shall be deemed noncompliant if they attempt to minimize the effect of posters or notices required by statute or these Rules, such as by communicating positions contrary to, or discouraging the exercise of rights covered in, the required poster or notice.
- 4.5** The poster and written notice rights and responsibilities of PHEW, C.R.S. § 8-14.4-103, HFWA, C.R.S. § 8-13.3-408, and ALRRA, C.R.S. § 8-13.5-202, have applied since each statute took effect on July 11, 2020, July 14, 2020, and June 25, 2021, respectively, and will be interpreted in conformity with these Rules. Employers and principals will be deemed compliant if they executed required posting(s) and/or notice(s) within 30 days of the applicable statutory effective date.
- 4.6** Violation of these poster or notice requirements may subject the violator to:
- (A) fines pursuant to C.R.S. § 8-1-140;
  - (B) additional fines for willful violations pursuant to C.R.S. § 8-13.3-408(4); and/or
  - (C) in the event that the violator also committed another violation of HFWA or PHEW, fines in the maximum amount available for that violation under HFWA (pursuant to C.R.S. §§ 8-4-111, 8-4-113, 8-13.3-407(5)) or PHEW (pursuant to C.R.S. § 8-14.4-105(3)).

## **Rule 5. Protected Activity under PHEW**

- 5.1** For the PHEW provision that raising a "concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety, ~~related to a public health emergency~~" is protected against retaliation if the worker's belief as to a violation or threat is, whether or not correct, was "reasonable" and "in good faith" (C.R.S. § 8-14.4-102(1)):
- 5.1.1** relevant evidence includes a recommendation, research, guidance, or other information from or provided by a public health agency (federal, state, or local), a major medical association, a major industry-specific trade association, a major public health organization, or another similarly reliable source; and
  - 5.1.2** the worker, whether or not citing a specific rule or guideline, must state what action, condition, or situation they believe constitutes a qualifying violation of a rule regarding, or significant threat to, workplace health or safety.
- 5.2** For protected use of a worker's own personal protective equipment ("PPE") under PHEW, the requirements of C.R.S. §§ 8-14.4-102(a)-(c) are conjunctive: PHEW protection for PPE use applies only if the PPE provides a higher level of protection as required by 102(a), is recommended by an applicable public health agency as required by 102(b), *and* does not render the worker incapable of performing as required by 102(c).
- 5.2.1** For the C.R.S. § 8-14.4-102(3)(a) requirement that a worker's PPE "provides a higher level of protection than the equipment provided by the principal":
    - (A) the provisions of Rule 5.1.1 as to relevant information apply;
    - (B) information may not be relied on if, before the worker either brought the PPE to work or communicated about the PPE with the principal, the information was repealed or otherwise repudiated by the person or entity who provided it, but information may still be relied on if, though no longer publicly published, it was not

repealed or repudiated;

- (C) if principal-provided PPE of the same type is either cleaned or replaced, the worker's own PPE must also be either cleaned or replaced; and
- (D) the requirement is not met if the PPE is more protective of the worker yet less protective of others (e.g., a mask with a vent releasing air that, even if highly protective for the wearer, is less protective for others).

**5.2.2** For the C.R.S. § 8-14.4-102(3)(b) requirement that PPE is "recommended by a federal, state, or local public health agency with jurisdiction over the worker's workplace," the provisions of Rule 5.2.1(B) as to relevant information apply.

**5.2.3** Special cases as to the requirements of C.R.S. §§ 8-14.4-102(3)(a) (that the PPE "provides a higher level of protection than the equipment provided by the principal") and 8-14.4-102(3)(b) (that the PPE "is recommended by a federal, state, or local public health agency with jurisdiction over the worker's workplace").

(A) If a principal provides a worker *no* face covering during (1) a public health emergency related to an airborne pathogen, or (2) a governmental public health recommendation of a face covering for those in the worker's occupation, then (3) a worker using their own face covering presumptively meets the C.R.S. §§ 8-14.4-102(3)(a)-(b) requirements ("higher level of protection" and "recommended"), without need for further evidence or inquiry, unless the principal proves that the worker's face covering is worse than none at all.

(B) If a principal (1) provides a form of PPE (e.g., a mask) that is compliant with all applicable recommendations by federal, state, and local public health agencies with jurisdiction over the workplace, and (2) procures that PPE from a provider it knows to provide reliable PPE (from experience prior to obtaining the particular item it is providing to a worker wishing to use their own PPE), then (3) a worker may use their own PPE of the same type (e.g., a different mask) only if it was obtained from a reliable provider, whether or not the principal's provider.

**5.2.4** An unlawful decision to disallow a worker from wearing PPE that they are permitted to use under C.R.S. §§ 8-14.4-102(3)(a)-(c) is an adverse action, and may qualify as a constructive discharge if all of the following apply:

- (A) the principal fails to remedy the unlawful decision immediately;
- (B) working without the PPE would increase a substantial threat to health or safety for any person; and
- (C) the worker terminates the work for the principal because of unwillingness to work without the PPE.





## **NOTICE OF PUBLIC HEARING CONCERNING PROPOSED RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to adoption of the below **four sets of proposed rules**, under authority granted to the Division of Labor Standards and Statistics by the Administrative Procedure Act, C.R.S. § 24-4-103, provisions of C.R.S. Title 24, Article 92, and C.R.S. Title 8, Articles 1-4, 6, 12, 13.3, 13.5, 14.4, and 17; and § 15 of Art. XVIII of the Colorado Constitution.

The proposed changes to Colorado labor rules include:

1. Implementing and enforcing three laws recently enacted:
  - (a) Senate Bill 22-161, which amends wage-and-hour responsibilities, mostly with additional responsibilities to pay wages due, including: new procedures for certain kinds of deductions; protection against retaliation related to wage rights; worker misclassification reporting; and various aspects of wage rights enforcement, including new statutory provisions as to fines and penalties, attorney fees for retaliation or higher-value wage claims, collections where ordered payments are not made, and collaboration between DLSS and other branches of state government;
  - (b) Senate Bill 22-097, which amends whistleblower retaliation rights and responsibilities to cover a range of health and safety matters, not just those related to a public health emergency;
  - (c) Senate Bill 19-196, which requires paying prevailing wages to construction laborers on state public projects.
2. Implementing the annual adjustment of the minimum wage, as mandated by the Colorado Constitution, and other related minimum wage and salary figures adjusted annually; and
3. Other non-substantive or procedural changes to labor rules suggested or proposed, based on stakeholder input or other developments that warrant rule changes.

For the details of each proposed rule, see the text of the accompanying proposed draft rules, as well as the proposed statement of basis and purpose that accompanies each set of rules.

**(1) Wage Protection Rules, 7 CCR 1103-7.** These rules amend the prior version of the Wage Protection Rules, which implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by (among other laws) the Wage Protection Act of 2014 (WPA) and Colorado Senate Bill 22-161, C.R.S. § 8-4-101 et seq.; the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq.; and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.

**(2) Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules (“Colorado WARNING Rules”), 7 CCR 1103-11.** These rules amend the prior version of the Colorado WARNING Rules, the Division’s existing rules governing retaliation, interference, and notice of rights under several Division-enforced statutes.

**(3) 2023 Publication And Yearly Calculation of Adjusted Labor Compensation (“2023 PAY CALC”) Order, 7 CCR 1103-14 (2023).** The PAY CALC Order publishes inflation-adjusted and other annually updating values applied in the Colorado Overtime and Minimum Pay Standards (“COMPS”) Order, 7 CCR 1103-1.

**(4) Prevailing Wage and Residency (PWR) Rules, 7 CCR 1103-6.** The “Prevailing Wage and Residency Rules” is a revised rule set combining the Division’s existing rule set regarding the Keep Jobs in Colorado Act (KJICA), C.R.S. § 8-17-101 et seq. (previously titled the “Keep Jobs in Colorado Act Rules”), with a new set of requirements from the Colorado Quality Apprenticeship Training Act of 2019 (Prevailing Wage Act or PWA), C.R.S. § 24-92-201 et seq.

**Public Hearing Information:**

Date and Time of Hearing: **Tuesday, November 1, 2022, from 3:00 pm until at least 6:00 pm.** Division will stay until at least 6:00 pm, or longer if by that time anyone still wishes to speak, to assure opportunity for anyone who may wish to attend in the early evening. You need not arrive by a particular time or stay the entire meeting.

Written Comment Deadline for the above rules: **Thursday, November 3, 2022, at 5:00 pm**

The Division is administering this public hearing, and all interested persons are free to offer oral testimony and to listen to part or all of the hearing. However, due to the current public health crisis, **participation will be primarily by remote means**, with limited in-person participation at the Division by RSVP only and subject to (A) space limitations and (B) the possibility of a decision, which would be announced on the [rulemaking page](#) no later than 24 hours before the meeting, as to whether the public health situation permits in-person attendance or requires an exclusively remote hearing. While not required, we request and highly recommend that **anyone interested in oral testimony use this [rulemaking comment form](#) to RSVP**, because at the hearing, after those in person speak, we will then call on those who RSVP'd to speak, followed by testimony from others by remote means. A recording of the public hearing will be publicly posted afterwards on our [rulemaking page](#).

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- (A) **To Participate by Internet, Including Testifying:**  
visit this "Meet" webpage: [meet.google.com/hcx-tpbo-mtr](https://meet.google.com/hcx-tpbo-mtr)
- (B) **To Participate by Phone, Whether to Listen or to Testify:**  
call (US) +1 929-276-0796, and then enter this pin: 807 708 207#
- (C) **To Participate in Person:** (633 17th Street, Denver, CO, 80202, Room 12A on the 12th floor)  
RSVP via our [rulemaking comment form](#) to attend in person.

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Copies of proposed rules, including redlined copies showing changes from prior versions, and statements of basis and purpose further detailing the proposed rules, are available at [www.ColoradoLaborLaw.gov](http://www.ColoradoLaborLaw.gov) or by request to: **Division of Labor Standards and Statistics, 633 17th Street, Denver, Colorado 80202.**



## **STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS**

**Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules  
("Colorado WARNING Rules"), 7 CCR 1103-11 (2023), as proposed September 29, 2022;  
to be followed and replaced by a final Statement at the conclusion of the rulemaking process.**

**I. BASIS:** These amendments to the Colorado Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules ("Colorado WARNING Rules") serve important public needs that the Director of the Division of Labor Standards and Statistics (hereinafter, "Director" and "Division") finds best served by these rule updates, amendments, and supplements, including but not limited to implementing, and clarifying enforcement of, recent changes to Colorado labor law in the Agricultural Labor Rights and Responsibilities Act, Colorado Senate Bill 21-087 ("ALRRA") as amended by Colorado House Bill 22-1313, the Protected Health/Safety Expression and Whistleblowing Act ("PHEW"), C.R.S. § 8-14.4-101, et. seq., as amended by Colorado Senate Bill 22-097; the Colorado Wage Act, C.R.S. Title 8, Article 4, as amended by Colorado Senate Bill 22-161, as well as in other recently effective laws, including but not limited to: the Public Health Emergency Whistleblower Act of 2020, C.R.S. § 8-14.4-101, et seq.; the Healthy Families and Workplaces Act ("HFWA"), C.R.S. § 8-13.3-401, et seq.; the Equal Pay for Equal Work Act ("EPEWA"), C.R.S. §§ 8-5-101 et seq.; the Chance to Compete Act, C.R.S. § 8-2-130; the Wage Protection Rules, 7 CCR 1103-7; and the Colorado Overtime and Minimum Pay Standards ("COMPS") Order, 7 CCR 1103-1.

**II. SPECIFIC STATUTORY AUTHORITY:** The Director is authorized to adopt regulations and rules to enforce, execute, implement, apply, and interpret Articles 1–6, 12, 13.3, 13.5, and 14.4 of C.R.S. Title 8, and all rules, regulations, investigations, and proceedings thereunder, by the Administrative Procedure Act, C.R.S. § 24-4-103, and provisions of the above-listed Articles, including but not limited to: C.R.S. §§ 8-1-101, -103, -107, -108, -111, -116, -117, -130; 8-2-130, -206; 8-4-110, -111, -113, -120; 8-5-203; 8-6-102, -104, -105, -106, -108, -109, -111, -116, -117; 8-12-115; 8-13.3-403, -407, -408, -409, -410; 8-13.5-204; and 8-14.4-103, -105, and -108.

**III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

**IV. SPECIFIC FINDINGS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(6), the Director finds as follows.

**A. Rule 2.18: Definitions under C.R.S. § 8-4-120**

Rule 2.18 defines both "filed any complaint," and "proceeding," under C.R.S. § 8-4-120(a)-(b) which already existed in the Colorado Wage Act, but to clarify the scope of the protected activity the Division now has authority to investigate and order remedies for, under Colorado Senate Bill 22-161 ("SB161").

**B. Rule 2.19: Definition of "public health agency" as used in C.R.S. § 8-14.4-102(3)(b)**

Rule 2.19 defines "public health agency" under C.R.S. § 8-14.4-102(3)(b) for the purposes of clarifying which agencies' recommendations concerning personal protective equipment fall within the scope of protected activity related to the wearing of personal protective equipment under C.R.S. § 8-14.4-102(3) and WARNING Rule 5.2.

**C. Rule 3.5.3(A)(1): Remedies and Orders in Determinations by the Division**

Rule 3.5.3(A)(I) is revised to conform with SB161, which amended the Division's authority to investigate retaliation claims under the Colorado Wage Act, C.R.S. § 8-4-120, and addresses the authority of the Division to order relief in cases where a violation is found to include the legal and equitable remedies listed in C.R.S. § 8-4-120(3)(a). Rule 3.5.3(A)(I) addresses this new authority to order wages, fines, penalties, and other remedies as listed in the statute.

**D. Rule 3.9: Attorney Fees and Costs & Rule 3.10: Administrative Liens and Levies**

Rule 3.9 adds, by incorporating proposed Rule 7 of the Wage Protection Rules, 7 CCR 1103-7, procedures for parties to apply for attorney fees and costs, to dispute another parties' application for attorney fees or costs, and to appeal any award. This authority already existed under certain laws implemented by the Colorado WARNING Rules (e.g.,

PHEW at C.R.S. § 8-14.4-105(3)(a), and the ALRRA at C.R.S. § 8-2-206(3)(c) and 8-13.5-204(1)(b), (2)(a)(III)). However, because SB161 expanded the Division's authority to order attorney fees and costs in wage claims to the extent that it necessitated a rule change, the Division proposes the same procedure here.

Similarly, SB161 gave the Division authority to issue notices of administrative liens and levies against the assets of employers or other persons or entities who fail to pay wages, penalties, or fines due. Rule 3.10 incorporates the procedures detailed in Wage Protection Rule 8 to the extent applicable here.

**E. Rules 4.1.1(B) Poster Requirements; and Rule 5.1 Protected Activity under PHEW**

Rules 4.1.1(b) and 5.1 are revised to conform with Colorado Senate Bill 22-097, which amended the PHEW requirement that "raising any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety," be "related to a public health emergency."

**F. Rule 4.2.2 Employer Compliance with Public Health Emergency Requirements under ALRRA**

Rule 4.2.2 is revised to conform with Colorado House Bill 22-1313, which amended the ALRRA's requirements for employer-provided housing during a public health emergency in C.R.S. § 8-14.4-109. Among these amendments, C.R.S. § 8-14.4-109(2) added a definition of "public health emergency" specific to rights in agricultural employment, which is incorporated here. Additionally, the rule is revised to reflect updated guidance from the Colorado Department of Public Health and Environment and the Occupational Safety and Health Administration, and with clarifying edits.

**V. EFFECTIVE DATE.** If adopted, these rules take effect January 1, 2023, or as soon after as rulemaking completes.



\_\_\_\_\_  
Scott Moss  
Director, Division of Labor Standards and Statistics  
Colorado Department of Labor and Employment

September 29, 2022

\_\_\_\_\_  
Date

# Notice of Proposed Rulemaking

**Tracking number**

2022-00586

**Department**

1100 - Department of Labor and Employment

**Agency**

1101 - Division of Labor Standards and Statistics (Includes 1103 Series)

**CCR number**

7 CCR 1103-14

**Rule title**

2023 Publication And Yearly Calculation of Adjusted Labor Compensation (2023 PAY CALC) Order

**Rulemaking Hearing****Date**

11/01/2022

**Time**

03:00 PM

**Location**

633 17th Street, 12th Floor, Denver, CO 80202

**Subjects and issues involved**

2023 Publication And Yearly Calculation of Adjusted Labor Compensation (2023 PAY CALC) Order, 7 CCR 1103-14 (2023). The PAY CALC Order publishes inflation-adjusted and other annually updating values applied in the Colorado Overtime and Minimum Pay Standards (COMPS) Order, 7 CCR 1103-1.

**Statutory authority**

These Rules are issued under the authority, and as enforcement, of Section 15 of Article XVIII of the Colorado Constitution and Articles 1, 2, 4, 6, and 12 of C.R.S. Title 8 (2022), and are intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.

**Contact information****Name**

Michael Primo

**Title**

Rule Coordinator

**Telephone**

3033188462

**Email**

michael.primo@state.co.us

## DEPARTMENT OF LABOR AND EMPLOYMENT

### Division of Labor Standards and Statistics

#### 20232 Publication And Yearly Calculation of Adjusted Labor Compensation (20232 PAY CALC) Order

#### 7 CCR 1103-14

As proposed on September 29, 2022~~Adopted November 10, 2021;~~ if adopted, to be effective January 1, 20232.

#### Rule 1. Statement of Purpose, Requirements, and Calculations.

- 1.1 This Publication And Yearly Calculation of Adjusted Labor Compensation Order ("PAY CALC Order"), 7 CCR 1103-14, publishes values that adjust periodically under the Colorado Overtime and Minimum Pay Standards Order ("COMPS Order"), 7 CCR 1103-1, or other laws.
- 1.2 Coverage and Application. Following are the 20232 minimum pay and income levels and future adjustments in each cited COMPS Order rule, and/or mandated by constitutional, statutory, or rule provisions the COMPS Order implements, or from which it derives.

	Minimum Pay Level in COMPS Order Rule	20232 Level (Yearly Calculation)	Future Annual Adjustments
(A)	Full Colorado minimum wage (R. 3.1)	<del>\$13.65</del> <u>\$12.56</u> per hour	Last year's minimum adjusted by CPI (Consumer Price Index) for Colorado
(B)	Amount of minimum wage that employers must pay to tipped employees (R. 1.10, 6.2.3)	<del>\$10.63</del> <u>\$9.54</u> per hour to the extent that adding tips raises total pay to full minimum wage	<del>\$3.02</del> per hour below full minimum wage to the extent that adding tips raises total pay to full minimum wage
(C)	Minimum wage for non-emancipated minors (R. 3.3)	<del>\$11.61</del> <u>\$10.68</u> per hour	15% below full minimum wage
(D)	Minimum pay for agricultural range workers (R. 2.4.9)	<del>\$559.29</del> <u>\$15.00</u> per week	Prior year's level adjusted by inflation
(E)	Executive/supervisor, administrative, or professional employees ("EAP") (R. 2.5.1); certain owners or proprietors of non-profit employers (R. 2.2.5); decision-making managers at livestock employers (R. 2.4.8)	<del>\$961.54</del> <u>\$865.38</u> per week (\$ <del>5045,000</del> <u>5,000</u> rounded annual equivalent); and sufficient for the minimum wage for all hours worked in a workweek	Per week, <del>\$961.54 in 2023 (\$50,000 rounded annually);</del> <u>\$1,057.69</u> in 2024 (\$55,000 rounded annually), and the prior year's level adjusted by CPI each year as of 2025
(F)	Highly technical computer employees (R. 2.5.2, 2.2.10)	<del>\$31.41</del> <u>\$28.92</u> per hour or the EAP salary above (item row E)	Prior year's hourly wage adjusted by inflation, or the EAP salary above
(G)	Highly compensated employees (R. 2.2.11)	<del>\$112,500</del> <u>\$101,250</u> annually, and the EAP salary (row E) weekly	The annual EAP salary (row E) multiplied by 2.25
(H)	Certain drivers and driver's helpers (R. 2.4.6)	<del>\$750.75</del> <u>\$690.80</u> per week	Based on Colorado minimum wage each year
(I)	Certain seasonal camp or	Full minimum wage or, per	Based on Colorado minimum wage



)	outdoor education field staff (R. 2.2.7(E))	week: <del>\$373.30</del> <sup>327.52</sup> (adults) or <del>\$287.62</del> <sup>248.39</sup> (minors); except at non-profits with up to \$25 million in revenue, <del>\$277.75</del> <sup>239.60</sup> (adults) or <del>\$206.35</del> <sup>160.47</sup> (minors)	each year-
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- 1.3 Additional Requirements. Many of the referenced COMPS Order rules have other requirements aside from a minimum pay level, including but not limited to: an employee having duties that qualify for exemption; an employee receiving sufficient tips to allow for a tip credit to be taken; and an employer paying any higher applicable federal, local, or minimum wage.

## **Rule 2. Authority, Construction, and Definitions**

- 2.1 Authority and Incorporation by reference. This PAY CALC Order is issued under the authority and as enforcement of Section 15 of Article XVIII of the Colorado Constitution and Articles 1, 4, 6, and 12 of C.R.S. Title 8 (202<sup>32</sup>), and is intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq. Hereby incorporated by reference into this rule are 29 C.F.R. Part 541 Subpart G; Colo. Const. art. XVIII, § 15 (202<sup>32</sup>); Title 8, Articles 1, 4, 6, 12, and 13.3 of the Colorado Revised Statutes (202<sup>32</sup>); the COMPS Order, 7 CCR 1103-1 (202<sup>32</sup>); the Wage Protection Rules, 7 CCR 1103-7 (202<sup>32</sup>); and the Direct Investigation Rules, 7 CCR 1103-8 (202<sup>32</sup>). Earlier versions of such laws and rules may apply to events that occurred in prior years. Incorporation excludes later amendments to or editions of the constitution, statutes, and rules; all cited laws are incorporated in the forms that are in effect as of the effective date of this PAY CALC Order. Where these Rules reference another rule, the reference shall be deemed to include all subparts of the referenced rule. Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern, so long as they are consistent with Colorado statutory and constitutional provisions. All sources cited or incorporated by reference are available for public inspection at the Colorado Department of Labor and Employment, Division of Labor Standards & Statistics, 633 17th Street, Denver CO 80202. Copies may be obtained from the Division at a reasonable charge or can be accessed from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of them at cost upon request or provide the requestor information on how to obtain a certified copy of the material incorporated by reference from the agency originally issuing them. All Division rules are publicly available at [www.coloradolaborlaw.gov](http://www.coloradolaborlaw.gov).
- 2.2 Administration and Dual Jurisdiction. The Division shall have jurisdiction over all questions arising with respect to the administration and interpretation of this PAY CALC Order. Whenever employers are subjected to Colorado law as well as federal and/or local law, the law providing greater protection or setting the higher standard shall apply. For information on federal law, contact the U.S. Department of Labor, Wage and Hour Division.
- 2.3 Separability. These Rules are intended to remain in effect to the maximum extent possible. If any part (including any section, sentence, clause, phrase, word, or number) is held invalid, (A) the remainder of the Rules remain valid, and (B) if the provision is held not wholly invalid, but merely in need of narrowing, the provision should be retained in narrowed form.
- 2.4 "Division" means the Division of Labor Standards and Statistics in the Colorado Department of Labor and Employment.



## **NOTICE OF PUBLIC HEARING CONCERNING PROPOSED RULES**

Notice is hereby given of a public hearing to afford all interested persons an opportunity to be heard prior to adoption of the below **four sets of proposed rules**, under authority granted to the Division of Labor Standards and Statistics by the Administrative Procedure Act, C.R.S. § 24-4-103, provisions of C.R.S. Title 24, Article 92, and C.R.S. Title 8, Articles 1-4, 6, 12, 13.3, 13.5, 14.4, and 17; and § 15 of Art. XVIII of the Colorado Constitution.

The proposed changes to Colorado labor rules include:

1. Implementing and enforcing three laws recently enacted:
  - (a) Senate Bill 22-161, which amends wage-and-hour responsibilities, mostly with additional responsibilities to pay wages due, including: new procedures for certain kinds of deductions; protection against retaliation related to wage rights; worker misclassification reporting; and various aspects of wage rights enforcement, including new statutory provisions as to fines and penalties, attorney fees for retaliation or higher-value wage claims, collections where ordered payments are not made, and collaboration between DLSS and other branches of state government;
  - (b) Senate Bill 22-097, which amends whistleblower retaliation rights and responsibilities to cover a range of health and safety matters, not just those related to a public health emergency;
  - (c) Senate Bill 19-196, which requires paying prevailing wages to construction laborers on state public projects.
2. Implementing the annual adjustment of the minimum wage, as mandated by the Colorado Constitution, and other related minimum wage and salary figures adjusted annually; and
3. Other non-substantive or procedural changes to labor rules suggested or proposed, based on stakeholder input or other developments that warrant rule changes.

For the details of each proposed rule, see the text of the accompanying proposed draft rules, as well as the proposed statement of basis and purpose that accompanies each set of rules.

**(1) Wage Protection Rules, 7 CCR 1103-7.** These rules amend the prior version of the Wage Protection Rules, which implement labor laws within the jurisdiction of the Division, including but not limited to the Colorado Wage Act (CWA) as amended by (among other laws) the Wage Protection Act of 2014 (WPA) and Colorado Senate Bill 22-161, C.R.S. § 8-4-101 et seq.; the Healthy Families and Workplaces Act (HFWA) of 2020, C.R.S. § 8-13.3-401 et seq.; and the Agricultural Labor Rights and Responsibilities Act, as codified in relevant part at C.R.S. §§ 8-6-101.5, 8-6-120, and 8-13.5-201 et seq.

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Please contact [michael.primo@state.co.us](mailto:michael.primo@state.co.us) with any questions about how to access either the public hearing or its recording, or **if you need accommodations or translation services** to attend or participate. This public hearing is held in accordance with the Colorado Administrative Procedure Act, C.R.S. § 24-4-101 et seq., and Colorado Open Meetings Law, C.R.S. § 24-6-401 (2022), to receive any testimony, written, views, or arguments that interested parties wish to submit regarding the proposed rules.

Copies of proposed rules, including redlined copies showing changes from prior versions, and statements of basis and purpose further detailing the proposed rules, are available at [www.ColoradoLaborLaw.gov](http://www.ColoradoLaborLaw.gov) or by request to: **Division of Labor Standards and Statistics, 633 17th Street, Denver, Colorado 80202.**



**STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS**

**2023 Publication And Yearly Calculation of Adjusted Labor Compensation (“2023 PAY CALC”) Order,  
7 CCR 1103-14 (2023), as proposed September 29, 2022; to be followed and replaced  
by a final Statement at the conclusion of the rulemaking process.**

**I. BASIS:** The Director (“Director”) of the Division of Labor Standards and Statistics (“Division”) has authority to adopt rules and regulations on wage-and-hour and workplace conditions, under the authority listed in Part II, which is incorporated into Part I as well.

**II. SPECIFIC STATUTORY AUTHORITY:** These Rules are issued under the authority, and as enforcement, of Section 15 of Article XVIII of the Colorado Constitution and Articles 1, 2, 4, 6, and 12 of C.R.S. Title 8 (2022), and are intended to be consistent with the State Administrative Procedures Act, C.R.S. § 24-4-101, et seq.

**III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

**IV. SPECIFIC FINDINGS FOR ADOPTION.** Pursuant to C.R.S. § 24-4-103(6), the Director finds as follows. The PAY CALC Order publishes the inflation-adjusted and other annually updating values applied in the Colorado Overtime and Minimum Pay Standards (“COMPS”) Order, 7 CCR 1103-1.

Section 15 of Article XVIII of the Colorado Constitution, requires that the minimum wage be “adjusted annually for cost of living increases, as measured by the Consumer Price Index [(‘CPI’)] used for Colorado[,]” from the 2020 minimum wage of \$12.00 per hour. CPI values are calculated and published by the federal Bureau of Labor Statistics. The mid-year 2021 to 2022 CPI rise for the Denver-Aurora-Lakewood is 8.6%. Applying this increase to the 2022 minimum wage of \$12.56 yields \$13.64016. To effectuate the mandate of the Colorado Constitution, C.R.S. § 8-6-101(3)(a)(II), and COMPS Order Rule 3.1 that employees must be paid not less than the prior year’s minimum wage adjusted for inflation, the Division must round up, to the nearest cent, any fractional cents yielded by that inflation adjustment, as detailed by COMPS Order Rule 8.9, 7 CCR 1103-1. Accordingly, the minimum wage for 2023 will be \$13.65.

C.R.S. § 8-6-108.5(1) provides that “the minimum wage for minors may be fifteen percent below the minimum wage for other workers.” *See also* COMPS Order, 7 CCR 1103-1, Rule 3.3 (same). Using the 2023 minimum wage of \$13.65, the minimum wage for minors may be no less than \$11.6025; rounding up the applicable minimum wage rate (see above paragraph) sets the 2023 minimum wage rate for minors at \$11.61.

The 2023 PAY CALC Order updates the minimum wage rates and all values derived from those rates (Rules 1.2(A)-(C),(H),(I)), including the Rule 1.2(I) calculation of the minimum salary required for exemption for field staff of seasonal camps or outdoor education programs, as defined in COMPS Order Rule 2.2.7(E), based on the full minimum wage and the minimum wage for minors.

All inflation-based rates (Rules 1.2(D),(F)) are also updated based on the Using the 8.6% inflation rate.

The salary basis for exemption in Rule 1.2(E), applicable to certain COMPS Order exemptions, is updated to the value first set forth in COMPS Order #36 (2020), which provided for phased-in exemption salary amounts. The highly compensated employee exemption salary, set at 2.25 times the exemption salary, is updated accordingly (Rule 1.2(G)).

**V. EFFECTIVE DATE.** If adopted, these rules take effect January 1, 2023, or as soon after as rulemaking completes.

Scott Moss  
Director, Division of Labor Standards and Statistics  
Colorado Department of Labor and Employment

September 29, 2022  
Date

# Notice of Proposed Rulemaking

**Tracking number**

2022-00596

**Department**

1100 - Department of Labor and Employment

**Agency**

1107 - Division of Family and Medical Leave Insurance

**CCR number**

7 CCR 1107-1

**Rule title**

REGULATIONS CONCERNING PAID FAMILY MEDICAL LEAVE PROGRAM

**Rulemaking Hearing****Date**

11/01/2022

**Time**

05:00 PM

**Location**

virtual over zoom

**Subjects and issues involved**

This filing amends 7-CCR 1107-1, for the Paid Family Medical Leave Insurance (FAMLI) program with changes for statutory and regulatory consistency, improved clarity, and style."

**Statutory authority**

This regulation is adopted pursuant to the authority in section C.R.S. 8-13.3-501 and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. section 24-4-101 et seq. (the APA), and the Paid Family and Medical Leave Insurance Act, C.R.S. sections 8-13.3-501 through 524 (the Act).

**Contact information****Name**

Lydia Waligorski

**Title**

FAMLI Policy Manager

**Telephone**

3039455759

**Email**

cdle\_famli\_rules@state.co.us

## DEPARTMENT OF LABOR AND EMPLOYMENT

### Division of FAMLI

#### REGULATIONS CONCERNING PAID FAMILY MEDICAL LEAVE PROGRAM

##### 7 CCR 1107-1

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

#### 1.1 Authority

This regulation is adopted pursuant to the authority in section C.R.S. 8-13.3-501 ~~C.R.S.~~ and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. section 24-4-101 et seq. (the "APA"), ~~C.R.S.~~ and the Paid Family and Medical Leave Insurance Act, C.R.S. sections 8-13.3-501 through 524 (the "Act"), ~~C.R.S.~~

#### 1.2 Scope and Purpose

- A. This Regulation 1.5 and 1.6 implements the procedural and substantive provisions for the Family and Medical Leave Insurance program pursuant to C.R.S. 8-13.3-507, concerning the establishment, collection, and administration of premium collections.
- B. This regulation does not apply to any other premiums, fees, taxes, or collections outlined in unemployment insurance, worker compensation, private temporary disability insurance or private family leave insurance programs or other programs not administered by the Division.

#### 1.3 Applicability

The provision of this Section will apply to employers as defined in C.R.S. 8-13.3-503(8) ~~C.R.S.~~ who are operating within the State of Colorado, no matter what State, county, or territory the employer is physically located in or claims as a base of operations, unless otherwise specified by exemptions in C.R.S. 8-13.3-503 ~~C.R.S.~~ (8) or federal law.

The provisions of this Section will be applicable to self-employed persons who elect coverage under C.R.S. 8-13.3-514 ~~C.R.S.~~ and employees of any local government who elect coverage under C.R.S. 8-13.3-514 ~~C.R.S.~~

If any part of these rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

#### 1.4 Definitions

"Calendar Quarter" has the same definition as C.R.S. 8-70-103(6) ~~C.R.S.~~

"Division" has the same definition as C.R.S. 8-13.3-503(5) ~~C.R.S.~~

"Employee" has the same definition as C.R.S. 8-13.3-503(7) ~~C.R.S.~~

"Employee share" is defined as 50 percent of the premium required for an employee by section C.R.S. 8-13.3-507(3) ~~C.R.S.~~

Division of FAMLI

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"Employer" has the same definition as C.R.S. 8-13.3-503(8) ~~C.R.S.~~

"Employer share" is defined as 50 percent of the premium required for an employee by section C.R.S. 8-13.3-507(3) ~~C.R.S.~~

"FAMLI" is defined as the Paid Family and Medical Leave Insurance Act, C.R.S. sections 8-13.3-501 through 524 (the "Act"), ~~C.R.S.~~

"Net earnings from self-employment" has the same meanings as in the Internal Revenue Code at 26 U.S.C. § 1402(a), in effect for the taxable year, and the implementing regulations at 26 CFR § 1.1402(a).

"Gross income" has the same meaning as defined in the Internal Revenue Code at 26 CFR § 1.61-~~21~~ through 1.61-14.

"Individual electing coverage" means an individual who elects FAMLI coverage pursuant to C.R.S. 8-13.3-514.

"My FAMLI+ Employer" means the online portal through which employers and individuals electing coverage report wages and remit premiums pursuant to the FAMLI Act and its implementing regulations.

"Premium" is defined as the money payments required pursuant to C.R.S. 8-13.3-507 ~~C.R.S.~~ to finance the payment of family and medical leave insurance benefits and administer the family and medical leave insurance program.

"Self-Employed Person" or "self-employed individual," as used in the FAMLI Act and its implementing regulations includes individuals who meet the FAMLI Act's two-prong exception to the definition of "employee" at C.R.S. 8-13.3-503(7), is defined to include: an individual worker who is primarily free from external control and direction in the performance of their duties, labor or services, both under the individual's contract for the performance of the labor or services, and those who are customarily engaged in an independent trade, occupation, profession, or business related to the labor or service performed; is a sole proprietor, a joint venturer or a member of a partnership; a member of a limited liability company, or a person who is otherwise in business for themselves.

"Wages" as used in the FAMLI Act and its implementing regulations has the same meaning as C.R.S. 8-70-141, and excludes remuneration described by C.R.S. 8-70-142.

## 1.5 Assessing and Collecting Premiums

### 1.5.1 Election, Withdrawal, and Cancellation of Coverage for Individuals Electing Coverage ~~Self-Employed Persons Regarding Premium Assessment~~

A. Individuals electing coverage ~~Self-employed persons~~ may elect coverage under C.R.S. 8-13.3-514 ~~C.R.S.~~

1. Notice of election of coverage must be submitted to the Division via My FAMLI+ Employer ~~online or in another format approved by the Division~~.
2. Elective coverage becomes effective on the date of filing the notice ~~begins on the first day of the calendar quarter immediately following the notice of the election~~.

## Division of FAMLI

3. A period of coverage is defined as:
  - (a) Three years following the first day of elective coverage or any gap in coverage; and
  - (b) Each subsequent year.
4. Any ~~individual electing coverage~~~~self-employed person~~ may file a notice of withdrawal within thirty calendar days after the end of each period of coverage. The notice of withdrawal must include an effective date of the withdrawal, which must be no sooner than thirty days after the filing of the notice of withdrawal.
5. A notice of withdrawal from coverage must be submitted to the Division online or in another format approved by the Division.
6. Any ~~finer or penalties~~~~levy~~ resulting from the Division's cancellation of coverage is in addition to the due and unpaid premiums and interest for the remainder of the period of coverage.

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**1.5.2 Determining Wages Earned for Self-Employed Persons Regarding Premium Assessment**

- A. ~~An individual electing coverage must~~~~self-employed person will~~ submit earnings reports and remit premium payments no later than the last day of the month immediately following the end of the calendar quarter for which the premiums have accrued.~~update information with the Division not less than quarterly within the period of coverage to ensure timely and accurate benefit coverage amounts.~~
- B. Pursuant to C.R.S. 8-13.3-507(4)(a)~~C.R.S.~~, ~~an individual electing coverage~~~~self-employed person~~ is required to submit only 50 percent of the premium required for an employee by section C.R.S. 8-13.3-507(3)~~C.R.S.~~ on that individual's income ~~from self employment~~.
- C. Upon electing coverage, self-employed individuals shall choose between reporting gross income or net earnings from self-employment, for purposes of calculating premiums and benefits.~~Not less than each quarter, a self-employed person who has elected coverage under 8-13.3-514 C.R.S. will report to the Division net earnings from self-employment once they have elected to use net earnings as the basis of both premium collection and benefit payments for the three year opt-in period.~~
- D. Not less than each quarter, a self-employed person who has elected coverage under 8-13.3-514 C.R.S. will report to the Division gross earnings from self-employment once they have elected to use gross earnings as the basis for both premium collection and benefit payments for the three year opt-in period. Gross wages from self-employment will be reported as gross wages for a specific quarterly pay period and not gross wages for the year to date.
- E. ~~If a~~ self-employed individual may~~elects~~ to change their premium and benefit calculation basis between gross and net, ~~they may do so~~ one time within a coverage~~the three year opt-in~~ period.

~~FE.~~ The Division may require copies of tax returns, bank records, self-attestations, or any other documents deemed necessary by the Division to verify or determine the income of an individual electing coverage~~a self-employed person's wages.~~

~~G.~~ If a self-employed individual has elected coverage under ~~8-13.3-514 C.R.S.~~, and is also employed by another or multiple employers, the self-employed person's FAMI benefit payment will be based on the combined wages pursuant to this rule and Rule 1.5.3.

#### ~~1.5.3 Determining Wages for All Employees Regarding Premium Assessment~~

~~A.~~ Wages reportable to the Division for premium assessment purposes include:

- ~~1.~~ Salary or hourly wages, including "wages" as defined by ~~8-70-141 C.R.S.~~; and other compensation, including board, lodging, payments in kind, and/or other benefits provided as compensation for services performed by employees, including but not limited to domestic and agricultural employees.
  - ~~2.~~ The Division may, after investigation, determine in individual cases the amounts to be included as reasonable value of remuneration payable in any medium other than cash for the purpose of computing premiums due under the act, but where the cash value of such benefits is agreed upon in a written contract, the amounts agreed upon will presumptively be the reasonable value of such benefits; and
  - ~~3.~~ Commissions, payments on a piecework basis, or bonuses earned for labor or services performed in accordance with the terms of any agreement between an employer and employee.
- ~~B.~~ Tips/gratuities and service charges will be considered to be wages for the purposes of the act when the employer exercises significant control over the amount and distribution of money received by an employee as a tip/gratuity or service charge.
- ~~C.~~ An employer is considered to have significant control over tips/gratuities or service charges when they are collected by the employer and then redistributed to employees.
- ~~D.~~ Notwithstanding any other provision of this section, any tips/gratuities and service charges when used by the employer in order to conform to the minimum wage requirements of federal or state law will be deemed to be wages for the purposes of the act, to the extent of such use.
- ~~1.~~ For the purposes of this section, the inclusion, for the convenience of the customer, of a tip/gratuity in an amount charged by a customer through the use of a credit card will not, by itself, be deemed to constitute significant control.
  - ~~2.~~ For the purposes of this section, a requirement by an employer that an employee report or account for tips/gratuities will not, by itself, be deemed to constitute significant control.
- ~~E.~~ In addition to the foregoing provisions of this section, wages will also include tips that are received while performing services that constitute employment and that are made known to the employer through a written statement furnished by the employee.

Division of FAMILI

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F. ~~In circumstances where the employer's records regarding wages or other compensation pursuant to this section are inaccurate or incomplete, the Division may consider any evidence, written or otherwise, to determine the amount of wages as a matter of just and reasonable inference, absent any specific evidence provided by the employer suggesting that such inference is unreasonable.~~

**1.5.4 Exempted From Wages**

A. ~~The Division will not consider the following as wages.~~

1. ~~Per diem or mileage reimbursements;~~
2. ~~Amounts of payments made by the employer on behalf of the employee into other insurance or annuity accounts that are not associated with FAMILI including but not limited to:~~
  - (a) ~~Short term or long term disability~~
  - (b) ~~Medical or hospitalization expenses in connection with sickness or accident disability~~
  - (c) ~~Death~~
  - (d) ~~Earnings from investment interest payments, dividend payments, or rent receipts from rental property, except if the income is earned through a business owned or operated by the claimant.~~
  - (e) ~~Severance pay with the exception of payments pursuant to 8-73-110 C.R.S.~~

**1.5.35 Premiums Remitted by an Employer**

A. Premiums must be paid not less than quarterly in the form and manner determined by the Division. Quarterly payments ~~must~~will include all premiums with respect to wages paid ~~during for employment in all payroll periods that end within~~ the calendar quarter.

1. Due Date of Premiums. Premiums ~~will become due and must~~ be paid no later than the last day of the month immediately following the end of the calendar quarter for which the premiums have accrued.
  - (a) Payment will be considered timely if postmarked or received ~~in person or~~ electronically on or before the due date. If the due date of premiums falls on a Saturday, Sunday, or legal holiday, payment will be considered timely if postmarked or received in person or electronically on the next business day that is not a Saturday, Sunday, or legal holiday.
  - (b) Quarterly payment will not be required when the total amount of any premiums due, including any penalties and interest accrued for an untimely or incorrect report, is less than five dollars.
2. Erroneous Rate Notice. If, as a result of an incorrect notification or computation by the Division of premiums due~~rate by the Division~~, an employer is required to make an additional payment of premiums, such additional payment will not accrue interest until thirty days after notification by the Division that such additional payments are due.
3. First payment of a new employer, unless stated otherwise by exemption.



## Division of FAMI

- (a) The first premium payment of any employing unit that becomes an employer subject to C.R.S. 8-13.3-501~~C.R.S.~~ et seq., at any time during a calendar year ~~must will become due and~~ be paid on or before the last day of the month immediately following the calendar quarter in which such an employing unit becomes an employer.
- (b) Said payment ~~must will~~ include the FAMI premiums with respect to wages paid for employment occurring on and from the first day of the calendar year through all payroll periods that end within the calendar quarter in which the employing unit becomes an employer.

## B. Employers ability to deduct premiums from employees

- 1. An employer required to remit premiums pursuant to C.R.S. 8-13.3-507~~C.R.S.~~ may not deduct more than the maximum allowable employee share of the premium from wages paid for a pay period.
  - (a) If an employer fails to deduct the maximum allowable employee share of the premium from wages paid for a pay period, the employer is considered to have elected to pay that portion of the employee share under C.R.S. 8-13.3-507~~C.R.S.~~, and the employer cannot deduct this amount from a future paycheck of the employee for a different pay period.
  - (b) ~~Notwithstanding Rule 1.5.3.B.1(a) above, An employer will not deduct the employee share of the premium for a pay period~~ where there is a lack of sufficient employee wages to cover the employee share of premiums for ~~that a~~ pay period, the employer may deduct the uncollected portion of the employee share from one or more paychecks for future pay periods.
  - (c) In the payment of any premiums, a fractional part of a cent will be disregarded unless it amounts to one-half cent or more, in which case it will be increased to one cent.
- 2. Employers not required to pay the Employer share of the FAMI premium due to employer size of business pursuant to C.R.S. 8-13.3-507(5)~~C.R.S.~~ must remit the employees' share of the premium in the manner outlined by the Division. Such employers may deduct up to 50 percent of the premium required for an employee by C.R.S. section 8-13.3-507(3)~~C.R.S.~~, from the employee's wages and ~~must will~~ remit 50 percent of the premium required by C.R.S. section 8-13.3-507(3)~~C.R.S.~~, to the Division.
- 3. ~~An employer who is not required to pay the employer share of the premium pursuant to 8-13.3-507(4)(c), may elect to remit the employee share of the premium for employees who elect coverage under 8-13.3-514 C.R.S.~~

## C. Application of payments made to premiums

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## Division of FAMILI

1. A payment received by the Division as a premium payment will be applied to the quarter for which the premium assessment applies.
    - (a) A payment exceeding the legal fees, fines, penalties, interest and premiums due for that quarter will be applied to any other debt owed to the Division in accordance with ~~subsection 2 (c) in part C. of~~ these rules.
    - (b) If no debt exists, premium overpayments of less than fifty dollars will be credited to future payments due.
    - (c) If no debt exists, premium overpayments of fifty dollars or more may be refunded to the employer at the employer's request. Otherwise, such overpayments will be credited to future payments due.
  2. Payments received will be applied in the following order of priority:
    - (a) Current quarter balance;
    - (b) Any previous quarter premium balance due starting with the oldest quarter;
    - (c) Then beginning with the oldest quarter in which a balance is owed:
      - (1) Penalties;
      - (2) Fines;
      - (3) Fees; and
      - (4) Interest charges.
- D. Pursuant to C.R.S. § 8-13.3-507(6), ~~C.R.S.~~, premiums will not be required for ~~employees'~~ wages, gross income, or net earnings from self-employment above the contribution and benefit base limit established annually for the federal social security administration for purposes of the federal old-age survivors, and disability insurance program limits pursuant to 42 U.S.C. § 430.

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**1.5.46 Calculating Employer Size Related To Premium Exemptions**

- A. For determining employer size for the purpose of determining premium liability pursuant to C.R.S. 8-13.3-507(5), an employee counts toward the total number of employees if he or she is employed during 20 or more workweeks in the preceding calendar year. A person is considered "employed" during a workweek if: (1) he or she performs any work for the employer during the workweek; or (2) he or she is on any type of paid or unpaid leave during the workweek, and the employer has a reasonable expectation that the employee will later return to active employment. ~~premium exemptions based on employer size as outlined in § 8-13.3-507(5), C.R.S.,~~

## Division of FAMLI

~~the rules for counting employees to determine whether an employer is covered under the federal Family and Medical Leave Act apply; the employer must employ the requisite number of employees "for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year"; "a[ny] employee whose name appears on the employer's payroll will be considered employed each working day of the calendar week, and must be counted whether or not any compensation is received for the week"; "Employees on paid or unpaid leave, including [sick or medical leave], leaves of absence, disciplinary suspension, etc. are counted as long as the employer has a reasonable expectation the employee will later return to active employment"; and "a corporation is a single employer rather than its separate establishments or divisions."~~

1. If the Division determines the employer's status has changed as it relates to premium liability, the Division will notify the employer as to their premium liability.
2. An employer's size for purposes of this regulation 1.5.4~~6~~ will be calculated upon registration and annually thereafter during the first calendar quarter of the year. Any change to premium liability as a result of a change in employer size will happen no more frequently than one time per calendar year by counting the number of employees pursuant to regulation 1.5.4 (A) during the preceding calendar year. A new premium discount pursuant to § 8-13.3-507(5) will not take effect until the Division has completed such calculation.
3. ~~If an employer has not been in business in Colorado long enough to report employer's size pursuant to regulation 1.5.6 (A), the employer's size will be calculated after the second quarter of reporting is due by averaging the number of employees reported over the quarters for which reporting exists. Premium calculations based on this determination will begin on this reporting date. This size determination remains in effect through the following calendar year.~~
- B. ~~Determination of employer size for premium collection beginning January 1, 2023.~~
  1. ~~For purposes of premium calculations for calendar year 2023, the Division will determine the size of all employers by reviewing the number of employees reported pursuant to 8-70-113 C.R.S. for the first calendar quarter. Employers that report ten or more employees will be required to pay the employer share of the premium for all calendar quarters in calendar year 2023.~~

BC. Determining in-state status of employees

1. An employee's wages will be subject to premiums ~~if for all services performed within Colorado and for all services performed both within and outside of Colorado where:~~
  - (a) The employee's entire service is performed within Colorado;
  - (b) The employee's service is performed both within and outside of Colorado, but the service performed outside the state is incidental to the employee's work within Colorado or, for example is, temporary or transitory in nature and consists of isolated transactions; or

## Division of FAMI

- (c) Services are not localized in any state, but some of the services are performed in Colorado, and
  - (1) The base of operations is in Colorado, or if there is no base of operations, then the place from which such services are directed or controlled is in Colorado as established in C.R.S. 8-70-117-C.R.S., or
  - (2) The base of operations or place from which some part of the service is directed or controlled is not in any state in which part of the service is performed, but the employee's residence is in Colorado.
- 2. Payment to Another Jurisdiction. An employer who has erroneously paid to another jurisdiction an amount as premiums properly payable to Colorado will not be delinquent if premiums properly payable to Colorado are paid within thirty days of the date on which the Division determines that such premiums are payable to Colorado.

**1.5.57 Assessments and Recomputations of FAMI Premiums**

- A. If, in the judgment of the Division or upon its information and knowledge, the report of wages included in an employer's FAMI premium report is incomplete or in error, the Division may require, and the employer shall respond within the time allotted, a further report, examine the employer's relevant books and records, or use other reasonable measures to the extent necessary to obtain an accurate report.
- B. If a contributing employer is ~~either delinquent in filing a premium wage report within the time prescribed by the Division, or fails to provide the Division with additional~~ whose records are needed to make a proper determination of an amount of indebtedness ~~or other matter declines to make its records available~~, the Division may, in its discretion:
  - 1. Use the information and knowledge available to the Division to estimate the amount of chargeable wages paid by a contributing employer during the premium period or periods. The amount of chargeable wages so determined will be deemed to have been paid by the employer and will be used to determine the annual payroll;
  - 2. Assess the employer for FAMI premiums calculated on the basis of the estimated wages; and
  - 3. Issue a subpoena duces tecum to compel an employer to release books and records to the Division for use in obtaining the required information.
- C. A contributing employer who is delinquent in filing reports or paying FAMI premiums will be promptly notified of the assessment by the communication method the employer elected during FAMI registration. Premiums will not be considered delinquent if paid within thirty days after the date on which the Division notifies the employer of the delinquent payment.
- D. The Division may correct errors of computation whenever such erroneous computations are found or brought to the Division's attention.

**1.6 Notification of FAMI Premium Liability**

## Division of FAMILI

- A. The Division will notify employers and individuals ~~s electing coverage persons who have elected coverage~~ of their expected premium amount on the first business day of the calendar month the premium is due to be paid.
1. Notification ~~will may~~ be ~~either sent electronically, either via My FAMILI+ Employer or or sent by postal mail~~ to the email address provided to the Colorado Department of Labor and Employment.
    - (a) Employers, including self-employed persons may choose a business representative such as a payroll service provider, attorney, or accountant to receive notification on their behalf.
    - ~~(b) Self-employed persons and local government employees who elect coverage pursuant to § 8-13.3-514, C.R.S., may elect to be notified electronically or by postal mail.~~
    - ~~(be)~~ Local governments that have declined participation in the FAMILI program pursuant to C.R.S. 8-13.3-522 ~~C.R.S.~~, but which have agreed to withhold and remit the employee share of premiums for employees who elect coverage under C.R.S. 8-13.3-514 ~~C.R.S.~~, will be provided a quarterly list of employees who have elected coverage pursuant to C.R.S. 8-13.3-514 ~~C.R.S.~~. Local governments which have declined participation in the FAMILI program pursuant to section C.R.S. 8-13.3-522 ~~C.R.S.~~, and have declined to withhold and remit the employee share of premiums for employees who elect coverage under C.R.S. 8-13.3-514 ~~C.R.S.~~, will receive no such quarterly list ~~not receive information from the Division regarding any such employees who have voluntarily elected coverage.~~
  2. A schedule of due dates as well as guidance as to how to remit premiums will be posted by the Division on the FAMILI website and will remain publicly available.
- B. Employers not subject to a premium liability due to coverage through a pre-approved substitute private plan under C.R.S. 8-13.3-521 ~~C.R.S.~~, will not receive quarterly notifications of premium liability from the Division.
- ~~1. In the event of a loss of coverage or significant change in status, the employer is required to notify the Division within 30 days, and a premium liability will begin to accrue from the first day of the previous calendar quarter.~~
  - ~~2. Premium liability will then continue to follow the regular calendar quarter payment schedule, until such time as a new and separate waiver has been approved by the Division.~~

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## Editor's Notes

## History

New rule eff. 01/01/2022.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00617

**Department**

1100 - Department of Labor and Employment

**Agency**

1107 - Division of Family and Medical Leave Insurance

**CCR number**

7 CCR 1107-2

**Rule title**

REGULATIONS CONCERNING LOCAL GOVERNMENT PARTICIPATION WITH THE  
PAID FAMILY MEDICAL LEAVE PROGRAM

**Rulemaking Hearing****Date**

11/01/2022

**Time**

05:00 PM

**Location**

virtual over zoom

**Subjects and issues involved**

This filing includes changes made for statutory and regulatory consistency, improved clarity, and style.

**Statutory authority**

This regulation is adopted pursuant to the authority in C.R.S. 8-13.3-522, and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. 24-4-101 et seq. (the APA), and the Paid Family and Medical Leave Insurance Act, C.R.S. 8-13.3-501 through 524, et seq. (the Act)

**Contact information****Name**

Lydia Waligorski

**Title**

FAMLI Policy Manager

**Telephone**

3039455759

**Email**

cdle\_famli\_rules@state.co.us

## DEPARTMENT OF LABOR AND EMPLOYMENT

### Division of FAMLI

## REGULATIONS CONCERNING LOCAL GOVERNMENT PARTICIPATION WITH THE PAID FAMILY MEDICAL LEAVE PROGRAM

### 7 CCR 1107-2

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

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#### 2.1 Authority

This regulation is adopted pursuant to the authority in section ~~C.R.S. 8-13.3-522 C.R.S.~~, and is intended to be consistent with the requirements of the State Administrative Procedures Act, ~~C.R.S. section 24-4-101 et seq. (the "APA"), C.R.S.~~ and the Paid Family and Medical Leave Insurance Act, ~~C.R.S. sections 8-13.3-501 through 524, et seq. (the "Act"), C.R.S.~~

#### 2.2 Scope and Purpose

- A. This regulation will govern the Family and Medical Leave Insurance program pursuant to ~~C.R.S. 8-13.3-522 C.R.S.~~, concerning the process for local government employers to decline participation in the program.
- B. This regulation will govern the process of a local government electing into the FAMLI Program, after initial declination.
- C. This regulation will govern the notification requirements of local government employers to their employees regarding any vote to decline FAMLI coverage, the outcome of such a vote, and the ability of local government employees to voluntarily elect coverage as individuals.
- D. This regulation does not apply to any other employer classifications within the State of Colorado, including but not limited to people who are self-employed.

#### 2.3 Applicability

The provisions of this section will be applicable to all local government entities within the State of Colorado.

If any part of these rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

#### 2.4 Definitions

"FAMLI" is defined as the Paid Family and Medical Leave Insurance Act, ~~C.R.S. sections 8-13.3-501 through 524 (the "Act"), C.R.S.~~

~~"Fund" has the same meaning as in §8-13.3-503 (12) C.R.S.~~

"Division" has the same definition as ~~C.R.S. 8-13.3-503 (5) C.R.S.~~ as created in ~~C.R.S. 8-13.3-508 C.R.S.~~

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Division of FAMLI

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“Governing Body” has the same meaning as in [C.R.S. 29-1-102\(12\)](#), both ~~§31-1-101(4) C.R.S. and §32-1-103(8) C.R.S.~~

“Local Government” has the same meaning as [defined at C.R.S. 8-13.3-503\(14\)](#), and is limited to Colorado local governments. In determining whether a governmental entity is a local government, for the purpose of distinguishing the state from political subdivisions of the state, the state means: (1) those governmental entities with employees in the state personnel system pursuant to Art. XII Section 13 of the Colorado Constitution and the State Personnel System Act, C.R.S. 24-50-101 *et seq.*; and (2) those governmental entities for which premiums were paid pursuant to [C.R.S. 8-13.3-518\(4\)\(b\)](#), ~~a county, city and county, city, or town whether home rule or statutory, or any school district or a special district created pursuant to the “Special District Act,” article 1 of title 32, C.R.S. and as outlined in 24-19-102. C.R.S., authority or other political subdivision of the state.~~

“Premium” is defined as the money payments required pursuant to [C.R.S. 8-13.3-507](#) ~~C.R.S.~~, to finance the payment of family and medical leave insurance benefits and administer the family and medical leave insurance program.

## 2.5 Local Government Employer Participation

- A. Pursuant to [7 CCR 1107-2 Section Regulation 2.6](#), local government employers are required to formally notify the Division in writing and provide both the date of the vote, and the local government’s decision to decline participation in the FAMLI program.
1. Local governments which have previously declined participation in the FAMLI program pursuant to [C.R.S. 8-13.3-522](#) ~~C.R.S.~~, may subsequently elect coverage [at any time](#) ~~by first registering as an employer with the FAMLI Division prior to the collection of employer premiums.~~
  2. ~~Local governments which have previously declined participation in the FAMLI program pursuant to 8-13.3-522 C.R.S., may subsequently elect FAMLI Program coverage at the beginning of the annual cycle relevant to the local government’s budgeting cycle.~~
  23. ~~A The ability of a local government to either decline participation in the FAMLI program or elect coverage following a previous declination is subject to a vote of the governing body of each local government entity pursuant to this Regulation and Regulation 2.6 of 7 CCR 1107-2, a local government may not decline participation in the FAMLI program in part. Any such declination by a local government is a full declination of FAMLI program participation for that local government employer.~~
- B. Local government employers which have previously declined coverage and now wish to elect coverage of FAMLI benefits for their employees pursuant to [C.R.S. §§8-13.3-522 \(3\)\(b\)](#) ~~C.R.S.~~, may subsequently elect coverage by a vote of the governing body.
- C. A local government which has previously declined coverage ~~may~~ [must](#) renew the declination through a similar vote process and margin no later than every eight years. In the absence of a vote further declining coverage, the local government will become a covered employer. The local government must inform the Division of a declination vote in writing which includes the date the vote was taken.



Division of FAMLI

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- D. When a local government employer returns to coverage pursuant to ~~Regulation §§ 2.5 (B) or §§ 2.5 (C) of 7 CCR 1107-2 Sections 2.5.B or 2.5.C~~, the employer will be covered and subject to premiums ~~liability~~ beginning on the ~~earlier of the effective date specified by the local government employer in its notification to the Division, first day of the calendar quarter after the local government has notified the Division of a change of the vote to elect coverage pursuant to 7 CCR 1107-2, §§ 2.5 (B) or the first day of the first calendar quarter beginning after the local government employer's deadline to renew its declination has passed pursuant to 7 CCR 1107-2, §§ 2.5 (C).~~
- E. ~~Local government employees who have individually opted into the benefits program pursuant to 8-13-3-514 C.R.S., will not pay a double premium amount, and must be given notice by the local government employer of a date corresponding with the beginning of a calendar quarter at which a premium amount will be submitted to the Division on their behalf.~~
- ~~1. The purpose of the notice by the local government employer of the date at which a premium amount will be submitted to the Division on behalf of an employer is to inform the employee of any potential lapses or changes in benefits eligibility.~~
  - ~~2. This notice must be delivered in writing and/or through electronic communication to the employee by their local government employer no later than 90 days after the vote.~~
  - ~~3. The local government employer must also post notice of the date of the first day the employer will begin paying FAMLI premiums and the date when coverage will start.~~
- F. ~~Eligible employees of local governments who elect coverage pursuant to C.R.S. 8-13-3-514 are eligible for benefits immediately upon electing coverage. who have not been previously covered as individual participants employed by a newly participating local government will begin full benefit eligibility the first day of the following quarter after the premiums are received by the Division.~~
- F.
- ~~1. Local government employers that have previously declined participation and then subsequently elect or otherwise return to coverage under the FAMLI program pursuant to these regulations must remain in the program for a minimum of twelve complete calendar quarters after the three fiscal years corresponding to the date the local government elected coverage begins. If such an employer chooses to again decline FAMLI participation, notice of such declination~~
  - ~~a. The three year cycle begins on the first day of employee coverage.~~
  - ~~b. The notice of the intent to decline future coverage must be delivered in writing to the Division at least one complete calendar quarter in advance of no later than 90 days prior to the end of the twelve calendar quarter three year cycle pursuant to this regulation.~~
- G.
- ~~2. Employees must also be notified directly in writing, and no later than 180 days of the pending or upcoming return to or withdrawal of coverage pursuant to this regulation.~~
  - ~~1.~~

Division of FAMLI

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- a. Local government employers ~~must~~ will display a notice containing the information required in this regulation in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification ~~must~~ will be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform.

2.

- b. The written notice and posting ~~must~~ will contain an explanation of employee rights under the FAMLI program including but not limited to program requirements, benefits, claims process, payroll deductions and premiums, the right to job protection and benefit continuation under ~~C.R.S. 8-13.3-509 C.R.S.~~, protection against retaliatory personnel actions or other discrimination, relevant contact information for the Division, and other pertinent information.

3.

- c. The notice and poster required by this regulation ~~must~~ will be in English and in any language representing the first language spoken by at least five percent of the local governments employer's workplace. The Division will create and make available to local government employers posters and notices containing information required in this regulation, and local government employers may use the posters and notices to comply with the requirements of this section.

## 2.6 Process and Notification of FAMLI Program Declination

- A. Local government employers are permitted to decline to participate in the FAMLI program after a written notice has been delivered to the FAMLI Division memorializing the decision by an affirmative vote of the local government's governing body to decline participation in the program. Such a vote ~~must~~ will follow the local government's ~~procedures~~ for other votes of the governing body.
1. A declination vote ~~that occurs after a period of FAMLI coverage~~ will not take effect ~~with a resulting change in coverage~~ until at least 180 days after the vote, to allow individual employees the opportunity to opt into the benefits program pursuant to ~~C.R.S. 8-13.3-514 C.R.S.~~, should individuals choose to elect coverage.
  2. Public notice must be given in the same manner as any other business before the governing body, and the local government ~~must~~ will take/hear testimony prior to the vote, pursuant to the procedural rules of the governing body. The local government's employees must also be notified in writing prior to the vote and provided both

Division of FAMLI

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information regarding the vote process and the opportunity to submit comments through a public process to the governing body.

3. Within 30 days following a local government declination vote, the local government must provide its local government employees with a written individual notice of the local government's declination vote and the impact toward FAMLI coverage, or other paid family and leave insurance coverage. The written notice, must at a minimum, explain the differences between benefits offered by the FAMLI program and any other paid leave plan offered by the local government. The notice must also state which employees, if any, are eligible for job protection under the federal Family and Medical Leave Act (FMLA) benefits or other local provisions where applicable.
  4. Written notices must contain information regarding the right of local government employees to voluntarily ~~elect coverage~~~~opt into FAMLI benefits~~ pursuant to ~~C.R.S. 8-13.3-514 C.R.S.~~, and the contact information for the Division. Local government employers ~~must will~~ display a notice containing the information in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification ~~must will~~ be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform. The notice and poster required in this regulation ~~must will~~ be in English and in any language representing the first language spoken by at least five percent of the local government employer's workforce. The Division will create and make available to local government employers posters and notices containing the information required in this regulation, and local government employers may use the posters and notices to comply with the requirements of this section.
    - (a) It is the responsibility of the local government employers to request printed materials from the Division. Local government employers may be responsible for the printing and mailing costs of such materials.
    - (b) It is the responsibility of the local government to provide written notification to the Division of the local government employers interpretation needs of printed notices for languages other than English or Spanish.
- B. The declination period is not permanent and participation must be reconsidered, and the Division notified at a minimum of every 8 years. ~~The governing body may reconsider and elect coverage annually pursuant to 7 CCR 1107-2, Regulation 2.5.~~

**2.7 Overpayments**

In the event of an overpayment of premiums by a local government employee whose employer ~~elects coverage after having previously declined FAMLI coverage~~~~opts back into the program~~, any overpaid premiums~~the excess amount~~ will be repaid to the employee by the Division. The Division will ensure a continuation of coverage for local government employees who have individually opted into the benefits program pursuant to ~~C.R.S. 8-13.3-514 C.R.S.~~, and ensure there is not a lapse in coverage prior to the

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local government's reinstatement of coverage ~~as long as the employee share of the premium has been submitted.~~

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**Editor's Notes****History**

New rule eff. 03/17/2022.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00619

**Department**

1100 - Department of Labor and Employment

**Agency**

1107 - Division of Family and Medical Leave Insurance

**CCR number**

7 CCR 1107-4

**Rule title**

REGULATIONS CONCERNING COORDINATION OF BENEFITS AND REIMBURSEMENT  
OF ADVANCE PAYMENTS

**Rulemaking Hearing****Date**

11/01/2022

**Time**

05:00 PM

**Location**

virtual over zoom

**Subjects and issues involved**

The general purpose of these rules is to exercise the authority of this Division to enforce and implement the Paid Family and Medical Leave Insurance Act (C.R.S. 8-13.3-501 et seq.) with regard to coordination of benefits and reimbursement of advance payments.

**Statutory authority**

This regulation is adopted pursuant to the authority in section C.R.S. 8-13.3-501 et seq., and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. 24-4-101 et seq. (the APA), and the Paid Family and Medical Leave Insurance Act, C.R.S. 8-13.3-501 through 524 (the FAMLI Act).

**Contact information****Name**

Lydia Waligorski

**Title**

FAMLI Policy Manager

**Telephone**

3039455759

**Email**

cdle\_famli\_rules@state.co.us

## DEPARTMENT OF LABOR AND EMPLOYMENT

### Division of Family and Medical Leave Insurance

#### REGULATIONS CONCERNING COORDINATION OF BENEFITS AND REIMBURSEMENT OF ADVANCE PAYMENTS

##### 7 CCR 1107-4

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#### 4.1 Statements of Authority, Purpose, and Incorporation by Reference

1. This regulation is adopted pursuant to the authority in section C.R.S. 8-13.3-501 *et seq.*, and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. 24-4-101 *et seq.* (the “APA”), and the Paid Family and Medical Leave Insurance Act, C.R.S. 8-13.3-501 through 524 (the “FAMLI Act”).
2. The general purpose of these rules is to exercise the authority of this Division to enforce and implement the Paid Family and Medical Leave Insurance Act (C.R.S. 8-13.3-501 *et seq.*) with regard to coordination of benefits and reimbursement of advance payments.
3. Article 34 of C.R.S. Title 24 (2022), Articles 4, 13.3, 40, and 70 of C.R.S. Title 8 (2022), and 45 U.S.C. section 2601 *et seq.* (2022) are hereby incorporated by reference. Earlier versions of such laws may apply to events that occurred in prior years. Such incorporation excludes later amendments to or editions of the statutes. These statutes and regulations are available for public inspection at the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance, 633 17th Street, Denver CO 80202. Copies may be obtained from this Division at a reasonable charge, or can be accessed electronically from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of the statutes and regulations 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 originally issuing the statutes. All Division Rules are available to the public at [famli.colorado.gov](http://famli.colorado.gov). Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern so long as these are consistent with Colorado statutory and constitutional provisions.
4. If any part of these rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

#### 4.2 Definitions and Clarifications

1. Unless otherwise indicated, terms used here that are defined in the FAMLI Act have the same definition as they do under the FAMLI Act.
2. “Employer-provided paid leave” means vacation leave, paid sick leave, paid personal leave, paid parental leave, paid leave under C.R.S. 24-34-402.7, and any other employer-paid time off.
3. “Health care benefits” as used at C.R.S. 8-13.3-509(2) means benefits provided to an employee by an employer related to the improvement or maintenance of the employee’s health, including but not limited to:
  - A. Health insurance;

- B. Dental insurance;
- C. Vision insurance; and
- D. Mental health, counseling, and addiction services.

4. "Paid sick leave" has the same meaning as in C.R.S. 8-13.3-402(8).

#### **4.3 FAMLI Benefits and Workers' Compensation Benefits**

1. Benefits under the FAMLI Act and its implementing regulations do not run concurrently with benefits under the Workers' Compensation Act of Colorado, C.R.S. 8-40-101 *et seq.* or its implementing regulations (the "Workers' Compensation Act").
2. Regardless of an individual's status as a covered individual, if an absence from work is caused by circumstances that would entitle an individual to benefits under the Workers' Compensation Act, the individual is not entitled to family and medical leave insurance benefits.
3. An individual applying for family and medical leave insurance benefits must disclose whether their serious health condition was caused by or otherwise related to a workplace injury or illness.
4. Health care providers, in completing a "Serious Health Condition Certification - Self Form," must disclose any information or belief that the individual's serious health condition was caused by or otherwise related to a workplace injury.
5. If either the individual applying for family and medical leave insurance benefits or the health care provider completing the "Serious Health Condition Certification - Self Form" indicates that the individual's serious health condition was caused by or otherwise related to a workplace injury, then:
  - A. The application for benefits will not be considered filed in accordance with 7 CCR 1107-3;
  - B. The application will be closed; and
  - C. The application will be reopened for good cause if the individual applies for and is denied benefits under the Workers' Compensation Act with regard to the same serious health condition.
6. An individual must notify the FAMLI Division if they receive any benefits under the Workers' Compensation Act during a period of paid family and medical leave.
7. If an individual is paid any benefits under the Workers' Compensation Act during a period of paid family and medical leave, then any wage replacement benefits paid to the individual in association with the same job as the benefits under the Workers' Compensation Act will be considered an overpayment.
8. An individual's failure to disclose either a workplace injury related to an application for family and medical leave insurance benefits, or the receipt of benefits under the Workers' Compensation Act related to an injury that is related to the receipt of family and medical leave insurance benefits, may constitute grounds for disqualification of benefits pursuant to C.R.S. 8-13.3-513.

#### **4.4 FAMLI Benefits and Unemployment Insurance Benefits**

1. Benefits under the FAMLI Act and its implementing regulations do not run concurrently with benefits under the Colorado Employment Security Act, C.R.S. 8-70-101 *et seq.*, or its implementing regulations ("CESA").
2. Regardless of an individual's status as a covered individual, if an absence from work is caused by circumstances that would entitle an individual to benefits under CESA, the individual is not entitled to family and medical leave insurance benefits.
3. An individual must notify the FAMLI Division if they apply for or receive any benefits under CESA during a period of paid family and medical leave.
4. If an individual is paid any benefits under CESA during a period of paid family and medical leave, then any wage replacement benefits paid to the individual in association with the same job as the benefits under CESA will be considered an overpayment.
5. An individual's failure to disclose either the application for or the receipt of benefits under CESA during any period of paid family and medical leave may constitute grounds for disqualification of benefits pursuant to C.R.S. 8-13.3-513.

#### **4.5 FAMLI Benefits and Employer-provided Paid Leave**

1. The FAMLI Act and its implementing regulations do not entitle an employee to receive both wage replacement benefits under the FAMLI Act and employer-provided paid leave for the same hours absent, except that pursuant to C.R.S. 8-13.3-510(1)(c), an employer and an employee may mutually agree that the employee may use any accrued employer-provided leave as a supplement to family and medical leave insurance benefits in an amount not to exceed the difference between the individual's wage replacement benefits under the FAMLI Act and the individual's average weekly wage.
  - A. If employer-provided paid leave is used to supplement FAMLI wage replacement benefits, the employer may: (1) convert the dollar amount of the supplement into the corresponding number of employer-provided paid leave hours; and (2) subtract those hours from the employee's balance of accrued and unused employer-provided leave.
  - B. The use of employer-provided paid leave to supplement FAMLI wage replacement benefits requires mutual agreement between the employer and the employee. If either the employer or the employee does not so mutually agree, employer-provided paid leave may not be used to supplement FAMLI wage replacement benefits.
  - C. Mutual agreement between the employer and the employee is not necessary in order for an employee to use paid sick leave prior to receiving family and medical leave insurance benefits.
  - D. Absent written notice by either the employer or the employee indicating otherwise, an employer and an employee will be presumed to have mutually agreed to supplement FAMLI wage replacement benefits with employer-provided paid leave.
2. If an individual receives both wage replacement benefits under the FAMLI Act and employer-provided paid for the same hours absent, and the employer and the employee have mutually agreed to supplement FAMLI wage replacement benefits with employer-provided leave, then any employer-provided paid leave in excess of the amount authorized by Rule 4.5.1 may be considered an overpayment.
3. If an individual receives both wage replacement benefits under the FAMLI Act and employer-provided paid for the same hours absent, and the employer and the employee have not mutually



agreed to supplement FAML I wage replacement benefits with employer-provided leave, then any employer-provided paid leave for the same hours absent may be considered an overpayment.

4. If an employer considers employer-provided paid leave to be an overpayment pursuant to either Rule 4.5.2 or 4.5.3, then:
  - A. The employer may recoup the overpayment by any legal means, including via one or more lawful deductions in accordance with C.R.S. 8-4-105;
  - B. The employer must replenish the employee's bank of accrued employer-provided paid leave in an amount equal to the amount recouped as an overpayment; and
  - C. If the employer-provided paid leave so recouped as an overpayment is paid sick leave, an employer's failure to replenish the employee's bank of paid sick leave in accordance with Rule 4.5.4.B shall constitute a violation of the Healthy Families and Workplaces Act, C.R.S. 8-13.3-401 *et seq* ("HFWA").
5. To the extent possible, the FAML I Act and its implementing regulations shall not be read to reduce rights under HFWA and its implementing regulations, and HFWA and its implementing regulations shall not be read to reduce rights under the FAML I Act and its implementing regulations.

#### **4.6 Employer-provided benefits during paid family and medical leave**

1. The FAML I Act and its implementing regulations only require an employer to maintain health care benefits in accordance with C.R.S. 8-13.3-509(2), and do not entitle an employee to the continued accrual of employer-provided leave or any other benefits during a period of paid family and medical leave.
2. With regard to a covered individual's obligation to pay their share of the cost of health benefits pursuant to C.R.S. 8-13.3-509(2), the employer may collect such payment via:
  - A. Lawful deductions from employer-provided paid leave used to supplement FAML I wage replacement benefits, in accordance with C.R.S. 8-4-105;
  - B. Lawful deductions from wages paid upon the employee's return to work, in accordance with C.R.S. 8-4-105;
  - C. A repayment plan entered into by the employer and the employee; or
  - D. Any other legal means.
3. Pursuant to C.R.S. 8-13.3-509(8), if a local government employer has declined coverage pursuant to C.R.S. 8-13.3-522, FAML I does not require the local government employer to maintain health care benefits during a period of paid family and medical leave for its employees who elect coverage pursuant to 8-13.3-514.
4. If an employer and an employee mutually agree to supplement FAML I wage replacement benefits with paid sick leave, then the extent to which the employer must maintain benefits beyond the requirements in C.R.S. 8-13.3-509(2) and Rules 4.6.1 and 4.6.2 is governed by HFWA.

#### **4.7 FAML I Benefits, short-term disability benefits, and long-term disability benefits**

1. If paid family and medical leave is taken for a reason that also qualifies for a short-term or long-term disability benefit offered by the employer, then so long as the employer satisfies the notice requirement of C.R.S. 8-13.3-510(1)(b), the employer may count both the wage replacement

amount and the duration of the paid family and medical leave against the benefit amounts and leave duration provided under the short-term - or long-term disability policies.

2. If the employer requires paid family and medical leave insurance benefits to run concurrent with its short-term or long-term disability benefits, then the terms of the short-term or long-term disability policy shall govern whether the employer, the employee, or both must notify the policy's program administrator of concurrent paid family and medical leave insurance benefits received by the employee.

#### **4.8 FAMILI Benefits and the FMLA and the Family Care Act**

1. As provided in C.R.S. 8-13.3-510(1)(a), Leave taken with wage replacement under the FAMILI Act that also qualifies as leave under the "Family and Medical Leave Act," as amended, Pub. L. 103-3, codified at 29 U.S.C. sec. 2601 et. seq., or part 2 of article 13.3 of title 8 runs concurrently with leave taken under the "Family and Medical Leave Act" or part 2 of article 13.3 of title 8, as applicable.
2. If the qualifying reason for paid family and medical leave does not constitute a qualifying reason for leave under the Family and Medical Leave Act, then the extent to which paid family and medical leave runs concurrently with leave taken under the Family and Medical Leave Act, if at all, is governed by the Family and Medical Leave Act and its implementing regulations.

#### **4.9 Compelled use of FAMILI benefits prohibited**

Under no circumstance may an individual be compelled to apply for paid family and medical leave insurance benefits.

#### **4.10 Reimbursement of Advance Payments by Employers**

1. An employer may register with the FAMILI Division as a "pay-in-pending" employer, whereby:
  - A. The employer agrees to pay FAMILI wage replacement benefits in advance of an adjudication decision to all of its Colorado employees;
  - B. Its employees may, but shall not be required to, apply for paid family and medical leave insurance benefits; and
  - C. Any wage replacement benefits awarded pursuant to such an application are paid directly to the employer, not to the employee.
2. A pay-in-pending employer assumes the risk that an employee for whom it paid FAMILI wage replacement benefits in advance will not apply for paid family and medical leave insurance benefits, that the FAMILI Division will award wage replacement benefits in an amount less than that which the employer advanced to the employee, or that the FAMILI Division will award no wage replacement benefits.
3. If a pay-in-pending employer is reimbursed an amount less than that which it paid an employee, it may not recoup from the employee the difference between the amount it paid and the amount it was reimbursed.
4. An employer's status as a pay-in-pending employer does not modify the appeal rights or procedures described in 7 CCR 1107-3.
5. An employer may apply for reimbursement of advanced FAMILI wage replacement benefits on a case-by-case basis, and need not register as a pay-in-pending employer. Such an employer:

- A.        Is not entitled to reimbursement of employer-provided paid leave;
- B.        Assumes the risk that an employee for whom it paid FAML I wage replacement benefits in advance will not apply for paid family and medical leave insurance benefits, that the FAML I Division will award wage replacement benefits in an amount less than that which the employer advanced to the employee, or that the FAML I Division will award no wage replacement benefits;
- C.        May recoup from the employee any difference between the amount it paid and the amount it was reimbursed via any lawful means; and
- D.        Is not provided with appeal rights regarding the Division's determination of benefits.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00565

**Department**

1507 - Department of Public Safety

**Agency**

1507 - Division of Fire Prevention and Control

**CCR number**

8 CCR 1507-52

**Rule title**

REDUCED IGNITION PROPENSITY CIGARETTE STANDARDS AND CERTIFICATION

## Rulemaking Hearing

**Date**

11/03/2022

**Time**

11:30 AM

**Location**

Virtual via Zoom

**Subjects and issues involved**

The purpose of this rule change is to provide clarification and written directions to the Certification Application and Recertification Procedures under section 3.4, as well as to provide Supplemental Application Procedures under the new section 3.5.

This rule change also allows for general clean-up of definitions, the removal or update of outdated provisions, as well as grammatical and formatting inconsistencies or errors.

**Statutory authority**

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. Section 24-33.5-1214, C.R.S. establishes the authority and duty of the Division of Fire Prevention & Control to ensure that cigarettes sold or offered for sale in Colorado meet the ignition strength standards specified in Section 24-33.5-1214, C.R.S.

## Contact information

**Name**

Chris Brunette

**Title**

Fire and Life Safety Section Chief

**Telephone**

303-239-4600

**Email**

chris.brunette@state.co.us

**DEPARTMENT OF PUBLIC SAFETY**

**Division of Fire Prevention and Control**

**8 CCR 1507- 52**

**REDUCED IGNITION PROPENSITY CIGARETTE STANDARDS AND CERTIFICATION**

**STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE**

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. Section 24-33.5-1214, C.R.S. establishes the authority and duty of the Division of Fire Prevention & Control to ensure that cigarettes sold or offered for sale in Colorado meet the ignition strength standards specified in Section 24-33.5-1214, C.R.S. This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.

The purpose of this rule change is to provide clarification and written directions to the Certification Application and Recertification Procedures under section 3.4, as well as to provide Supplemental Application Procedures under the new section 3.5.

This rule change also allows for general clean-up of definitions, the removal or update of outdated provisions, as well as grammatical and formatting inconsistencies or errors.

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Mike Morgan, Division Director  
Colorado Department of Public Safety  
Division of Fire Prevention and Control

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Date of Adoption

## DEPARTMENT OF PUBLIC SAFETY

### Division of Fire Prevention and Control

#### 8 CCR 1507-52

### REDUCED IGNITION PROPENSITY CIGARETTE STANDARDS AND CERTIFICATION

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

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#### SECTION 1 PURPOSE AND AUTHORITY TO PROMULGATE RULES

- 1.1. Section 24-33.5-1214, C.R.S. establishes the authority and duty of the Division of Fire **Prevention & Control Safety** (hereafter Division) to ensure that cigarettes sold or offered for sale in Colorado meet the ignition strength standards specified in Section 24-33.5-1214, C.R.S.
- 1.2. The Director of the Division is authorized by the provisions of Section 24-33.5-1214, C.R.S. to promulgate rules and regulations to administer the section. This regulation is adopted pursuant to that authority and is intended to be consistent with the requirements of the State Administrative Procedures Act (APA), Section 24-4-101 et seq., C.R.S.

#### SECTION 2 DEFINITIONS

- 2.1. "Administrator" means the state fire suppression administrator, who shall be the Director of the Division of Fire **Prevention & Control Safety**, under the Department of Public Safety, or the designee of such Director.
- 2.2. "Agent" means a person licensed by the Department of Revenue to purchase and affix adhesive or meter stamps on packages of cigarettes.
- 2.3. "ASTM International" means the American Society for Testing and Materials or its successor organization.
- 2.4. "Brand Family" means all styles of cigarettes sold under the same trade mark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, "menthol", "kings", and "100s", and includes any brand name, alone or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.
- 2.5. "Cigarette" means any roll for smoking, whether made wholly or partly of tobacco or any other substance, irrespective of size or shape, and whether or not such tobacco or substance is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.
- 2.6. "Consumer testing" means an assessment of cigarettes that is conducted by, or under the control and direction of, a manufacturer for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment.
- 2.7. "Manufacturer" means any one or more of the following:
  - 2.7.1. An entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured with the intent that such cigarettes be sold in Colorado, regardless of where the cigarettes are manufactured or produced and regardless of whether they are imported from outside the United States;

- 2.7.2. The first purchaser anywhere that intends to resell, in the United States, cigarettes manufactured anywhere that the original manufacturer or producer does not intend to be sold in the United States; or
- 2.7.3. An entity that becomes a successor to an entity described in paragraph 2.7.1 or 2.7.2.
- 2.8. "Quality control and quality assurance program" means a set of laboratory procedures implemented to ensure that:
  - 2.8.1. Operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of cigarette testing; and
  - 2.8.2. The testing repeatability remains within the required repeatability values stated in Section 24-33.5-1214 (2) (a) (II) (F), C.R.S., for all test trials used to certify cigarettes in accordance with section 24-33.5-1214 (3), C.R.S.
- 2.9. "Repeatability", with respect to a cigarette test trial, refers to the range of values within which the repeat results of cigarette test trials from a single laboratory will fall ninety-five percent of the time.
- 2.10. "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.
- 2.11. "Sale" means any transfer of title, possession, or both, or exchange or barter, conditional or otherwise, in any manner or by any means or any agreement. In addition to cash and credit sales, the giving of cigarettes as samples, prizes, or gifts, and the exchanging of cigarettes for any consideration other than money, are considered sales.
- 2.12. "Sell" means to sell or to offer or agree to sell.
- 2.13. "UPC Symbol" means the symbol signifying the Universal Product Code.
- 2.14. "Wholesale dealer" means:
  - 2.14.1. Any person, other than a manufacturer, who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale; and
  - 2.14.2. Any person who owns, operates, or maintains one or more cigarette or tobacco product vending machines in, at, or upon premises owned or occupied by any other person.

### **SECTION 3 ACCEPTANCE REQUIREMENTS**

- 3.1. Except as otherwise provided in Section 10, no cigarettes shall be sold or offered for sale in this state, or offered for sale or sold to persons located in this state, after July 31, 2009, without a certification accepted by the Division. The Division will accept certifications based upon the submission of the information and fees required by this regulation. The Division will provide manufacturers a reasonable timeframe to provide missing information or to pay the required fee.
- 3.2. Acceptance requirements. In order to be accepted:
  - 3.2.1. The cigarettes must have been tested in accordance with the test method and meet the performance standard specified in Section 4 of this rule;

- 3.2.2. A written certification of the test and performance results required in Section 4 must have been filed by the manufacturer with the Administrator;
  - 3.2.3. An application for each brand family, which lists each cigarette within the brand family seeking acceptance, must be filed with the Administrator;
  - 3.2.4. The fees specified in 3.5 must be paid in full; and
  - 3.2.5. The cigarettes must be marked in accordance with Section 5 of this rule.
- 3.3. Certification of testing and test results by the manufacturer.
- 3.3.1. Each manufacturer shall submit to the Administrator a written certification attesting that each cigarette listed in the certification:
    - 3.3.1.1. Has been tested in accordance with Section 4 of this rule; and
    - 3.3.1.2. Meets the performance standard set forth in Section 4 of this rule.
  - 3.3.2. Each cigarette listed in the certification submitted pursuant to paragraph 3.2.3 shall be described with the following information:
    - 3.3.2.1. Brand or trade name on the package;
    - 3.3.2.2. Style, such as ~~full flavor or Blue light or ultra-light~~;
    - 3.3.2.3. Length in millimeters;
    - 3.3.2.4. Circumference in millimeters;
    - 3.3.2.5. Flavor, menthol or ~~non-menthol as chocolate if~~ applicable;
    - 3.3.2.6. Filter or no filter;
    - 3.3.2.7. Package description, such as soft pack or ~~hard pack box~~;
    - 3.3.2.8. Marking pursuant to subsection 5 of this section;
    - 3.3.2.9. The name, address, and telephone number of the laboratory that conducted the tests, if different from that of the manufacturer; and
    - 3.3.2.10. The date that the testing occurred.
  - 3.3.3. Certifications under this Subsection 3.3 shall be made available to the Attorney General for purposes consistent with Section 24-33.5-1214 (3), C.R.S. and to the Department of Revenue for the purpose of ensuring compliance with the Section 24-33.5-1214 (3), C.R.S.
- 3.4. ~~Certification Application and Recertification Procedures —Each cigarette certified under this rule shall be subject to recertification every three years.~~
- 3.4.1. ~~An applicant must apply for certification in a format provided by the Division. Application instructions are available on the Division's website (dfpc.colorado.gov/FLS).~~
  - 3.4.2. ~~The certification period will expire on June 30<sup>th</sup> every three years regardless of when the certification was issued during the 3-year timeframe, unless earlier suspended or~~



revoked. There will be no pro-rating of certification fees,

3.4.2.1. Certification timeframe examples are as follows:

1. July 1<sup>st</sup> 2021 thru June 30<sup>th</sup> 2024
2. July 1<sup>st</sup> 2024 thru June 30<sup>th</sup> 2027
3. July 1<sup>st</sup> 2027 thru June 30<sup>th</sup> 2030

3.4.3. Applications for recertification shall be submitted no more than 30 days prior to expiration, subject to a 60-day grace period before being considered expired with a non-renewal status.

### 3.5. Supplemental Application Procedures

3.5.1. An applicant must apply for supplemental certification in a format provided by the Division. Application instructions are available on the Division's website ([dfpc.colorado.gov/FLS](http://dfpc.colorado.gov/FLS)).

3.5.1.1. Supplemental certification is an addition or significant change to an existing brand family such as adding styles.

3.5.2. The certification period for supplemental certification will expire on June 30<sup>th</sup> of the 3-year timeframe the original brand family was certified, unless earlier suspended or revoked.

3.6. Fees – At the time it submits a written certification under this rule, a manufacturer shall pay to the Department of Public Safety a fee of one thousand dollars (\$1,000.00) for each brand family of cigarettes listed in the certification. The fee paid shall apply to all cigarettes within the brand family certified and shall include any new cigarette certified within the brand family during the three-year certification period.

3.7. Changes to Cigarettes – If a manufacturer has certified a cigarette pursuant to this rule, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced ignition propensity standard required by Section 24-33.5-1214, C.R.S., such cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in Section 4 of this rule and maintains records of the retesting as required by Section 7 of this rule. Any altered cigarette that does not meet the performance standard set forth in Section 4 may not be sold in this state.

3.8. Notification of acceptance of certification will be sent to the manufacturer. Notifications by the Division will be effective on the date indicated on the certificate e-mailed to the manufacturer.

3.9. Lists of certified cigarettes.

3.9.1. The Division will maintain a list of cigarettes certified under Section 24-33.5-1214, C.R.S. and this rule on its website.

3.9.2. The Division will provide the Department of Revenue and the Attorney General a current list of cigarettes certified under Section 24-33.5-1214, C.R.S. and this rule.

~~3.9. Certification Submissions – Applications for certification acceptance may be requested from and mailed to the Colorado Division of Fire Safety, 9195 East Mineral Ave., Suite 234, Centennial, Colorado 80012.~~

## **SECTION 4 TESTING AND PERFORMANCE STANDARDS**

4.1. Except as provided in Section 10, no cigarettes shall be sold or offered for sale in this state, or offered for sale or sold to persons located in this state, after July 31, 2009, unless the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this Section 4.

### **4.2. Testing**

4.2.1. Testing of cigarettes shall be conducted in accordance with ASTM international standard E2187-04, "standard test method for measuring the ignition strength of cigarettes".

4.2.2. Testing shall be conducted on ten layers of filter paper.

4.2.3. No more than twenty-five percent of the cigarettes tested in a test trial in accordance with this Section 4 shall exhibit full-length burns. Forty replicate tests shall constitute a complete test trial for each cigarette tested.

4.2.4. The performance standard required by this Section 4 shall be applied only to a complete test trial.

4.2.5. Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.

4.2.6. A laboratory conducting testing in accordance with this Section 4 shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results and limit the repeatability value to no greater than nineteen percent.

4.2.7. This Section 4 shall not require additional testing of cigarettes that have been tested for other purposes in a manner consistent with this section.

### **4.3. Testing by the Division**

4.3.1. Testing performed or sponsored by the Division in order to determine a cigarette's compliance with the performance standard shall be conducted in accordance with Subsection 4.2.

4.3.2. The Division may test cigarettes for compliance on a random basis.

4.3.3. The Division may test a particular cigarette brand for compliance based upon complaints or a history of a particular cigarette brand being involved in starting fires.

### **4.4. Lowered Permeability Bands**

4.4.1. Each cigarette listed in a certification submitted pursuant to Section 3 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this Section 4 shall have at least two nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least fifteen millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least two bands fully located at least fifteen millimeters from the lighting end and ten millimeters from the filter end of the tobacco column or ten millimeters from the labeled end of the tobacco column for non-filtered cigarettes.

### **4.5. Alternative Testing**

- 4.5.1. A manufacturer of a cigarette that the Division determines cannot be tested in accordance with the test method prescribed in 4.2, shall propose a test method and performance standard for the cigarette to the Division.
- 4.5.2. Upon approval of the proposed test method and a determination by the Division that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in 4.2, the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to this Section 4.
- 4.5.3. If the Division determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are substantially similar to those contained in 4.2, and the Division finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the reduced cigarette ignition propensity standards of such state's laws or rules under a legal provision comparable to this Section 4, then the Division shall authorize the manufacturer to employ the alternative test method and performance standard to certify such cigarette for sale in Colorado unless the Division demonstrates a reasonable basis why the alternative test should not be accepted. All other applicable requirements of this Rule shall apply to the manufacturer.

## **SECTION 5 LABELING**

- 5.1. Except as otherwise provided Section 10, no cigarettes shall be sold or offered for sale in this state, or offered for sale or sold to persons located in this state, after July 31, 2009, unless the cigarettes have been marked in accordance with this Section 5.
- 5.2. Effective July 31, 2009, cigarettes that are certified by a manufacturer in accordance with Section 3 shall be marked to indicate compliance with the requirements of Section 24-33.5-1214 (4), C.R.S. Such marking shall be in eight-point type or larger and shall consist of one or more of the following:
  - 5.2.1. Modification of the package's UPC symbol to include a visible mark printed at or around the area of the UPC symbol. The mark may consist of alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed in conjunction with the UPC symbol.
  - 5.2.2. Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, embossed, or printed on the cigarette package or cellophane wrap; or
  - 5.2.3. Stamped, engraved, embossed, or printed text that indicates that the cigarettes meet the standards of Section 24-33.5-1214, C.R.S.
- 5.3. A manufacturer shall use only one marking and shall apply the marking uniformly to all brands and packages, including but not limited to packs, cartons, and cases, marketed by the manufacturer.
- 5.4. The manufacturer shall notify the Division as to the marking selected by the manufacturer.
- 5.5. A manufacturer shall not modify its approved marking unless the modification has been approved by the Division. This Subsection 5.5 shall not apply if the modified marking is a pre-approved marking pursuant to 5.7.
  - 5.5.1. If the manufacturer modifies its approved marking with a pre-approved marking pursuant to 5.7, the manufacturer will notify the Division of the modification.

5.6. Unless pre-approved pursuant to 5.7, prior to the certification of any cigarette, the manufacturer shall present its proposed marking to the Division, which shall have discretion to approve or disapprove the marking.

5.6.1. Proposed markings shall be deemed approved, unless the Division notifies the manufacturer of a disapproval within ten business days after the Division's receipt of a complete request for approval. Disapproval notifications by the Division will be effective on the date a notification letter is postmarked or a notification is e-mailed.

#### 5.7. Pre-Approved Markings

5.7.1. The following markings are pre-approved by the Division and need not be submitted to the Division for approval prior to their use by a manufacturer:

5.7.1.1. Any marking in use and approved for sale in New York pursuant to the New York fire safety standards for cigarettes; or

5.7.1.2. The letters "FSC", signifying "fire standards compliant", appearing in eight-point type or larger and permanently stamped, engraved, embossed, or printed on the package at or near the UPC symbol.

### SECTION 6 COPIES OF CERTIFICATIONS AND MARKINGS

6.1. Manufacturers certifying cigarettes in accordance with Section 3 shall provide a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes and shall also provide sufficient copies of an illustration of the package marking utilized by the manufacturer pursuant to Section 5 for each retail dealer to which the wholesale dealers or agents sell cigarettes.

6.2. Wholesale dealers and agents shall provide copies of these package markings received from manufacturers to all retail dealers to which they sell cigarettes.

6.3. Wholesale dealers, agents, and retail dealers shall permit the Administrator, the Department of Revenue, the Attorney General, and employees thereof to inspect markings of cigarette packaging marked in accordance with Section 5.

### SECTION 7 RECORDKEEPING

7.1. Recordkeeping – Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years and shall make copies of these reports available to the Division and the Attorney General upon written request. Any manufacturer who fails to make copies of such reports available within sixty days after receiving a written request shall be subject to a civil penalty not to exceed ten thousand dollars for each day after the sixtieth day that the manufacturer does not make such copies available.

### SECTION 8 DEPARTMENT OF REVENUE TO INSPECT

8.1. The Department of Revenue, in the regular course of conducting inspections of wholesale dealers, agents, and retail dealers as authorized by law, may inspect cigarettes to determine whether the cigarettes are marked as required by Section 5.

8.2. If the cigarettes are not marked as required, the Department of Revenue shall notify the Division.

### SECTION 9 ENFORCEMENT AND PENALTIES

9.1. To enforce this rule, the Attorney General, the Department of Revenue, the Division, all duly authorized employees and agents thereof, and all law enforcement personnel are authorized to examine the books, papers, invoices, and other records of any person in possession, control, or

occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as any cigarettes on the premises. Every person in the possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale are required to give the Attorney General, the Department of Revenue, the Division, all duly authorized employees and agents thereof, and all law enforcement personnel the means, facilities, and opportunity for the examinations authorized by Section 24-33.5-1214 (7), C.R.S.

- 9.2. A manufacturer, wholesale dealer, agent, or other person or entity who knowingly sells or offers to sell cigarettes, other than at retail, in violation of Section 24-33.5-1214 (2), C.R.S. shall be subject to a civil penalty not to exceed one hundred dollars for each pack of such cigarettes sold or offered for sale; except that the penalty against any such person or entity shall not exceed one hundred thousand dollars during any thirty-day period.
- 9.3. A retail dealer who knowingly sells or offers to sell cigarettes in violation of Section 24-33.5-1214 (2), C.R.S. shall be subject to a civil penalty not to exceed one hundred dollars for each pack of such cigarettes sold or offered for sale; except that the penalty against any such retail dealer shall not exceed twenty-five thousand dollars for sales or offers to sell during any thirty-day period.
- 9.4. In addition to any other penalty prescribed by law, a corporation, partnership, sole proprietor, limited partnership, or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to Section 3 of this rule shall be subject to a civil penalty of at least seventy-five thousand dollars, not to exceed two hundred fifty thousand dollars for each such false certification.
- 9.5. A person who violates any provision of Section 24-33.5-1214, C.R.S. for which a penalty is not specifically provided shall be subject to a civil penalty of up to one thousand dollars for a first violation and up to five thousand dollars for a second or subsequent violation.
- 9.6. Cigarettes that have been sold or offered for sale and that do not comply with the performance standard required by Section 4 of this rule shall be subject to forfeiture as provided in the "Colorado Contraband Forfeiture Act", part 5 of article 13 of title 16, C.R.S. Cigarettes forfeited pursuant to this subsection 9.6 shall be destroyed; except that, before such destruction, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarettes if desired.
- 9.7. Whenever a law enforcement officer or duly authorized agent of the Director discovers cigarettes that have not been marked as required by Section 5 of this rule, such officer or agent is authorized and empowered to seize and take possession of such cigarettes. Such cigarettes shall be turned over to the Department of Revenue and shall be forfeited to the state.  
Cigarettes forfeited pursuant to this subsection 9.7 shall be destroyed; except that, before such destruction, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarettes if desired.

## **SECTION 10: EXCEPTIONS TO APPROVAL OF CERTIFICATION REQUIREMENTS, TRANSITION PERIOD**

10.1. The requirements of this rule shall not be construed to prohibit:

- 10.1.1. ~~Wholesale or retail dealers from selling their existing inventory of cigarettes on or after July 31, 2009, if a wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes before said date and that the inventory was purchased before said date in comparable quantity to the inventory purchased during the same period of the immediately preceding year; or~~ Any person or entity from manufacturing or selling cigarettes that do not meet the requirements of this rule, if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States, where the person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in Colorado; or

~~10.1.2.~~

10.2. The sale of cigarettes solely for the purpose of consumer testing.

10.2.1. For consumer testing of cigarettes that are not certified, the manufacturer must file written notice of the testing to be conducted within the state. The notice shall contain the quantity of cigarettes to be tested, the method of distribution and the duration of the consumer testing.

**SECTION 11: TOBACCO PRODUCT MANUFACTURER CERTIFICATION**

11.1. The certification required under this regulation is solely for the purpose of assuring that a manufacturer's cigarettes comply with the reduced ignition propensity cigarette standards in section 24-33.5-1214, C.R.S. and this regulation.

11.2. The certification required under this regulation does not replace or supersede the Tobacco Product Manufacturer Certification required under section 39-28-303, C.R.S.

11.3. All tobacco product manufacturers who want to sell their cigarettes in Colorado must continue to file a Tobacco Product Manufacturer Certification with the Department of Revenue and the Office of the Attorney General each year between April 16th and April 30th.

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**Editor's Notes**

**History**

Entire rule eff. 01/30/2009.

# Notice of Proposed Rulemaking

**Tracking number**

2022-00605

**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**

11/18/2022

**Time**

09:00 AM

**Location**

1570 Grant St, Hibiscus, Denver, CO 80203

**Subjects and issues involved**

see attachment

**Statutory authority**

Sections 25.5-1-301 through 25.5-1-303 (2022)

**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, November 18, 2022, beginning at 9:00 a.m., in the first floor conference room at 1570 Grant Street, 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](mailto:chris.sykes@state.co.us) or the 504/ADA Coordinator [hcpf504ada@state.co.us](mailto: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](http://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 22-06-31-A, Revision to the Medical Assistance Eligibility Rule Concerning Allowing Medicaid Buy-In Program for Working Adults with Disabilities Members Access the HCBS-DD Waiver, Section 8.100.7.1.c.i**

Medical Assistance. The rule change amends 10 CCR 2505-10 Section 8.100.7.B.1.c.i) to add the HCBS-DD waiver to the other waiver types that can be accessed when an individual is eligible under the Medicaid Buy-In Program for working Adults with Disabilities.

The authority for this rule is contained in Section 25.5-6-1403(4), C.R.S. (2021) and Sections 25.5-1-301 through 25.5-1-303 (2022).



# Notice of Proposed Rulemaking

**Tracking number**

2022-00607

**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**

11/04/2022

**Time**

08:30 AM

**Location**

1575 Sherman Street, Denver, CO 80203

**Subjects and issues involved**

These rules will implement HB 22-1245, which was signed into law on 4/12/2022 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 established the Foster Youth in Transition Program (the program), a youth-driven and developmentally appropriate approach to extended foster care. This program further established a pathway for eligible youth to re-enter foster care between the ages of 18 and 21. HB 22-1245 made technical revisions to the program and requires minor changes to the Colorado Code of Regulations for implementation. Please check here for any updates on location/connection: <https://cdhs.colorado.gov/sbhs>

**Statutory authority**

26-1-107, C.R.S.; 26-1-109, C.R.S.; 26-1-111, C.R.S.; 19-7-315, C.R.S.

**Contact information****Name**

Trevor Williams

**Title**

Youth Services Administrator

**Telephone**

303.866.4539

**Email**

[trevor.williams@state.co.us](mailto:trevor.williams@state.co.us)

**Title of Proposed Rule:** Foster Youth in Transition Program Clean Up Rules

**CDHS Tracking #:** 22-05-10-1

Office, Division, & Program:  
OCYF, DCW, Youth Services

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 2<sup>nd</sup> Review

☐ Second Board Reading  
/ Adoption

**This package contains the following types of rules:** *(check all that apply)*

Number

4 Amended Rules

1 New Rules

       Repealed Rules

       Reviewed Rules

What month is being requested for this rule to first go before the State Board?	November 2022
What date is being requested for this rule to be effective?	January 30, 2023
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: Foster Youth in Transition Program Clean Up Rules****CDHS Tracking #: 22-05-10-1**Office, Division, & Program: Rule Author: Trevor Williams  
OCYF, DCW, Youth Services

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 22-1245, which was signed into law on 4/12/2022 and requires the State Board of Human Services to promulgate rules for implementation. HB 21-1094 established the Foster Youth in Transition Program (the program), a youth-driven and developmentally appropriate approach to extended foster care. This program further established a pathway for eligible youth to re-enter foster care between the ages of 18 and 21. HB 22-1245 made technical revisions to the program and requires minor changes to the Colorado Code of Regulations for implementation.

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, 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 implementation, 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.

The rule closely paraphrases, with minor edits, eligibility language from statute. Further revision of the language would have materially changed

**Title of Proposed Rule:** Foster Youth in Transition Program Clean Up Rules

**CDHS Tracking #:** 22-05-10-1

Office, Division, & Program:  
OCYF, DCW, Youth Services

Rule Author: Trevor Williams

Phone: 303-866-4539

E-Mail:

[trevor.williams@state.co.us](mailto:trevor.williams@state.co.us)

program eligibility.

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## **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 22-1245, 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?*

These rules will simplify the determination of jurisdiction for youth who are entering into the Foster Youth in Transition Program from an open child welfare case when they are placed outside of the county their parent(s) or legal guardian(s) reside at the time they transition into the program. The change made to statute that expands eligibility may create a small workload increase for county departments of human services, however the Division of Child Welfare does not believe that youth who have become eligible under the expanded guidelines will be significant. This is because most youth who have an open dependency and neglect case on their 18<sup>th</sup> birthday would already be eligible for the program. The youth who became eligible as a result of the changes made by HB 22-1245 will benefit from the additional time they will have to transition to adulthood.

### **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)

These rules will not create any fiscal impact for the state or state systems.

County Fiscal Impact

These rules do not create any fiscal impact for counties. The small expansion of eligibility created by the legislation will be small (CDHS estimates approximately 15 youth statewide may be eligible in the next year) and will not exceed the allocation made by the General Assembly in HB 21-1094 when it established the program.

Federal Fiscal Impact

There is no anticipated federal fiscal impact.

Other Fiscal Impact (such as providers, local governments, etc.)

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There is no anticipated impact for other agencies.

#### **4. Data Description**

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

The rules align closely with language included in HB 22-1245 and directly implement those changes.

#### **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...”*

Rule making is required to implement the changes created by HB 22-1245 and is the only available option.

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### **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
7.203.42 (B)	Required updates to implement HB 22-1245.	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	B. HAS A CURRENT DEPENDENCY AND NEGLECT CASE PURSUANT TO ARTICLE 3 OF TITLE 19, C.R.S. OR HAS <del>Have</del> had prior foster care or kinship care involvement in AT LEAST 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; <del>and</del> OR 3. THE YOUTH TURNED EIGHTEEN YEARS OF AGE WHEN THE YOUTH WAS A NAMED CHILD OR YOUTH IN A DEPENDENCY AND NEGLECT CASE OPEN THROUGH ARTICLE 3 OF TITLE 19, C.R.S.	Aligns rule with statute.	HB 22-1245 Implementation Task Group
7.203.43 (A)(4)	New language required to implement HB 22-1245.		4. WHEN A YOUTH IS ENTERING THE FOSTER YOUTH IN TRANSITION PROGRAM DIRECTLY FROM ANOTHER PROGRAM AREA 4, 5, OR 6 CASE, THE YOUTH SHALL BE GIVEN THE OPTION TO CONTINUE WITH THE COUNTY WHO IS CURRENTLY SERVING THE YOUTH, OR TRANSITION TO THE COUNTY IN WHICH THE YOUTH SELF ATTESTS TO RESIDING IN AT THE TIME THE YOUTH ENTERS THE FOSTER YOUTH IN TRANSITION PROGRAM.	Aligns rule with statute.	HB 22-1245 Implementation Task Group
7.203.43 (A)(5)	Renumbering	4. When the youth's residence has changed after jurisdiction has been established, county departments shall work cooperatively to:	45. When the youth's residence has changed after jurisdiction has been established, county departments shall work cooperatively to:	Technical fix correcting the numbering.	HB 22-1245 Implementation Task Group
7.203.43 (A)(5)	New language required to implement HB 22-1245.	c. Taking into consideration, the following, in no particular order or prioritization:	c. Taking <del>E</del> into consideration; THE YOUTH'S PREFERENCE. IF THE YOUTH DOES NOT HAVE A PREFERENCE, THEN THE COUNTY	Aligns rule with statute.	HB 22-1245 Implementation Task

**Title of Proposed Rule: Foster Youth in Transition Program Clean Up Rules**

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			SHALL CONSIDER the following, in no particular order or prioritization:		Group
7.203.43 (B)(2)	New language required to implement HB 22-1245.	<p>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.</p> <p>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 expectati contribute to the youth's own expenses must be based upon the youth's ability to pay.</p> <p>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</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.,</p>	<p>2. Assistance with securing safe, affordable, and stable housing IN THE FOLLOWING WAYS: <del>If a county department has legal authority for physical placement through a voluntary services agreement pursuant to 19-7-306, C.R.S.</del></p> <p>a. The participating youth's housing is LIVING EXPENSES ARE 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.</p> <p>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, INCLUDING A LICENSED HOST FAMILY HOME, AS DEFINED IN SECTION 26-5.7-102 (3.5), C.R.S. OR A SUPERVISED INDEPENDENT LIVING PLACEMENT, 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><del>d. If a county department does not have legal authority for physical placement, such as when a youth is nearing emancipation and entering into</del></p>	Aligns rule with statute	HB 22-1245 Implementa tion Task Group



**Title of Proposed Rule: Foster Youth in Transition Program Clean Up Rules**

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		<p>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><del>their next housing arrangement, the participating youth may:</del></p> <p><del>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</del></p> <p><del>ii. Access any financial support for housing that the participating youth is otherwise eligible to receive.</del></p>		
7.203.43 (D)	Technical revision for clarity.	2 Permanency planning requirements are described in 7.304.54 (12 CCR 2509-4).	2D.Permanency planning requirements are described in 7.304.54 (12 CCR 2509-4) ARE REQUIRED IN ALL FOSTER YOUTH IN TRANSITION CASES.	Technical clean up for clarity.	HB 22-1245 Implementation Task Group

**STAKEHOLDER COMMENT SUMMARY**

**Development**

<b>Title of Proposed Rule:</b>	<b>Foster Youth in Transition Program Clean Up Rules</b>	
<b>CDHS Tracking #:</b>	<b>22-05-10-1</b>	
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*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	9/8/2022		
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?

<b>Title of Proposed Rule:</b>	<b>Foster Youth in Transition Program Clean Up Rules</b>	
<b>CDHS Tracking #:</b>	<b>22-05-10-1</b>	
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☐ 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 2509-3)

### <Title2> **7.203.41 Eligibility**

Eligible youth include youth who:

- A. Are at least eighteen but less than twenty-one years of age or such greater age of foster care eligibility as required by federal law;
- B. HAS A CURRENT DEPENDENCY AND NEGLECT CASE PURSUANT TO ARTICLE 3 OF TITLE 19, C.R.S. OR HAS ~~Have~~ had prior foster care or kinship care involvement in AT LEAST 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~~OR
  - 3. THE YOUTH TURNED EIGHTEEN YEARS OF AGE WHEN THE YOUTH WAS A NAMED CHILD OR YOUTH IN A DEPENDENCY AND NEGLECT CASE OPEN THROUGH ARTICLE 3 OF TITLE 19, C.R.S.
- 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. Seeks 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.

\*\*\*\*\*

### **7.203.43 Foster Youth in Transition Program services and procedures**

- 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 in the child welfare information system as follows:
  - a. The new case shall be opened effective either:
    - i. The day the youth and county execute the voluntary services agreement if a youth is reentering; or
    - ii. The day the court terminates any existing custody order, in either a dependency and neglect case or a juvenile delinquency case, if the youth is transitioning from an open program area 4 or 5 child welfare case; and
  - b. 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; and
  - c. 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 A YOUTH IS ENTERING THE FOSTER YOUTH IN TRANSITION PROGRAM DIRECTLY FROM ANOTHER PROGRAM AREA 4, 5, OR 6 CASE, THE YOUTH SHALL BE GIVEN THE OPTION TO CONTINUE WITH A COUNTY WHO IS CURRENTLY SERVING, OR TRANSITION TO THE COUNTY IN WHICH THE YOUTH SELF ATTESTS TO RESIDING AT THE TIME THE YOUTH ENTERS THE FOSTER YOUTH IN TRANSITION PROGRAM.
45. 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;
  - b. Petitions are filed in the court of the appropriate county;
  - c. TakingE into consideration; THE YOUTH'S PREFERENCE. IF THE YOUTH DOES NOT HAVE A PREFERENCE, THEN THE COUNTY SHALL CONSIDER 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 reside;
    - 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 a 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 IN THE FOLLOWING WAYS: 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 LIVING EXPENSES ARE 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, INCLUDING A LICENSED HOST FAMILY HOME, AS DEFINED IN SECTION 26-5.7-102 (3.5), C.R.S. OR A SUPERVISED INDEPENDENT LIVING PLACEMENT, 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
- 1. For a youth approaching their 18<sup>th</sup> 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 for the transition hearing described below:
    - a. 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.
    - b. At least seven (7) days prior to the transition hearing the county shall submit a report to the court that includes:
      - i. A description of the county's reasonable efforts toward achieving the youth's permanency goals and a successful transition to adulthood;
      - ii. 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;
      - iii. 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;

- iv. 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:
  - A. 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);
  - B. 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.

- 2D. Permanency planning requirements ~~are described in 7.304.54 (12 CCR 2509-4)~~ ARE REQUIRED IN ALL FOSTER YOUTH IN TRANSITION CASES.

[Note: Changes to rule text are identified as follows: deletions are shown as "strikethrough", additions are in "All Caps", and changes made between initial review and final adoption are in [brackets] or highlighted yellow]



## **Permanent Rules Adopted**

**Department**

Department of Revenue

**Agency**

Division of Gaming - Rules promulgated by Gaming Commission

**CCR number**

1 CCR 207-1

**Rule title**

1 CCR 207-1 GAMING REGULATIONS 1 - eff 10/30/2022

**Effective date**

10/30/2022

## **BASIS AND PURPOSE FOR RULE 1**

The purpose of Rule 1 is to present definitions of various terms used throughout the rules of the Colorado Limited Gaming Control Commission so that the rules can be uniformly applied and understood. The statutory basis for Rule 1 is found in sections 44-30-102 C.R.S., 44-30-103, C.R.S., 44-30-104, C.R.S., 44-30-201, C.R.S., 44-30-203, C.R.S., and 44-30-302, C.R.S. *Amended 2/14/14, Amended 1/14/15*

## **RULE 1            GENERAL RULES AND REGULATIONS**

### **30-106            Definitions.**

*Note to publisher: The opening paragraph and paragraphs (1) through (25), including all subparagraphs, should continue to remain a part of this Regulation.*

- (26) "Link" means one or more progressive slot machines that are connected to a progressive controller and that may be played in order to achieve the stated progressive amount.
- (27) "Matched play" means the use of a coupon at table games that is issued to a patron by an establishment for play that must be accompanied by a bet. *Effective 11/30/2006*
- (28) "Mobile ATM Receipt" means a receipt generated by a Table Games Mobile ATM in exchange for an authorized debit or credit card transaction. A Mobile ATM Receipt may be exchanged at a table game for physical or electronic chips. *Effective 7/1/13*
- (29) "Moral turpitude" means an act done contrary to honesty and good morals; it is an act of baseness, vileness, or depravity in the private and social duties which a person owes to an individual or to society in general.
- (30) "Normal mode" means the mode of a progressive slot machine at all times other than when it is in the jackpot verification mode.
- (31) "Physical skill" means an individual's physical coordination, agility, or nimbleness, or lack thereof. *Effective 11/30/2007*
- (32) "Player banked" means a game in which players with winning hands are awarded all or part of a pot which consists of pooled antes, blinds, and wagers made by players playing in the hand. In a player banked game, the bankroll of the retail licensee is not at risk and is not used to pay winning wagers. The licensee will maintain only an imprest bank at the table.
- (33) "Progressive controller" means the hardware and software that controls all communications among the slot machines within a progressive slot machine link and its associated progressive meter, or among the gaming tables which offer a metered progressive jackpot within a progressive table game link and its associated progressive meter.
- (34) "Proposition player" means a person in a poker game paid a fixed sum by the licensee for the specific purpose of playing in a card game, who uses personal funds and who retains the winnings and absorbs the losses.
- (35) "Purchase Ticket" means an encoded credit ticket issued at the cashier cage, kiosk or table game. *Effective 10/15/20*

*Note to publisher: Paragraphs (36) through (47), including all subparagraphs, should continue to remain a part of this Regulation.*

### **BASIS AND PURPOSE FOR RULE 3**

The purpose of Rule 3 is to establish and provide the specific information required on license applications; to establish yearly license fees for each type of license; to establish nonrefundable application fees; to establish investigation fees for certain applicants and deposit procedures for investigation fees; to establish procedures for conducting background checks on applicants and other interested persons and assessing the costs of such background checks; to require certain information regarding the premises the applicant wishes to be licensed, and to provide a procedure for approval of modifications of such premises; and to provide for the issuance of conditional, temporary, and duplicate licenses. The statutory basis for Rule 3 is found in sections 44-30-102, C.R.S., 44-30-103, C.R.S., 44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and part 5 of article 30 of title 44, C.R.S. [Amended 1/14/15](#)

### **RULE 3 APPLICATIONS, INVESTIGATIONS AND LICENSURE**

#### **30-301 Qualifications for licensure.**

To qualify for licensure an applicant must:

- (1) Be at least 18 years of age;

*Note to publisher: Paragraphs (2) through (4) should continue to remain a part of this Regulation.*

### **BASIS AND PURPOSE FOR RULE 4**

The purpose of Rule 4 is to specify the rights, responsibilities, and duties of licensees; specify certain duties of licensees related to permitting access to the Division of information, records, and premises controlled by the licensee; require licensees to maintain sufficient financial reserves; establish restrictions on the use of skills and proposition players; require that certain information be publicly posted; direct the licensee to prohibit certain conduct; and establish procedures for patron disputes, dissolution of corporations, transfers of interests and terminations of licensee employment or licensure. The statutory basis for Rule 4 is found in sections 44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-301, C.R.S., and 44-30-502, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., and 44-30-833, C.R.S. [Amended 12/15/16](#)

### **RULE 4 RIGHTS AND DUTIES OF LICENSEES**

#### **30-414 Player rules.**

A retail licensee must post the following rules on the licensed areas:

- (1) Players in the gaming area must be at least 21 years of age;

*Note to publisher: Paragraphs (2) through (6) should continue to remain a part of this Regulation.*

#### **30-429 Payment of winning wagers.**

- (1) A retail licensee shall follow the current IRS standards for all jackpot awards and perform a gaming intercept as required for all jackpot pay outs as outlined in the Internal Control Minimum Procedures Section 1 H.

The purpose of Rule 25 is to establish playing rules for keno and procedures for conducting keno games in compliance with section 44-30-302 (2), C.R.S. The statutory basis for Rule 25 is found in sections 44-30-201, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., and 44-30-818, C.R.S.

**RULE 25        RULES FOR KENO**

**30-2509        Payment of winning wagers.**

*Note to publisher: Paragraphs (1) through (3) should continue to remain a part of this Regulation.*

(30-2509 (4) repealed and readopted as 30-429, with amendments, perm. 9/15/22)

**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: 2022-00454

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Gaming - Rules promulgated by Gaming Commission

**on 09/15/2022**

1 CCR 207-1

**GAMING REGULATIONS**

The above-referenced rules were submitted to this office on 09/15/2022 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.

September 28, 2022 15:11:32

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 Revenue

**Agency**

Division of Gaming - Rules promulgated by Gaming Commission

**CCR number**

1 CCR 207-2

**Rule title**

1 CCR 207-2 SPORTS BETTING REGULATIONS 1 - eff 10/30/2022

**Effective date**

10/30/2022

## DEPARTMENT OF REVENUE

### Division of Gaming

## SPORTS BETTING REGULATIONS

### 1 CCR 207-2

#### BASIS AND PURPOSE FOR RULE 3

The purpose of Rule 3 is to enable applications, investigations and licensure as related to sports betting, including to establish and provide the specific information required on license applications; to establish license fees for each type of license; to establish investigation fees for certain applicants and deposit procedures for investigation fees; to establish procedures for conducting background checks on applicants and other interested persons and assessing the costs of such background checks; to require certain information regarding the premises the applicant wishes to be licensed, and to provide a procedure for approval of modifications of such premises; and to provide for the issuance of conditional licenses. The statutory basis for Rule 3 is found in sections 44-30-201, C.R.S.; 44-30-203, C.R.S.; 44-30-302, C.R.S.; 44-30-507, C.R.S., and part 15 of article 30 of title 44, C.R.S.

#### **RULE 3        APPLICATIONS, INVESTIGATIONS AND LICENSURE** *Effective 4/14/20*

##### **3.5        Investigation and background check costs.**

*Note to publisher: Paragraph (1) and all subparagraphs, should continue to remain a part of this Regulation.*

- (2)        Additionally, applicants shall submit a set of fingerprints to the Division, except that an applicant whose primary residence is located outside of the United States is not required to satisfy this requirement unless the Commission determines otherwise. The Division shall forward the fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation. The applicant for a sports betting license shall be responsible for the actual costs of submitting such fingerprints for investigation. The total amount of the fee for issuance of a license, investigation fees, and fees for the background check for an applicant for a sports betting license may not exceed one hundred and twenty-five thousand dollars.

*Note to publisher: Paragraphs (3) through (8) should continue to remain a part of this Regulation.*

#### **BASIS AND PURPOSE FOR RULE 7**

The purpose of Rule 7 is to establish a Sports Betting Operations Fee to defray the cost of regulating the sports betting industry, specify the requirements regarding the certification, assessment and security of sports betting systems and kiosks, direct Sports Betting Operations to establish internal control procedures, including accounting controls, outline reporting requirements and the computation of taxes, establish geofence and sports betting account requirements, and to outline procedures for change control. The statutory basis for Rule 7 is found in sections 44-30-102, C.R.S., 44-30-201, C.R.S., 44-30-202, C.R.S., 44-30-203, C.R.S., 44-30-302, C.R.S., 44-30-503, C.R.S., 44-30-510, C.R.S., 44-30-528, C.R.S., 44-30-833, C.R.S., and part 15 of article 30 of title 44, C.R.S.

## **RULE 7 REQUIREMENTS OF SPORTS BETTING OPERATIONS** *Effective 4/14/20*

### **7.5 Internal control procedures.**

Prior to beginning sports betting activity, a Sports Betting Operation must submit for approval internal controls for the following:

*Note to publisher: Paragraphs (1) through (34) should continue to remain a part of this Regulation.*

- (35) Beginning on July 1, 2023, Sport Betting Operations need procedures that ensure that all Sports Betting Operations follow the current IRS standards before making sports betting payments and perform a gaming intercept as required for all sports betting payments as outlined in the Limited Gaming Internal Control Minimum Procedures Section 1 H.

The Sports Betting Operation shall stamp or otherwise mark each page of the internal control procedures submitted to the Commission with the word "CONFIDENTIAL" if the material submitted is not subject to disclosure under 44-30-1507, C.R.S., and this Rule 7.



**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: 2022-00455

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Gaming - Rules promulgated by Gaming Commission

**on 09/15/2022**

1 CCR 207-2

**SPORTS BETTING REGULATIONS**

The above-referenced rules were submitted to this office on 09/15/2022 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.

September 29, 2022 09:04:31

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

### **Department**

Department of Natural Resources

### **Agency**

Colorado Parks and Wildlife (405 Series, Parks)

### **CCR number**

2 CCR 405-7

### **Rule title**

2 CCR 405-7 CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS 1 - eff  
11/01/2022

### **Effective date**

11/01/2022

**FINAL REGULATIONS - CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS**

**ARTICLE I - GENERAL PROVISIONS AND FEES RELATING TO PASSES, PERMITS AND REGISTRATIONS**

**VEHICLE PASSES**

**#700 - VEHICLE PASS**

1. Except as otherwise provided in these regulations or by Colorado Revised Statutes, no motor vehicle shall be brought onto any state recreation area or state park unless a valid parks pass issued by the Division of Parks and Wildlife (Division) or the Department of Revenue (DOR) is properly attached, displayed, or carried in the vehicle. Passes that are designed to be affixed to the windshield shall be attached to the extreme lower right-hand corner of the vehicle's windshield in a position so that the pass may be observed and identified. For an annual affixed vehicle pass, including an aspen leaf annual pass to be properly attached to a windshield, it must be permanently affixed. A state parks annual transferable pass must be hung from the rear-view mirror so that the pass may be observed and identified. Any vehicle whereby a pass cannot be secured inside the passenger compartment or hung from a rear-view mirror shall be treated as a special case, but evidence of a pass shall be required on the person or in the vehicle. A vehicle that has a Keep Colorado Wild annual pass must have evidence of such on its associated DOR issued registration documents, which must be carried in the vehicle or shown in a Division sponsored mobile application.
  - (A) As referenced in this chapter, "veteran" means a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.
2. No vehicle pass shall be required for:
  - a. Any snowmobile as defined in section 33-14-101, C.R.S.;
  - b. Any off-highway vehicle as defined in section 33-14.5-101(3), C.R.S.;
  - c. Any government-owned vehicle, emergency vehicle, or law enforcement vehicle on official business;
  - d. Any commercial delivery vehicle delivering goods to the park or a park concessionaire when the goods are directly related to the operation of the park or concession;
  - e. Any resident's vehicle displaying a Colorado disabled veteran's license plate pursuant to section 42-3-213(5)(a), C.R.S. or a purple heart special license plate pursuant to section 42-3-213(2), and as provided for in section 33-12-106(1), C.R.S.;
  - f. Any vehicle bringing a holder of a Columbine, Centennial, Blue Spruce, Independence, Volunteer or Military Pass issued pursuant to # 701 into a state recreation area or state park;
  - g. Any vehicle that is not required to have a vehicle pass pursuant to the special activity regulation # 703;
  - h. Any vehicle entering a state recreation area or state park pursuant to # 712-4;

- i. Any vehicle that is exclusively towed;
  - j. Any vehicle occupied by a veteran or current or reserve member of any branch of the armed forces of the United States, on the State observance of Veteran's Day. At least one form of past or present military identification shall be presented at the Park entrance. Acceptable forms of military identification include:
    - (1) DD214;
    - (2) DD Form 2;
    - (3) DD Form 2765;
    - (4) Active, retired or veteran military identification cards;
    - (5) A current Colorado Driver's License or state issued identification card with the word 'Veteran' printed on it as specified in 42-2-303 (5)(a), C.R.S.;
    - (6) VA medical card;
    - (7) The display of military license plates.
  - k. Any Division employee, volunteer or hired contractor vehicle when such vehicle is used for the purposes of accomplishing work duties;
  - l. Any vehicle owned by a concession owner or employee or any contractor working for a concession when such vehicle is used for the purposes of accomplishing work duties;
  - m. Any vehicle entering the Cameo Shooting and Education Complex.
3. The types of annual vehicle passes available from the Division are as follows:
- a. An Aspen Leaf annual vehicle pass as provided for in section 33-12-103, C.R.S.; and
  - b. An annual affixed vehicle pass, which is available for any vehicle except passenger vans and buses operated by a commercial business, and
  - c. A state parks annual transferable pass, which can be used for any vehicle except passenger vans and buses operated by a commercial business. State parks annual transferable passes are issued to individuals, not vehicles. Only one vehicle at a time can use an annual transferable pass.
    - (1) Commercial passenger vans and buses are eligible to purchase daily, but not annual, vehicle passes.
    - (2) School buses on official school outings, passenger vans and buses operated by a nonprofit corporation or organization as defined in 13-21-115.5 (3), C.R.S., and passenger vans and buses operated by any government agency are eligible for either daily or annual affixed vehicle passes.
    - (3) An annual transferable pass may be shared with the original pass holder's household. For the purpose of this regulation, "household" is defined as persons living at the same address.

- d. A Keep Colorado Wild annual pass, as provided for in section § 33-12-108, C.R.S., which will be available for purchase through the Colorado Department of Revenue vehicle registration process starting with January 2023 vehicle registrations.
4. Daily vehicle passes are as follows:
- a. A fee of \$9.00 per vehicle for any vehicle except for:
    - (1) Passenger vans and buses operated by a commercial business;
    - (2) A \$1.00 per vehicle high-use fee will be added to the cost of daily vehicle passes at Cherry Creek, Chatfield, and Boyd Lake State Recreation Areas, and Castlewood Canyon, Eldorado Canyon, Golden Gate Canyon, Highline Lake, Lake Pueblo, Roxborough and Staunton State Parks.
  - b. School buses on official school outings, passenger vans and buses operated by a nonprofit corporation or organization as defined in 13-21-115.5 (3), C.R.S., and passenger vans and buses operated by any government agency are eligible to purchase a daily vehicle pass.
  - c. For passenger vans and buses operated by a commercial business, the daily vehicle pass fee will be based upon the number of passengers on-board. The fee shall be \$10.00 for up to fifteen passengers on-board, \$40.00 for sixteen to thirty passengers on-board, and \$50.00 for more than thirty passengers on-board.
5. An annual affixed vehicle pass or state parks annual transferable pass shall be issued and, by appropriate language, authorize entrance by motor vehicle to all state recreation areas and state parks, except Cameo Shooting and Education Complex, during the period beginning on the date of purchase through the last day of the same month in the following year. Such authorization shall apply to the user and all passengers in the motor vehicle to which the pass is affixed or displayed. One pass shall cover all state recreation areas and state parks.
6. Additional affixed annual vehicle passes may be issued to an owner or to the owner's household. Additional annual affixed vehicle passes authorize entrance by motor vehicle to all state recreation areas and state parks, except Cameo Shooting and Education Complex, during the period beginning on the date of purchase of the additional pass through the expiration date of the associated original full-priced annual affixed pass or state parks annual transferable pass. Owners of school buses, passenger vans and buses owned by a nonprofit corporation or organization as defined in 13-21-115.5 (3), C.R.S., and passenger vans and buses owned by any government agency are limited to purchasing no more than two additional annual affixed vehicle passes at a reduced fee per each annual affixed vehicle pass purchased at the full fee. For the purpose of this regulation, "household" is defined as persons living at the same address. "Owner" is defined as the person whose name appears on the registration of both the original vehicle for which an annual affixed pass was purchased and the additional vehicle, or a person who can provide proof of ownership of the original and the additional vehicle at a designated Division office.
7. If the motor vehicle for which an annual affixed vehicle pass, additional affixed vehicle pass, Aspen Leaf annual pass, or additional Aspen Leaf annual pass was issued is sold or traded, or if the pass is lost or destroyed during the period in which it is valid, the person to whom the pass was issued may obtain a duplicate thereof, upon signing an affidavit reciting where and by whom it was issued and the circumstances under which it was lost or traded. Customers who provide proof of necessary replacement shall be issued a replacement annual affixed vehicle pass, additional affixed vehicle pass, Aspen Leaf annual pass, or additional Aspen Leaf annual pass for the remainder of the period that the lost or destroyed pass would have been valid at no cost.

Customers without proof of necessary replacement shall be provided a replacement annual affixed vehicle pass, additional affixed vehicle pass, Aspen Leaf annual pass, or additional Aspen Leaf annual pass effective for the remainder of the period that the lost or destroyed pass would have been valid upon payment of a fee pursuant to regulation #708.1.e..

8. If a state parks annual transferable pass is lost or destroyed during the period for which it is valid, the person whom the pass was issued may obtain a duplicate thereof, upon signing an affidavit where and by whom it was issued and the circumstances under which it was lost or destroyed. Upon payment of a fee of \$60.00, a new pass effective for the remainder of the period the lost or destroyed pass would have been valid may be issued only by the Division to the original owner of such pass. Only one duplicate state parks annual transferable pass will be issued per period for which the original pass was valid.
9. A daily park pass, valid for one day only, shall authorize entrance by motor vehicle to the state recreation areas and state parks, except Cameo Shooting and Education Complex, by the user and all passengers in the motor vehicle to which the pass is affixed during the day used and until 12:00 P.M. (noon) the following day.
10. A no fee pass shall be issued to any vehicle towed or carried in by a motor home if a camping permit or proof of a campsite reservation is presented at an attended visitor center, office or entrance station. The no fee pass, valid for the same time period as the camping permit or camping reservation, shall authorize entrance by motor vehicle to the state recreation areas and state parks by the user and all passengers in the motor vehicle to which the pass is affixed. For the purpose of this regulation, motor home means a vehicle designed to provide temporary living quarters and which is built into, as an integral part of or a permanent attachment to, a motor vehicle chassis or van.
11. Unless the owner of the vehicle opts out, a Keep Colorado Wild annual pass shall be assessed by the Department of Revenue (DOR) at the time a resident registers a passenger motor vehicle, light-weight truck, motorcycle, or recreational vehicle. The Keep Colorado Wild annual pass shall authorize the entrance of the associated motor vehicle to all state recreation areas and state parks, except Cameo Shooting and Education Complex, while the associated vehicle registration is valid. Such authorization shall apply to the user and all passengers in the motor vehicle.
  - a. Commercial vehicles, as defined by § 42-1-102(17.5), C.R.S. are not eligible for the Keep Colorado Wild annual pass.
  - b. A no-cost Keep Colorado Wild annual pass shall be issued by the Department of Revenue (DOR) through the vehicle registration process to all qualifying vehicles, that are exempt from DOR fees as specified in § 42-3-213(1)(b)(II), C.R.S.
  - c. Refunds involving Keep Colorado Wild passes will only be offered for the first two calendar years after the Keep Colorado Wild pass implementation. Refund applications involving Keep Colorado Wild passes purchased after December 31, 2024 will not be eligible for a refund.
    - (1) A refund application for a Keep Colorado Wild pass submitted to the division within 60 days of purchase will be granted. A refund application for a Keep Colorado Wild pass submitted to the division after 60 days of purchase will be denied.
    - (2) When an affixed annual, aspen leaf annual, or annual multiple pass overlaps with a Keep Colorado Wild pass for the same vehicle, the CPW annual pass will be eligible for a prorated refund. When a family annual pass overlaps with a Keep Colorado Wild pass, the family annual pass will be eligible for a prorated refund.

- a. If the annual pass has been used for 9 or more months it is non-refundable.
  - b. Bulk annual park passes are non-refundable.
  - c. For the family annual pass, the refund amount will be calculated from the date the refund application and the physical pass are received by the division. For all other annual passes, the refund amount will be calculated based on the date the refund application is submitted to the division.
- (3) Only one refund is allowed annually per vehicle, either the Keep Colorado Wild pass or the annual pass, whichever is submitted and processed first.

## **INDIVIDUAL PASSES**

### **#701 - INDIVIDUAL PASSES**

1. Individuals sixteen years of age or older entering any state recreation area or state park by means other than a motor vehicle, such as on foot, bicycle, horseback, etc., shall have a valid parks pass issued by the Division or DOR carried on their person. Individuals entering by means other than a motor vehicle into Boyd Lake, Cameo Shooting and Education Complex, Chatfield, Cherry Creek, Cheyenne Mountain, Lake Pueblo, and Lone Mesa state parks may enter without purchasing a parks pass. Individual passes are not required at any state recreation area or state park under the circumstances identified in regulation # 700-2.a. through # 700-2.e. and # 700-2.g. through # 700-2.l or for individuals under the age of sixteen.
2. A Columbine, Centennial, Blue Spruce, Independence, Volunteer or Military Pass is issued to an individual person and not a specific vehicle. These shall authorize entrance by motor vehicle, when and where motor vehicle access is permitted, to all state recreation areas and state parks or for other forms of individual access, when in possession of the pass holder. Such authorization shall apply to the holder of the pass and all the passengers in, and the driver of, the motor vehicle carrying the holder of such pass. The pass must be continuously displayed in the manner described on the pass. A Columbine, Centennial, Blue Spruce, Independence, Volunteer or Military Pass is transferable from motor vehicle to motor vehicle as long as the pass holder is present in the vehicle. The Centennial pass may also be associated with the Centennial pass holder's vehicle, if desired, at no additional cost.
3. Any resident of the state who is a first responder with a permanent occupational disability as defined in state statute 33-4-104.5 (2) may obtain, free of charge, a Blue Spruce annual pass, also known as a Columbine annual pass for first responders pursuant to 33-12-103.5 (2.5), C.R.S. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-1-102 (38) (a), C.R.S.
  - a. In order to qualify for a Blue Spruce annual parks pass, a resident must provide the following written proof to the Division:
    - (1) The "Initial Disability Administration Decision" form from the Fire and Police Pension Association that specifies a permanent occupational disability; or
    - (2) For residents that are not members of the Fire and Police Pension Association, a fully completed Division "First Responder Affidavit" signed by the applicant attesting to the fact that their permanent disability or disease was obtained while on active-duty.

4. A resident who is a disabled veteran or a resident who is a purple heart recipient may obtain an Independence annual parks pass pursuant to 33-12-106 (1) (b), C.R.S and 33-12-106 (1) (c), C.R.S. An Independence annual parks pass shall be issued following the Division's receipt of a completed application from a qualified resident of the state. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-10-102 (21), C.R.S.
  - a. In order to qualify for an Independence annual parks pass, a resident must provide the following written proof to the Division:
    - (1) DD 214 Form or other documentation indicating the veteran received an Honorable Discharge from a branch of the Armed Services of the United States, **AND**
    - (2) A qualification letter, on official stationary/letterhead, from the Veteran's Administration, Department of Veteran's Affairs, or the branch of service from which the veteran is receiving compensation, that states one of the following:
      - a. 50% or greater, service-connected permanent disability;
      - b. Loss of use of one or both feet;
      - c. Loss of use of one or both hands; or a
      - d. Loss of vision in both eyes, **OR**
    - (3) A DD 214 Form indicating the applicant has been awarded a purple heart, or a letter of verification from the appropriate branch of the armed forces of the United States that the applicant has been awarded a purple heart.
5. A disabled resident may obtain a Columbine annual pass pursuant to 33-12-103.5, C.R.S. A resident who qualifies for a Centennial annual pass may obtain such pass as provided for in this regulation. A Columbine or a Centennial annual parks pass shall be issued following the Division's receipt of a completed application from a qualified resident of the state and the payment of the necessary fee. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-10-102 (21), C.R.S.
  - a. In order to qualify for a Columbine annual parks pass, a resident must provide the following written proof to the Division:
    - (1) A "Final Admission of Liability" form from the Division of Workers Compensation that indicates a total and permanent disability; or
    - (2) A fully completed Division "Physician's Affidavit" signed by a licensed physician attesting that the resident meets the definition of a total and permanent disability. A **"total and permanent disability"** shall mean any physical or mental impairment which prevents substantial gainful employment, but only if it is reasonably certain that such a disability will continue throughout the lifetime of the disabled person.
  - b. In order to qualify for a Centennial annual parks pass, a resident must show a photo identification card and provide written proof, in the form of a federal or state income tax return from the immediately preceding calendar year, that the federal taxable income of such individual is at or below the threshold amount, based on the number of dependents, for a state parks Centennial annual pass. The pass will only remain valid as long as the individual maintains their Colorado residency as defined in 33-10-102 (21), C.R.S.



The federal taxable income amounts, based on the number of dependents, cannot be greater than those listed in the poverty guidelines set forth in the Annual Update of the HHS Poverty Guidelines, 87 Fed. Reg. 3315 (January 21, 2022) issued by the U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201. This federal guideline, but not later amendments to or editions thereof, has been incorporated by reference. Information regarding how and where the incorporated materials may be examined, or copies obtained, is available from:

Regulations Manager  
Policy and Planning Unit  
Colorado Division of Parks and Wildlife  
6060 Broadway  
Denver, Colorado 80216

If the individual's income is at a level where he or she was not required to file a federal income tax return for the immediately preceding calendar year, such individual shall sign a statement under penalty of perjury in the second degree to such effect. No such affidavit shall be required to be notarized.

- c. The Columbine, Centennial, Independence, and Blue Spruce annual parks pass application shall be on a form provided by the Division. Blank applications shall be available, during regular business hours, at the Divisions' regional offices, Denver offices, and service centers.
- d. Individuals applying to the Division for a Columbine, Centennial, Independence, or Blue Spruce annual parks pass must provide the following information:
  - (1) Full name and address, including city, county, state and zip code; and
  - (2) Phone number, unless the phone number is unlisted or non-published; and
  - (3) Date of birth and age; and
  - (4) Physical description, including sex, height, weight, hair and eye color; and
  - (5) Applicant's signature and date of application; and
  - (6) If applying for a Columbine annual parks pass, information concerning the nature of the applicant's disability, together with supporting evidence of the same.
  - (7) If applying for a Centennial annual parks pass, information concerning the applicant's total annual income and number of dependents, together with supporting evidence of the same.
  - (8) If applying for a Blue Spruce annual parks pass, information concerning the applicant's first responder service and disability, together with supporting evidence of the same.
  - (9) If applying for an Independence annual parks pass, required documentation supporting veteran's status and disability qualifications or verification that the applicant has been awarded a purple heart.
- e. The Columbine, Centennial, Independence, and Blue Spruce annual parks pass application form shall contain language explaining that the completed and signed

application, once submitted to the Division, will be treated in all respects as a sworn statement. The form shall also contain an oath that includes an affirmation attesting to the truth of that which is stated, the applicant is aware that statements made are intended to be represented as true and correct statements, and that false statements are punishable by law.

- f. At the time that an application for a Columbine or a Centennial annual parks pass is submitted to the Division, the appropriate fee shall also be paid.
  - g. Pending the issuance of a Columbine, Centennial, Independence, or Blue Spruce annual parks pass, possession on the applicant of a bona fide copy of the application permits the applicant and others in the motor vehicle carrying the applicant entrance by motor vehicle to all state parks and state recreation areas, when and where motor vehicle access is permitted, for a period of thirty days following the date of filing the application with the Division or until receipt of notice from the Division either granting or denying the application request, whichever period of time is shorter.
  - h. Within 15 days of the Division's receipt of a completed Columbine or Centennial annual parks pass application and the appropriate fee payment, or Blue Spruce or Independence annual parks pass application, the Division shall review and approve or deny the application.
    - (1) Completed applications shall be approved if the minimum qualifications set forth in this regulation are met.
    - (2) Conversely, if the minimum qualifications are not met, then the application shall be denied. The applicant shall be notified in writing within five working days upon denial of a request. Such written notification shall include an explanation of the basis for denial and a refund of any fee paid.
    - (3) The applicant may appeal this decision to the Division Director by notifying the Director in writing within sixty days of the Division's mailing of the denial notice. A faster appeal will be necessary when the calendar year will end prior to the expiration of the sixty-day appeal period.
    - (4) The address utilized by the Division for all mailings associated with the processing of a Columbine, Centennial, Independence, or Blue Spruce annual parks pass application shall be the address indicated on the application.
  - i. If a Columbine, Centennial, Independence, or Blue Spruce annual pass is lost or destroyed during the period of time that it would otherwise would have been valid, the person to whom the pass was issued may obtain a duplicate thereof, free of charge, upon signing an affidavit reciting where and by whom it was issued and circumstances under which it was lost.
6. The types of non-motor vehicle individual passes available from the Division are as follows:
- a. A non-motor vehicle individual daily pass, for all persons sixteen years of age or older, shall be carried on the individual's person for all visitors entering state recreation areas and state parks as provided in regulation #701-1 and regulation #701-6.d.
  - b. A non-motor vehicle individual annual pass issued to one pass holder, may be used for the pass holder and up to three additional visitors sixteen years of age or older. Such pass, shall be carried on the pass holder's person for visitors entering state recreation areas and state parks as provided in regulation #701-1 and regulation #701-6.d.

- c. The receipt for an annual pass, a copy of the individual's vehicle registration displaying a Keep Colorado Wild annual pass, a Division sponsored mobile application showing active status of a Keep Colorado Wild annual pass or other Division annual pass shall be carried on the pass holder's person to be used as an individual annual pass, for the pass holder and up to three additional visitors sixteen years of age or older, for visitors entering all state recreation areas and state parks as provided in regulations #701-1 and regulation #701-6.d.
- d. The following rules apply to non-motorized access to Arkansas Headwaters Recreation Area:
  - (1) A non-motor vehicle individual daily pass, for all persons sixteen years of age or older, shall be carried on the individual's person for all visitors entering the developed and posted fee sites of Arkansas Headwaters Recreation Area.
  - (2) Or the receipt for an annual pass, or a copy of the individual's vehicle registration displaying a Keep Colorado Wild annual pass shall be carried on the pass holder's person to be used as an individual annual pass, and may be used for the pass holder and up to three additional visitors sixteen years of age or older for visitors entering the developed and posted fee sites of Arkansas Headwaters Recreation Area.
- 7. Volunteers for Colorado Parks and Wildlife are eligible for a volunteer park pass while serving in accordance with a signed individual volunteer agreement and after donating a minimum of 48 hours of approved volunteer service within a previous consecutive 12-month period.
  - a. The volunteer park pass is valid for one year from the date of issue.
- 8. Volunteers for Colorado Parks and Wildlife who are 64 years of age or older, regardless of their state of residence, are eligible for the senior volunteer park pass while serving in accordance with a signed individual volunteer agreement and after donating a minimum of 48 hours of approved volunteer service within a previous consecutive 12-month period.
  - a. The senior volunteer park pass is valid for one year from the date of issue.
- 9. A veteran is eligible for a no fee individual military pass during the month of August.
  - a. In order to qualify for the no fee individual military pass, a veteran, reserve, or active duty member of any branch of the armed forces of the United States, must provide at least one form of past or present military identification to the Division in order to receive the free Military pass. Acceptable forms of military identification include:
    - (1) DD214;
    - (2) DD Form 2;
    - (3) DD Form 2765;
    - (4) Active, retired or veteran military identification cards;
    - (5) A current Colorado Driver's License or state issued identification card with the word 'Veteran' printed on it as specified in 42-2-303 (5)(a), C.R.S.;
    - (6) VA medical card.

10. A no-fee individual "Check Out State Parks" Library Program Pass is available for check out from Colorado libraries.

#### **#702 - COMMISSION AUTHORITY**

1. The Commission may waive the requirement for a park pass, or it may close any state park or state recreation area, or portions thereof, whenever it finds the action necessary to protect and promote the health, safety and general welfare of the people of this state.
2. "Pass" as used in these regulations means a physical or electronic document or product provided for by statute, Commission rule or regulation and issued or required by the Division authorizing entrance to any state park or state recreation area.

#### **SPECIAL ACTIVITIES**

##### **#703 - SPECIAL ACTIVITIES REQUIRING PERMITS**

1. "Special activities" means events or activities which have the potential for an adverse impact on park values or health, safety or welfare of park visitors or which may otherwise require special planning/scheduling for proper management. Special activities shall require prior approval in the form of a special-activities permit. Applications thereof generally shall be made to the Park Manager or Operational Manager at least ninety (90) days prior to the event or activity. Such application must be accompanied by the appropriate application filing fee. This requirement for an application to be filed ninety days prior to an event will be waived in rare circumstances where arrangements can be made in a shorter time without putting undue administrative burden on the Park Manager or Operational Manager, or when no special arrangements are necessary. The Park Manager may impose additional items, conditions and charges in connection with the permit as reasonably necessary to offset the administrative burden, costs or risks associated with the proposed activities. The Park Manager may retain third party consultants to evaluate the potential adverse impacts of the proposed activity and develop appropriate strategies to offset or mitigate such risks. The applicant shall be notified if the Park Manager decides to retain a consultant, shall be given the opportunity to provide input concerning consultant selection and scope of work. The applicant shall be responsible for the actual costs associated with this consultant review.
2. The decision of whether to approve special activity permits will be made by the Park Manager or Operational Manager when it is determined that the special activities will not involve the use of a park or recreation area by a group of persons totaling more than the park or recreation area's established carrying capacity. Otherwise, the Regional Manager shall make the decision of whether to approve the permits. The decision of whether to approve special activities permits will be based on the impact on park values and/or the health, safety and welfare of park visitors and other affected persons, and also will be based on:
  - a. The nature of the park or recreation area and the types of recreational opportunities/resources it is intended to provide the public
  - b. The carrying capacity of the facility or facilities to be utilized during the special activity compared to:
    - (1) The total number of park visitors (including participants and spectators in the special activity) expected to utilize such facilities; and
    - (2) The total number of vehicles, vessels or persons expected to participate in or be attracted to such activities.

- c. The extent to which the special activity will contribute to the variety of outdoor recreational opportunities available to the people of this state and its visitors.
  - d. The extent to which the activity places an administrative burden on the staff of the park area.
- 3. Whenever it is determined that any special activity will involve the use of a park or recreation area by a group of persons totaling more than the park's or recreation area's established carrying capacity a thirty day written public comment period and a public meeting shall be required prior to the granting of a permit. The Park Manager or Operational Manager shall publish notice of both the written comment period and the meeting at least once in a newspaper of general circulation in the county or counties wherein said park or recreation area is located. The meeting shall be conducted by the Division representative responsible for the permit issuance decision and shall be held either at the park or recreation area, or within a county in which the park or recreation area is located. Such public meeting is not intended to be an adjudicatory licensing hearing under the provisions of the Colorado Administrative Procedures Act, but only as an opportunity for public comment.
  - 4. Every decision respecting the grant, denial, revocation, suspension, annulment, limitation or modification of a special activity permit is subject to § 24-4-104, C.R.S.
  - 5. Upon written request, the Division shall waive the requirement for a parks pass for those vehicles when all the occupants are entering state recreation areas and state parks for the purpose of administering permitted special activities and not for the purpose of their own recreation.
  - 6. For special activities where the Division representative responsible for the permit issuance decision determines it will be a greater administrative ease for the Division to administer the activity, an alternative fee of \$4.00 per person per day may be charged for admission of persons attending or participating in the special activity. This permission shall apply only to groups of twenty or more persons.
  - 7. Nothing in this regulation impairs the specific authority of the Commission pursuant to 33-10-107(1)(d) C.R.S. to enter into cooperative agreements for the development and promotion of Division programs, or the general authority of the Commission pursuant to 33-10-106 C.R.S. to manage all state recreation areas and state parks for both commercial and noncommercial purposes. The authority granted to park managers and regional managers is intended to allow them to address events of limited and local impact, and is specifically intended to coexist with, and not to exclude, the Commission's statutory authorities.

## **CAMPGROUND USE PERMITS**

### **#704 - CAMPGROUND USE PERMITS AND GROUP CAMPGROUND USE PERMITS**

- 1. No person shall camp in designated campgrounds or use any campground facilities of any park or recreation area unless such use is by authority of a valid campground-use permit issued by the Colorado Parks and Wildlife.
- 2. In order to obtain a campground-use permit, a member of the camping party must be present with the camping unit, ready to make immediate occupancy of the campsite, or a reservation must be made through the approved campsite reservation system. Except as follows, no person may reserve or hold a campsite for another party by purchasing a campground-use permit for an additional site:

- a. A primary occupant must be identified for each campsite reserved. The primary occupant identified at the time of making the reservation is responsible for any fees, damages or law enforcement issues that arise from the occupants of the site.
  - b. If an individual or organization wishes to reserve a campsite or group of campsites without identifying a primary occupant, the individual making the reservation is the responsible party for any damages or law enforcement issues that arise from the occupants of the site or sites.
3. Possession of a valid campground-use permit visibly displayed at a place provided at each campsite shall authorize a single camping unit (tent, camper, etc.) occupied by a single family unit, or a maximum of six (6) persons to camp in a campsite for a single night until 12:00 P.M. (noon) the following day, unless the camping permit was purchased before 5:00 A.M., in which case it expires at noon the day of purchase. No person shall remove a valid campground-use permit or reservation card from the place provided for display prior to the expiration of such permit or card and/or occupy any campsite displaying such a permit or card or otherwise posted as already occupied by another party in accordance with these regulations.
4. A valid vehicle or individual pass, as required by regulations # 700 and # 701 respectively, shall be required for each motor vehicle for each night of camping.
5. Definitions as used in these regulations, unless the context requires otherwise:
  - a. "Full-Hookup Campground" means those with highly developed facilities. Individual campsites will be designated and include a high-use pad with table, grill and/or fire ring and individual pressurized water, sewer and/or electrical connections. Flush toilets, lavatory and shower facilities, and trash receptacles will be available. Grocery store, food-service facilities, sanitary dump station, laundry facilities, or other developed amenities may be available.
  - b. "Electrical Campground" means those with fairly developed facilities. Individual campsites will be designated and include a high-use pad, picnic table, grill and/or fire ring and individual electrical connections.
  - c. "Tent-Only Campground" means those allowing only tents as the camping equipment. Individual campsites may have amenities similar to "Electrical Campgrounds" or "Basic Campgrounds" depending on the facility.
  - d. "Basic Campground" includes those campgrounds providing basic facilities and improvements. Individual campsites shall be designated and include a table, grill and/or fire ring.
  - e. "Primitive Campground" includes those campgrounds where only limited facilities or improvements are provided. Individual campsites may not be designated and may not include individual tables, grills or fire rings. Centrally located vault toilets and trash receptacles may be provided; however, drinking water generally will not be available.
  - f. "Camping/To Camp" means either:
    - (1) To occupy a campsite; or
    - (2) To erect or use a tent or shelter of natural or man-made material, the placing or use of a sleeping bag or other bedding material, the parking of a motor vehicle, motor home, travel trailer, or any combination for the apparent purpose of

occupancy overnight or use outside regular park use hours (5:00 A.M. to 10:00 P.M.) or as posted.

- g. "Camping Unit" is defined as one of the following:
- (1) Two tents and a passenger vehicle; or
  - (2) One tent plus one motor home (Class A, B, C), motor vehicle, vehicle, trailer, slide-in truck camper, pop-up camper/trailer, boat, or other equipment of any description manufactured and/or used for the purposes of overnight occupancy.
  - (3) A camping unit may include additional tents only in a campsite with a tent pad; provided the tents are contained on the pad and other camping unit and camping group limits are observed.
  - (4) One passenger vehicle in addition to the above descriptions is authorized only if available parking space exists.
- h. "Passenger Vehicle" means a motor vehicle not designed or used for overnight occupancy.

#### **#705 - ASPEN LEAF ANNUAL PASSHOLDERS**

1. A resident of this state who is sixty-four years of age or older may obtain an Aspen Leaf annual pass. The fee for an Aspen Leaf annual pass is identified in regulation #708.
2. The Aspen Leaf annual pass holder must own in whole or in part any vehicle with a Colorado vehicle registration to which the Aspen Leaf annual pass is affixed and used to enter a state recreation area or state park area. Additional passes may be purchased pursuant to regulation #708(1)(d)(1).
3. Current Aspen Leaf Lifetime pass holders may obtain an annual Aspen Leaf Lifetime free pass for a single vehicle the holder owns in whole or in part for the lifetime of the pass holder and provided the pass holder is a resident of Colorado. The annual Aspen Leaf Lifetime Free Pass shall be affixed to such vehicle owned by the pass holder. Additional passes may be purchased pursuant to regulation #708(1)(d)(1).

#### **#706 - GROUP PICNIC AREA PERMITS**

1. No person shall use any facility or group picnic area unless such use is by authority of a valid permit issued by the Division.
2. Definitions as used in these regulations, unless the context requires otherwise:
  - a. "Class A – Deluxe Group Picnic Area" means those with highly developed facilities. The picnic area will be designated and include a covered shelter, picnic tables, a grill, and electrical connections. Restroom facilities, trash receptacles, water and lighting will be available.
  - b. "Class B – Improved Group Picnic Area" means those with fairly developed facilities. The picnic area will be designated and include picnic tables and a grill. Trash receptacles and water will be available.

- c. "Class C – Basic Group Picnic Area" means those providing basic facilities. The picnic area will be designated and include picnic tables and a grill. Sanitary facilities shall generally consist of vault-type toilets.

#### **#707 – CAMPGROUND AND DAY-USE RESERVATION CANCELLATION, AND CHANGE FEES**

1. The fees for cancelling a reservation for a campground site, group campground site, group picnic area, and event facility are as follows:
  - a. If the cancellation is made seven days before the arrival date through the arrival date, 100% of the fee for one night or day-use permit will be retained.
  - b. If the cancellation is made 28 days before the arrival date through 8 days before the arrival date, 50% of the fee for one night or day-use permit will be retained.
  - c. If the cancellation is made more than 28 days before the arrival date, 25% of the fee for one night or day-use permit will be retained.
  - d. If the cancellation is made between the day after the arrival date and the departure date, the fees for any nights or days passed will be retained.
  - e. Cancellation fees are non-refundable, except in the case of a bona fide emergency or in the case of Division error.
2. The fees for changing the reservation dates (arrival date and/or departure date) for a campground site, group campground site, group picnic area, and event facility are as follows, except there shall be no additional fee to change the departure date if the reservation is extended beyond the original departure date:
  - a. If the change in the reservation dates is made seven days before the arrival date through the arrival date, 20% of the fee for one night or day-use permit will be retained.
  - b. If the change in the reservation dates is made 28 days before the arrival date through 8 days before the arrival date, 15% of the fee for one night or day-use permit will be retained.
  - c. If the change in the reservation dates is made more than 28 days before the arrival date, 10% of the fee for one night or day-use permit will be retained.
  - d. If the change in the reservation dates is made between the day after the arrival date and the departure date, the fees for any nights or days passed will be retained.
  - e. Reservation change fees are non-refundable, except in the case of Division error.
3. There shall be no additional change fee for changing the site of a reservation at a campground, group campground, group picnic area, and event facility if the reservation dates remain the same or are further extended. If a customer changes the site of their reservation, they shall be charged or refunded the difference in the price for the site type only, if applicable.
4. If a customer fails to occupy the site of their reservation during the selected dates or fails to contact the park, recreation area or vendor to inform them that they will not occupy the site of their reservation during the selected dates, the fees for any nights or days passed will be retained and the customer will be ineligible for a refund for those nights or days passed.



5. If a customer makes a reservation for a campground site, group campground site, group picnic area, or event facility where one or more dates of the stay are more than six months from the reservation date, the reservation will be frozen to changes or cancellations for 14 days immediately following the date the reservation was created.

#### #708 - PASS AND PERMIT FEE SCHEDULE

1. The fees for the types of vehicle passes issued by the Division are as follows.
- a. Aspen leaf annual pass.....\$70.00
  - b. Annual affixed vehicle pass.....\$80.00
  - c. State parks annual transferable pass .....\$120.00
  - d. Each additional annual affixed vehicle pass for noncommercial vehicles.....\$40.00
    - (1) Each additional Aspen Leaf vehicle pass for noncommercial vehicles.....\$35.00
  - e. Each replacement annual affixed vehicle pass, without proof of necessary replacement .....\$40.00
    - (1) Each replacement additional annual affixed vehicle pass, without proof of necessary replacement .....\$20.00
    - (2) Each replacement Aspen Leaf vehicle pass, without proof of necessary replacement .....\$35.00
    - (3) Each replacement additional Aspen Leaf vehicle pass, without proof of necessary replacement .....\$17.50
    - (4) Customers with proof of necessary replacement shall be issued a replacement annual affixed vehicle pass, additional annual affixed vehicle pass, or Aspen Leaf vehicle pass at no cost. Circumstances for necessary replacement include vehicle stolen, destroyed, traded, or sold; windshield replaced; pass damaged or faded; new legal name or address; or Division error. Other circumstances will be considered by the Division on a case-by-case basis.
  - f. Each replacement state parks annual transferable vehicle pass .....\$60.00
  - g. Each daily vehicle pass (exceptions follow).....\$9.00
    - (1) At Cherry Creek, Chatfield, and Boyd Lake State Recreation Areas, and Castlewood Canyon, Eldorado Canyon, Golden Gate Canyon, Highline Lake, Lake Pueblo, Roxborough and Staunton State Parks.....\$10.00
  - h. Each daily vehicle pass for a passenger van or bus operated by a commercial business:
    - (1) carrying up to fifteen passengers.....\$10.00
    - (2) carrying sixteen to thirty passengers.....\$40.00
    - (3) carrying more than thirty passengers.....\$50.00

- i. Keep Colorado Wild annual pass, as provided for in section § 33-12-108, C.R.S., available for purchase through the Colorado Department of Revenue vehicle registration process starting with January 2023 vehicle registrations .....\$29.00
  - j. Keep Colorado Wild Collector's Plate pass, for applicable vehicles only and valid for the length of the vehicle registration. Available for purchase only through the Colorado Department of Revenue vehicle registration process starting with January 2023 vehicle registrations.....\$145.00
- 2. The fees for the types of individual passes issued by the Division are as follows. Eligibility requirements are stated in regulation # 701.
  - a. Columbine or Centennial annual pass.....\$14.00
  - b. Each replacement Columbine or Centennial annual pass shall be provided at no cost.
  - c. Non-motor vehicle individual daily passes (applies to persons sixteen years of age or older) for all state recreation areas and state parks except as otherwise provided in these regulations.....\$4.00
  - d. Non-motor vehicle individual annual passes (applies to persons sixteen years of age or older) for all state recreation areas and state parks except as otherwise provided in these regulations.....\$29.00
- 3. The fees associated with special activities, as provided for in regulation # 703 are:
  - a. Special activity alternate individual fee (applies to groups of twenty or more people in size).....\$4.00
  - b. Special activity application filing fee.....\$30.00
  - c. Arkansas Headwaters Recreation Area special activity application filing fees:
    - 1. Standard.....\$30.00
    - 2. Commercial boating.....\$400.00
    - 3. Other commercial activities, such as walk and wade fishing, shuttle services, imaging, vendor services, hiking, mountain biking and rock climbing.....\$250.00
- 4. The fees for the type of campground-use permits issued by the Division are as follows. Campground classes are defined in regulation # 704. These fees do not include any applicable accommodations tax.
  - a. Campground-use permit for "Full Hookup Campgrounds" .....\$41.00/night
  - b. Campground-use permit for "Electrical Campgrounds" .....\$36.00/night
  - c. Campground-use permit for "Tent-Only Campgrounds".....\$36.00/night
  - d. Campground-use permit for "Basic Campgrounds" .....\$28.00/night
  - e. Campground-use permit for "Primitive Campgrounds" .....\$18.00/night

5. The fees for reduced rate Aspen Leaf and senior Columbine, Centennial, Independence, Blue Spruce, Keep Colorado Wild, or Volunteer park pass campground-use permits issued by the Division are as follows. Eligibility requirements are stated in regulation # 701, # 705 and # 712. Reduced rates are offered all days of the year when the campground is open, except weekends and holidays. These fees do not include any applicable accommodations tax. The Keep Colorado Wild Pass must be manually linked to an individual's CPW Shop account annually prior to receiving the senior camping rate discount.

- a. Campground-use permit for "Full Hookup Campgrounds" .....\$38.00/night
- b. Campground-use permit for "Electrical Campgrounds" .....\$33.00/night
- c. Campground-use permit for "Tent-Only Campgrounds".....\$36.00/night
- d. Campground-use permit for "Basic Campgrounds" .....\$25.00/night
- e. Campground-use permit for "Primitive Campgrounds" .....\$15.00/night

6. The fees for types of campground-use areas are as follows. Campground classes are defined in regulation # 704. These fees do not include any applicable accommodations tax.

- a. In group camp areas of "Full Hookup Campgrounds," the fee shall be \$41.00 per night per campsite assigned to such group area.
- b. In group camp areas of "Electrical Campgrounds," the fee shall be \$36.00 per night per campsite assigned to such group area.
- c. In group camp areas of Tent-Only Campgrounds," the fee shall be \$36.00 per night per campsite assigned to such group area.
- d. In group camp areas of "Basic Campgrounds," the fee shall be \$28.00 per night per campsite assigned to such group area.
- e. In group camp areas of "Primitive Campgrounds," the fee shall be \$18.00 per night per campsite assigned to such group area.

7. The fees for types of tipis, cabins and yurts are as follows. These fees do not include any applicable accommodations tax:

- a. For tipis.....\$50.00/night
- b. For small cabins and yurts that may accommodate a maximum of six people:
  - (1) Standard.....\$90.00/night
  - (2) Premium.....\$120.00/night
- c. For large cabins and yurts that may accommodate seven or more people:
  - (1) Standard.....\$120.00/night
  - (2) Premium two bedroom.....\$150.00/night
  - (3) Premium three bedroom.....\$190.00/night

- (4) Premium four bedroom.....\$250.00/night
    - (5) Each additional premium bedroom over four bedrooms.....\$60.00/night
  - d. For Mueller State Park Cabins and Harmsen Ranch at Golden Gate Canyon State Park:
    - (1) Premium two bedroom.....\$150.00/night
    - (2) Premium three bedroom.....\$210.00/night
    - (3) Premium four bedroom.....\$270.00/night
  - e. The maximum occupancy shall be posted in each cabin and yurt.
  - f. There shall be an additional fee of \$10.00/night for pets where pets are allowed. For barn and corral facilities, there shall be a boarding fee of \$10.00/animal/night.
  - g. Premium facilities contain showers and flush toilets.
- 8. The group picnic area permit fees for the permits issued by the Division are as follows. Group picnic area classes are defined in regulation # 706.
  - a. Permit for "Class A - Deluxe Group Picnic Area" .....\$150.00
  - b. Permit for "Class B - Improved Group Picnic Area" .....\$100.00
  - c. Permit for "Class C - Basic Group Picnic Area" .....\$50.00
- 9. Event facility permit fees are as follows.
  - a. For Bridge Canyon Overlook and Pikes Peak Amphitheater at Castlewood Canyon State Park, Prairie Falcon Amphitheater at Cheyenne Mountain State Park, Panorama Point at Golden Gate Canyon State Park, Soldier Canyon Shelter at Lory State Park, and Lyons Overlook at Roxborough State Park:
    - (1) Monday through Friday.....\$150.00/2 HOURS
    - (2) Saturday and Sunday.....\$300.00/2 HOURS
  - b. For event facilities numbers 1 and 3 at Castlewood Canyon State Park and Timber Event Facility at Lory State Park:
    - (1) Monday through Friday.....\$100.00
    - (2) Saturday and Sunday.....\$150.00
  - c. For event facility number 2 at Castlewood Canyon State Park, Fountain Valley Overlook at Roxborough State Park and South Eltuck Event Facility at Lory State Park:
    - (1) Monday through Friday.....\$75.00
    - (2) Saturday and Sunday.....\$125.00
  - d. For the Red Barn at Golden Gate Canyon State Park:

- (1) Monday through Friday.....\$150.00
  - (2) Saturday and Sunday.....\$200.00
- e. For Mariner Point at Boyd Lake State Park:
  - (1) Monday through Friday.....\$90.00
  - (2) Saturday, Sunday, and holidays.....\$180.00
- f. For Prairie Skipper event facility at Cheyenne Mountain State Park:
  - (1) Monday through Friday .....\$150.00/DAY
  - (2) Saturday and Sunday.....\$200.00/DAY
- g. For PA-CO-CHU-PUK event facilities at Ridgway State Park:
  - (1) Single event shelter A or B:
    - (a) Monday through Thursday.....\$125.00 plus \$10 non-refundable reservation fee/DAY
    - (b) Friday through Sunday and holidays ....\$190.00 plus \$10 non-refundable reservation fee/DAY
- h. For Overlook event facility at Ridgway State Park:
  - (1) Monday through Thursday.....\$190 plus \$10 non-refundable reservation fee/ 4 HOURS
  - (2) Friday through Sunday and holidays....\$240 plus \$10 non-refundable reservation fee/ 4 HOURS
- i. Conference and/or meeting rooms.....\$100.00/DAY
- j. The maximum occupancy and hours of operation shall be posted at each event facility.
- 10. The fees associated with dog off leash areas at Chatfield State Park and Cherry Creek State Park, as provided for in regulation # 100 are:
  - a. Dog off-leash annual pass.....\$25.00
  - b. Dog off-leash daily pass.....\$3.00
- 11. The fee associated with the mandatory youth education course for motorboat operators...\$15.00
- 12. The fees associated with the Cheyenne Mountain State Park Field/3D Archery Range are as follows:
  - a. Daily individual archery range permit.....\$3.00
  - b. Annual individual archery range permit.....\$30.00
- 13. The fees associated with the Cameo Shooting and Education Complex are as follows:

- a. Individual passes:
- (1) Individual day use pass (single day) .....\$12.00
  - (2) Individual day use pass (5 consecutive days) .....\$48.00
  - (3) Individual day use pass (10 consecutive days) .....\$84.00
  - (4) Individual annual pass .....\$150.00
  - (5) Individual three-year pass .....\$400.00
- b. Youth (ages 7-17) individual passes:
- (1) Youth individual day use pass (single day) .....\$3.00
  - (2) Youth individual day use pass (5 consecutive days) ..... \$12.00
  - (3) Youth individual day use pass (10 consecutive days).....\$21.00
  - (4) Youth individual annual pass ..... \$50.00
- c. Two adult (Buddy) passes:
- (1) Two adult day use passes (single day) .....\$20.00
  - (2) Two adult day use passes (5 consecutive days) .....\$80.00
  - (3) Two adult day use passes (10 consecutive days) .....\$140.00
  - (4) Both adult passes must be used on the same day(s).
- d. Family passes (Two adults and all children (ages 7-17) that live at the same address):
- (1) Family annual pass .....\$300.00
  - (2) Family three-year pass .....\$600.00
- e. Group day use passes:
- (1) Day use passes for 10 to 19 individuals .....\$9.00/person
  - (2) Day use passes for 20 to 29 individuals .....\$7.00/person
  - (3) Day use passes for 30 or more individuals .....\$3.00/person
- f. Corporate passes:
- (1) Annual corporate pass (10 unassigned passes per day) ...\$3,000.00
- g. All annual passes for the Cameo Shooting and Education Complex are valid 365 days from the date of purchase.

14. It is unlawful for any person to transfer, sell, or assign any pass or permit issued by the Division, including special activity permits, campground use permits, and group picnic area permits, unless otherwise permitted by these regulations.

#### **#709 - REGISTRATION FEE SCHEDULE**

1. The fees for types of vessel registrations issued by the Division are as follows:
- a. Vessel registration (including annual resident registration and each rental vessel registration):
    - (1) For vessels less than twenty feet in length.....\$35.00
    - (2) For vessels twenty feet to less than thirty feet in length.....\$45.00
    - (3) For vessels thirty feet or more in length.....\$75.00
    - (a) Dealer registration for all vessels owned by a dealer which are operated for research, testing, experimentation, or demonstration purposes only:
      - (i) When the dealer sells twenty-five or fewer vessels within the preceding year.....\$45.00
      - (ii) When the dealer sells more than twenty-five vessels within the preceding year.....\$75.00
    - (b) Manufacturer registration for all vessels owned by a manufacturer which are operated for demonstration or testing purposes only.....\$25.00
    - (c) Nonresident annual vessel registration for a person from a state or country where registration is not permitted.....\$50.00
2. The fees for the types of snowmobile registrations issued by the Division are as follows:
- a. Snowmobile registration (including annual resident registration and each rental snowmobile).....\$30.00
  - b. Dealer registration for all snowmobiles owned by a snowmobile dealer which are operated for demonstration or testing purposes only:
    - (1) When the dealer sells twenty-five or fewer snowmobiles within the preceding year.....\$35.00
    - (2) When the dealer sells more than twenty-five snowmobiles within the preceding year.....\$60.00
  - c. Manufacturer registration for all snowmobiles owned by a manufacturer which are operated for research, testing, experimentation or demonstration purposes only.....\$35.00
  - d. Nonresident annual snowmobile permit.....\$30.00
3. The fees for the types of off-highway vehicle registrations issued by the Division are as follows:
- a. Off-highway vehicle registration and nonresident off-highway vehicle permit.....\$25.00

- b. Dealer registration for all off-highway vehicles owned by an off-highway vehicle dealer and operated for demonstration or testing purposes only:
  - (1) When the dealer sells twenty-five or less off-highway vehicles within the preceding year.....\$35.00
  - (2) When the dealer sells more than twenty-five off-highway vehicles within the preceding year.....\$60.00
- c. Manufacturer registration for off-highway vehicles owned by a manufacturer which are operated solely for research, testing, experimentation, or demonstration purposes..... \$35.00
- d. Registration for off-highway vehicles owned by a lessor for rental purposes only:
  - (1) When the lessor owns ten or less off-highway vehicles within the preceding year.....\$35.00
  - (2) When the lessor owns more than ten off-highway vehicles within the preceding year.....\$60.00
- 4. A duplicate vessel, snowmobile, or off-highway vehicle registration.....\$5.00

#### **#710 - Lone Mesa State Park Hunting Special Use Permit**

- 1. Purpose: This hunting management plan is designed to establish administration of hunting activities on Lone Mesa State Park.
- 2. Special Use Permit Procedure
  - a. Permit Numbers
    - (1) Colorado Parks and Wildlife (CPW) deems hunting activities on Lone Mesa State Park as those which currently require "special planning and/or scheduling for proper management." Therefore, CPW issues special use permits to visitors wishing to engage in hunting use of the park.
    - (2) The maximum number of approved Hunting Special Use Permits (HUPs) on Lone Mesa State Park at any one time during the following big game seasons is:
      - Archery: twenty (20)
      - Muzzle-loading: twelve (12)
      - 1<sup>st</sup> separate elk rifle: fifteen (15)
      - 2<sup>nd</sup> combined deer/elk rifle: twenty-five (25)
      - 3<sup>rd</sup> combined deer/elk rifle: thirty-five (35)
      - 4<sup>th</sup> combined deer/elk rifle: thirty-five (35)
    - (3) Each year, the Division, by action of the Park Manager, will allocate HUPs up to the maximums after evaluating harvest and other data in the interest of creating a high quality hunter opportunity consistent with wildlife objectives.



b. Permit Fees

- (1) Successful permit applicants shall pay the fee associated with their HUP (see fee schedule section b.5) at least thirty (30) days prior to any access to Lone Mesa State Park.
- (2) Upon payment of the fee and attendance of the mandatory orientation session, an HUP shall be issued to the applicant.
- (3) If an applicant who is successful in the drawing (see section c.7.) fails to pay the HUP fee, a permit will not be issued to them. The next qualified applicant on the drawing log (see section c. 8.), or the next first-come, first-served applicant will be offered an HUP.
- (4) If, at a later date, an applicant's payment of the HUP fee is found to be insufficient due to payment stops, insufficient funds or any other reason, an HUP will not be issued to them. And, if an HUP had been issued prior to CPW discovering the insufficient payment, that permit will be voided.
- (5) The schedule of fees associated with the HUP is as follows:
  - (a) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt during archery season, \$100.
  - (b) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt during archery season, \$200.
  - (c) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during muzzleloading season, \$100.
  - (d) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during muzzleloading season, \$200.
  - (e) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during muzzleloading season, \$200.
  - (f) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during muzzleloading season, \$300.
  - (g) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt elk during the first elk-only rifle season, \$150.
  - (h) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt elk during the first elk-only rifle season, \$250.
  - (i) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during the second, third, or fourth combined elk/deer rifle season, \$100.

- (j) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlerless elk and/or antlerless deer during the second, third, or fourth combined elk/deer rifle season, \$200.
  - (k) The fee for the HUP allowing Colorado residents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during the second, third, or fourth combined elk/deer rifle season, \$200.
  - (l) The fee for the HUP allowing Colorado nonresidents access to Lone Mesa State Park to hunt antlered elk and/or antlered deer during the second, third, or fourth combined elk/deer rifle season, \$300.
- (6) Only one access permit is required per hunter, per season. A hunter possessing valid licenses for multiple species among deer, elk and bear will pay the highest applicable permit fee and can hunt with all valid licenses. The HUP continues to be valid until termination of the permitted season or harvest of all valid deer, elk, and bear licenses in the hunter's possession, whichever comes first.

c. Allocation of Permits

- (1) Advertising: it shall be the responsibility of the park manager or his/her designee to advertise the availability of HUPs for Lone Mesa through normal media and internet formats.
- (2) Application requests: requests for the application for the HUP on Lone Mesa State Park can be made by contacting the Lone Mesa State Park office: 1321 Railroad Ave, PO Box 1047, Dolores, Colorado 81323, Phone: 970-533-7065, Fax: 970-882-4640, e-mail: **[lone.mesa.park@state.co.us](mailto:lone.mesa.park@state.co.us)**. Applications may also be accessed via the internet at **[www.cpw.state.co.us](http://www.cpw.state.co.us)**
- (3) Requests for permit applications shall be acted upon promptly, and an application for permit shall be mailed, faxed or e-mailed to the prospective permittee within five days of receiving the request.
- (4) Permit applications must be mailed, e-mailed, or faxed to the Lone Mesa State Park office at the above address prior to the application deadline. It is the applicant's responsibility to confirm receipt.
- (5) Permit applications will be secured by the park manager or his/her designee until the scheduled public drawing to be held at the Lone Mesa State Park office at least 60 days prior to the opening of the archery season. The public opening of applications will be advertised locally and to the applicants.
- (6) Once opened, the HUP applications will be checked for completeness, logged by applicant name, season desired, and application number, and a drawing "chip" - reflecting the application number- will be created for each complete and legible qualifying application.
- (7) Drawing: after applications are opened and logged in the application log, the drawing for successful applicants will take place. There will be drawings for each of the six big game seasons for which hunting will be permitted on Lone Mesa: archery, muzzleloading, 1<sup>st</sup> separate limited elk, 2<sup>nd</sup> combined deer and elk, 3<sup>rd</sup> combined deer and elk, and 4<sup>th</sup> combined deer and elk. Permits will be issued up to the numbers outlined in this regulation, #601.2.a.

- (8) The drawing will continue until all “chips” are drawn, and a drawing log will be completed which will list the applicants in the order drawn. The drawing log will be used to facilitate fair re-allocation of permits per the re-allocation of unused permits protocol (see section 3.c.).
- (9) Successful applicants will be notified of their success by mail via a letter of successful application, which shall include a summary of rules associated with the HUP (a complete list shall be provided with the permit during the required orientation and information for remittance of the HUP fee).

d. Reporting and Filing

- (1) All files pertaining to the HUP for Lone Mesa State Park will be stored at the Lone Mesa State Park office.
- (2) The park manager or designee will include a summary of hunting activity under permit on the park manager monthly report.
- (3) Revenues derived from the HUP fee will be deposited in the parks cash fund and reflected on the consignment usage/revenue report for the month such fees are deposited.

3. Field Enforcement Procedure

a. Possession of Permit

- (1) Copies of the permitted hunter list will be made available to commissioned CPW officers and the officers of other cooperating agencies in the interest of maintaining compliance with this plan.
- (2) It shall be the permittee's responsibility to adequately identify themselves as a permit holder when contacted while hunting in Lone Mesa State Park.

b. Statute and Regulation Compliance

- (1) Permit holders will be supplied a list of rules associated with the HUP upon issuance of the permit. Failure to comply with the rules of the permit may result in permit revocation.
- (2) Nothing in this plan or in the rules of the HUP shall imply or be construed to imply that HUP holders are exempt from any statute or regulation governing hunting, motor vehicle operation, conduct on a state park, or other activity in which the permit holder may engage while performing the activities allowed under the permit. These statutes and regulations include, but are not limited to:
  - (a) Permit holders must possess a valid license issued by CPW for the Game Management Unit, species, and season hunted.
  - (b) Vehicles involved in hunting-use of the park are required to display or carry a valid Colorado State Parks pass, unless the vehicle displays a Disabled Veteran license plate or a Purple Heart license plate.

c. Reallocation of Permits

- (1) Permit re-allocations may take place in the event a permittee is unable to engage in the activities of the permit for any reason, including sickness, death, hunting license revocation, permit revocation, park eviction, or simple changes in plans.
- (2) Re-allocations of HUPs will be conducted following this procedure:
  - (a) The park manager or designee will attempt to contact the next individual on the drawing log by phone.
  - (b) If the next individual is unable to be contacted upon the first call, the park manager or designee will continue down the drawing log until an individual can be contacted and notified of the availability of an HUP for Lone Mesa.
  - (c) If no hunter on the drawing log can be contacted, no applicant is qualified, or none is available to hunt the remainder of the season, the availability of the HUP will be advertised by the park manager or designee and the permit may be allocated on a first-come, first-served basis.
  - (d) Hunters who are contacted via the drawing log and who obtain or decline an HUP for Lone Mesa will have their name removed from the drawing log.
- (3) Re-allocated permits shall not be valid until payment of the HUP fee and attendance of the hunter orientation by the new permittee.

#### **#711 - GOLDEN GATE CANYON STATE PARK HUNTING SPECIAL USE PERMIT**

1. Purpose: this hunting management plan is designed to establish administration of hunting activities on the Green Ranch portion of Golden Gate Canyon State Park.
2. Special use permit procedure
  - A. Permit numbers
    - (1) Colorado Parks and Wildlife deems hunting activities on the Green Ranch portion of Golden Gate Canyon State Park as those which currently require "special planning and/or scheduling for proper management." Therefore, the Division issues special use permits to visitors wishing to engage in hunting on the Green Ranch portion of the park.
    - (2) The maximum number of approved hunting special use permits (HUPs) for the Green Ranch on Golden Gate Canyon State Park at any one time during the 2003 big game season is as follows:

Archery (pre-muzzleloading and post-muzzleloading): twenty (20)

Muzzle-loading: ten (10)

1st separate elk rifle: ten (10)

2nd combined deer/elk: ten (10)

3rd combined deer/elk: ten (10)

4th combined deer/elk: ten (10)

- (3) The number of HUPs allocated in each of the subsequent years will be determined by CPW after evaluating harvest and other data at the close of each year's hunting.

B. Application and permit fees

- (1) Each applicant must submit a \$10.00 application fee for each application submitted.
- (2) Successful permit application holders shall pay a special use permit fee of \$100, which must be received by Golden Gate Canyon State Park (address below) prior to any access to the Green Ranch.
- (3) Upon payment of the fee, a HUP for the Green Ranch shall be issued to the applicant.
- (4) If an applicant who is successful in the drawing (see section c.7) fails to pay the special use permit fee within 10 days prior to the start of the applicant's season, a permit will not be issued to them. The next qualified applicant on the alternate list (see section c.8) will be offered an HUP.
- (5) If, at a later date, an applicant's payment of the HUP fee is found to be insufficient due to payment stops, insufficient funds or any other reason, an HUP will not be issued to them. If an HUP had been issued prior to CPW discovering the insufficient payment, that permit will be voided.

C. Allocation of permits

- (1) Advertising: it shall be the responsibility of the park manager or his/her designee to advertise the availability of the HUPs for the Green Ranch through normal media and internet formats.
- (2) Application requests: requests for the application for the HUP for the Green Ranch can be made by sending a self-addressed stamped envelope (SASE) to Golden Gate Canyon State Park, Attn: Green Ranch Hunt: 92 Crawford Gulch Road, Golden, Colorado 80403, phone: 303 582-3707. Applications may also be accessed via the internet at [www.cpw.state.co.us](http://www.cpw.state.co.us)
- (3) Requests for permit applications shall be acted upon promptly, and an application for permit shall be mailed to the prospective applicant within five days of receiving the SASE.
- (4) Permit applications must be mailed to Golden Gate Canyon State Park at the above address and clearly marked "Green Ranch Hunt" on the envelope. All applications must be received by July 31st for the upcoming big game season.
- (5) Permit applications will be checked for completeness and require a copy of the hunting license, if applicable (for limited licenses). All complete and correct permit applications will be recorded for future use.
- (6) If additional information is needed to process the permit application, the park manager or his/her designee will make reasonable attempts to contact the applicant to rectify the application.

- (7) Drawing: the drawing will be held no later than the first Sunday in August. There will be one random drawing for each of the six seasons on the Green Ranch: pre-muzzleloading archery, muzzleloading, post-muzzleloading archery, 1st separate limited elk, 2nd combined deer and elk, 3rd combined deer and elk, and 4th combined deer and elk. Permits will be issued up to the numbers outlined in this regulation, #711.2.a.
- (8) Up to fourteen names will be drawn for each of the hunting seasons; a maximum of ten for the "hunter list" and four "alternates" for each season. If one of the hunters drawn does not wish to accept the HUP, an alternate will be contacted in the consecutive order that they were drawn.
- (9) Successful applicants will be notified of their success by mail via a letter of successful application, which shall include a summary of rules associated with the HUP (a complete list to be provided with the permit during the required orientation) and information for remittance of the special use permit fee.

D. Reporting and filing

- (1) All files pertaining to the HUP for the Golden Gate Canyon State Park Green Ranch will be stored at the Golden Gate Canyon State Park office.
- (2) The park manager or his/her designee will include a summary of hunting activity under permit on the park manager monthly report.
- (3) Revenues derived from the HUP and application fee will be deposited in the parks cash fund and reflected on the consignment usage/revenue report for the month such fees are deposited.

3. Field enforcement procedure

A. Possession of permit

- (1) Copies of the "hunter list" will be made available to commissioned CPW officers and the officers of other cooperating agencies in the interest of maintaining compliance with this plan.
- (2) It shall be the permittee's responsibility to carry the access permit with them while hunting the Green Ranch portion of Golden Gate Canyon State Park.

B. Statute and regulation compliance

- (1) Permit holders will be supplied a list of rules associated with the HUP upon issuance of the permit. Failure to comply with rules of the permit may result in permit revocation.
- (2) Nothing in this hunting management plan or in the rules of the special use permit shall imply or be construed to imply that HUP holders are exempt from any statute or regulation governing hunting, motor vehicle operation, conduct on a state park, or other activity in which the permit holder may engage while performing the activities allowed under the permit. These statutes and regulations include, but are not limited to:
  - (a) Permit holders must possess a valid hunting license issued by CPW for the game management unit, species and season hunted.

- (b) Vehicle involved in hunting-use on the Green Ranch are required to display or carry a valid Colorado State Parks pass, unless the vehicle displays a disabled veteran license plate or a Purple Heart license plate.

C. "Alternate" system

- (1) Alternate hunters may be contacted in the event a permittee is unable to engage in the activities of the permit for any reason, including sickness, death, hunting license revocation, permit revocation, park eviction or simple changes in plans.
- (2) Alternates will be contacted in the following manner:
  - (a) The park manager or his/her designee will attempt to contact the next individual on the alternate list by phone.
  - (b) If the next individual is unable to be contacted upon the first call, the park manager or his/her designee will continue down the alternate list until an individual can be contacted and notified of the availability of an HUP for the Green Ranch.
  - (c) If no hunter on the alternate list can be contacted, the park manager or his/her designee will return to the applicant pool of the individual season and randomly draw up to four more alternates. This process will be continued until the hunting slot is filled by a qualified applicant.
  - (d) If no hunter can be contacted, no applicant is qualified, or none is available to hunt the remainder of the season, the availability of the HUP will be advertised by the park manager or his/her designee and the permit may be issued on a first-come, first-served basis.
  - (e) Hunters who are contacted via the hunting list or alternate list and who obtain or decline a HUP for the Green Ranch will have their name removed from the applicant pool.
- (2) Alternate permits shall not be valid until payment of the HUP and application fee are made by the new permittee.

D. Refund policy

- (1) Refunds will only be provided according to the current pass refund policy of the Division and by relinquishing the HUP for the Green Ranch before the opening day of the season for which the permit is valid.

**#712 – FEE WAIVERS, SPONSORSHIPS, MARKETING DISCOUNTS AND REDUCED RATE CAMPING**

- 1. As referenced in this chapter, "Park Product" means any entry pass, permit, facility, event or other user fee as defined in regulation # 700 through # 701, # 703 through # 708 and #710 through #711.
- 2. Park product fees may be waived for errors committed by the Division.
- 3. Park product fees may be waived by the Division for Division sponsored education, outreach, volunteer or safety activities (events); for supporting partner activities (events) and research activities that directly support the Division; for official business by other governmental agencies conducted on a state recreation area or state park or for Division administrative purposes.

4. The Division may waive entry fees as described in regulation # 700 through # 701 up to four days annually to market and increase awareness of state recreation areas and state parks.
5. Park Managers may provide any combination of park product(s) up to \$500 in value per fiscal year, per park, to be used as a sponsorship as a part of a fundraiser, promotion or marketing effort for local community supporting partners.
6. Region Offices and the Creative Services and Marketing Office may provide up to twenty annual affixed vehicle passes and twenty state parks annual transferable passes as defined in regulation # 700-3.b and #700-3.c. per fiscal year, per office, to be used as part of a regional or statewide fundraiser, promotion or marketing effort. In addition, Region Offices and the Creative Services and Marketing Office may provide daily vehicle passes as defined in regulation # No. 700-4 up to \$500 in value per fiscal year, per office, to be used as part of a regional or statewide fundraiser, promotion or marketing effort.
7. The Division may offer discounts up to 50 percent off established fees for annual affixed vehicle and daily vehicle passes as defined in regulation # 700-3 through # 700-4 as part of a consistent statewide effort to market state recreation areas and state parks.
8. Annual affixed vehicle passes or state parks annual transferable passes purchased in large quantities during a single sale, transaction will be discounted as follows.
  - (a) Twenty or more passes, but less than fifty.....20% discount
  - (b) Fifty or more passes, but less than one hundred.....25% discount
  - (c) One hundred passes or more.....30% discount
9. Notwithstanding the established campground fees, the Region Manager may lower a campground's classification by one class, and consequently lower the campground fee, when the Region Manager determines that it is necessary to do so based upon one or more of the following criteria:
  - (a) A significant increase in the vacancy rate for the campground exists.
  - (b) A significant need to rehabilitate the campground facilities exists.
  - (c) A temporary closure of campground facilities is necessary in order to implement repairs.

Upon a determination by the Region Manager that the cause for lowering the campground classification has been abated, the original campground classification will be reinstated.
10. Notwithstanding the established campground, cabin and yurt fees, the Regional Manager may reduce the fees for use of all campsites, cabins and yurts when determined necessary to encourage occupancy and otherwise increase use, up to 50 percent.
11. Notwithstanding the established event facility permit fees, the Regional Manager may offer half-day facility rentals and reduce the fees for use of event facilities when determined necessary to encourage occupancy and otherwise increase use, up to 50 percent.
12. Individuals possessing a valid Aspen Leaf annual pass per regulation # 705, a Columbine, Centennial, Blue Spruce, Independence, or Volunteer individual pass holder per regulation # 701 who is 64 years of age or older, or residents of Colorado with a Keep Colorado Wild annual pass per regulation #700 who are 64 years of age or older and have manually linked their pass to their CPW Shop account annually shall receive campground use permits at a reduced rate equal to the



current Aspen Leaf pass holder camping permit rate. This reduced rate applies to all nights of the year when such areas are open, except weekend nights and the night before a legal holiday. For the purpose of determining reduced rate campground permit eligibility, "weekend" night means the time period beginning at 12 noon on Friday through 12 noon on Sunday, and the night before a legal "Holiday" shall mean the time period beginning at 12 noon on the day prior to the legal holiday through 12 noon of the legal holiday. The discount is only valid for a single campsite per day, per pass holder. The pass holder must hold a pass that qualifies them for the reduced rate at both the time of reservation and at the time of occupancy. The pass holder must also be the one to make the reservation and be an occupant of the campsite for the entirety of the reservation.

The camping permit reduced fees associated with the Aspen Leaf annual pass are identified in regulation # 708.

**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: 2022-00411

**Opinion of the Attorney General rendered in connection with the rules adopted by the**  
**Colorado Parks and Wildlife (405 Series, Parks)**

**on 09/08/2022**

**2 CCR 405-7**

**CHAPTER P-7 - PASSES, PERMITS AND REGISTRATIONS**

The above-referenced rules were submitted to this office on 09/14/2022 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.

September 22, 2022 13:30:01

A handwritten signature in blue ink, appearing to read "P. J. Weiser", is written over a horizontal line.

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

**Department**

Department of Transportation

**Agency**

Transportation Commission and Office of Transportation Safety

**CCR number**

2 CCR 601-22

**Rule title**

2 CCR 601-22 RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING  
PROCESS AND TRANSPORTATION PLANNING REGIONS 1 - eff 10/30/2022

**Effective date**

10/30/2022

## DEPARTMENT OF TRANSPORTATION

### Transportation Commission

## RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND TRANSPORTATION PLANNING REGIONS

### 2 CCR 601-22

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#### 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 transportation 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.

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- 1.04 Baseline – For each MPO area and for the Non-MPO areas of the state, for each of the model years 2025, 2030, 2040, and 2050: the GHG emissions, in million metric tons (MMT), produced by the most recently adopted model for that area, together with the current EPA-approved version of MOVES or its successors in the format currently run by APCD, resulting from modeling the MPO RTP or CDOT 10-year plan adopted as of January 30, 2022.

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- 1.34 Multimodal Transportation and Mitigation Options Fund (MMOF) - a program created in the State Treasury pursuant to § 43-4-1103, C.R.S. which funds bicycle, pedestrian, transit and other Multimodal projects as defined in § 43-4-1102(5), C.R.S. and GHG Mitigation projects as defined in § 43-4-1102(4.5), C.R.S.

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- 1.44 State Interagency Consultation Team - consists of the Division Director or the Division Director's designee, the Colorado Department of Public Health and Environment (CDPHE) Director of Air Pollution Control Division or the Director's designee, the Director of each MPO or their designee, and the Colorado Energy Office Director or Director's designee. The Division Director shall appoint a rural TPR Chair with experience with and representing rural planning interests and may appoint this member and additional member(s) from outside of these organizations to renewable terms of three (3) years. The State Interagency Consultation Team works collaboratively and consults appropriately to approve modifications to Regionally Significant definitions, and address classification of projects as Regionally Significant, modeling assumptions, and projects that reduce GHG emissions.

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#### 8.02.5 Timing for Determining Compliance

- 8.02.5.1 By October 1, 2022, CDOT shall update their 10-Year Plan and DRCOG and NFRMPO shall update their RTPs and meet the reduction levels in Table 1 or MMOF will be restricted pursuant to § 43-4-1103, C.R.S. and the restrictions set forth in Rule 8.02.6.4, as applicable, shall also apply.

- 8.02.5.2 CDOT must for each Applicable Planning Document, adopted or amended after October 1, 2022, meet either the reduction levels within Table 1 for Non-MPO areas or the requirements as set forth in Rule 8.02.6.4.1.

- 8.02.5.3 MPOs must for each Applicable Planning Document adopted or amended after October 1, 2022, meet either the corresponding reduction levels within Table 1, or the relevant MPO and CDOT each must meet the requirements as set forth in Rule 8.02.6.4.2 or Rule 8.02.6.4.3, as applicable. This provision shall not apply to MPO TIP Amendments.

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- 8.02.6.4 If an Applicable Planning Document does not meet the GHG Reduction Levels as described in Rule 8.02.6.1, the GHG Transportation Report may be deemed in compliance if certain funds are restricted as applicable in this section.

- 8.02.6.4.1 In Non-MPO areas the Department shall award 10-Year Plan funds anticipated to be expended on Regionally Significant Projects on projects or approved GHG Mitigation Measures that reduce GHG emissions as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

- 8.02.6.4.2 In MPO areas that are not in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.6.4.3 In MPO areas that are in receipt of federal suballocations pursuant to the CMAQ and/or STBG programs, the MPO shall award those funds anticipated to be expended on projects or approved GHG Mitigation Measures that reduce GHG emissions, and the Department shall award 10-Year Plan funds on projects or approved GHG Mitigation Measures as necessary to achieve the GHG Reduction Levels in MMT of CO<sub>2</sub>e for each compliance year in Table 1.

8.02.6.4.4 The restrictions in Rule 8.02.6.4 do not apply to projects which have been advertised for construction with funding identified prior to the adoption of the Applicable Planning Document or are not contained in an Applicable Planning Document.

8.02.6.4.5 The restrictions in 8.02.6.4 do not apply to funding sources where adherence to those restrictions would violate federal or state statutory requirements for those funding sources.

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8.05.2 If the Commission determines, by resolution, the requirements of Rule 8.02.6 have not been met, the Commission shall restrict the use of funds pursuant to Rule 8.02.6.4, as applicable, to projects and approved GHG Mitigation Measures that reduce GHG emissions. Prior to the implementation of such restriction, an MPO, CDOT (upon concurrence with the applicable MPO) or a TPR in a Non-MPO area, may, pursue one or both of the following actions.

8.05.2.1 Request a waiver from the Commission imposing restrictions on specific projects not expected to reduce GHG emissions.

8.05.2.1.1 By April 1, 2022, CDOT staff in consultation with the MPOs shall develop a waiver form for use by CDOT, MPOs, or TPRs when requesting a waiver.

8.05.2.1.2 A waiver may be requested at any time, including concurrently with the submission of a GHG Transportation Report.

8.05.2.1.3 The Commission may waive the restrictions on specific projects when applicants use CDOT's waiver form that specifies the GHG Transportation Report reflected significant effort and priority placed, in total, on projects and GHG Mitigation Measures that reduce GHG emissions.

8.05.2.1.4 In no case shall a waiver be granted if such waiver results in a substantial increase in GHG emissions when compared to the required GHG Reduction Levels in this Rule.

8.05.2.2 Request reconsideration of a non-compliance determination by the Commission and provide written explanation of how the requirements of Rule 8.02.6 have been met.

8.05.3 The Commission shall act, by resolution, on a waiver or reconsideration request within thirty (30) days of receipt of the waiver or reconsideration request or at the next regularly scheduled Commission meeting, whichever is later.

8.05.4 Notwithstanding any other provision of this Rule, CDOT, DRCOG and NFRMPO must meet the requirements of § 43-4-1103, C.R.S.

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9.02 Also incorporated by reference are the following federal laws and regulations and do not include any later amendments:

9.02.1 Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, et. seq., in effect as of January 1, 2009.

9.02.2 Clean Air Act (CAA), 42 U.S.C. §§ 7407-7410, and 7505a, in effect as of November 15, 1990.

9.02.3 Transportation Conformity Regulations, 40 C.F.R. § 93.101, in effect as of November 24, 1993.

\*\*\*\*\*

**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: 2022-00389

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Transportation Commission and Office of Transportation Safety

**on 09/15/2022**

2 CCR 601-22

**RULES GOVERNING STATEWIDE TRANSPORTATION PLANNING PROCESS AND  
TRANSPORTATION PLANNING REGIONS**

The above-referenced rules were submitted to this office on 09/15/2022 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.

September 29, 2022 08:59:59

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 Regulatory Agencies

### **Agency**

Division of Insurance

### **CCR number**

3 CCR 702-4 Series 4-1

### **Rule title**

3 CCR 702-4 Series 4-1 LIFE, ACCIDENT AND HEALTH, Series 4-1 Life Insurance 1 -  
eff 11/01/2022

### **Effective date**

11/01/2022

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-4

#### LIFE, ACCIDENT AND HEALTH

##### Amended Regulation 4-1-11

#### CONCERNING BEST INTEREST OBLIGATIONS AND SUPERVISION IN ANNUITY TRANSACTIONS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Duties of Insurers and Producers
Section 6	Producer Training
Section 7	Recordkeeping
Section 8	Incorporated Materials
Section 9	Severability
Section 10	Enforcement
Section 11	Effective Date
Section 12	History
Appendix A	Producer Disclosure For Annuities
Appendix B	Consumer Refusal to Provide Information
Appendix C	Consumer Decision to Purchase an Annuity Not Based on a Recommendation

##### **Section 1 Authority**

This regulation is issued under the authority of §§ 10-1-109(1), 10-2-104, and 10-3-1110(1), Colorado Revised Statutes.

##### **Section 2 Scope and Purpose**

The purpose of this regulation is to require producers, as defined in this regulation, to act in the best interest of the consumer when making a recommendation of an annuity and to require insurers to establish and maintain a system to supervise recommendations so that the insurance needs and financial objectives of consumers at the time of the transaction are effectively addressed.

##### **Section 3 Applicability**

- A. This regulation shall apply to any sale or recommendation of an annuity.
- B. Unless otherwise specifically included, this regulation shall not apply to recommendations involving:
  - 1. Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this regulation; and
  - 2. Contracts used to fund:

- a. An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);
- b. A plan described by sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code (IRC), as amended, if established or maintained by an employer;
- c. A government or church plan defined in section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the IRC;
- d. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

3. Settlements of, or assumptions of, liabilities associated with personal injury litigation or any dispute or claim resolution process; or

4. Formal prepaid funeral contracts.

- C. Nothing herein shall be construed to create or imply a private cause of action for a violation of this regulation or subject a producer to civil liability under the best interest standard of care outlines in Section 5 of this regulation or under standards governing the conduct of a fiduciary or a fiduciary relationship.

#### **Section 4 Definitions**

- A. "Annuity" means an annuity that is an insurance product under state law that is individually solicited, whether the product is classified as an individual or group annuity.
- B. "Cash compensation" means any discount, concession, fee, service fee, commission, sales charge, loan override, or cash benefit received by a producer in connection with the recommendation or sale of an annuity from an insurer, intermediary, or directly from the consumer.
- C. "Colorado Securities Act" means article 51, title 11 of the Colorado Revised Statutes
- D. "Continuing Education credit" means one (1) credit hour as defined in Colorado Insurance Regulation 1-2-4, section 4.B.
- E. "Consumer profile information" means information that is reasonably appropriate to determine whether a recommendation addresses the consumer's financial situation, insurance needs and financial objectives, including, at a minimum, the following:
  - 1. Age;
  - 2. Annual income
  - 3. Financial situation and needs, including debts and other obligations;
  - 4. Financial experience;
  - 5. Insurance needs;
  - 6. Financial objectives;

7. Intended use of the annuity;
  8. Financial time horizon;
  9. Existing assets or financial products, including investment, annuity and insurance holdings;
  10. Liquidity needs;
  11. Liquid net worth;
  12. Risk tolerance, including but not limited to, willingness to accept non-guaranteed elements in the annuity;
  13. Financial resources used to fund the annuity; and
  14. Tax status.
- F. "Continuing education provider" means an individual or entity that is offering continuing education courses pursuant to Colorado Insurance Regulation 1-2-4, Section 5.C.
- G. "FINRA" means the Financial Industry Regulatory Authority or a succeeding agency.
- H. "Insurer" has the same meaning as the definition found in § 10-1-102(13), C.R.S.
- I. "Intermediary" means an entity contracted directly with an insurer or with another entity contracted with an insurer to facilitate the sale of the insurer's annuities by producers.
1. "Material conflict of interest" means a financial interest of the producer in the sale of an annuity that a reasonable person would expect to influence the impartiality of a recommendation.
  2. "Material conflict of interest" does not include cash compensation or non-cash compensation.
- J. "Non-cash compensation" means any form of compensation that is not cash compensation, including, but not limited to, health insurance, office rent, office support and retirement benefits.
- K. "Non-guaranteed elements" means the premiums, credited interest rates (including any bonus), benefits, values, dividends, non-interest based credits, charges or elements of formulas used to determine any of these, that are subject to insurers discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying non-guaranteed elements are used in its calculation.
- L. "Producer" means a person or entity required to be licensed in accordance with § 10-2-401, C.R.S. to sell, solicit or negotiate insurance, including annuities. For purposes of this regulation, "producer" includes an insurer where no producer is involved.
- M. "Recommendation" means advice provided by a producer to an individual consumer that was intended to result or does result in a purchase, an exchange or a replacement of an annuity in accordance with that advice. Recommendation does not include general communication to the public, generalized customer services assistance or administrative support, general educational information and tools, prospectuses, or other product and sales material.

- N. "Replacement" means a transaction in which a new annuity is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer whether or not a producer is involved, that by reason of the transaction, an existing annuity or other insurance policy has been or is to be any of the following:
1. Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer or otherwise terminated;
  2. Converted to reduced paid-up insurance, continued as extended term insurance or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;
  3. Amended so as to effect either a reduction in benefits or in the terms for which coverage would otherwise remain in force or for which benefits would be paid;
  4. Reissued with any reduction in cash value; or
  5. Used in a financed purchase.
- O. "SEC" means the United State Securities and Exchange Commission.

## **Section 5      Duties of Insurers and Producers**

- A. Best Interest Obligations: A producer, when making a recommendation of an annuity, shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the producer's or the insurer's financial interest ahead of the consumer's interest. A producer has acted in the best interest of the consumer if they have satisfied the following obligations regarding care, disclosure, conflict of interest and documentation:
1. Care Obligation.
    - a. The producer, in making a recommendation shall exercise reasonable diligence, care and skill to:
      - (1) Know the consumer's financial situation, insurance needs and financial objectives;
      - (2) Understand the available recommendation options after making a reasonable inquiry into options available to the producer;
      - (3) Have a reasonable basis to believe the recommended option effectively addresses the consumer's financial situation, insurance needs and financial objectives over the life of the product, as evaluated in light of the consumer profile information; and
      - (4) Communicate the basis or bases of the recommendation.
    - b. The requirements under Section 5.A.1.a. include making reasonable efforts to obtain consumer profile information from the consumer prior to the recommendation of an annuity.
    - c. The requirements under Section 5.A.1.a. require a producer to consider the types of products the producer is authorized and licensed to recommend or sell that address the consumer's financial situation, insurance needs and financial objectives. This does not require analysis or consideration of any products

outside the authority and license of the producer or other possible alternative products or strategies available in the market at the time of the recommendation. Producers shall be held to standards applicable to producers with similar authority and licensure.

- d. The requirements under this Section 5.A.1 do not create a fiduciary obligation or relationship and only create a regulatory obligation as established in this regulation.
- e. The consumer profile information, characteristics of the insurer, and product costs, rates, benefits and features are those factors generally relevant in making a determination whether an annuity effectively addresses the consumer's financial situation, insurance needs and financial objectives, but the level of importance of each factor under the care obligation of Section 5.A.1. may vary depending on the facts and circumstances of a particular case. However, each factor may not be considered in isolation.
- f. The requirements under Section 5.A.1.a. include having a reasonable basis to believe the consumer would benefit from certain features of the annuity, such as annuitization, death or living benefit or other insurance-related features.
- g. The requirements under Section 5.A.1.a. apply to the particular annuity as a whole and the underlying subaccounts to which funds are allocated at the time of purchase or exchange of an annuity, and riders and similar product enhancements, if any.
- h. The requirements under Section 5.A.1.a. do not mean the annuity with the lowest one-time or multiple occurrence compensation structure shall necessarily be recommended.
- i. The requirements under Section 5.A.1.a. do not mean the producer has ongoing monitoring obligations under the care obligation under this Section 5.A.1., although such an obligation may be separately owed under the terms of a fiduciary, consulting, investment advising or financial planning agreement between the consumer and the producer.
- j. In the case of an exchange or replacement of an annuity, the producer shall consider the whole transaction, which includes taking into consideration whether:
  - (1) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits, such as death, living or other contractual benefits, or be subject to increased fees, investment advisory fees or charges for riders and similar product enhancements;
  - (2) The replacing product would substantially benefit the consumer in comparison to the replaced product over the life of the product; and
  - (3) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding 60 months.
- k. Nothing in this regulation should be construed to require a producer to obtain any license other than a producer license with the appropriate line of authority to sell, solicit or negotiate insurance in this state, including but not limited to any securities license, in order to fulfill the duties and obligations contained in this

regulation; provided the producer does not give advice or provide services that are otherwise subject to securities laws or engage in any other activity requiring other professional licenses.

2. Disclosure obligation.

- a. Prior to the recommendation or sale of an annuity, the producer shall prominently disclose to the consumer on a form substantially similar to Appendix A:
  - (1) A description of the scope and terms of the relationship with the consumer and the role of the producer in the transaction;
  - (2) An affirmative statement on whether the producer is licensed and authorized to sell the following products:
    - (a) Fixed annuities;
    - (b) Fixed indexed annuities;
    - (c) Variable annuities;
    - (d) Life insurance;
    - (e) Mutual funds;
    - (f) Stocks and bonds;
    - (g) Certificates of deposit.
  - (3) An affirmative statement describing the insurers the producer is authorized, contracted (or appointed), or otherwise able to sell insurance products for, using the following descriptions:
    - (a) From one insurer;
    - (b) From two or more insurers; or
    - (c) From two or more insurers although primarily contracted with one insurer.
  - (4) A description of the sources and types of cash compensation and non-cash compensation to be received by the producer, including whether the producer is to be compensated for the sale of a recommended annuity by commission as part of premium or other remuneration received from the insurer, intermediary or other producer or by fee as a result of a contract for advice or consulting services; and
  - (5) A notice of the consumer's right to request additional information regarding cash compensation described in Section 5.A.2.b.
- b. Upon request of the consumer or the consumer's designated representative, the producer shall disclose:

- (1) A reasonable estimate of the amount of cash compensation to be received by the producer, which may be stated as a range of amounts or percentages; and
    - (2) Whether the cash compensation is a one-time or multiple occurrence amount, and if a multiple occurrence amount, the frequency and amount of the occurrence, which may be stated as a range of amounts or percentages; and
  - c. Prior to or at the time of the recommendation or sale of an annuity, the producer shall have a reasonable basis to believe the consumer has been informed of various features of the annuity such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders or annuitizes the annuity, mortality and expense fees, investment advisory fees, any annual fees, potential charges for and features of riders or other options of the annuity, limitations on interest returns, potential changes in non-guaranteed elements of the annuity, insurance and investment components, and market risk.
3. Conflict of interest obligation. A producer shall identify and avoid or reasonably manage and disclose material conflicts of interest, including material conflicts of interest related to an ownership interest.
4. Documentation obligation. A producer shall at the time of recommendation or sale:
  - a. Make a written record of any recommendation and the basis for the recommendation subject to this regulation;
  - b. Obtain a consumer signed statement on a form substantially similar to Appendix B documenting:
    - (1) A customer's refusal to provide the consumer profile information, if any; and
    - (2) A customer's understanding of the ramifications of not providing his or her consumer profile information or providing insufficient consumer profile information; and
  - c. Obtain a consumer signed statement on a form substantially similar to Appendix C acknowledging the annuity transaction is not recommended if a customer decides to enter into an annuity transaction that it not based on the producer's recommendation.
5. Application of the best interest obligation. Any requirement applicable to a producer under this Section 5.A.5. shall apply to every producer who has exercised material control or influence in the making of a recommendation and has received direct compensation as a result of the recommendation or sale, regardless of whether the producer has had any direct contact with the consumer. Activities such as providing or delivering marketing or educational materials, product wholesaling or other back office product support, and general supervision of a producer do not, in and of themselves, constitute material control or influence.

B. Transactions not based on a recommendation.



1. Except as provided under Section 5.B.2., a producer shall have no obligation to a consumer under Section 5.A.1. related to any annuity transaction if:
  - a. No recommendation is made;
  - b. A recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer;
  - c. A consumer refuses to provide relevant consumer profile information and the annuity transaction is not recommended; or
  - d. A consumer decides to enter into an annuity transaction that is not based on a recommendation of the producer.
2. An insurer's issuance of an annuity subject to Section 5.B.1. shall be reasonable under all the circumstances actually known to the insurer at the time the annuity is issued.

C. Supervision system.

1. Except as permitted under Section 5.B. an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the particular consumer's financial situation, insurance needs and financial objectives based on the consumer's consumer profile information.
2. An insurer shall establish and maintain a supervision system that is reasonably designed to achieve the insurer's and its producers' compliance with this regulation, including, but not limited to, the following:
  - a. The insurer shall establish and maintain reasonable procedures to inform its producers of the requirements of this regulation and shall incorporate the requirements of this regulation into relevant producer training materials;
  - b. The insurer shall establish and maintain standards for producer product training and shall establish and maintain reasonable procedures to require its producers to comply with the requirements of Section 6;
  - c. The insurer shall provide product-specific training and training materials, which explain all material features of its annuity products to its producers;
  - d. The insurer shall establish and maintain procedures for the review of each recommendation prior to issuance of an annuity that are designed to ensure there is a reasonable basis to determine that the recommended annuity would effectively address the particular consumer's financial situation, insurance needs and financial objectives. Such review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means including, but not limited to, physical review. Such an electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;
  - e. The insurer shall establish and maintain reasonable procedures to detect recommendations that are not in compliance with Sections 5.A., 5.B., 5.D. and 5.E. E. This may include, but is not limited to, confirmation of the consumer's consumer profile information, systematic customer surveys, producer and consumer interviews, confirmation letters, producer statements or attestations

and programs of internal monitoring. Nothing in Section 5.C.2.e. prevents an insurer from complying with Section 5.C.2.e. by applying sampling procedures, or by confirming the consumer profile information or other required information under this section after issuance or delivery of the annuity;

- f. The insurer shall establish and maintain reasonable procedures to assess, prior to or upon issuance or delivery of an annuity, whether a producer has provided to the consumer the information required to be provided under this section;
- g. The insurer shall establish and maintain reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information;
- h. The insurer shall establish and maintain reasonable procedures to identify and eliminate any sales contests, sales quotas, bonuses, and non-cash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of Section 5.C.2.h. are not intended to prohibit the receipt of health insurance, office rent, office support, retirement benefits or other employee benefits by employees as long as those benefits are not based upon the volume of sales of a specific annuity within a limited period of time; and
- i. The insurer shall annually provide a written report to senior management, including to the senior manager responsible for the audit functions, which details a review, with appropriate testing, reasonably designed to determine the effectiveness of the supervision system, the exceptions found, and the corrective action taken or recommended, if any.

3. Contracting of supervisory duties.

- a. Nothing in Section 5.C. restricts an insurer from contracting for performance of a function (including maintenance of procedures) required Section 5.C. An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to section 10 of this regulation regardless of whether an insurer contracts for performance of a function and regardless of the insurer's compliance with Section 5.C.3.b. of Section 5.C.3.
- b. An insurer's supervision system under Section 5.C., shall include supervision of contractual performance under this Section 5.C. This includes, but is not limited to, the following:
  - (1) Monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed; and
  - (2) Annually obtaining a certification from a senior manager, who has responsibility for the contracted function, which states that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.

4. An insurer is not required to include, in its system of supervision:

- a. A producer's recommendations to consumers of products other than the annuities offered by the insurer; or
- b. Consideration of or comparison to options available to the producer or compensation relating to those options other than annuities or other products offered by the insurer.

D. Prohibited Practices. Neither a producer nor an insurer shall dissuade, or attempt to dissuade, a consumer from:

1. Truthfully responding to an insurer's request for confirmation of the consumer profile information;
2. Filing a complaint; or
3. Cooperating with the investigation of a complaint.

E. Safe harbor.

1. Recommendations and sales of annuities made in compliance with comparable standards shall satisfy the requirements under this regulation. This Section 5.E. applies to all recommendations and sales of annuities made by financial professionals in compliance with business rules, controls and procedures that satisfy a comparable standard even if such standard would not otherwise apply to the product or recommendation at issue. However, nothing in this subsection shall limit the insurance commissioner's ability to investigate and enforce the provisions of this regulation.
2. Nothing in Section 5.E.1. shall limit the insurer's obligation to comply with Section 5.C.1. of this regulation, although the insurer may base its analysis on information received from either the financial professional or the entity supervising the financial professional.
3. For Section 5.E.1. to apply, an insurer shall:
  - a. Monitor the relevant conduct of the financial professional seeking to rely on Section 5.E.1. or the entity responsible for supervising the financial professional, such as the financial professional's broker-dealer or an investment adviser registered under federal securities laws or the Colorado Securities Act using information collected in the normal course of the insurer's business; and
  - b. Provide to entity responsible for supervising the financial professional seeking to rely on Section 5.E.1. such as the financial professional's broker-dealer or investment adviser registered under federal securities laws or the Colorado Securities Act, information and reports that are reasonably appropriate to assist such entity to maintain its supervision system.
4. For purposes of this Section 5.E., "financial professional" means a producer that is regulated and acting as:
  - a. A broker-dealer registered under federal securities laws or the Colorado Securities Act or a registered representative of a broker-dealer;
  - b. An investment adviser registered under federal securities laws or the Colorado Securities Act or an investment adviser representative associated with a federal or Colorado registered investment adviser; or
  - c. A plan fiduciary under Section 3(21) of the Employee Retirement Income Security Act of 1974 (ERISA) or fiduciary under Section 4975(e)(3) of the Internal Revenue Code (IRC) or any amendments or successor statutes thereto.
5. For purposes of this Section 5.E. "comparable standards" means:

- a. With respect to broker-dealers and registered representatives of broker-dealers, applicable SEC and FINRA rules pertaining to best interest obligations and supervision of annuity recommendations and sales, including, but not limited to, Regulation Best Interest and any amendments or successor regulations thereto;
  - b. With respect to investment advisers registered under federal securities laws or investment adviser representatives, the fiduciary duties and all other requirements imposed on such investment advisers or investment adviser representatives by contract or under the Investment Advisers Act of 1940, or Colorado Securities Act, including but not limited to, the Form ADV and interpretations; and
  - c. With respect to plan fiduciaries or fiduciaries, means the duties, obligations, prohibitions and all other requirements attendant to such status under ERISA or the IRC and any amendments or successor statutes thereto.
- F. The requirements of Section 5 are intended to supplement and not replace the disclosure requirements in Colorado Insurance Regulation 4-1-12.

## **Section 6      Producer Training**

- A. A producer shall not solicit the sale of an annuity product unless the producer has adequate knowledge of the product to recommend the annuity and the producer is in compliance with the insurer's standards for product training. A producer may rely on insurer-provided product-specific training standards and materials to comply with this Section 6.A.
- B. Training requirement.
- 1. Initial requirement.
    - a. A producer who engages in the sale of annuity products shall complete a one-time four (4) credit hour training course approved by the Division of Insurance and provided by a Division of Insurance-approved continuing education provider.
    - b. Producers who hold a life insurance line of authority on the effective date of this Colorado Insurance Regulation 4-1-11 and who desire to sell annuities shall complete the requirements of this Section 6.B. within six (6) months after the effective date of this Colorado Insurance Regulation 4-1-11. Individuals who obtain a life insurance line of authority on or after the effective date of this Colorado Insurance Regulation 4-1-11 may not engage in the sale of annuities until the annuity training required under this subsection has been completed.
  - 2. The minimum length of the training required under this Section 6.B. shall be sufficient to qualify for a least four (4) continuing education credits, but may be longer.
  - 3. The training required under this Section 6.B. shall include information on the following topics:
    - a. The types of annuities and various classifications of annuities;
    - b. Identification of the parties to an annuity;
    - c. How product specific annuity contract features affect consumers;
    - d. The application of income taxation of qualified and non-qualified annuities;

- e. The primary uses of annuities; and
  - f. Appropriate standard of conduct, sales practices, replacement and disclosure requirements.
- 4. Providers of courses intended to comply with this Section 6.B. shall cover all topics listed in the prescribed outline and shall not present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products. Additional topics may be offered in conjunction with and in addition to the required outline.
  - 5. A provider of an annuity training course intended to comply with this Section 6.B. shall register as a continuing education provider in Colorado and comply with the rules and guidelines applicable to continuing education courses as set forth in Colorado Insurance Regulation 1-2-4, Section 5.C.
  - 6. A producer who has completed an annuity training course approved by the Division of Insurance prior to the effective date of this amended regulation shall, within six (6) months, complete either:
    - a. A new four (4) credit training course approved by the Division of Insurance; or
    - b. An additional one-time one (1) credit training course approved by the Division of Insurance and provided by the Division of Insurance-approved education provider on appropriate sales practices, replacement and disclosure requirements under this amended regulation.
  - 7. Annuity training courses may be conducted and completed by classroom or self-study methods in accordance in accordance with Colorado Insurance Regulation 1-2-4, Section 5.C.
  - 8. Providers of annuity training shall comply with the reporting requirements and shall issue certificates of completion in accordance with Colorado Insurance Regulation 1-2-4, Section 5.D.
  - 9. The satisfaction of the training requirements of another state that are substantially similar to the provisions of this Section 6.B. shall be deemed to satisfy the training requirement of this Section 6.B.
  - 10. The satisfaction of the components of the training requirements of any course or courses with components substantially similar to the provisions of this Section 6.B. shall be deemed to satisfy the training requirements of this Section 6.B.
  - 11. An insurer shall verify that a producer has completed the annuity training course required under this Section 6.B. before allowing the producer to sell an annuity product for that insurer. An insurer shall satisfy its responsibility under this Section 6.B. by obtaining certificates of completion of the training course or obtaining reports provided by commissioner-sponsored database systems or vendors or from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

## **Section 7      Recordkeeping**

- A. Insurers, general agents, independent agencies and producers shall maintain or be able to make available to the commissioner records of the information collected from the consumer, disclosures

made to the consumer, including summaries of oral disclosures, and other information used in making the recommendations that were the basis for insurance transactions for five (5) years after the insurance transaction is completed by the insurer. An insurer is permitted, but shall not be required, to maintain documentation on behalf of a producer.

- B. Records that are required to be maintained by this regulation may be maintained in paper, photographic, micro-process, magnetic, mechanical or electronic media or by any process that accurately reproduces the actual document.

## **Section 8      Incorporated Materials**

“Regulation Best Interest”, 17 C.F.R. Part 240, shall mean 17 C.F.R. Part 240 as published on the effective date of this regulation and does not include later amendments to or editions of 17 C.F.R. Part 240. A copy of 17 C.F.R. Part 240 may be examined during regulation business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202. A certified copy of 17 C.F.R. Part 240 may be requested from the Colorado Division of Insurance for a fee. A copy may also be obtained online at [www.ecfr.gov](http://www.ecfr.gov).

## **Section 9      Severability**

If any provision of this regulation or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the regulation and the application for such provision to other persons or circumstances shall not be affected thereby.

## **Section 10      Enforcement**

- A. Noncompliance with this regulation may result, after proper notice and hearing, 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 fines, issuance of cease and desist orders, and/or suspensions or revocations of license or certificates of authority. Among others, the penalties provided for in § 10-3-1108, C.R.S., may be applied.
- B. Compliance Mitigation.
  - 1. The commissioner may order:
    - a. An insurer to take reasonably appropriate corrective action for any consumer harmed by a failure to comply with this regulation by the insurer, and entity contracted to perform the insurer’s supervisory duties or by the producer;
    - b. A producer to take reasonably appropriate corrective action for any consumer harmed by the producer’s violation of this regulation; and
    - c. A general agency or independent agency that employs or contracts with a producer to sell, or solicit the sale, of annuities to consumers, to take reasonably appropriate corrective action for any consumer harmed by the producer’s violation of this regulation.
  - 2. Any applicable penalty under this Section 10 for a violation of this regulation may be reduced or eliminated if corrective action for the consumer was taken promptly after a violation was discovered or the violation was not part of a pattern or practice.

## **Section 11      Effective Date**

This amended regulation shall be effective November 1, 2022.

## **Section 12      History**

Original regulation effective October 1, 2004.

Emergency regulation 04-E-12 effective October 8, 2004 deferred effective date to January 1, 2005.

Amended, effective August 1, 2006.

Repealed and repromulgated regulation effective April 1, 2011.

Amended regulation effective August 1, 2011.

Amended regulation effective November 1, 2022.

## APPENDIX A

### PRODUCER DISCLOSURE FOR ANNUITIES

**Do Not Sign Unless You Have Read and Understand the Information in this Form**

Date: \_\_\_\_\_

#### INSURANCE AGENT(PRODUCER) INFORMATION ("Me", "I", "My")

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Business\Agency Name: \_\_\_\_\_ Website: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

Business Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

National Producer Number in Colorado: \_\_\_\_\_

#### CUSTOMER INFORMATION ("You", "Your")

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

#### What Types of Products Can I Sell You?

I am licensed to sell annuities to you in accordance with state law. If I recommend that You buy an annuity, it means I believe that it effectively meets Your financial situation, insurance needs, and financial objectives. Other financial products, such as life insurance or stocks, bonds and mutual funds, also may meet Your needs.

I offer the following products:

- Fixed or Fixed Indexed Annuities
- Variable Annuities
- Life Insurance

I need a separate license to provide advice about or to sell non-insurance financial products. I have checked below any non-insurance financial products that I am licensed and authorized to provide advice about or to sell.

- Mutual Funds
- Stocks/Bonds
- Certificates of Deposits

#### Whose Annuities Can I Sell to You?

I am authorized to sell:

- Annuities from Only One (1) Insurer
- Annuities from Two or More Insurers
- Annuities from Two or More Insurers although I primarily sell annuities from: \_\_\_\_\_



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### How I'm Paid for My Work:

It's important for You to understand how I'm paid for my work. Depending on the particular annuity You purchase, I may be paid a commission or a fee. Commissions are generally paid to Me by the insurance company while fees are generally paid to me by the consumer. If You have questions about how I'm paid, please ask Me.

Depending on the particular annuity You buy, I will or may be paid cash compensation as follows:

- Commission, which is usually paid by the insurance company or other sources. If other sources, describe: \_\_\_\_\_
- Fees (such as a fixed amount, an hourly rate, or a percentage of your payment), which are usually paid directly by the customer.
- Other (Describe): \_\_\_\_\_

**If you have questions about the cash compensation I will be paid for this transaction, please ask me.**

I may also receive other indirect compensation resulting from this transaction (sometimes called "non-cash" compensation), such as health or retirement benefits, office rent and support, or other incentives from the insurance company or other sources.

By signing below, You acknowledge that You have read and understand the information provided to You in this document.

---

Customer Signature

---

Date

---

Agent (Producer) Signature

---

Date

## APPENDIX B

### CONSUMER REFUSAL TO PROVIDE INFORMATION

Do Not Sign Unless You Have Read and Understand the Information in this Form

#### Why are You being given this form?

You're buying a financial product – an annuity.

To recommend a product that effectively meets Your needs, objectives and situation, the agent, broker, or company needs information about You, Your financial situation, insurance needs and financial objectives.

If You sign this form, it means You have not given the agent, broker, or company some or all the information needed to decide if the annuity effectively meets Your needs, objectives and situation. You may lose protections under Colorado statutes pertaining to the business of insurance if you sign this form or provide inaccurate information.

Statement of Purchaser:

- I **REFUSE** to provide this information at this time.
- I have chosen to provide LIMITED information at this time.

\_\_\_\_\_  
Customer Signature

\_\_\_\_\_  
Date

## APPENDIX C

### Consumer Decision to Purchase an Annuity NOT Based on a Recommendation

**Do Not Sign This Form Unless You Have Read and Understand It.**

**Why are You being given this form?** You are buying a financial product – an annuity.

To recommend a product that effectively meets your needs, objectives and situation, the agent, broker, or company has the responsibility to learn about You, your financial situation, insurance needs and financial objectives.

If You sign this form, it means You know that you're buying an annuity that was not recommended.

Statement of Purchaser:

I understand that I am buying an annuity, but the agent, broker or company did not recommend that I buy it. If I buy it **without a recommendation**, I understand I may lose protections under Colorado statutes pertaining to the business of insurance.

---

Customer Signature

---

Date

---

Agent (Producer) Signature

---

Date

**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: 2022-00265

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Insurance

**on 09/14/2022**

3 CCR 702-4 Series 4-1

LIFE, ACCIDENT AND HEALTH, Series 4-1 Life Insurance

The above-referenced rules were submitted to this office on 09/14/2022 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.

September 27, 2022 11:34:07

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

### **Department**

Department of Regulatory Agencies

### **Agency**

Division of Professions and Occupations - State Board of Examiners of Nursing Home Administrators

### **CCR number**

3 CCR 717-1

### **Rule title**

3 CCR 717-1 RULES AND REGULATIONS FOR NURSING HOME  
ADMINISTRATORS 1 - eff 10/30/2022

### **Effective date**

10/30/2022

## DEPARTMENT OF REGULATORY AGENCIES

### State Board of Examiners of Nursing Home Administrators

## NURSING HOME ADMINISTRATORS RULES AND REGULATIONS

### 3 CCR 717-1

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

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...

#### 1.8 LICENSURE BY ENDORSEMENT

This Rule is promulgated pursuant to sections 12-20-202(3), 12-20-204, 12-265-107(1)(a), and 12-265-112, C.R.S.

- A. To be considered for licensure by endorsement pursuant to the Occupational Credential Portability Program under sections 12-20-202(3) and 12-265-112, C.R.S., an applicant must submit a completed application form, all supporting documentation, and the appropriate fee.
- B. Applicant must possess a current, active and unrestricted license in good standing or hold a military occupational specialty, as defined in section 24-4-201, C.R.S., at time of application.
- C. In accordance with 12-20-202(3)(d), C.R.S., the Board has established the following criteria for determining whether an applicant possesses experience and credentials that are substantially equivalent to sections 12-265-108 and 12-265-111, C.R.S.
  - 1. The applicant has:
    - a. Successfully completed a bachelor's degree or higher degree in public health administration or health administration, a master's degree in management or business administration, or any degree or degrees deemed appropriate by the board; or
    - b. Successfully completed an associate's degree or higher degree in a health-care-related field or a bachelor's degree in business or public administration and has a minimum of one year of experience in administration in a nursing home or hospital. For the purposes of this section, a registered nurse who is a graduate of a three-year diploma program meets the associate degree requirement.
  - 2. The applicant has passed the national examination administered by the nationally and Board recognized testing entity for nursing home administrators and has passed any other examination in the state or territory in which he or she is licensed to practice nursing home administration.

...

#### 1.16 Concerning Health Care Provider Disclosures to Consumers about the Potential Effects of Receiving Emergency or Nonemergency Services from an Out-of-Network Provider

This Rule is promulgated pursuant to sections 12-20-204, 12-30-112, and 12-265-107(1)(a), C.R.S., in consultation with the Commissioner of Insurance and the State Board of Health.

---

The purpose of this Rule is to establish requirements for health care providers to provide disclosures to consumers about the potential effects of receiving emergency or non-emergency services from an out-of-network provider.

This Rule applies to health care providers as defined in section 10-16-102(56), C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Publicly available" means, for the purposes of this regulation, searchable on the health care provider's public website, displayed in a manner that is easily accessible, without barriers, and that ensures that the information is accessible to the general public, including that it is findable through public search engines. The health care provider's public website must be accessible free of charge, without having to establish a user account, password, or other credentials, accept any terms or conditions, and without having to submit any personal identifying information.

B. Disclosure requirements.

1. An out of network provider may balance bill a covered person for post-stabilization services in accordance with section 10-16-704, C.R.S., and covered nonemergency services in an in-network facility that are not ancillary services if the provider meets the requirements set forth in section 12-30-112(3.5), C.R.S. If a consumer has incurred a claim for emergency or nonemergency health care services from an out-of-network provider, the health care provider shall provide the disclosures contained in Appendix A. The health care provider shall provide the disclosure contained in Appendix A in compliance with section 12-30-112(3.5), C.R.S.

C. Noncompliance with this Rule may result in the imposition of any of discipline made available by section 12-265-113(1)(d), C.R.S.

### **1.17 Protections for Provision of Reproductive Health Care in Colorado**

This Rule is promulgated pursuant to Executive Order D 2022 032, and sections 25-6-401 *et seq.*, 12-265-107(1)(a), and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
2. "Assisting in the provision reproductive health care" means aiding, abetting or complicity in the provision of reproductive health care.
3. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
4. "Criminal judgment" means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
5. "Licensee" means as defined in section 12-20-102(10), C.R.S.
6. "Provision of reproductive health care," includes but is not limited to, transportation for reproductive health care, referrals for reproductive health care and related services, funding or assisting with payment of reproductive health care, prescribing, shipping or dispensing medications for reproductive health care in accordance with state and federal law, all options and mental health counseling and treatment related to reproductive health

care. The “provision of reproductive health care” also includes all treatment contemplated in the definition of section 25-6-402(4), C.R.S.

7. “Regulator” means as defined in section 12-20-102(14), C.R.S.
  8. “Reproductive health care” means as defined in section 25-6-402(4), C.R.S.
- B. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on the applicant or licensee's provision of or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice as defined in Colorado law and did not otherwise violate Colorado law.
- C. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- D. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a professional disciplinary action or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

### **1.18 Protecting Colorado's Workforce and Expanding Licensing Opportunities**

This Rule is promulgated pursuant to Executive Order D 2022 034, and sections 12-265-107(1)(a) and 12-20-204, C.R.S.

- A. Definitions, for purposes of this Rule, are as follows:
1. “Applicant” means as defined in section 12-20-102(2), C.R.S.
  2. “Civil judgment” means a final court decision and order resulting from a civil lawsuit.
  3. “Criminal judgment” means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
  4. “Licensee” means as defined in section 12-20-102(10), C.R.S.
  5. “Regulator” means as defined in section 12-20-102(14), C.R.S.
- B. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the



actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.

- C. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a professional disciplinary action against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

...

## APPENDIX A

# Your Rights and Protections Against Surprise Medical Bills

When you get emergency care or get treated by an out-of-network provider at an in-network hospital or ambulatory surgical center, you are protected from surprise billing or balance billing.

### **What is “balance billing” (sometimes called “surprise billing”)?**

When you see a doctor or other health care provider, you may owe certain out-of-pocket costs, like a copayment, coinsurance, or deductible. You may have additional costs or have to pay the entire bill if you see a provider or visit a health care facility that isn't in your health plan's network.

“Out-of-network” means providers and facilities that haven't signed a contract with your health plan to provide services. Out-of-network providers may be allowed to bill you for the difference between what your plan pays and the full amount charged for a service. This is called “balance billing.” This amount is likely more than in-network costs for the same service and might not count toward your plan's deductible or annual out-of-pocket limit.

“Surprise billing” is an unexpected balance bill. This can happen when you can't control who is involved in your care—like when you have an emergency or when you schedule a visit at an in-network facility but are unexpectedly treated by an out-of-network provider. Surprise medical bills could cost thousands of dollars depending on the procedure or service.

### **You're protected from balance billing for:**

#### **Emergency services**

If you have an emergency medical condition and get emergency services from an out-of-network provider or facility, the most they can bill you is your plan's in-network cost-sharing amount (such as copayments, coinsurance, and deductibles). You can't be balance billed for these emergency services. This includes services you may get after you're in stable condition, unless you give written consent and give up your protections not to be balanced billed for these post-stabilization services.

**If you believe you've been wrongly billed by the provider**, please contact the State Board of Examiners of Nursing Home Administrators at 303-894-2988 or [Dora\\_nha@state.co.us](mailto:Dora_nha@state.co.us).

Visit ([www.cms.gov/nosurprises/consumers](http://www.cms.gov/nosurprises/consumers)) for more information about your rights under federal law. For more information about your rights under state law, review section 12-30-112, C.R.S.

**Certain services at an in-network hospital or ambulatory surgical center**

When you get services from an in-network hospital or ambulatory surgical center, certain providers there may be out-of-network. In these cases, the most those providers can bill you is your plan's in-network cost-sharing amount. This applies to emergency medicine, anesthesia, pathology, radiology, laboratory, neonatology, assistant surgeon, hospitalist, or intensivist services. These providers **can't** balance bill you and may **not** ask you to give up your protections not to be balance billed.

If you get other types of services at these in-network facilities, out-of-network providers can't balance bill you, unless you give written consent and give up your protections.

**You're never required to give up your protections from balance billing. You also aren't required to get out-of-network care. You can choose a provider or facility in your plan's network.**

**When balance billing isn't allowed, you also have these protections:**

- You're only responsible for paying your share of the cost (like the copayments, coinsurance, and deductible that you would pay if the provider or facility was in-network). Your health plan will pay any additional costs to out-of-network providers and facilities directly.
- Generally, your health plan must:
  - o Cover emergency services without requiring you to get approval for services in advance (also known as "prior authorization").
  - o Cover emergency services by out-of-network providers.
  - o Base what you owe the provider or facility (cost-sharing) on what it would pay an in-network provider or facility and show that amount in your explanation of benefits.
  - o Count any amount you pay for emergency services or out-of-network services toward your in-network deductible and out-of-pocket limit.

**If you think you've been wrongly billed by the provider**, please contact the State Board of Examiners of Nursing Home Administrators at 303-894-2988 or [Dora\\_nha@state.co.us](mailto:Dora_nha@state.co.us). The federal phone number for information and complaints is: 1-800-985-3059.

Visit ([www.cms.gov/nosurprises/consumers](http://www.cms.gov/nosurprises/consumers)) for more information about your rights under federal law. Visit (<https://dpo.colorado.gov/NursingHome>) for more information about your rights under state law, pursuant to section 12-30-112, C.R.S.

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**Editor's Notes**

**History**

Rules 1-6 eff. 07/30/2008.

Rules 1-7 eff. 10/30/2008.

Entire rule eff. 08/30/2009.

Entire rule eff. 03/30/2010.

Entire rule eff. 07/15/2010.

Rule 2.B.1 eff. 07/01/2011.

Entire rule eff. 04/30/2012.

Entire rule eff. 09/01/2012.

Rule III.E.1.a eff. 10/30/2012.

Rules II.A.5.b-c, II.C.2.c.ii, II.C.3, II.E.1, III.C.1, III.D.3 eff. 12/30/2012.

Entire rule eff. 09/14/2013.

Rules 1.3.B.1.e, 1.3.D.1, 1.3.D.4.c eff. 05/15/2020.

Rules 1.1 Q, 1.2 B eff. 01/14/2021.

Entire rule eff. 07/15/2021.

Rule 1.4 2 eff. 11/14/2021.

Rules 1.4 B-C, 1.6, 1.8, 1.9 A.1, 1.9 C.3.b, 1.9 C.5, 1.11 eff. 12/30/2021.

**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: 2022-00452

**Opinion of the Attorney General rendered in connection with the rules adopted by the**  
Division of Professions and Occupations - State Board of Examiners of Nursing Home Administrators

**on 09/14/2022**

**3 CCR 717-1**

**RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS**

The above-referenced rules were submitted to this office on 09/22/2022 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.

September 29, 2022 08:40:01

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

### **Department**

Department of Regulatory Agencies

### **Agency**

Division of Real Estate

### **CCR number**

4 CCR 725-2

### **Rule title**

4 CCR 725-2 RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS  
OF THE BOARD OF REAL ESTATE APPRAISERS 1 - eff 10/30/2022

### **Effective date**

10/30/2022

## DEPARTMENT OF REGULATORY AGENCIES

### Division of Real Estate

## RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF THE BOARD OF REAL ESTATE APPRAISERS

### 4 CCR 725-2

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

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## CHAPTER 1: DEFINITIONS

...

- 1.10 Uniform Standards of Professional Appraisal Practice (USPAP): has the same meaning as found in section 12-10-602(10), C.R.S.

...

- 1.62 Evaluation: has the same meaning as found in section 12-10-602(5.5), C.R.S.

...

## CHAPTER 11: STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

- 11.1 The current edition of USPAP will be in effect pursuant to 12-10-602(10), C.R.S.

...

- 11.4 Licensed and certified appraisers performing evaluations in accordance with section 12-10-606(7)(a), C.R.S., must include the following disclaimer on the first page of the report: **"This is an evaluation not subject to compliance with Standards 1 and 2 of the Uniform Standards of Professional Appraisal Practice."** Licensed and certified appraisers performing an evaluation must comply with the Ethics, Record-keeping, Competency, and Scope-of-Work Rules of the USPAP.

**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: 2022-00395

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Real Estate

**on 09/01/2022**

4 CCR 725-2

**RULES GOVERNING THE PRACTICE OF REAL ESTATE APPRAISERS OF THE BOARD OF REAL  
ESTATE APPRAISERS**

The above-referenced rules were submitted to this office on 09/02/2022 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.

September 21, 2022 10:14:17

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

**Department**

Department of Law

**Agency**

Peace Officer Standards and Training Board

**CCR number**

4 CCR 901-1

**Rule title**

4 CCR 901-1 PEACE OFFICER TRAINING PROGRAMS AND PEACE OFFICER  
CERTIFICATION 1 - eff 11/01/2022

**Effective date**

11/01/2022



### **Rule 3 – Director’s Authority**

*Effective November 1, 2022*

- a) The Director’s authority shall include:
  - (I) Making the initial determination as to whether an applicant has met the requirements to sit for the certification examination, or to be certified;
  - (II) Approving or disapproving program applications;
  - (III) Issuing remedial action and compliance orders for non-compliance with POST rule;
  - (IV) Determining the equivalency of first aid and cardiopulmonary resuscitation training;
  - (V) At the Director’s discretion, selecting qualified evaluators to administer the skills examinations described in Rule 16;
  - (VI) Determining the merit of challenges relating to the administration of examinations pursuant to Rules 15 and 16;
  - (VII) Determining the merits of variance requests, consistent with the basic purposes and policies of § 24-31-301, et seq., C.R.S., and of the Board, in accordance with Rule 7 and Rule 8;
  - (VIII) The Director, or their designee, may approve eyewitness identification training per § 16-1-109, C.R.S., or other statutorily mandated training on behalf of the POST Board.
  - (IX) Discharging such other powers or duties as the Board or the Attorney General may direct.
    - (A) Issuing summary suspensions in situations where the board has delegated authority to the director, including:
      - 1) Where a certificate holder has failed to meet in-service training requirements;
      - 2) Where a specific law enforcement training academy class was found to be substantially deficient, such that the certificate holders of that class would pose a danger to the public health, safety and welfare.
- b) If any action or determination made by the Director pursuant to this rule is

not appealed by the applicant within thirty (30) days as provided in Rule 5(c), the Director's action or determination shall become final agency action.

*Effective November 1, 2022*

- a) The POST Board is authorized to issue POST Basic Peace Officer Certification to any applicant who meets the following requirements:
  - (I) Possesses and submits a copy of their high school diploma, high school equivalency certificate, or other evidence of successful completion of high school, including official college transcripts or degree;
  - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents;
  - (III) Truthfully completes and submits the POST Form 1 - *Application for Basic Peace Officer Certification*;
    - (A) If previously certified as an officer in another state but is ineligible to apply as a provisional applicant, the applicant must be in good standing with the other certifying state and must complete and submit to POST a POST Form 3 – Application for Provisional Certification and a Release of Information Form within thirty (30) days of starting the academy.
  - (IV) Is in good standing with Colorado POST as determined by the Director; and
  - (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and meets all of the following requirements:
    - (A) If applicable, submits a copy of their official military discharge documents showing character of service other than discharge under dishonorable conditions, per § 24-31-301(5), C.R.S.
    - (B) Successfully completes an approved basic training academy, including skills training, and passes the written certification examination.
    - (C) Submits a copy of their academy certificate of completion.
    - (D) Possesses and submits a copy of their current Driver's License or State-Issued Identification card.

- (E) Documentation pertaining to certification requirements must be submitted to POST via the law enforcement training academy, if applicable.
  - (F) Testing is valid for two years from the date of completion. After this time has elapsed, if full certification was not issued, the applicant must successfully complete an additional basic academy program.
- b) POST Basic Peace Officer Certification qualifies the person to seek employment and serve as a fully authorized peace officer with any Colorado law enforcement agency recognized in Article 2.5 of Title 16, C.R.S.
- c) Upon issuance of a basic certification, if all training requirements under § 24-31-315, C.R.S., have not previously been met, the individual must complete all requirements within six (6) months from date of appointment.
  - (I) Complete 2 hours of training in each of the following areas: anti-bias; community policing; situational de-escalation; and proper holds and restraints.
- d) If a basic certificate holder has not served as a peace officer or reserve peace officer for a total of at least six (6) months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a peace officer or reserve peace officer.
  - (I) If a basic certificate holder is deployed for military service, the certification automatically expires at the end of a three-year period from the date of certification or the date of separation from a Colorado law enforcement agency. If expired, the basic certificate holder is eligible to complete the certification renewal process. If employed at time of deployment, the certificate holder, at the agency's discretion, may remain on the employment roster and their certification will not expire.
- e) A certified peace officer who has obtained basic certification may maintain current status as a certified peace officer while serving in a reserve peace officer position, recognized in § 16-2.5-110, C.R.S.

- f) A certified reserve peace officer seeking regular basic peace officer certification may apply their successfully completed skills training, obtained through the reserve peace officer certification program at a POST approved reserve academy, towards basic peace officer certification. Acceptance of the skills training is at the option of the Director of the basic peace officer training academy to which the applicant is seeking enrollment.

## **Rule 12 – Reserve Certification**

*Effective November 1, 2022*

- a) The Board is authorized to issue a reserve certificate to any applicant who meets the following requirements:
  - (I) Possesses and submits a copy of their high school diploma, or high school equivalency certificate, or other evidence of successful completion of high school, including official college transcripts or degree; and
  - (II) Possesses and submits a copy of their current first aid and cardiopulmonary resuscitation certification, or equivalents; and
  - (III) Truthfully completes and submits the POST Form 2 – Application for Reserve Certification; and
  - (IV) Is in good standing with Colorado POST as determined by the Director; and
  - (V) Successfully completes the fingerprint-based criminal history record check required under Rule 14 and meets all of the following requirements:
    - (A) If applicable, submits a copy of their official military discharge documents showing character of service other than dishonorable conditions, per § 24-31-301(5), C.R.S.
    - (B) Successfully completes an approved reserve academy including skills training. within two (2) years of the graduation date.
    - (C) Submits a copy of their academy certificate of completion.
    - (D) Possesses and submits a copy of their current driver's license or state-issued identification card.
  - (VI) Testing is valid for two years from the date of completion. After this time has elapsed, if reserve certification was not issued, the applicant must successfully complete an additional reserve academy program.

- b) Upon issuance of a reserve certification and appointment to an agency the individual must comply with training requirements outlined in § 24-31-315 C.R.S. within six (6) months.
  - (I) Complete 2 hours of training in each of the following areas: anti-bias, community policing, situational de-escalation, and proper holds and restraints.
- c) Any law enforcement agency assigning duties to a reserve peace officer beyond those included in the approved reserve training shall assume the responsibility for ensuring that such reserve peace officer is adequately trained for such duties.
- d) If a reserve certificate holder has not served as a reserve peace officer for a total of at least six (6) months during any consecutive three-year period, the certification automatically expires at the end of such three-year period, unless the certificate holder is then serving as a reserve peace officer.
  - (I) If a reserve certificate holder is deployed for military service, the certification automatically expires at the end of a three-year period from the date of certification or the date of separation from a Colorado law enforcement agency. if expired, the reserve certificate holder must complete a new reserve training academy. if employed at time of deployment, the certificate holder, at the agency's discretion, may remain on the employment roster and their certification will not expire.
- e) Reserve certifications may not be renewed.
- f) A certified peace officer may maintain current status as a certified peace officer while serving in a reserve peace officer position, recognized in § 16-2.5-110, C.R.S.

## **Rule 14 – Fingerprint-Based Criminal History Record Check**

*Effective November 1, 2022*

- a) No person shall be eligible for certification as a Colorado peace officer if they have a disqualifying incident.
- b) Per § 24-31-304, C.R.S. and POST Rules, all persons seeking to enroll in a training academy shall submit their fingerprints to CBI no more than 60 days prior and at least one week before enrolling in the training academy. The academy must notify POST when fingerprints are submitted.
  - (I) All fingerprint results must be received by post no later than two weeks after enrollment date.
- c) All persons seeking to apply for provisional or renewal certification must submit fingerprints to CBI as part of the application process pursuant to Rule 11 and 13.
- d) POST Applicant Fingerprint results.
  - (I) The Board recommends that an applicant's fingerprints be submitted electronically by a CBI-authorized vendor or a LEA authorized by CBI to submit fingerprints for POST. When this is not possible, the applicant can submit fingerprints using the POST Applicant Fingerprint Card, obtained directly from POST. Any fees associated with this service are the responsibility of the applicant.
  - (II) Provisional and renewal applicants may request the POST Applicant Fingerprint Card when they are unable to submit fingerprints electronically. The applicant is responsible for having their fingerprints taken prior to the applicant's participation in the testing process as a provisional or renewal applicant.
  - (III) Applicants enrolling in a basic or reserve training academy fingerprinted in accordance with the academy's policies and procedures. The academy is responsible for ensuring that fingerprints are submitted to CBI by a CBI-authorized vendor or that the completed POST Applicant Fingerprint Card and fee are submitted to CBI prior to the applicant's enrollment in the academy.
  - (IV) Fingerprint results are valid throughout the certification process and through the life of certification. If certification expires or is revoked they become invalid. Applicants renewing their certification must submit new fingerprints.



e) Results from completed criminal history record checks.

- (I) The Board shall be the authorized agency to receive the results from all POST Applicant Fingerprint submissions that have been processed for the state and national fingerprint-based criminal history record checks.
- (II) All results from the completed criminal history record checks will be provided to the POST Director. Notice of subsequent arrests and convictions resulting in denial of certification will be provided to the Board.

f) Basic and reserve training academies.

- (I) A training academy shall not enroll any person who has been convicted of an offense that would result in the denial of certification pursuant to § 24-31-305(1.5), C.R.S. The only exception shall be if the Board has granted the person an exemption from denial of enrollment pursuant to § 24-31-304(4)(a), C.R.S. and POST Rule 7, *Variances*.
- (II) No person shall be enrolled in a training academy unless the person has been fingerprinted on a POST Applicant Fingerprint Card and an academy has submitted the person's completed POST Applicant Fingerprint Card and fee to CBI, or fingerprints have been submitted by a CBI-authorized vendor, prior to enrolling the person in the academy.
- (III) A POST Form 11-E, *Enrollment Advisory Form*, shall be completed on the first day of the academy by both the person enrolled in the academy and the academy director or designee. The completed *Enrollment Advisory Form* shall be maintained at the academy.
- (IV) The academy director shall ensure that an accurate and complete enrollment roster for each academy class is received at POST electronically by the day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director.
  - (A) The enrollment roster must be fully completed with all personal information, education, military service, etc. and returned to POST staff. After entry, the roster will be returned to the academy director with assigned PID numbers.

- (V) If the results of a criminal history record check reveal that a person currently enrolled in an academy is prohibited from enrolling pursuant to § 24-31-304(2), C.R.S., the Board or its designated representative(s) shall notify the academy. The academy shall take appropriate measures to immediately dismiss the person from the academy.

g) Exemption from denial of enrollment.

- (I) If a person anticipates that he or she will be prohibited from either enrolling in a training academy or participating in the testing process as a provisional or renewal applicant because he or she has been convicted of any misdemeanor described in § 24-31-305(1.5), C.R.S., the person may submit a request for exemption from denial of enrollment under POST Rule 8, *Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction*.
- (II) Only if the person has, in fact, submitted a request for exemption from denial of enrollment under POST Rule 8, *Appeal Process for Peace Officer Applicants - Certification Denial as a Result of a Misdemeanor Conviction*, and the request has been granted by the Board, will the person be permitted to either enroll in a training academy or participate in the testing process as a provisional or renewal applicant.
- (III) No person convicted of a felony may request an exemption from denial of enrollment.

## **Rule 17 – Certification Records and Reporting Requirements**

*Effective November, 2022*

- a) POST certificate holder reporting requirements
  - (I) Every POST certificate holder shall keep current the POST certificate holder's name, mailing address, email address, home telephone number, or cell phone number to the POST records management system.
  - (II) A POST certificate holder shall submit an update to the post records management system within fifteen (15) days of a disqualifying incident.
  - (III) If a peace officer is exonerated pursuant to §24-31-904, C.R.S., the peace officer shall submit an update to the POST records management system to effectuate reinstatement of a revocation of a certificate, pursuant to the process outlined in Rule 7.
  - (IV) Pursuant to section 18-8-805(4), C.R.S., if a peace officer witnesses another peace officer use or direct the use of ketamine on another person, the peace officer shall report such use within ten (10) days of the occurrence, including date, time, and place of the occurrence, identity, if known, of the participants; and a description of events.
- b) Law enforcement agency reporting requirements
  - (I) The law enforcement agency shall submit an update to the post records management system within fifteen (15) days of:
    - (A) Appointment of a basic peace officer, provisional peace officer, or reserve peace officer as defined in section § 16-2.5-102, § 24-31- 308 and § 16-2.5-110, C.R.S. submission of physical and psychological examinations affirmation (Form 6).
    - (B) When any person is appointed or separated as a certified peace officer the law enforcement agency. Separation includes retirement of a certified police officer. An extension of fifteen (15) days may be granted by the director upon showing of good cause.
    - (C) Any new hire, appointment or transfer of an existing employee to a position that requires a POST certification.

- (D) A resignation or retirement of a peace officer while under investigation by the employing law enforcement agency, a district attorney, or the attorney general.
  - (E) Resignation or retirement following an incident that leads to the opening of an investigation within six months following the certificate holder's resignation or retirement.
  - (F) A criminal investigation or filing for a crime that could result in a revocation or suspension of an employee's certificate pursuant to §§ 24-31-305 or 24-31-904, C.R.S. so long as the update is unlikely to disrupt or impede the criminal investigation.
  - (G) A completed internal investigation finding that a peace officer used unlawful physical force, failed to intervene or violated section 18-1-707, C.R.S. or threatened to use unlawful physical force.
  - (H) An internal investigation finding that a peace officer violated section 18-8-805(1), (2)(a)(I), or (5), C.R.S. related to the use of ketamine.
  - (I) A certificate holder employed by the law enforcement agency engaging in a disqualifying incident as described in Rule 1.
- (II) Each year, between November 1 and January 31 of the following year, each law enforcement agency shall verify the accuracy of the certified peace officers employed by with the law enforcement agency listed on the POST records management system by submitting the Rule 17 Form to POST. By submitting the form, each agency is certifying that the agency has confirmed all certified peace officers associated with their law enforcement agency have no disqualifying incidents that would prevent the individual from being a certified peace officer in Colorado, and that each certified peace officer has a current driver's license or state-issued identification card.
- (III) A law enforcement agency is required to provide accurate data for the POST records management system.
- (IV) Failure to adhere to the requirements of this Rule 17 may subject individual certificate holders and law enforcement agencies to fines or other administrative sanctions as determined in accordance with Rule 31.

## **Rule 21 – Basic, Refresher and Reserve Training Academies**

*Effective November 1, 2022*

- a) Academy approval.
  - (I) All aspects of an academy must be in compliance with POST Rules and Program requirements before academy approval will be considered.
  - (II) Only an academy that is approved by POST may provide training required for certified peace officer status; and
  - (III) Each scheduled academy class of an approved training academy must be approved prior to the start of instruction.
- b) Continuing academies.
  - (I) A continuing academy is an approved Basic, Refresher or Reserve academy that conducts and completes at least one approved academy class every three (3) years and operates in compliance with these rules. Three (3) years is defined by the enrollment date of the last academy completed.
  - (II) If a continuing academy does not complete at least one approved academy class in any consecutive three (3) year period, approval of the academy shall expire. An expired academy must reapply for approval as a new academy and must be approved by POST prior to providing any academy instruction.
  - (III) Other than as referenced in the preceding paragraph (II), a continuing academy may remain approved unless its status is surrendered, suspended or revoked.
  - (IV) The academy director must ensure that the following items are submitted electronically to POST at the same time and are received by POST at least thirty (30) days, but no more than sixty (60) days, prior to the start of instruction for each scheduled academy class of the approved training academy:
    - (A) A completed POST Form 7, *Application for Academy Approval*;

- (B) A completed “*Scheduling Request for POST Exam*” form (Basic and Refresher academies only); and
- (C) A complete and accurate academy schedule with the following information clearly noted on the schedule:
  - 1) Name of the academy and academy class number as listed on the POST Form 7, *Application for Academy Approval*; and
  - 2) All courses, dates and times in chronological order for each course, major exams and the name of the primary instructor for each course;
  - 3) All dates and times when arrest control drill training, night driving and dim light shooting will be instructed;
  - 4) For arrest control and firearms training, if the schedule shows more than eight (8) hours of instruction in any one day, then the schedule must denote lab or lecture hours, as appropriate; and
  - 5) If multiple courses are listed within the same block of time on the schedule, then either the schedule itself or accompanying documents must specify the amount of time that will be instructed for each course.
  - 6) All courses required by the basic academic training program must be scheduled and completed prior to administration of the POST certification examination.
- (V) The academy director shall ensure that an accurate and complete enrollment roster for each academy class is received at POST electronically by the day after the academy commences. The enrollment roster will be completed on the template provided by POST to the academy director. See also POST Rule 14, *Fingerprint-Based Criminal History Record Check*.
- (VI) The academy director shall notify POST prior to the occurrence of any change of the academy’s start date or end date, to include cancellation

of the academy, as submitted to POST on the Form 7, *Application for Academy Approval*.

- (VII) All academies not based at a law enforcement agency shall establish an advisory committee that consists of law enforcement officials, administrators and community members to assist with providing logistical support and validation of training.
- (VIII) Existing academies must petition the POST Board every five (5) years to renew their authority to operate a law enforcement training academy.

c) New academies.

- (I) A new academy is either a Basic, Refresher or Reserve academy that has never conducted approved training, or a Basic, Refresher or Reserve academy that has not conducted approved training within the previous three (3) years.
- (II) Entities interested in creating a new POST Approved Law Enforcement Training Academy must receive approval from the POST Board prior to application. The entity must present a feasibility study to demonstrate the academy could be successful, demonstrate the need for a new academy, as well as mitigation of workload on POST staff and SME's.
- (III) The academy director of a proposed new academy shall contact POST at least Twelve (12) months prior to the anticipated start date of the new academy to ascertain application procedures and deadlines for submitting documents for new academy approval.
- (IV) The following types of academies are considered separate academies that must be individually approved:
  - (A) Basic, Refresher and Reserve academies even if operated by the same agency, organization, or academic institution.
  - (B) Academies located either on a satellite campus, or at a different physical location than the primary academy.
- (V) The proposed formal name of an academy must neither misrepresent the status of the academy, nor mislead law enforcement or the public.

- (VI) Required documentation that must be submitted for new academy approval includes, but is not limited to, a video in a digital media format approved by POST of all proposed sites where academic instruction and skills training will take place, site safety plans, lesson plans for all academic courses and all skills training programs for the Basic, Refresher or Reserve Academic Training Program, resumes for all academic instructors, and documentation of qualifications for all skills instructors.
  - (VII) Once a proposed new academy begins the approval process by submitting any of the required documentation listed in the preceding paragraph (VI) to POST, the proposed new academy shall have a maximum of twelve (12) months to complete the new academy approval process, including approval of all site safety plans, lesson plans, and other associated documents.
  - (VIII) The director of a proposed new academy shall also ensure that the documents required to be submitted by continuing academies, as listed in paragraph (b)(IV) of this Rule, are received at POST at least thirty (30) days, but no more than sixty (60) days, prior to the start of instruction.
  - (IX) Prior to approval, the proposed new academy must pass an on-site pre-approval inspection conducted by the Director or the Director's designated representative(s).
- d) Training sites, site safety plans and equipment.
- (I) An academy shall have the following training sites and facilities:
    - (A) For academics: A classroom with adequate heating, cooling, ventilation, lighting, acoustics and space, reasonable access to restroom facilities and a sufficient number of desks or tables and chairs in the classroom for each trainee;
    - (B) For firearms: A firing range with adequate backstop and berms to ensure the safety of all persons at or near the range, and some type of visual notification (range flag, signs, lights, or other) whenever the range is being utilized for live fire;
    - (C) For driving: A safe driving track for conducting law enforcement driving;



- (D) For arrest control: An indoor site for instructing arrest control training with sufficient space and mats to ensure trainee safety;
  - (E) For practical exercises and wellness training: Appropriate and safe locations for conducting all practical exercises and wellness lab training;
  - (F) Where practicable, all training sites should be clearly marked denoting that law enforcement training is in progress; and
  - (G) Online/remote training is not allowed without expressed written permission from POST.
- (II) Approval of training sites.
- (A) All new training sites for academic classroom instruction and skills training must be approved by POST in consultation with the appropriate subject matter expert committee prior to conducting any training at the site.
  - (B) Each academy is responsible for obtaining approval for all of its training sites of academic instruction and skills training.
  - (C) Academy directors shall ensure that all sites for practical exercises and wellness lab training are safe and that appropriate training can be accomplished at the site to achieve the course objectives or performance outcomes.
  - (D) Presumed approval or use of a specific site by one academy does not extend to automatic approval of the site for use by other academies.
  - (E) If an approved site is not utilized during any consecutive three (3) year period by any academy for the type of training for which the site was initially approved, then site approval expires. In order to resume training at an expired site, the site must be resubmitted for approval and approved.
  - (F) The following items must be submitted to POST in order for approval of a new or expired training site to be considered:

- 1) Video in a digital media format approved by POST that accurately depicts the site where instruction is to take place;
- 2) A detailed description of the site must be included, either as verbal narrative on the video or as a written supplement; and
- 3) An up-to-date written site safety plan.

(G) If an approved site has been in continuous use by at least one approved academy for at least the previous three (3) consecutive years and an additional academy seeks approval of the same site:

- 1) The director of the additional academy may submit a written request to POST that includes the location and/or description of the site, in lieu of the video; and
- 2) An up-to-date written site safety plan must be submitted to POST that is specific to the site and to the additional academy; and
- 3) Both the site and the safety plan must be approved by POST in consultation with the appropriate subject matter expert committee prior to conducting any training at the site.

(H) Academy Directors have discretion to utilize other classroom facilities as necessary for academic programs, provided those facilities are appropriate, safe and adhere substantially to the statements set forth in this part (d). This section is intended to allow such use of other facilities due to a facility emergency or for unique situations where a primary facility is not available or it is not desirable for the intended academic class.

- 1) In such cases where a primary classroom facility is rendered unusable for a period reasonably anticipated to exceed 21 continuous days, the Academy Director shall notify POST and submit an alternative training site plan for approval.

(III) Site safety plans.

- (A) Each site of skills training and academic or classroom instruction must have an up-to-date and approved written site safety plan posted on site during any academy training at the site, or issued to, and present on the person of, each recruit and instructor.
- (B) Copies of all site safety plans must also be on file at the academy at all times.
- (C) Each site safety plan shall include procedures for managing medical emergencies, injuries, or accidents that are probable or likely to occur at the site.
- (D) All site safety plans must include the information contained in POST Rule 21 (h), Duty to Report.
- (E) All academy staff members, instructors and trainees shall be familiar with the content of each site safety plan as it pertains to the nature and scope of their involvement with the academy.

(IV) Equipment.

- (A) An academy shall have and maintain the necessary equipment and instructional aids in sufficient quantities for conducting all aspects of the required academy training program; and
- (B) All training sites and facilities, equipment, books, supplies, materials and the like shall be updated and maintained in good condition.
- (C) The following items shall be present at each training site during any academy training at the site:
  - 1) An effective means of summoning emergency medical assistance; and
  - 2) A first aid kit that contains appropriate supplies to treat medical emergencies or injuries that are likely to be sustained at the site.

e) Academy directors.

- (I) Qualifications. Each academy shall designate an on-site academy director whose qualifications, based upon education, experience and training, demonstrate his or her ability to properly manage the academy.
- (II) Compliance. The academy director shall ensure that the academy operates in compliance with all POST Rules.
- (III) Records. The academy director shall be responsible for establishing and maintaining a records management system that includes, but is not limited to, enrollment rosters, POST Form 11-E's, trainee files, trainee manuals, attendance records, lesson plans, source material, instructor files, instructor/course evaluations and site safety plans.
- (IV) Change of director. The academy director or authorized representative of an academy shall notify POST as soon as practicable of any change of academy director or any change of the academy director's electronic mailing address.

f) Curriculum requirements.

(I) Academic standards.

- (A) All training academies shall meet or exceed the required course content and minimum number of hours for each academic course of instruction and for each of the skills programs as required by the Basic, Refresher or Reserve Academic Training Programs.

(B) Successful completion required.

- 1) Trainees must successfully complete the Basic, Refresher or Reserve Academic Training Programs with a minimum score of seventy percent (70%); and
- 2) Trainees must successfully complete all skills training as required by the Arrest Control Training Program, Law Enforcement Driving Program and Firearms Training Program.

- 3) If an academy applies a higher standard than what is required by the preceding paragraphs (1) and (2), the higher standard must be described in the Trainee Manual and in the respective skills lesson plans or course materials, as applicable.

(II) Attendance.

- (A) Skills training. For all hours of all skills training programs, 100 percent attendance and participation are required.
  - 1) Skills training classes missed due to circumstances beyond the student's control shall be completed in person and before the end of the academy session.
- (B) Academic training. For all hours of academic training, 100 percent attendance and participation are required.
  - 1) Academic classes missed due to circumstances beyond the student's control may be made up in a virtual format. These virtual make up courses may not exceed ten percent of the academy session's total hours and must be completed before the end of the academy session.
- (C) Written attendance records are required.
  - 1) For trainees: Written daily attendance records that are accurate and up to date shall be kept for all trainees enrolled in all academic classes and all skills training programs.
  - 2) For instructors: Written attendance records that are accurate and up to date shall be kept for all instructors who teach any portion of a training program.
  - 3) For skills training, the format of the attendance records must clearly substantiate that the minimum ratios required by Rule 24, *Skills Training Safety and Skills Program Requirements for Basic, Refresher and Reserve Academies*, have been met.

(III) Lesson plans.

- (A) All Basic, Refresher and Reserve training academies shall develop and maintain up-to-date lesson plans for each academic course of instruction and for each of the skills training programs.
- (B) Academic lesson plans shall be organized and readily accessible and may be maintained either electronically or as physical copies.
- (C) Each academic and skills lesson plan must include at least the following information, as applicable:
  - 1) Course title as specified in the POST Academic Training Program (Basic, Refresher or Reserve) or the POST skills training program; and
  - 2) Date the lesson plan was prepared and date of last revision, if applicable; and
  - 3) Name and title of author of lesson plan and name and title of the person who approved the lesson plan; and
  - 4) Number of hours for the course required by the POST Academic Training Program and the number of actual course hours that will be instructed; and
  - 5) Learning goals, course objectives and/or performance outcomes for the course as specified in the POST academic training program (basic, refresher or reserve) or the POST skills training programs. Additional outcomes may be added as long as such outcomes are supported in the content and are consistent with generally accepted academic practices. Any additional learning goals, course objectives, and/or performance outcomes must not conflict with those listed in the applicable POST basic training or skills training programs; and
  - 6) Methods of instruction; and

- 7) A copy of the handouts, multimedia and/or PowerPoint presentations referenced in the lesson plan that will be used during the instruction; and
- 8) A list of all source materials used to develop the course, including internet links. In matters of law, primary authority, such as case law, regulations and statutes, shall provide the foundation for source material used in the lesson plan along with any additional secondary authority, i.e., articles and other references, subject to that primary authority; and
- 9) Testing and/or assessment methods, such as test questions and answers, performance rubrics, or other assessment tools, that are appropriate to measure the learning goal, performance outcomes and/or objectives; and
- 10) Safety plan control measures specific to any practical exercise, role-play, scenario or other reality-based classroom and outside the classroom; and
- 11) Comprehensive content information that must be delivered to teach the subject matter to a level of proficiency that allows the student to perform the tasks on the job and that satisfies the required course objectives.
  - a) The required material can reasonably be taught given the time constraints using appropriate instructional methodologies.
  - b) Written content must be supported by currently accepted laws, policies, rules, regulations, and generally accepted law enforcement practices if challenged.

(D) All lesson plans must be written to ensure consistency between instructors and between all sessions of the academy over time. Content must be sufficient in scope and specificity to allow an

instructor who did not author the lesson plan or develop the supporting materials to effectively teach the course.

- (E) The curriculum SME committee may create guidelines to clarify expectations from time to time. These guidelines must be published on the POST website.
- (F) Skills lesson plans must additionally include the program-specific documentation referenced within the applicable POST skills training program.

(IV) Daily schedules.

- (A) For all skills training programs, daily schedules are required that contain the information referenced in each of the skills training programs, as referenced in Rule 21(b)(IV)(C).
- (B) Daily schedules will be submitted on the form provided by POST.

(V) Source material.

- (A) For source material identified as required source material in the current POST Curriculum Bibliography, at least one (1) copy of each of the publications or sources must be maintained at the place of academic instruction. For those sources that are referenced with a website address, providing the trainees with readily available Internet access is acceptable in lieu of maintaining at least one (1) copy of each of the publications or sources.

(VI) Academy examinations.

- (A) All academies shall administer written, oral or practical examinations periodically during each academy in order to measure the attainment of course objectives or performance outcomes as specified in the Basic, Refresher or Reserve Academic Training Programs.
- (B) The academy director shall prescribe the manner, method of administration, frequency and length of academy examinations.



- (C) For academic courses, the time allotted for examinations shall be in addition to the number of Required Minimum Hours for each course as specified in the Basic, Refresher or Reserve Academic Training Programs.
- (D) For skills training programs, the time allotted for examinations or testing is included within the total program hours of each program.

(VII) Academy certificates of completion.

- (A) The academy director shall immediately issue a certificate of completion to each trainee who successfully completes all requirements of the approved academy.
- (B) Only a trainee who has attended and successfully completed all academic classes and all required skills training programs shall be issued an academy certificate of completion.
- (C) Each academy certificate of completion shall contain the following information:
  - 1) Trainee's name; and
  - 2) Name of the approved academy; and
  - 3) Type of academy (Basic, Refresher or reserve); and
  - 4) Date of academy completion (month, day, year); and
  - 5) Total number of hours of the completed academy; and
  - 6) Signature of the academy director and/or agency or academic representative; and
  - 7) Reserve academy certificates of completion shall additionally state whether the total number of academy hours does or does not include the approved law enforcement driving program.

g) Instructors

(I) Minimum qualifications.

- (A) Academic instructors shall possess the requisite education, experience and/or training necessary, as determined by the academy director, to competently instruct specific academic courses or blocks of instruction.
- (B) Skills instructors shall meet the minimum qualifications as described in Rule 23, *Academy Skills Instructors*.

(II) Instructor files.

- (A) A file (electronic or hard copy) shall be maintained for each instructor who teaches any portion of an academic class or skills training class.
  - 1) For academic instructors, the file must contain a current resume and/or other documentation that substantiates the instructor's qualifications.
  - 2) For skills instructors, the file must contain copies of the relevant certificates of completion referenced in Rule 23, *Academy Skills Instructors*, and/or a copy of the applicable skills instructor approval letter issued by POST.
- (B) The academy shall maintain current contact information for each instructor.
- (C) Exception. Licensed attorneys from the same office or firm may be included in one instructor file, as long as the file contains the names of all attorneys from that office or firm who provide instruction at the academy.

(III) Instructor/course evaluations.

- (A) Trainees shall complete written evaluations for each instructor and/or course of instruction for all academic courses and skills training programs of the approved academy.

- (B) Either the POST Form 10, *Instructor / Course Evaluation*, or comparable academy forms and/or documents may be used for this purpose.
- (C) The academy director shall determine the most meaningful format and method of administration of the instructor/course evaluations in order to monitor instructor quality and course content and to meet the needs of the individual academy.

h) Duty to report.

- (I) In addition to any notifications that may be required administratively or under federal, state or local law, it shall be the duty of every academy director or the academy director's designee to report the following events to POST immediately or as soon as practicable after the event, in a manner designated by POST:
  - (A) Any death, gunshot wound or serious bodily injury that occurs to any person whose death, gunshot wound, or serious bodily injury was either caused by, or may have been caused by, any training or activity associated with the academy; or
  - (B) Any bodily injury that occurs to any person who is not affiliated with the academy, i.e., an innocent bystander, whose bodily injury was either caused by, or may have been caused by, any training or activity associated with the academy.
  - (C) Academies are encouraged to report any other injuries in order to allow POST to track injury trends statewide in an effort to ensure safe training environments.
- (II) Training to cease.
  - (A) In the event of any death or gunshot wound as described in paragraph (h)(I)(A) of this section, all training shall immediately cease at the training site where the death or gunshot wound occurred.
  - (B) Training may resume only after the Board or its designated representative(s) have ensured that the program is operating in compliance with POST Rules.

- (III) Serious bodily injury means those injuries as defined in § 18-1-901(3)(p), C.R.S.
  - (IV) Bodily injury means those injuries as defined in § 18-1-901(3)(c), C.R.S.
  - (V) All instructors shall be familiar with the information contained in this Section (h) as it pertains to the nature and scope of their involvement with the academy.
- i) Academy records requirements.
- (I) Trainee files. During the academy, a file shall be maintained for each trainee or a systematic filing system must exist that contains at least the following records:
    - (A) Trainee's full legal name and date of birth; and
    - (B) Photocopy of the trainee's high school diploma, high school equivalency certificate or other evidence of successful completion of high school; and
    - (C) Photocopy of the trainee's valid driver's license; and
    - (D) Form 11-E, *Enrollment Advisory Form*; and
    - (E) Current contact information; and
    - (F) Signed and dated acknowledgment of privacy and appeal rights forms.
  - (II) Trainee manual.
    - (A) Each academy shall maintain an up-to-date trainee manual that contains relevant and accurate information. At a minimum, the trainee manual shall contain the academy's rules and regulations, academic requirements, attendance policies and site safety plans.
    - (B) Upon entry into the academy, each trainee should be issued a copy of the trainee manual and acknowledge receipt of the manual in writing.

- (III) The following records shall be maintained at the academy and shall be readily available for inspection at any reasonable time by the Board or its designated representative(s).
  - (A) A completed Form 11-E, *Enrollment Advisory Form*, for each trainee enrolled in the academy in progress; and
  - (B) Current trainee manual; and
  - (C) Current lesson plans; and
  - (D) Current source material; and
  - (E) Instructor files for current instructors; and
  - (F) Copies of all site safety plans; and
  - (G) Trainee files; and
  - (H) Tests, including a record of written test results and copies of associated rubrics; and
  - (I) Attendance records; and
  - (J) Instructor/course evaluations.
- (IV) Academy records must be retained for at least the three (3) year period as referenced in the Uniform Records Retention Act, § 6-17-101, et seq., C.R.S.

## **Rule 23 – Academy Skills Instructors**

*Effective November 1, 2022*

- a) Recognition of academy skills instructors.
  - (I) A skills instructor may be recognized to teach at an approved academy as either an assistant skills instructor or a full skills instructor in each of the three (3) required skills training programs: arrest control, law enforcement driving, and firearms.
  - (II) All skills instructors who teach any portion of a skills training program at a POST approved basic or reserve training academy shall be qualified and approved as required by this Rule.
  - (III) Each academy shall maintain the applicable certificates of completion and/or documentation for all skills instructors.
  - (IV) New academies requesting POST approval and POST approved academies that have not conducted an academy within the previous three (3) years shall submit the appropriate documentation to POST and obtain approval for all assistant skills instructors and all full skills instructors.
- b) Assistant skills instructors.
  - (I) An assistant skills instructor may instruct under the direction and in the presence of a full skills instructor and assist in evaluating and coaching trainees.
  - (II) Minimum qualifications for an assistant skills instructor:
    - (A) In order to begin serving or to serve as an assistant skills instructor, a person must have successfully completed the relevant approved skills instructor training program (See Rule 1, *Definitions*); and
    - (B) For arrest control skills instructors, the relevant approved skills instructor training program shall be the same recognized discipline for arrest control training in which the person will be instructing.
  - (III) Approval of assistant skills instructors.

- (A) Effective March 1, 2011, assistant skills instructors for firearms, arrest control and driving do not need to have certificates of completion reviewed by POST if the academy director or new assistant skills instructor is certain that the instructor has completed the relevant approved skills instructor training program.
- (B) POST will review certificates of completion and/or documentation for assistant firearms, arrest control, and driving assistant skills instructors if an academy director or new assistant skills instructor applicant is not certain that a particular instructor training program qualifies as the relevant approved skills instructor training program.
- (C) Either the academy director or the assistant skills instructor applicant may submit the certificates of completion and/or documentation to POST for review.

c) Full skills instructors.

- (I) A full skills instructor may develop, implement, and evaluate a skills training program. In order to begin serving or to serve as a full skills instructor, a person must have satisfied the three (3) minimum qualifications listed in the following paragraph (II).
- (II) Minimum qualifications for a full skills instructor.
  - (A) Successful completion of the relevant approved skills instructor training program (See Rule 1, *Definitions*); and
  - (B) Successful completion of an approved forty (40) hour instruction methodology training program; and
  - (C) For arrest control and law enforcement driving, completion of a minimum of eighty (80) hours of instructional experience as an assistant skills instructor at a Colorado POST approved academy. For arrest control training, the eighty (80) hours may be completed in any recognized discipline(s) for arrest control training in which the instructor has completed the relevant approved skills instructor training program. For firearms training, completion of a minimum of two times as many hours as a post academy firearms program as an assistant skills instructor at a Colorado POST approved academy.
  - (D) All training shall be completed within the previous five (5) years prior to application.

(III) Approval of full skills instructors.

- (A) All new full skills instructors must be approved by the Board in consultation with the corresponding subject matter expert committee(s) for arrest control, law enforcement driving or firearms prior to serving as a full skills instructor.
- (B) To apply for approval as a full skills instructor, either the academy director or the full skills instructor applicant, if the applicant has no current academy affiliation, may submit the appropriate documentation to POST to substantiate that the minimum qualifications have been satisfied.
- (C) A written statement from the director of the academy where the applicant served as an assistant skills instructor is acceptable documentation as it applies to the hour requirement. The statement must include the applicant's full name, the dates that the applicant instructed and number of hours on each of those dates showing the applicant's instructional experience.
- (D) Instructional experience completed at other than a Colorado POST approved academy may be considered as part of the eighty (80) hour requirement. However, the full skills instructor applicant must request a variance in accordance with POST Rule 7, *Variances*, and the applicant may be required to appear in person before the appropriate subject matter expert committee to demonstrate skills instructional proficiency.
- (E) The completed documents received at POST will be reviewed by POST in consultation with the appropriate subject matter expert committee during the committee's next regularly scheduled meeting.
- (F) POST will provide written notification to the academy director or the full skills instructor applicant who submitted the documents as to whether the applicant was approved or denied approval as a full skills instructor.

d) Lead skills instructors.

- (I) A lead skills instructor is a full skills instructor who may be designated by the academy director to oversee or coordinate the administration of a specific skills program of a particular academy class.
- (II) Lead skills instructors require no additional approval by POST beyond



approval as a full skills instructor.

(III) POST will review certificates of completion and/or documentation for lead skills instructors only as such documentation pertains to approval as a full skills instructor.

e) Any applicant denied approval under section (b) or (c) of this Rule may appeal such denial in writing to the Director within ten days of notification of denial.

## **Rule 28 – In-Service Training Program**

*Effective November 1, 2022*

The purpose of in-service training is to provide continuing education to certified peace officers to develop their knowledge and/or skills. The POST Board's duties relating to annual in-service training are addressed in Colorado Revised Statutes § 24-31-303(1). The POST Board can "promulgate rules deemed necessary by the Board concerning annual in-service training requirements for certified peace officers, including but not limited to evaluation of the training program and processes to ensure substantial compliance by law enforcement agencies and departments." In-service training is mandatory for all certified peace officers who are currently employed. This includes certified fulltime, part-time and reserve peace officers. Failure to satisfactorily complete training may result in suspension or revocation of an individual's POST certification, or other administrative sanction in accordance with Rule 31.

### **a) Annual Hour Requirement**

The in-service training program requires certified peace officers to complete a minimum of 24 hours of in-service training annually. Of the 24 hours, a minimum of 12 hours shall be perishable skills training as specified below.

### **b) Training Period**

- (I) The training period shall be the calendar year, from January 1 to December 31, of each year. In-service training in excess of 24 hours each year shall not be credited towards any future or prior training period.
- (II) Remedial training hours completed after January 1 to gain compliance for a prior calendar year shall not count towards the current year requirement.

### **c) Approved Training for POST Credit**

The authority and responsibility for training shall be with the chief executive of each law enforcement agency. The chief executive accepts responsibility and liability for the course content and instructor qualification. Legislatively mandated training may also be used for credit towards the training requirement.

The following are examples of training that would qualify for in-service credit:

- (I) Training received during the Basic Academic Training Program (Basic Academy).
- (II) Computer or web-based courses that have been approved by the chief executive may be used for in-service credit.
- (III) The viewing of law enforcement related audiovisual material (DVD, video, etc.) or material related to the viewer's position or rank can be used in conjunction with a facilitated discussion or other presentation. This could include roll call or lineup briefings where the session is dedicated to training and not for the purpose of information exchange.
- (IV) For each class hour attended at an accredited college or university in any course related to law enforcement or criminal justice that is required to earn a degree, one hour of in-service credit may be awarded.

d) Perishable Skills Training

Perishable skills training shall consist of a minimum of 12 hours. The required 12 hours must include a minimum of one hour of training in each of the three perishable skills (Arrest Control, Driving, and Firearms) each calendar year. Examples of perishable skills training could include:

- (I) Arrest Control-live or simulator exercises and scenarios, classroom discussion followed by interactive scenario events. Arrest control fundamentals, agency policies and/or legal issues.
- (II) Driving-behind-the-wheel or simulator training, classroom discussion regarding judgment/decision making in driving, agency policies and/or legal issues.
- (III) Firearms-live or simulator exercises and scenarios, firearms fundamentals, use of force training or discussions, classroom training requiring student interaction and/or decision making, classroom discussion on agency policies and/or legal issue. Firearms qualification alone is insufficient to meet this mandate.

e) Agency Maintenance of Training Records

The chief executive of each agency is responsible for the true, accurate and verifiable entry of training records into the POST database.

Agencies are encouraged to enter training as it occurs, but shall enter training no later than the end of each calendar year for the certified peace officers employed at any time during that year, regardless of current employment status. This information shall be entered into the POST database. For in-person courses, agencies are required to keep records of sign-in sheets, topics covered, and lesson plans (if they exist).

(I) Waiver of In-Service Requirements

All certified peace officers shall meet the minimum annual hours. However, under the circumstances listed below, an agency may request a waiver for a portion of the annual in-service training requirement. Any waiver of the annual training request must be made in writing to the POST Director by January 31<sup>st</sup> of the following year.

(A) Perishable Skills Waiver

Agency executives may request an exemption from the perishable skills training requirement. This request shall be in writing to the POST Director. This request shall state that either their certified peace officers do not carry firearms, or they infrequently interact with or effect physical arrests, or they do not utilize marked or unmarked emergency vehicles as part of their normal duties.

(B) Partial Year Employment Waiver

The 24 hours of in-service training is required if a certified peace officer is employed for the entire calendar year. Certified peace officers who are employed after the start of the calendar year only need to complete a prorated number of training hours. Therefore, two hours of training per month, with a minimum of one hour of perishable skills training shall be required. (Example: If a certified peace officer is hired in July, 12 hours of training with a minimum of six hours of perishable skills training must be completed for that calendar year).

(C) Long Term Disability, Medical Leave or Restricted Duty

If a certified peace officer is unable to complete the in-service annual hours due to long term disability, medical leave or restricted duty, the agency must obtain a letter from a physician

stating that participation in any type of training including audiovisual or online training would be detrimental to the officer's health. The letter should define the time that the officer is unable to attend any training. Those granted a waiver will be on a prorated basis for the time stated in the physician's letter. The agency does not need to forward the physician's letter to POST but only reference it in a waiver request.

(D) Military Leave

Those certified peace officers deployed in military service only need to complete a prorated number of training hours.

(E) Administrative Leave

If a certified peace officer is unable to complete the in-service annual hours due to placement on administrative leave, the officer must complete a prorated number of training hours.

(II) Compliance

(A) Agencies and individual peace officers shall comply with the in-service training requirements.

1) Agencies

a) POST will send out a preliminary compliance report following each training period. The report will provide the compliance status of each agency and its certified peace officers. Agencies shall have thirty (30) days from the date of the preliminary report to dispute the POST data and provide additional training information. Following the thirty-day period, POST will distribute the final compliance reports to all agencies.

b) POST may declare an agency noncompliant after the final compliance report has been issued if new information is discovered.

c) Once the final compliance report has been sent to all agencies; an agency seeking to appeal the POST data must do so within thirty (30) days of being notified of failure to comply with Rule 28. Agencies

may appeal this by following the process outlined in Rule 5, *Hearings*. Upon conclusion of all appeal hearings POST will issue a final report indicating whether the agency was found in compliance.

- d) If POST finds that the agency failed to comply, such finding shall constitute a basis for the Board to impose an administrative sanction pursuant to Rule 31.

2) Individual peace officers

- a) POST will send out a preliminary compliance report following each training period. The report will provide an individual peace officer's compliance status. Individuals shall have thirty (30) days from the date of the preliminary report to dispute the POST data and/or complete the training requirements.
- b) Individual peace officers failing to satisfactorily complete the training requirements within the 30 day period may have their POST certification suspended by the POST Director pursuant to Rule 3, until such time as they come into compliance. If an individual peace officer is suspended, the peace officer may appeal the suspension within thirty (30) days, as provided in rule 5(d).
- c) Failure to satisfactorily complete POST training requirements may result in a recommendation by the Director to the Board for revocation of the individual's POST certification, or other administrative sanction pursuant to Rule 31.

- (III) The POST Board shall evaluate the program annually following the release of the final compliance reports. Such evaluation will include a review and evaluation of the program. The evaluation may be based on the compliance rate, agency survey and other performance metrics.

## **Rule 29 - Hiring Standards**

*Effective November 1, 2022*

Each agency hiring a Basic certified peace officer, Provisionally certified peace officer, or Reserve certified peace officer should first ensure that they meet the POST minimum standards of employment:

- a) Individuals must hold current Basic, Provisional or Reserve certification in the state of Colorado. Hiring agency will confirm certification with POST or utilize this [weblink](#) to verify current POST certifications.
- b) Each agency should complete a comprehensive agency background investigation, which may include:
  - (I) Criminal record checks - local, state, and national;
  - (II) Employment history checks;
  - (III) Driving record check;
  - (IV) Polygraph;
  - (V) Citizenship or legal residency verification;
  - (VI) Personal history statements;
  - (VII) Neighborhood checks;
  - (VIII) Relatives/personal references checks;
  - (IX) Credit records check;
  - (X) Any other investigative measures that the agency finds appropriate.
- c) Employment in the state of Colorado as a Basic peace officer, Provisional peace officer, or Reserve peace officer as defined in § 16-2.5-102, § 24-31-308 and § 16-2.5-110, C.R.S. requires completion of a physical and psychological evaluation within one year prior to the date of appointment.
  - (I) Physical and psychological evaluations completed for non-certified peace officer positions remain valid for an employee who transfers to a post-certified position at the same organization.
- d) Any person renewing their Colorado Basic certification must complete a physical and psychological evaluation within one year prior to the date of appointment.
- e) The physical and psychological evaluation affirmation must be submitted to POST.

- f) Any person separating from one agency and appointed by another agency must complete a physical and psychological evaluation if one has not been conducted within the preceding three years and made available to the receiving agency.
- g) Any person separated from an agency and returning to the same agency within six months does not need a new physical and psychological evaluation.
- h) Each agency shall comply with the requirements for physical and psychological evaluations pursuant to § 24-31-303(5), C.R.S.



**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: 2022-00408

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Peace Officer Standards and Training Board

**on 09/09/2022**

4 CCR 901-1

**PEACE OFFICER TRAINING PROGRAMS AND PEACE OFFICER CERTIFICATION**

The above-referenced rules were submitted to this office on 09/09/2022 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.

September 29, 2022 11:15:18

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

**Department**

Department of Labor and Employment

**Agency**

Division of Workers' Compensation

**CCR number**

7 CCR 1101-3

**Rule title**

7 CCR 1101-3 WORKERS' COMPENSATION RULES OF PROCEDURE WITH  
TREATMENT GUIDELINES 1 - eff 01/01/2023

**Effective date**

01/01/2023

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### Rule 16 UTILIZATION STANDARDS

<a href="#"><u>16-1</u></a>	<a href="#"><u>STATEMENT OF PURPOSE</u></a>	<a href="#"><u>3</u></a>
<a href="#"><u>16-2</u></a>	<a href="#"><u>STANDARD TERMINOLOGY FOR RULES 16, 17, AND 18</u></a>	<a href="#"><u>3</u></a>
<a href="#"><u>16-3</u></a>	<a href="#"><u>GENERAL REQUIREMENTS</u></a>	<a href="#"><u>6</u></a>
<a href="#"><u>16-4</u></a>	<a href="#"><u>OUT-OF-STATE PROVIDERS</u></a>	<a href="#"><u>7</u></a>
<a href="#"><u>16-5</u></a>	<a href="#"><u>REQUIRED USE OF THE MEDICAL TREATMENT GUIDELINES</u></a>	<a href="#"><u>7</u></a>
<a href="#"><u>16-6</u></a>	<a href="#"><u>NOTIFICATION TO TREAT</u></a>	<a href="#"><u>7</u></a>
<a href="#"><u>16-7</u></a>	<a href="#"><u>PRIOR AUTHORIZATION</u></a>	<a href="#"><u>8</u></a>
<a href="#"><u>16-7-1</u></a>	<a href="#"><u>PRIOR AUTHORIZATION DENIALS</u></a>	<a href="#"><u>9</u></a>
<a href="#"><u>16-7-2</u></a>	<a href="#"><u>PRIOR AUTHORIZATION APPEALS</u></a>	<a href="#"><u>10</u></a>
<a href="#"><u>16-8</u></a>	<a href="#"><u>REQUIRED USE OF THE FEE SCHEDULE</u></a>	<a href="#"><u>11</u></a>
<a href="#"><u>16-8-1</u></a>	<a href="#"><u>REQUIRED BILLING FORMS AND CODES</u></a>	<a href="#"><u>11</u></a>
<a href="#"><u>16-8-2</u></a>	<a href="#"><u>TIMELY FILING</u></a>	<a href="#"><u>12</u></a>
<a href="#"><u>16-9</u></a>	<a href="#"><u>REQUIRED MEDICAL RECORD DOCUMENTATION</u></a>	<a href="#"><u>13</u></a>
<a href="#"><u>16-10</u></a>	<a href="#"><u>PAYMENT REQUIREMENTS FOR MEDICAL BILLS</u></a>	<a href="#"><u>14</u></a>
<a href="#"><u>16-10-1</u></a>	<a href="#"><u>MODIFIED, UNLISTED, AND UNPRICED CODES</u></a>	<a href="#"><u>15</u></a>
<a href="#"><u>16-10-2</u></a>	<a href="#"><u>DENYING PAYMENT OF BILLED TREATMENT FOR NON-MEDICAL REASONS</u></a>	<a href="#"><u>16</u></a>
<a href="#"><u>16-10-3</u></a>	<a href="#"><u>DENYING PAYMENT OF BILLED TREATMENT FOR MEDICAL REASONS</u></a>	<a href="#"><u>16</u></a>

16-10-4	APPEALING BILLED TREATMENT DENIALS	17
16.11	RETROACTIVE REVIEW OF MEDICAL BILLS	18
16.11.1	ONSITE REVIEW OF HOSPITAL OR MEDICAL FACILITY CHARGES	19
16.12	DISPUTE RESOLUTION PROCESS	20

## 16.1 STATEMENT OF PURPOSE

In an effort to comply with the legislative charge to assure the quick and efficient delivery of medical benefits at a reasonable cost, the Director (Director) of the Division of Workers' Compensation (Division) has promulgated these utilization standards, effective January 1, 2023. This Rule defines the standard terminology, administrative procedures, and dispute resolution procedures required to implement the Division's Medical Treatment Guidelines (Rule 17) and Medical Fee Schedule (Rule 18).

## 16.2 STANDARD TERMINOLOGY FOR RULES 16, 17, AND 18

A. Ambulatory Surgical Center (ASC) means licensed as such by the Colorado Department of Public Health and Environment (CDPHE).

B. Authorized Treating Provider (ATP) means any of the following:

1. The treating physician designated by the employer and selected by the injured worker;
2. A healthcare provider to whom an ATP refers the injured worker for treatment, consultation, or impairment rating;
3. A physician selected by the injured worker when the injured worker has the right to select a provider;
4. A physician authorized by the employer when the employer has the right or obligation to make such an authorization;
5. A healthcare provider determined by the Director or an administrative law judge to be an ATP;
6. A provider who is designated by the agreement of the injured worker and the payer.

C. Billed Service(s) means any billed service, procedure, equipment, or supply provided to an injured worker by a Provider.

D. Billing Party means a service provider or an injured worker who has incurred authorized medical expenses.

E. Children's Hospital means federally qualified, and certified by CDPHE, and licensed as a general hospital by CDPHE.

F. Critical Access Hospital means federally qualified, and certified by CDPHE, and licensed as a general hospital by CDPHE. A list is available at [www.ruralcenter.org/resource-library/cah-locations](http://www.ruralcenter.org/resource-library/cah-locations).

G. Day means a calendar day unless otherwise noted. In computing any period of time prescribed or allowed by Rules 16, 17, or 18, the parties shall refer to Rule 1-2.

H. Designated Provider List means a list of physicians as required under § 8-43-404(5)(a)(I) and Rule 8.

I. Freestanding Facility means an entity that furnishes healthcare services and is not integrated with any other entity as a main provider, a department of a provider, remote location of a hospital, satellite facility, or a provider-based entity.

J. Hospital means licensed as such by CDPHE.

- K. Long-Term Acute Care Hospital means federally certified and licensed as such by CDPHE.
- L. Medical Fee Schedule means Division's Rule 18, its exhibits, and the documents incorporated by reference in that Rule.
- M. Medical Treatment Guidelines (MTGs) means Division's Rule 17, its exhibits, and the documents incorporated by reference in that Rule.
- N. Non-Physician Provider means individual who is registered, certified or licensed by the Colorado Department of Regulatory Agencies (DORA), the Colorado Secretary of State, or a national entity recognized by the State of Colorado as follows:
1. Acupuncturist (L.Ac) licensed by the Office of Acupuncture Licensure, DORA;
  2. Advanced Practice Nurse (APN) licensed by the Colorado Board of Nursing, Advanced Practice Nurse Registry;
  3. Anesthesiologist Assistant (AA) licensed by the Colorado Medical Board, DORA;
  4. Athletic Trainer (ATC) licensed by the Office of Athletic Trainer Licensure, DORA;
  5. Audiologist (AU.D. CCC-A) licensed by the Office of Audiology and Hearing Aid Provider Licensure, DORA;
  6. Certified Medical Interpreter certified by the Certification Commission for Healthcare Interpreters or the National Board of Certification for Medical Interpreters.
  7. Certified Registered Nurse Anesthetist (CRNA) licensed by the Colorado Board of Nursing;
  8. Clinical Social Worker (LCSW) licensed by the Board of Social Work Examiners, DORA;
  9. Durable Medical Equipment, Prosthetic, Orthotics, and Supplies (DMEPOS) Supplier licensed by the Colorado Secretary of State;
  10. Marriage and Family Therapist (LMFT) licensed by the Board of Marriage and Family Therapist Examiners, DORA;
  11. Massage Therapist licensed as a massage therapist by the Office of Massage Therapy Licensure, DORA;
  12. Nurse Practitioner (NP) licensed as an APN and authorized by the Colorado Board of Nursing;
  13. Occupational Therapist (OTR) licensed by the Office of Occupational Therapy, DORA;
  14. Occupational Therapist Assistant (OTA) licensed by the Office of Occupational Therapy, DORA;
  15. Pharmacist licensed by the Board of Pharmacy, DORA;
  16. Physical Therapist (PT) licensed by the Physical Therapy Board, DORA;
  17. Physical Therapist Assistant (PTA) licensed by the Physical Therapy Board, DORA;
  18. Physician Assistant (PA) licensed by the Colorado Medical Board;

19. Practical Nurse (LPN) licensed by the Colorado Board of Nursing;
20. Professional Counselor (LPC) licensed by the Board of Professional Counselor Examiners, DORA, or an equivalent licensing board of a state that participates in the interstate compact pursuant to § 24-60-4301 et seq.;
21. Psychologist (PsyD, PhD, EdD) licensed by the Board of Psychologist Examiners, DORA;
22. Registered Nurse (RN) licensed by the Colorado Board of Nursing;
23. Respiratory Therapist (RTL) certified by the National Board of Respiratory Care and licensed by the Office of Respiratory Therapy Licensure, DORA;
24. Speech Language Pathologist (CCC-SLP) certified by the Office of Speech-Language Pathology Certification, DORA;
25. Surgical Assistant registered by the Office of Surgical Assistant and Surgical Technologists Registration, DORA.

O. Over-the-Counter Drugs means medications that are available for purchase by the general public without a prescription.

P. Payer means an insurer, self-insured employer, or designated agent(s) responsible for payment of medical expenses. (Use of agents, including but not limited to preferred provider organization (PPO) networks, bill review companies, third party administrators (TPAs), and case management companies shall not relieve the insurer or self-insured employer from their legal responsibilities for compliance with these Rules).

Q. Physician Provider means individual who is licensed by the State of Colorado through one of the following boards:

1. Colorado Medical Board;
2. Colorado Dental Board;
3. Colorado Podiatry Board;
4. Colorado Optometry Board; or
5. Colorado Board of Chiropractic Examiners.

R. Prior Authorization means a guarantee of payment for treatment requested in accordance with this Rule.

S. Provider means a person or entity providing authorized health care service, whether involving treatment or not, to a worker in connection with a work-related injury or occupational disease.

T. Psychiatric Hospital means licensed as such by CDPHE.

U. Rehabilitation Hospital means licensed as such by CDPHE.

V. Rural Health Clinic means a clinic located in areas designated by the United States Census Bureau as rural, or the state as medically underserved, that is federally qualified, and certified as such by CDPHE. A list is available at [www.colorado.gov/pacific/cdphe/rural-health-clinic-consumer-resources](http://www.colorado.gov/pacific/cdphe/rural-health-clinic-consumer-resources).

- W. Skilled Nursing Facility (SNF) means federally certified and licensed as a nursing care facility by CDPHE.
- X. State-run Psychiatric Hospital means mental health institute operated by the Colorado Department of Human Services, Office of Behavioral Health.
- Y. Telemedicine means two-way, real time interactive communication between the injured worker and the provider at a distant site. This electronic communication involves, at a minimum, audio and video telecommunications equipment. Telemedicine enables the remote evaluation and diagnosis of injured workers in addition to the ability to detect fluctuations in their medical condition(s) at a remote site in such a way as to confirm or alter the treatment plan, including medications and/or specialized therapy.
- Z. Treatment means any service, procedure, or supply prescribed by an ATP as may reasonably be needed at the time of the injury or occupational disease and thereafter to cure and/or relieve the employee from the effects of the injury or occupational disease.
- AA. Veterans Administration Hospital means all medical facilities overseen by the United States Department of Veterans' Affairs.
- AB. Writing, for the purposes of Rules 16 and 18, means transmitted by letter, email, fax, or other electronic means of communication.

### 16.3 GENERAL REQUIREMENTS

- A. Any provider not listed in 16-2 must obtain Prior Authorization when providing services related to a compensable injury.
- B. Upon request, healthcare providers must provide copies of accreditation, licensure, registration, certification, or evidence of healthcare training for billed services.
- C. To the extent not otherwise precluded by the laws of this state, contracts between providers, payers, and any agents acting on behalf of providers or payers shall comply with this Rule.
- D. Referrals:
1. All providers must have a referral from a physician provider managing the claim (or NP/PA working under that physician provider). A physician making the referral to another provider shall, upon request of any party, answer any questions and clarify the scope of the referral, prescription, or the reasonableness or necessity of the care.
  2. A payer or employer shall not redirect or alter the scope of a referral to another provider for evaluation or treatment of a compensable injury. Any party who has concerns regarding a referral or its scope shall advise the other parties and providers involved.
- E. Use of PAs and NPs:
1. All Colorado workers' compensation (WC) claims (medical only and lost time) shall have a Physician responsible for all services rendered to an injured worker by any PA or NP.
  2. The Physician must evaluate the injured worker at least once within the first three visits to the Designated Provider's office.



3. For services performed by a PA or NP, the attending Physician must counter-sign patient records related to the injured worker's inability to work resulting from the claimed work injury or disease and the injured worker's ability to return to regular or modified employment, as required by §§ 8-42-105(2)(b) and (3)(c) and (d). The attending Physician must sign the WC 164 form, certifying that all requirements of this rule have been met.

#### 16.4 OUT-OF-STATE PROVIDERS

##### A. Relocated Injured Worker

1. Upon receipt of the "Employer's First Report of Injury" or the "Worker's Claim for Compensation" form, the payer shall notify the injured worker that the procedures for change of provider can be obtained from the payer should the injured worker relocate out of state.
2. A change of provider must be made through referral by the Physician managing the claim or in accordance with § 8-43-404(5)(a).

B. In the event an injured worker has not relocated out of state but is referred to an out-of-state provider for treatment not available within Colorado, the referring provider shall obtain Prior Authorization. The referring provider's written request for out of state treatment shall include:

1. Description of treatment requested, including medical justification, the estimated frequency and duration, and known associated medical expenses;
2. Explanation as to why the requested treatment cannot be obtained within Colorado;
3. Name, complete mailing address, and phone number of the out-of-state provider; and
4. Out-of-state provider's qualifications to provide the requested treatment.

#### 16.5 REQUIRED USE OF THE MEDICAL TREATMENT GUIDELINES

When an injury or occupational disease falls within the purview of Rule 17, Medical Treatment Guidelines and the injury occurs on or after July 1, 1991, providers and payers shall use the MTG, in effect at the time of service, to prepare or review their treatment plan(s) for the injured worker. A payer may not dictate the type or duration of medical treatment or rely on its own internal guidelines or other standards for medical determination. Initial recommendations for a treatment or modality should not exceed the time to produce functional effect parameters in the applicable MTG. When treatment exceeds or is outside of the MTGs, Prior Authorization is required. Requesters and reviewers should consider how their decision will affect the overall treatment plan for the individual patient. In all instances of denial, appropriate processes to deny are required.

#### 16.6 NOTIFICATION TO TREAT

- A. The Notification to Treat process applies to treatment that is consistent with the MTGs and has an established value under the Medical Fee Schedule. Providers may, but are not required to, utilize Notification to ensure payment for medical treatment that falls within the purview of the MTGs. The lack of response from the payer within the time requirement set forth below shall deem the proposed treatment authorized for payment.
- B. Notification to Treat may be submitted by phone during regular business hours, or by submitting the "Authorized Treating Provider's Notification to Treat" form (WC 195). Notification to Treat must include:

1. Provider's certification that the proposed treatment is medically necessary and consistent with the MTGs.
2. Citation of the specific MTG applicable to the proposed treatment.
3. Provider's email address or fax number to which the payer can respond.

C. Payers shall respond to a Notification to Treat submission within seven days from the receipt of the submission with an approval or a denial of the proposed treatment. Providers may accept verbal confirmation or may request written confirmation, which the payer should provide upon request.

1. The payer may limit its approval of initial treatment to the number or duration specified in the relevant MTG without a medical review. If subsequent medical records document functional progress, additional treatment should be approved.
2. If payer proposes to discontinue treatment before the maximum number of treatments/treatment duration has been reached due to lack of functional progress, payer shall support that decision with a medical review compliant with this rule.

D. Payers may deny proposed treatment for the following reasons only:

1. For claims that have been reported to the Division, no admission of liability or final order finding the injury compensable has been issued;
2. Proposed treatment is not related to the admitted injury;
3. Provider submitting Notification is not an ATP or is proposing treatment to be performed by a provider who is not eligible to be an ATP.
4. Injured worker is not entitled to the proposed treatment pursuant to statute or settlement;
5. Medical records contain conflicting opinions among the ATPs regarding proposed treatment;
6. Proposed treatment falls outside of the MTGs.

E. If the payer denies a Notification to Treat per sections 16-6 D 2, 5, or 6, the payer shall notify the provider, allow the submission of relevant supporting medical documentation as defined in section 16-7 C and review the submission as a Prior Authorization request, allowing 10 additional days for review.

F. Appeals for denied Notifications to Treat shall be made in accordance with the Prior Authorization Appeals Process outlined in this rule.

G. Any provider or payer who incorrectly applies the MTGs in the Notification to Treat process may be subject to penalties under the Workers' Compensation Act.

## 16.7 PRIOR AUTHORIZATION

A. Prior Authorization may be requested using the "Authorized Treating Provider's Request for Prior Authorization" (Form WC 188) or in the alternative, shall be clearly labeled as a Prior Authorization request. Prior Authorization for payment shall only be requested when:

1. A prescribed treatment exceeds the recommended limitations set forth in the MTGs.
2. The MTGs require Prior Authorization for that specific service;
3. A prescribed treatment is not priced in the Medical Fee Schedule or is identified in Rule as requiring Prior Authorization for payment.

B. Prior Authorization for prescribed treatment may be granted immediately and without a medical review. However, the payer shall respond to all Prior Authorization requests in writing within 10 days from receipt of a completed request as defined per this Rule.

The payer, unless it has previously notified the provider, shall give notice to the provider of the procedures for obtaining Prior Authorization for payment upon receipt of the initial bill from that provider.

C. When submitting a Prior Authorization request, a provider shall concurrently explain the reasonableness and medical necessity of the treatment requested and shall provide relevant supporting documentation (documentation used in the provider's decision-making process to substantiate need for the requested treatment). A complete Prior Authorization request includes the following:

1. An adequate definition or description of the nature, extent and necessity for the treatment;
2. Identification of the appropriate MTG if applicable; and
3. Final diagnosis.

#### 16.7.1 PRIOR AUTHORIZATION DENIALS

A. If an ATP requests Prior Authorization and indicates in writing, including reasoning and supporting documentation, that the requested treatment is related to the admitted WC claim, the payer cannot deny solely for relatedness without a medical opinion as required by this Rule. The medical review, independent medical examination (IME) report, or report from an ATP that addresses relatedness of the requested treatment to the admitted claim may precede the Prior Authorization request if:

1. The opinion was issued within 365 days prior to the date of the Prior Authorization request; and
2. An admission of liability has not been filed admitting the relatedness of the requested treatment to the admitted claim or a final order has not been entered finding the specific medical condition related to the admitted injury.

If not, the medical review, IME report, or report from the ATP must be subsequent to the prior authorization request.

B. The payer may deny a request for Prior Authorization for medical or non-medical reasons. Examples of non-medical reasons are listed in section 16-10-2 A.

1. If the payer is denying a request for non-medical reasons, the payer shall, within 10 days of receipt of the complete request, furnish the requesting ATP and the parties with a written denial that sets forth clear and persuasive reasons for the denial, including citation of appropriate statutes, rules, and/or supporting documents (e.g., a copy of claim denial or a detailed explanation why the requesting provider is not authorized to treat).

2. If the payer is denying a request for medical reasons, the payer shall, within 10 days of receipt of the complete request:

- a. Have all of the submitted documentation reviewed by a Physician, who holds a license in the same or similar specialty as would typically manage the medical condition or treatment under review. The physician provider performing this review shall be Level I or II Accredited. In addition, clinical Pharmacists (Pharm.D.) may review Prior Authorization requests for medications, and Psychologists may review requests for mental health services, without having received Level I or II Accreditation.

After reviewing all of the submitted documentation and documentation referenced in the Prior Authorization request that is available to the payer, the reviewing Physician may call the requesting provider to expedite the communication and processing of the Prior Authorization request.

The payer may limit approval of initial treatment to the number or duration specified in the relevant MTG without a medical review.

- b. Furnish the requesting ATP and the parties with a written denial that sets forth an explanation of the specific medical reasons for the denial, including the name and professional credentials of the provider performing the medical review and a copy of the reviewer's opinion; the specific citation from the MTGs, when applicable; and identification of the information deemed most likely to influence a reconsideration of the denial, when applicable.

#### 16.7.2 PRIOR AUTHORIZATION APPEALS

- A. The requesting ATP shall have 10 days from the date of the written denial to submit an appeal with additional information to support the request. A written response is not considered a "special report" as defined in Rule 18.
- B. The payer shall have 10 days from the date of the appeal to issue a final decision and provide documentation of that decision to the provider and parties.
- C. In the event of continued disagreement, the parties should follow dispute resolution and adjudication procedures available through the Division or the Office of Administrative Courts.
- D. An urgent need for Prior Authorization of health care services, as recommended in writing by an ATP, shall be deemed good cause for an expedited hearing.
- E. Failure of the payer to timely comply in full with all Prior Authorization requirements outlined in this rule shall be deemed authorization for payment of the requested treatment unless the payer has scheduled an independent medical examination (IME) and notified the requesting provider of the IME within the time prescribed for responding.
  1. The IME must occur within 30 days, or upon first available appointment, of the Prior Authorization request, not to exceed 60 days absent an order extending the deadline.
  2. The IME physician must serve all parties concurrently with the report within 20 days of the IME.
  3. The payer shall respond to the Prior Authorization request within 10 days of the receipt of the IME report.

4. If the injured worker does not attend or reschedules the IME, the payer may deny the Prior Authorization request pending completion of the IME.
5. The IME shall comply with Rule 8 as applicable

#### 16.8 REQUIRED USE OF THE FEE SCHEDULE

A. All providers and payers shall use the Medical Fee Schedule to determine the maximum allowable payments for any medical treatments or services within the purview of the Workers' Compensation Act of Colorado and the Colorado Workers' Compensation Rules of Procedure, unless one of the following exceptions applies:

1. If billed charges are less than the fee schedule, the payment shall not exceed the billed charges.
2. The payer and an out-of-state provider may negotiate reimbursement in excess of the fee schedule when required to obtain reasonable and necessary care for an injured worker.
3. Pursuant to § 8-67-112(3), the Uninsured Employer Board may negotiate rates of reimbursement for medical providers.

B. The Medical Fee Schedule does not limit the billing charges.

C. Payment for treatment not identified or identified but without established value in the Medical Fee Schedule shall require Prior Authorization, except for when the treatment is an emergency. Similar established code values from the Medical Fee Schedule, determined in compliance with section 16-10-1 B, shall govern payment.

#### 16.8.1 REQUIRED BILLING FORMS AND CODES

A. Medical providers shall use only the billing forms listed below or exact electronic reproductions. If the payer agrees, providers may place identifying information in the margin of the form. Payment for any service not billed on the forms identified below may be denied.

1. A CMS-1500 shall be used by all providers billing for professional services (unless otherwise specified below), DMEPOS, and ambulance services. Medical providers shall provide their name and credentials in box 31 of the CMS-1500. Non-hospital based ASCs may bill on the CMS-1500, however an SG modifier must be appended to the technical component of services to indicate a facility charge and to qualify for reimbursement as a facility claim.

When resubmitting a claim, providers must append the appropriate resubmission code in field 22, or corresponding field for EDI, along with the original claim number in the right side of field 22 (original ref no.):

- 1 – original claim (duplicate of a previously submitted that was never processed)
- 7 – replacement/corrected claim (previously adjudicated with new or amended information)
- 8 – void/cancel prior claim (previously paid claim that was submitted in error)

2. A UB-04 shall be used by all hospitals and facilities meeting definitions found in section 16-2, hospital-based ambulance/air services, and other providers, such as hospital-based ASCs, when billing for hospital/facility services.

- a. Some outpatient hospital therapy services may also be billed on a UB-04. For these services, the UB-04 must have Form Locator Type 13x, 074x, 075x or 085x, and one of the following revenue codes:

042X – Physical Therapy

043X - Occupational Therapy

044X - Speech Therapy

- b. When resubmitting a claim, providers must append the appropriate resubmission code in box 4, or corresponding field for EDI, and the original claim number in field 64:

XX7 – correction/replacement or prior claim

XX8 – void/cancel of prior claim

- 3. American Dental Association's Dental Claim Form, Version 2019 shall be used by all providers billing for dental treatment.
- 4. An NCPDP (National Council for Prescription Drug Programs) Workers' Compensation/Property and Casualty universal claim form, version 1.1 shall be used by dispensing pharmacies and pharmacy benefit managers.

An ANSI ASC X12 (American National Standards Institute Accredited Standards Committee) or NCPDP electronic billing transaction containing the same information as in 1, 2, or 3 of this subsection may be used with payer agreement.

- 5. An invoice or other agreed upon form may be used for services incident to medical treatment, such as guardian ad litem and conservator services, language interpreting, or mileage reimbursement.

**B. International Classification of Diseases (ICD) Codes:**

All medical provider bills shall list the ICD-10 Clinical Modification (CM) diagnosis code(s) that are current, accurate, and specific to each patient encounter, in accordance with the ICD-10-CM Chapter Guidelines provided by CMS (Centers for Medicare & Medicaid Services). Bills should include the External Causes code(s). ICD-10 codes shall not be used as a sole factor to establish work-relatedness of an injury or treatment

C. Medical providers must accurately report their services using applicable billing codes, modifiers, instructions, and parenthetical notes as incorporated by reference in Rule 18. The provider may be subject to penalties for inaccurate billing when the provider knew or should have known that the treatment billed was inaccurate, as determined by the Director or an administrative law judge.

D. National provider identification (NPI) numbers are required for WC bills. Provider types ineligible to obtain NPI numbers are exempt from this requirement. When billing on a CMS-1500, Dental Claim Form, or UB-04, the NPI shall be that of the rendering provider and shall include the correct place of service code(s) at the line level.

**16.8.2 TIMELY FILING**

- A. Providers shall submit their bills for treatment rendered within 120 days of the date of service or the bill may be denied unless extenuating circumstances exist.

1. For bills submitted through electronic data interchange (EDI), providers may prove timely filing by showing a payer acknowledgement (claim accepted). Rejected claims or clearinghouse acknowledgement reports are not proof of timely filing.
  2. For paper bills, providers may prove timely filing with a signed certificate of mailing listing the original date mailed and the payer's address; a fax acknowledgement report; or a certified mail receipt showing the date the payer received the bill.
  3. All timely filing issues will be considered final 10 months from the date of service unless extenuating circumstances exist.
- B. Injured workers shall submit requests for mileage reimbursement within 120 days of the date of service or reimbursement may be denied unless good cause exists.
- C. Extenuating circumstances/good cause may include, but are not limited to, delays in compensability being determined or the party has not been informed of this benefit or where to send the bill.

#### 16.9 REQUIRED MEDICAL RECORD DOCUMENTATION

- A. The treating provider shall maintain medical records for each injured worker when billing for the provided treatment. The rendering provider shall sign the medical records. Electronic signatures are accepted.
- B. All medical records shall legibly document the treatment billed and shall include at least the following information:
1. Patient's name;
  2. Date of treatment;
  3. Name and professional designation of person providing treatment;
  4. Assessment or diagnosis of current condition with appropriate objective findings;
  5. Treatment provided;
  6. Treatment plan, when applicable; and
  7. If being completed by an authorized treating physician, all pertinent changes to work and or activity restrictions which reflect lifting, standing, stooping, kneeling, hot or cold environment, repetitive motion or other appropriate physical considerations.
- C. All treatment provided to injured workers is expected to be documented in the medical record at the time it is rendered. Occasionally, certain entries related to treatment provided are not made timely. In this event, the documentation will need to be amended, corrected, or entered after rendering treatment. Amendments, corrections, and delayed entries must comply with Medicare's widely accepted recordkeeping principles as outlined in the Medicare Program Integrity Manual Chapter 3, section 3.3.2.5, implemented August 2020. (This section does not apply to injured workers' requests to amend records as permitted by the Health Insurance Portability and Accountability Act (HIPAA)).
- D. The ATP must sign (or counter-sign) and submit to the payer, within 14 days of the initial and final visit, a completed WC 164 form.

1. The form shall be completed as an "initial" report when the injured worker has the initial visit with the Designated Physician, or in the case of a transfer of care, the new Designated Physician. If applicable, the emergency department (ED) or urgent care physician initially treating the injury may also complete a WC 164 initial report. In such cases, the initial report from the ED or urgent care physician, and the Designated Physician shall be reimbursed. Unless requested or prior authorized by the payer, no other physician should complete and bill for the WC 164 initial report. See Rule 18 for required fields.
  2. The form shall be completed as a "closing" report when the ATP managing the total WC claim determines the injured worker has reached maximum medical improvement (MMI) for all covered injuries or diseases, with or without permanent impairment. See Rule 18 for required fields.
  3. The ATP shall supply the injured worker with a copy of the WC 164 at the time of completion, at no charge.
- E. Providers other than hospitals shall provide the payer with all supporting documentation and treatment records at the time of billing unless the parties have made other agreements. Hospitals shall provide documentation to the payer upon request. Payers shall specify what portion of a hospital record is being requested (for example, only the ED chart notes, in-patient physician orders and chart notes, x-rays, pathology reports, etc.). The payer may deny payment for billed treatment until the provider submits the required medical documentation.

#### 16.10 PAYMENT REQUIREMENTS FOR MEDICAL BILLS

- A. All bills submitted by a provider are due and payable in accordance with the Medical Fee Schedule within 30 days after receipt by the payer, unless the payer provides timely and proper reasons set forth by section 16-10-2 or 3.
- B. For every medical treatment bill submitted by a provider, the payer shall reply with a written notice (explanation of benefits) within 30 days of receipt of the bill that includes the following:
1. Injured worker's name;
  2. Payer's name and address;
  3. Date(s) of service;
  4. Each procedure code billed; and
  5. Amount paid.
- C. If any adjustment is made to the amount submitted on the bill, the payer's written notice shall also include:
1. Payer's claim number and/or Division's WC number;
  2. Specific identifying information coordinating the notice with any payment instrument associated with the bill;
  3. Notice that the billing party may submit a corrected bill or an appeal within 60 days;



4. Name of insurer with admitted, ordered, or contested liability for the WC claim, when known;
  5. Name and address of any third-party administrator (TPA) and/or bill reviewer associated with processing the bill;
  6. Name and contact information of a person who has responsibility and authority to discuss and resolve disputes on the bill;
  7. Name and address of the employer, when known;
  8. For compensable treatment related to a work injury, the payer shall notify the billing party that the injured worker shall not be balance-billed;
  9. If applicable, a statement that the payment is being held in abeyance because a hearing is pending on a relevant issue.
- D. Any written notice that fails to include the required information is defective and does not satisfy the 30-day notice requirement.
- E. If the payer discounts a bill and the provider requests clarification in writing, the payer shall furnish to the requester the specifics of the discount within 30 days, including a copy of any contract relied upon for the discount. If no response is forthcoming within 30 days, the payer must pay the maximum Medical Fee Schedule allowance or the billed charges, whichever is less.
- F. Date of bill receipt by the payer may be established by the payer's date stamp or electronic acknowledgment date required by Rule 4; otherwise, receipt is presumed to occur five days after the date the bill was mailed to the payer's correct address.
- G. Payers shall reimburse injured workers for mileage expenses as required by statute or provide written notice of the reason(s) for denying reimbursement within 30 days of receipt.
- H. An injured worker shall never be required to directly pay for admitted or ordered medical benefits covered under the Workers' Compensation Act. In the event the injured worker has directly paid for medical treatment that is then admitted or ordered under the Workers' Compensation Act, the payer shall reimburse the injured worker for the amounts actually paid for authorized treatment within 30 days of receipt of the bill. If the actual costs exceed the maximum fee allowed by the Medical Fee Schedule, the payer may seek a refund from the medical provider for the difference between the amount charged to the injured worker and the maximum fee.

#### 16.10.1 MODIFIED, UNLISTED, AND UNPRICED CODES

- A. Prior to modifying a billed code, the payer must contact the billing provider and determine if the code is accurate. If the payer disagrees with the level of care billed, the payer may deny the claim or contact the provider to explain why the billed code does not meet the level of care criteria.
1. If the billing provider agrees with the payer, then the payer shall process the service with the agreed upon code and shall document on the written notice the agreement with the provider. The written notice shall include the name of the party at the billing office who made the agreement.
  2. If the billing provider disagrees with the payer, then the payer shall proceed with a denial.

B. When no established fee is identified in the Medical Fee Schedule and the payer agrees the service or procedure is reasonable and necessary, the payer shall list on the written notice one of the following payment options:

1. Payment based on a similar established code value as recommended by the billing provider.
2. A reasonable value based upon a similar established code value as determined by the payer.

If the payer disagrees with the billing provider's recommended code value, the denial shall include an explanation of why the requested fee is not reasonable, identification of the similar code as determined by the payer, and how the payer calculated its fee recommendation. If the provider disagrees with the payer's determination, it can follow the process for appealing billed treatment denials.

#### 16.10.2 DENYING PAYMENT OF BILLED TREATMENT FOR NON-MEDICAL REASONS

A. Non-medical reasons are administrative issues that do not require medical documentation review other than to verify the appropriate use of a billed code. Examples of non-medical reasons for denying payment include the following: no WC claim has been filed with the payer; compensability has not been established; the provider is not authorized to treat; the insurance coverage is at issue; typographic or date errors on the bill; failure to submit medical documentation; or unrecognized or improper use of a CPT® code.

B. If an ATP bills for medical treatment and indicates in writing, including reasoning and relevant documentation that the medical services are related to the admitted WC claim, the payer cannot deny payment solely for relatedness without a medical opinion as required by section 16-10-3. The medical review, IME report, or report from an ATP that addresses the relatedness of the requested treatment to the admitted claim may precede the date of service, unless the requesting physician presents new evidence as to why treatment is now related.

C. In all cases where a billed treatment is denied for non-medical reasons, the payer's written notice shall include all notice requirements set forth in sections 16-10 B and C, and shall also include:

1. Reference to each code being denied; and
2. Clear and persuasive reasons for denying payment, including citation of appropriate statutes, rules, and/or documents supporting the payer's reason(s).

D. If after the treatment was provided, the payer agrees the service was reasonable and necessary, lack of prior authorization does not warrant denial of payment. However, the provider may still be required to provide additional supporting documentation as outlined in section 16-7 for a complete Prior Authorization request.

#### 16.10.3 DENYING PAYMENT OF BILLED TREATMENT FOR MEDICAL REASONS

A. The payer shall have the bill and all supporting medical documentation reviewed by a Physician who holds a license and is in the same or similar specialty as would typically manage the medical condition or treatment under review. The Physician shall be Level I or II Accredited. In addition, a clinical Pharmacist (Pharm.D.) may review billed services for medications, and a Psychologist may review billed services for mental health, without having received Level I or II Accreditation. After reviewing the supporting medical documentation, the reviewing provider may call the billing provider to expedite communication and timely processing of the bill.

B. In all cases where a billed treatment is denied for medical reasons, the payer's written notice shall include all notice requirements set forth in sections 16-10 B and C, and shall also include:

1. Reference to each code being denied;
2. Clear and persuasive medical reasons for denying payment, including the name and professional credentials of the provider performing the medical review and a copy of the reviewer's opinion;
3. Citation from the MTGs, when applicable; and
4. Identification of additional information deemed likely to influence reconsideration, when applicable.

#### 16.10.4 APPEALING BILLED TREATMENT DENIALS

A. The billing party shall have 60 days from the date of the written notice to request reconsideration. The billing party's appeal must include:

1. A copy of the original or corrected bill with condition code W3 in field 10d;
2. A copy of the written notice;
3. Identification of the specific code being appealed; and
4. Clear and persuasive reason(s) for the appeal, including additional supporting documentation when applicable.

B. If the billing party appeals the denial in compliance with above requirements, the payer shall:

1. When denied for non-medical reasons, have the bill and all supporting documentation reviewed by a person who has knowledge of the bill. After reviewing the provider's appeal, the reviewer may call the appealing party to expedite the communication and timely processing of the appeal.
2. When denied for medical reasons, have the bill and all supporting documentation reviewed by a Physician who holds a license and is in the same or similar specialty as would typically manage the medical condition or treatment under review. The Physician shall be Level I or II Accredited. In addition, a clinical pharmacist (Pharm.D.) may review appeals for payment of medications and a Psychologist may review appeals for payment of mental health services without having received Level I or II Accreditation. After reviewing the supporting medical documentation, the reviewing provider may call the appealing provider to expedite communication and timely processing of the appeal.
3. If after reviewing the appeal the payer agrees with the billing party, payment for treatment is due and payable in accordance with the Medical Fee Schedule within 30 days of receipt of the appeal. Date of receipt may be established by the payer's date stamp or electronic acknowledgment date required by Rule 4; otherwise, receipt is presumed to occur five days after the date the response was mailed to the payer's correct address.
4. If after reviewing the appeal the payer upholds its denial, the payer shall send the billing party written notice within 30 days of receipt of the appeal. The written notice shall include all notice requirements set forth in sections 16-10 B and C, and shall also

include:

- a. Reference to each code being denied;
  - b. Clear and persuasive medical or non-medical reasons for upholding the denial, including the name and professional credentials of the reviewer and a copy of the reviewer's opinion when medically based;
  - c. Citation of appropriate statutes, rules, and/or documents supporting the payer's reason(s).
5. In the event of continued disagreement, the parties should follow dispute resolution and adjudication procedures available through the Division or the Office of Administrative Courts. The parties shall do so within 12 months of the date of the original bill should have been processed in compliance with section 16-10, unless extenuating circumstances exist.

#### 16.11 RETROACTIVE REVIEW OF MEDICAL BILLS

A. All medical bills shall be considered final at 12 months after the date of the original written notice unless the provider is notified that:

1. A hearing is requested within the 12 month period; or
2. A request for utilization review has been filed pursuant to § 8-43-501.

B. If the payer conducts a retroactive review to recover overpayments from a provider based on non- medical reasons, the payer shall send the billing party written notice that includes all notice requirements set forth in sections 16-10 B and C, and shall also include:

1. Reference to each item of the bill for which the payer seeks to recover payment;
2. Clear and persuasive reason(s) for seeking recovery of overpayment(s), including citation of appropriate statutes, rules and/or documents supporting the payer's reason(s).
3. Evidence that these payments were in fact made to the provider.

C. If the payer conducts a retroactive review to recover overpayments from a provider based on medical reasons, the payer shall have the bill and all supporting documentation reviewed by a Physician who holds a license and is in the same or similar specialty as would typically manage the medical condition or treatment under review. The Physician shall be Level I or II Accredited. In addition, a clinical pharmacist (Pharm.D.) may review billed medications, and a Psychologist may review billed services for mental health, without having received Level I or II Accreditation. The payer shall send the billing party written notice that includes all notice requirements set forth in sections 16-10 B and C, and 16-11 B.

D. In the event of disagreement, the parties may follow dispute resolution and adjudication procedures available through the Division or the Office of Administrative Courts.

16.11.1            ONSITE REVIEW OF HOSPITAL OR MEDICAL FACILITY CHARGES

- A. If the payer conducts a review of billed and non-billed hospital or medical facility charges related to a specific workers' compensation claim, the payer shall comply with the following procedures:
  - 1. Within 30 days of receipt of the bill, send written notification to the hospital or medical facility of its intent to conduct a review. Notification shall include the following information:
    - a. Name of the injured worker;
    - b. Division's WC number and/or hospital or medical facility patient identification number;
    - c. An outline of the items to be reviewed; and
    - d. Name and contact information of a person designated by the payer to conduct the review, if applicable.
- B. The reviewer shall comply with the following procedures:
  - 1. Obtain a signed release of information form from the injured worker;
  - 2. Negotiate with the hospital or medical facility on a starting date for the review;
  - 3. Assign staff members who are familiar with medical terminology, general hospital or medical facility charging, and medical documentation procedures or have a level of knowledge equivalent at least to that of an LPN;
  - 4. Establish a schedule for the review which shall include, at a minimum, the dates for the delivery of preliminary findings to the hospital or medical facility, a 14 day response period for the hospital or medical facility, the delivery of an itemized list of any discrepancies, and an exit conference upon completion of the review; and
  - 5. Provide the payer and hospital or medical facility with a written summary of the review within 30 days of the exit conference.
- C. The hospital or medical facility shall comply with the following procedures:
  - 1. Allow the review to begin within 30 days from the payer's notification;
  - 2. Upon receipt of the injured worker's signed release of information form, allow the reviewer access to all items identified on the form;
  - 3. Designate an individual to serve as the primary liaison between the hospital or medical facility and the reviewer, who will acquaint the reviewer with the documentation and charging practices of the hospital or medical facility;
  - 4. Provide a written response to each preliminary review finding within 14 days of receipt of those findings; and
  - 5. Participate in the exit conference in an effort to resolve any discrepancies.

When seeking dispute resolution from the Division's Medical Dispute Resolution Unit, the requesting party must complete the Division's "Medical Dispute Resolution Intake Form" (WC 181) found on the Division's web page. The items listed on the bottom of the form must be provided at the time of submission. If necessary items are missing or if more information is required, the Division will forward a request for additional information and initiation of the process may be delayed.

When the request is properly made and the supporting documentation submitted, the Division will issue a confirmation of receipt. If, after reviewing the materials, the Division believes the dispute criteria have not been met, the Division will issue an explanation of those reasons. If the Division determines there is cause for facilitating the disputed items, the other party will be sent a request for a written response due in 14 days.

The Division will facilitate the dispute by reviewing the parties' compliance with Rules 11, 16, 17, and 18 within 30 days of receipt of the complete supporting documentation; or as soon thereafter as possible. In addition, the payer shall pay interest at the rate of eight percent per annum in accordance with § 8-43-410(2), upon all sums not paid timely and in accordance with the Division Rules. The interest shall be paid at the same time as any delinquent amount(s).

Upon review of all submitted documentation, disputes resulting from violation of Rules 11, 16, 17, and 18, as determined by the Director, may result in a Director's Order that cites the specific violation.

Evidence of compliance with the order shall be provided to the Director. If the party does not agree with the findings, it shall state with particularity and in writing its reasons for all disagreements by providing a response with all relevant legal authority, and/or other relevant proof in support of its position(s).

Failure to respond or cure violations may result in penalties in accordance with § 8-43-304. Daily fines up to \$1,000/day for each such offence will be assessed until the party complies with the Director's Order.

Resolution of disputes not pertaining to Rule violations will be facilitated by the Division to the extent possible. In the event both parties cannot reach an agreement, the parties will be provided additional information on pursuing resolution and adjudication procedures available through the Office of Administrative Courts. Use of the dispute resolution process does not extend the 12-month application period for hearing.

**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: 2022-00366

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Workers' Compensation

**on 09/12/2022**

7 CCR 1101-3

**WORKERS' COMPENSATION RULES OF PROCEDURE WITH TREATMENT GUIDELINES**

The above-referenced rules were submitted to this office on 09/12/2022 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.

September 28, 2022 14:56:04

A handwritten signature in blue ink, appearing to read "Philip J. Weiser".

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

**Department**

Department of Labor and Employment

**Agency**

Division of Workers' Compensation

**CCR number**

7 CCR 1101-3

**Rule title**

7 CCR 1101-3 WORKERS' COMPENSATION RULES OF PROCEDURE WITH  
TREATMENT GUIDELINES 1 - eff 01/01/2023

**Effective date**

01/01/2023



## Exhibit #1

### Evaluation and Management - Medical Decision Making – Effective 1/1/2023

Number/Complexity of Problems Addressed (**Chart A**) See examples on page 6

Only problems directly related to the injury and pertinent to the visit or treatment are counted.

<b>Minimal</b>	<input type="checkbox"/> 1 Self-limited / minor problem	<p><u>Self-limited or Minor Problem</u> – A problem that runs a definite and prescribed course, is temporary in nature, and is not likely to permanently affect health status.</p>
<b>Low</b>	<input type="checkbox"/> 2+ Self-limited/minor problems; or  <input type="checkbox"/> 1 Stable chronic illness; or  <input type="checkbox"/> 1 Acute uncomplicated illness/injury	<p><u>Stable, Chronic Illness</u> - A problem with an expected duration of at least one year or until the death of the patient. For the purpose of defining chronicity, conditions are treated as chronic whether or not the stage or the severity changes (e.g., uncontrolled diabetes and controlled diabetes are a single chronic condition). 'Stable' for the purposes of categorizing MDM is defined by the specific treatment goals for an individual patient. A patient who is not at their treatment goal is not stable, even if the condition has not changed and there is no short- term threat to life or bodily function. For example, a patient with persistently poorly controlled blood pressure for whom better control is a goal is not stable, even if the pressures are not changing and the patient is asymptomatic. The risk of morbidity without treatment is significant.</p> <p><u>Acute, Uncomplicated Illness or Injury</u> - A recent or new short-term problem with low risk of morbidity for which a treatment is considered. There is little to no risk of mortality with treatment, and full recovery without functional impairment is expected. A problem that is normally self-limited or minor but is not resolving consistent with a definite and prescribed course is an acute, uncomplicated illness.</p>
<b>Moderate</b>	<input type="checkbox"/> 1+ Chronic illness w/ exacerbation, progression, or Tx side effects; or  <input type="checkbox"/> 2+ Stable chronic illnesses; or  <input type="checkbox"/> Undiagnosed new problem w/ uncertain prognosis; or  <input type="checkbox"/> Acute illness w/ systemic symptoms; or  <input type="checkbox"/> Acute complicated injury	<p><u>Chronic Illness with Exacerbation, Progression or Side Effects of Tx</u> - A chronic illness that is actually worsening, poorly controlled or progressing with an intent to control progression and requiring additional supportive care or attention to treatment for side effects but that does not require consideration of hospital level care.</p> <p><u>Undiagnosed New Problem with Uncertain Prognosis</u> - A problem in the differential diagnosis that represents a condition likely to result in a high risk of morbidity without medical intervention.</p> <p><u>Acute Illness with Systemic Symptoms</u> - An illness that causes systemic symptoms and has a high risk of morbidity without treatment. For systemic general symptoms such as fever, body aches or fatigue in a minor illness that may be treated to alleviate symptoms, shorten the course of illness or to prevent complications, see the definitions for 'self-limited or minor' or 'acute, uncomplicated.' Systemic symptoms may not be general, but may be a single system.</p>

High	<input type="checkbox"/> Chronic illness w/ severe exacerbation, progression, or Tx side effects; or <input type="checkbox"/> Acute/chronic illness/injury that poses threat to life or bodily function

Acute, Complicated Injury – An injury which requires medical intervention that includes evaluation of other body systems that are not directly related to the injured organ, the injury is extensive, or the treatment options are multiple and/or associated with risk of morbidity.

Chronic Illness with Severe Exacerbation, Progression, or Side Effects of Treatment – The severe exacerbation or progression of a chronic illness or severe side effects of treatment that have significant risk of morbidity and may require hospitalization.

Acute or Chronic Illness or Injury that Poses a Threat to Life or Bodily Function - An acute illness with systemic symptoms (symptoms affecting one or more organ systems), or an acute complicated injury, or a chronic illness or injury with exacerbation and/or progression or side effects of treatment, that poses a threat to life or bodily function in the short-term without treatment.

Amount and/or Complexity of **Data to be Reviewed and Analyzed (Chart B)**

Tests & Documents (T&D)				T&D pts	Level of Data
Review of prior <b>external note(s)</b> from each unique source*		x 1 =			<input type="checkbox"/> 2 pts from at least 2 T&D <b>or</b> <input type="checkbox"/> 1 pt from IHX  If at least 1 box is checked, the level of data is <b>LIMITED</b> If not, the level of data is <b>MINIMAL</b> or <b>NONE</b>
Review of the <b>result(s)</b> of each unique test*		x 1 =			
<b>Ordering</b> of each unique test* or <b>Discussion with the patient</b> of possible test alternatives (documented)		x 1 =			
<b>Assessment requiring an independent historian(s)(IHx)</b>				IHx pts	
An individual who provides a history in addition to patient	0 or 1 max =				
<b>Independent interpretation of tests (Intpr)</b>				Intpr pts	
Independent interpretation of a test performed by another physician/ other qualified health care professional (not separately reported);	0 or 1 max =				<input type="checkbox"/> 3 pts from 3 T&D/IHX <b>or</b> <input type="checkbox"/> 1 pt from Intpr <b>or</b> <input type="checkbox"/> 1 pt from DISC  If at least 1 box is checked, the level of data is <b>MODERATE</b> If not, the level of data is <b>LIMITED</b> or <b>MINIMAL/NONE</b>
<b>Discussion of management or test interpretation (DISC)</b>				DISC pts	
Discussion of management or test interpretation <b>with external physician</b> /other qualified health care professional/appropriate source (not separately reported)	0 or 1 max =				If at least 2 of the 3 boxes above are checked, the level of data is <b>EXTENSIVE</b>

\*Each unique test, order, or document contributes to the combination of T&D category below. If the test is being billed on the same date, T&D does not apply

Test – Laboratory services, diagnostic imaging, psychometric, or physiologic data. A clinical laboratory panel (e.g., basic metabolic panel [80047]) is a single test. The differentiation between single or multiple unique tests is defined in accordance with the CPT® code set.

External – External records, communications and/or test results are from an external physician, other qualified health care professional, facility or health care organization.

External Physician or Other Qualified Healthcare Professional - An individual who is in a different group practice or who is of a different specialty or subspecialty. It includes licensed professionals that are practicing independently (e.g. PT, OT, nurse case manager.) It may also be a facility or organizational provider such as a hospital, nursing facility, or home health care agency.

Independent Historian(s)- An individual such as a parent, guardian, surrogate, spouse, caregiver, witness, supervisor, or co-worker who provides a history in addition to a history provided by the patient who is unable to provide a complete or reliable history due to developmental stage of the patient, or another mental condition(s) or because a confirmatory history is determined to be necessary. In the case where there may be conflict or poor communication between multiple historians and more than one historian(s) is needed, the independent historian(s) requirement is met.

Independent Interpretation - The interpretation of a test for which there is a CPT® code and an interpretation or report is expected. This does not apply when the provider is reporting the service or has previously reported the service for the patient. A form of interpretation should be documented, but need not conform to the usual standards of a complete report for the test.

Appropriate Source – Individuals who are not health care professionals, but may be involved in the management of the patient (e.g., lawyer, parole officer, power of attorney, case manager, clergy, teacher). It does not include discussion with family or informal caregivers.

**Risk of complications and/or Morbidity or Mortality of Patient Management (Chart C) see examples on following page**

<b>Minimal</b>	<input type="checkbox"/> Minimal risk of morbidity from additional diagnostic testing or treatment	<p><b><u>Risk</u></b> – The probability and/or consequences of an event (an event is the medical intervention or treatment). The assessment of the level of risk is affected by the nature of the medical intervention or treatment under consideration. <i>For example, a low probability of death may be high risk, whereas a high chance of a minor, self-limited adverse effect of treatment may be low risk.</i> Definitions of risk are based upon the usual behavior and thought processes of a provider in the same specialty. Trained clinicians apply common language usage meanings to terms such as ‘high’, ‘medium’, ‘low’, or ‘minimal’ risk and do not require quantification for these definitions, (though quantification may be provided when evidence-based medicine has established probabilities). For the purposes of calculating medical decision making, level of risk is based upon consequences of the problem(s) addressed at the visit when appropriately treated. Risk also includes medical decision making related to the need to initiate or forego further testing, treatment and/or hospitalization.</p>
<b>Low</b>	<input type="checkbox"/> Low risk of morbidity from additional diagnostic testing or treatment	
<b>Moderate</b>	<input type="checkbox"/> Moderate risk of morbidity from additional diagnostic testing or Treatment	
		<p><b><u>Morbidity</u></b> – A state of illness or functional impairment that is expected to be long-term duration in which function is limited, quality of life is impaired, or there is organ damage</p>

**High** ☐ High risk of morbidity from additional diagnostic testing or treatment that may not be temporary despite treatment.

**Level of the Presenting Problem** (from Chart A) \_\_\_\_\_

**Level of Data** (from Chart B) \_\_\_\_\_

**Level of Risk** (from Chart C) \_\_\_\_\_

<b>Minimal</b>	<b>99202/99212</b>
<b>Low</b>	<b>99203/99213</b>
<b>Moderate</b>	<b>99204/99214</b>
<b>High</b>	<b>99205-99215</b>

**Overall level of MDM**-two of three categories above must be at a specific level in order to claim overall MDM at that level \_\_\_\_\_

Examples of patient management or conditions		Level of Risk
<input type="checkbox"/> Rest <input type="checkbox"/> Gargles <input type="checkbox"/> Insect bite <input type="checkbox"/> Contusion <input type="checkbox"/> Bruise	<input type="checkbox"/> Elastic bandages <input type="checkbox"/> Superficial dressings <input type="checkbox"/> Minor non-sutured laceration <input type="checkbox"/> Abrasion	<b>MINIMAL</b>
<input type="checkbox"/> Over-the-counter drugs <input type="checkbox"/> Minor surgery with no identified risk factors <input type="checkbox"/> PT/OT <input type="checkbox"/> Superficial burn <input type="checkbox"/> Simple sprain/strain <input type="checkbox"/> Stable chronic low back pain	<input type="checkbox"/> IV fluids w/o additives <input type="checkbox"/> Simple or layered closure <input type="checkbox"/> Vaccine injection <input type="checkbox"/> Simple laceration repair <input type="checkbox"/> Superficial foreign body	<b>LOW</b>
<input type="checkbox"/> Minor surgery, with identified risk factors <input type="checkbox"/> Elective major surgery (open, percutaneous, or endoscopic), with no identified risk factors <input type="checkbox"/> Prescription drug management <input type="checkbox"/> Therapeutic nuclear medicine	<input type="checkbox"/> Closed fracture(s) or dislocation(s), without manipulation <input type="checkbox"/> Disability counseling and/or work restrictions <input type="checkbox"/> Inability to return the injured worker to work and requiring detailed functional improvement plan <input type="checkbox"/> Diagnosis or treatment significantly limited by social determinants of health	<b>MODERATE</b>

<input type="checkbox"/> IV fluids with additives <input type="checkbox"/> Head injury with brief loss of consciousness <input type="checkbox"/> New neurologic complaints in extremity (numbness, tingling) <input type="checkbox"/> Partial thickness burn < 10% total body surface area <input type="checkbox"/> Deep foreign body	<input type="checkbox"/> Chronic pain with exacerbation &/or side effects of tx <input type="checkbox"/> Intermediate laceration repair <input type="checkbox"/> Torn ligament	
<input type="checkbox"/> Elective major surgery (open, percutaneous, endoscopic), with identified risk factors <input type="checkbox"/> Emergency major surgery or trauma <input type="checkbox"/> Parenteral controlled substances <input type="checkbox"/> Drug therapy requiring intensive monitoring for toxicity <input type="checkbox"/> Initial treatment of open fracture <input type="checkbox"/> Head injury with prolonged loss of consciousness <input type="checkbox"/> Partial thickness burn $\geq$ 10% total body surface areas <input type="checkbox"/> Full-thickness burn <input type="checkbox"/> Complex laceration repair <input type="checkbox"/> Initial loss of limb/digit	<input type="checkbox"/> Decision not to resuscitate, or to de-escalate care because of poor prognosis <input type="checkbox"/> Potential for significant permanent work restrictions or total disability which would significantly restrict employment opportunities <input type="checkbox"/> Management of addiction behavior or other significant psychiatric condition <input type="checkbox"/> Treatment plan for patients with symptoms causing severe functional deficits without supporting physiological findings or verified related medical diagnosis. <input type="checkbox"/> Abrupt change in neurological status	<b>HIGH</b>

### Time-Based Coding

Total Time on the Date of the Visit – (99202-99205, 99212-99215) - For calculation purposes, time for these services is the total time on the date of the visit. It includes both the face-to-face and non-face-to-face time personally spent by the provider(s) on the day of the visit and includes time in activities that require the provider but does not include time in activities normally performed by clinical staff.

**Provider time includes the following activities, when performed:**

- Preparing to see the patient such as reviewing the pt's record
- Obtaining and/or reviewing separately obtained history
- Performing a medically appropriate history and examination
- Counseling and educating the patient, family, and/or caregiver
- Ordering prescription medications, tests, or procedures
- Referring and communicating with other health care providers when not separately reported during the visit
- Documenting clinical information in the electronic or other health record
- Independently interpreting and communicating results to the patient/family/caregiver
- Coordinating the care of the patient (case manager; discharge; instructions for post-op care)
- Time spent communicating with patient, family and/or caregiver through an interpreter
- Time spent on causation or apportionment analysis

Code	Time	Code	Time
99202	15-29	99211	0
99203	30-44	99212	10-19
99204	45-59	99213	20-29
99205	60-74	99214	30-39
		99215	40-54

**Provider time does not include:**

- Completing a WC-164
- Activities related to QPOP
- Activities not included in the documentation
- Time associated with any other billed code

**Exhibit # 2****Base Rates and Cost-to-Charge Ratios – Effective 1/1/2023**

Source: Medicare FY 2022 IPPS Impact File – Correcting Amendment (September 2021)

<b>Provider Number</b>	<b>Name</b>	<b>Total CCR</b>	<b>Individual Hospital Base Rate</b>
060001	North Colorado Medical Center	0.237	\$7,441.23
060003	Longmont United Hospital	0.290	\$6,930.63
060004	Platte Valley Medical Center	0.348	\$6,703.37
060006	Montrose Memorial Hospital	0.350	\$6,703.37
060008	San Luis Valley Health	0.377	\$6,703.37
060009	Lutheran Medical Center	0.197	\$6,790.41
060010	Poudre Valley Hospital	0.248	\$6,967.99
060011	Denver Health Medical Center	0.295	\$8,714.19
060012	Centura Health-St Mary Corwin Medical Center	0.315	\$7,659.28
060013	Mercy Regional Medical Center	0.268	\$8,560.95
060014	Presbyterian St Luke's Medical Center	0.136	\$7,328.92
060015	Centura Health-St Anthony Hospital	0.202	\$6,863.52
060020	Parkview Medical Center, Inc	0.135	\$7,423.02
060022	University Colo Health Memorial Hospital Central	0.199	\$6,993.77
060023	St Marys Medical Center	0.279	\$7,457.30
060024	University Of Colorado Hospital Authority	0.162	\$8,285.98
060027	Foothills Hospital	0.201	\$6,823.39
060028	Saint Joseph Hospital	0.184	\$7,458.96
060030	Mckee Medical Center	0.352	\$6,734.28
060031	Centura Health-Penrose-St Francis Health Services	0.193	\$6,777.98
060032	Rose Medical Center	0.116	\$7,088.75
060034	Swedish Medical Center	0.093	\$6,994.74
060044	Colorado Plains Medical Center	0.274	\$7,059.64
060049	Uchealth Yampa Valley Medical Center	0.538	\$10,340.78
060054	Community Hospital	0.316	\$6,690.89
060064	Centura Health-Porter Adventist Hospital	0.218	\$6,688.32
060065	North Suburban Medical Center	0.102	\$7,036.57
060071	Delta County Memorial Hospital	0.435	\$6,658.56
060075	Valley View Hospital Association	0.384	\$8,848.97
060076	Sterling Regional Medcenter	0.455	\$8,395.18



060096	Vail Health Hospital	0.516	\$12,957.23
060100	Medical Center Of Aurora, The	0.113	\$6,910.04
060103	Centura Health-Avista Adventist Hospital	0.243	\$7,056.66
060104	St Anthony North Health Campus	0.207	\$7,746.12
060107	National Jewish Health	0.205	\$6,703.37
060112	Sky Ridge Medical Center	0.096	\$7,351.24
060113	Centura Health-Littleton Adventist Hospital	0.181	\$6,594.60
060114	Parker Adventist Hospital	0.213	\$6,613.97
060116	Good Samaritan Medical Center	0.185	\$6,801.58
060117	Animas Surgical Hospital, Llc	0.387	\$6,521.72
060118	St Anthony Summit Medical Center	0.303	\$6,703.37
060119	Medical Center Of The Rockies	0.252	\$6,611.05
060124	Orthocolorado Hospital At St Anthony Med Campus	0.177	\$6,521.72
060125	Castle Rock Adventist Hospital	0.212	\$6,638.70
060126	Banner Fort Collins Medical Center	0.417	\$6,703.37
060128	Longs Peak Hospital	0.323	\$6,895.70
060129	Uchealth Broomfield Hospital	0.591	\$6,703.37
060130	Uchealth Grandview Hospital	0.378	\$6,703.37
060131	Uchealth Greeley Hospital	0.205	\$6,548.95
060132	Uchealth Highlands Ranch Hospital	0.205	\$6,521.72
*	Critical Access Hospitals	0.516	\$12,957.23
069999	Any New Hospital	0.212	\$6,638.70

\* [A list of Critical Access Hospitals is available at www.ruralcenter.org/resource-library/cah-locations.](http://www.ruralcenter.org/resource-library/cah-locations)

**Final Exhibit #3**  
**Dental Fee Schedule – Effective 1/1/2023**

Proc	Description	Rate
D0120	PERIODIC ORAL EVALUATION - EST PATIENT	\$72.67
D0140	LIMITED ORAL EVALUATION - PROBLEM FOCUSED	\$121.83
D0145	ORAL EVAL PT UND 3 YR AGE CNSL W/PRIM CAREGIVER	\$113.28
D0150	COMP ORAL EVALUATION - NEW OR EST PATIENT	\$128.24
D0160	DTL&EXT ORAL EVALUATION - PROBLEM FOCUSED REPORT	\$256.48
D0170	RE-EVALUATION - LIMITED PROBLEM FOCUSED	\$85.49
D0171	RE-EVALUATION POST-OPERATIVE OFFICE VISIT	\$85.49
D0180	COMP PERIODONTAL EVALUATION - NEW OR EST PATIENT	\$138.93
D0190	SCREENING OF A PATIENT	\$72.67
D0191	ASSESSMENT OF A PATIENT	\$51.30
D0210	INTRAORAL-COMPLETE SERIES OF RADIOGRAPHIC IMAGES	\$197.03
D0220	INTRAORAL - PERIAPICAL FIRST RADIOGRAPHIC IMAGE	\$39.41
D0230	INTRAORAL-PERIAPICAL-EACH ADDITIONAL IMAGE	\$35.47
D0240	INTRAORAL - OCCLUSAL RADIOGRAPHIC IMAGE	\$61.08
D0250	EXTRAORAL 2D PRJECTN RAD IMG BY RAD SRCE/ DTECTR	\$74.87
D0251	EXTRAORAL POSTERIOR DENTAL RAD IMAGE	\$68.96
D0270	BITEWING - SINGLE RADIOGRAPHIC IMAGE	\$39.35
D0272	BITEWINGS - TWO RADIOGRAPHIC IMAGES	\$62.96
D0273	BITEWINGS - THREE RADIOGRAPHIC IMAGES	\$76.73
D0274	BITEWINGS - FOUR RADIOGRAPHIC IMAGES	\$88.53
D0277	VERTICAL BITEWINGS - 7 TO 8 RADIOGRAPHIC IMAGES	\$133.78
D0310	SIALOGRAPHY	\$550.31
D0320	TEMPOROMANDIBULAR JOINT ARTHROGRAM INCL INJ	\$972.22
D0321	OTHER TEMPOROMANDIBULAR JOINT IMAGES BY REPORT	\$0.00
D0322	TOMOGRAPHIC SURVEY	\$788.78
D0330	PANORAMIC RADIOGRAPHIC IMAGE	\$170.60
D0340	2D CEPHLOMTRIC RAD IMG - ACQSTN MEASRE& ANALYSIS	\$192.61
D0350	2D ORAL/FACIAL PHOTOGRAPHIC IMAGES	\$91.72
D0351	3D PHOTOGRAPHIC IMAGE	\$91.72
D0364	CNE BEAM CAPTR & INTREP LESS THAN WHL JAW	\$306.34
D0365	CNE BEAM CAPTR INTERP W FLD VIEW 1 ARCH MNDBL	\$390.72
D0366	CNE BEAM CAPTR INTERP W FLD VIEW 1 ARCH MAXL	\$390.72
D0367	CNE BEAM CAPTR INTERP W FLD VIEW BTH JAWS	\$440.25
D0368	CNE BEAM CAPTR INTERP FR TMJ 2 OR MORE	\$453.09
D0369	MAXILLOFACIAL MRI CAPTURE AND INTERPRETATION	\$256.81
D0370	MAXLFLCL US IMAGE CAPTR AND INTRP	\$146.75
D0371	SIALOENDOSCOPY CAPTURE AND INTERPRETATION	\$0.00
D0380	CNE BEAM CAPTR LMTD FLD <1 WHL JAW	\$315.51
D0381	CNE BEAM CAPTR W FLD VIEW 1 ARCH MNDBL	\$427.41

D0382	CNE BEAM CAPTR W FLD VIEW 1 ARCH MAXL	\$427.41
D0383	CNE BEAM CAPTR W FLD VIEW BTH JAWS	\$427.41
D0384	CNE BEAM CAPTR FR TMJ 2 OR MORE	\$458.60
D0385	MAXILLOFACIAL MRI IMAGE CAPTURE	\$2,815.77
D0386	MAXILLOFACIAL ULTRASOUND IMAGE CAPTURE	\$704.40
D0391	INTERPRETATION OF DIAGNOSTIC IMAGE	\$0.00
D0393	TREATMENT SIMULATION USING 3D IMAGE VOLUME	\$0.00
D0394	DIGITAL SUBTR OF 2 > IMAGES OF THE SAME MODALITY	\$0.00
D0395	FUSION OF 2/> 3D IMAGE VOLUMES OF 1/> MODALITIES	\$0.00
D0411	HBA1C IN-OFFICE POINT OF SERVICE TESTING	\$0.00
D0412	BLOOD GLCSE LVL TST - IN-OFFICE USING GLCSE MTR	\$0.00
D0414	LAB MICRBAL SPEC CULTRE/SENS/REPORT PREP TRNSMSN	\$71.66
D0415	COLLECTION MICROORGANISMS CULTURE & SENSITIVITY	\$51.95
D0416	VIRAL CULTURE	\$77.03
D0417	CLCT & PREP SALIVA SAMPLE FOR LAB DX TESTING	\$69.87
D0418	ANALYSIS OF SALIVA SAMPLE	\$71.66
D0419	ASSESSMENT OF SALIVARY FLOW BY MEASUREMENT	\$0.00
D0422	COLLECT/PREP GENETIC SAMPLE FOR LAB ANALYSIS	\$51.95
D0423	GENETIC TEST SUSCEPT TO DSEASE SPECIMEN ANLYS	\$0.00
D0425	CARIES SUSCEPTIBILITY TESTS	\$44.79
D0431	ADJUNCTIVE PREDX TST NOT INCL CYTOLOGY/BX PROC	\$71.66
D0460	PULP VITALITY TESTS	\$71.66
D0470	DIAGNOSTIC CASTS	\$157.65
D0472	ACCESSION OF TISSUE GROSS EXAMINATION PREP/REPT	\$98.53
D0473	ACCESS TISSUE GR&MIC EXAMINATION PREP/REPT	\$207.82
D0474	ACCESS TISS GR&MIC EX ASSESS SURG MARG PREP/RPT	\$232.90
D0475	DECALCIFICATION PROCEDURE	\$125.41
D0476	SPECIAL STAINS FOR MICROORGANISMS	\$121.82
D0477	SPECIAL STAINS NOT FOR MICROORGANISMS	\$166.61
D0478	IMMUNOHISTOCHEMICAL STAINS	\$152.28
D0479	TISSUE INSITU HYBRIDIZATION INCL INTERPRETATION	\$232.90
D0480	ACCESS EXFOLIATIVE CYTOL SMEAR MIC EXAM PREP/REPT	\$143.32
D0481	ELECTRON MICROSCOPY	\$537.45
D0482	DIRECT IMMUNOFLUORESCENCE	\$179.15
D0483	INDIRECT IMMUNOFLUORESCENCE	\$179.15
D0484	CONSULTATION ON SLIDES PREPARED ELSEWHERE	\$268.73
D0485	CONSULT INCL PREP SLIDES BX MATL SPL REF SRC	\$370.84
D0486	ACCESSION TRANSEPIHELIAL CYTOLOG SAMPL MIC EXAM	\$171.98
D0502	OTHER ORAL PATHOLOGY PROCEDURES BY REPORT	\$0.00
D0600	DX PX QUANT/MNITR/RECRD CHNGS ENAML/DENTN/CEMNTM	\$0.00
D0601	CARIES RISK ASSESS DOCU FINDING OF LOW RISK	\$31.79
D0602	CARIES RISK AX AND DOCU WITH A FNDNG OF MOD RISK	\$31.79
D0603	CARIES RISK AX AND DOCU WITH FNDNG OF HIGH RISK	\$31.79

D0604	ANTIGEN TEST PUB HLTH PATHOGEN INCL CORONAVIRUS	\$20.67
D0605	ANTIBODY TEST PUB HLTH PATHOGEN INCL CORONAVIRUS	\$15.37
D0606	MOLECULAR TEST PUB HEALTH PATHOGEN-CORONAVIRUS	\$0.00
D0701	PANORAMIC FILM - IMAGE CAPTURE ONLY	\$170.60
D0702	2-D CEPHALOMETRIC FILM - IMAGE CAPTURE ONLY	\$192.61
D0703	2-D ORAL/FACIAL FILM - IMAGE CAPTURE ONLY	\$91.72
D0704	3-D PHOTOGRAPHIC FILM - IMAGE CAPTURE ONLY	\$91.72
D0705	EXTRA-ORAL POSTERIOR FLM - IMAGE CAPTURE ONLY	\$68.96
D0706	INTRAORAL OCCLUSAL FILM - IMAGE CAPTURE ONLY	\$61.08
D0707	INTRAORAL PERIAPICAL FLM - IMAGE CAPTURE ONLY	\$39.41
D0708	INTRAORAL BITEWING - IMAGE CAPTURE ONLY	\$39.35
D0709	INTRAORAL COMPLETE SERIES - IMAGE CAPTR ONLY	\$197.03
D0999	UNSPECIFIED DIAGNOSTIC PROCEDURE BY REPORT	By Report
D1110	PROPHYLAXIS - ADULT	\$128.32
D1120	PROPHYLAXIS - CHILD	\$88.56
D1206	TOPICAL APPLICATION OF FLUORIDE VARNISH	\$64.20
D1208	TOPICAL APPLICATION OF FLUORIDE EXCL VARNISH	\$42.80
D1310	NUTRITIONAL COUNSELING CONTROL OF DENTAL DISEASE	\$68.01
D1320	TOBACCO CNSL CONTROL&PREVENTION ORAL DISEASE	\$73.84
D1321	COUNSEL ADVRSE EFFECTS HI RISK SUBSTNCE ABUSE	\$93.27
D1330	ORAL HYGIENE INSTRUCTIONS	\$93.27
D1351	SEALANT - PER TOOTH	\$75.78
D1352	PREV RSN REST MOD HIGH CARIES RISK PT-PERM TOOTH	\$97.15
D1353	SEALANT REPAIR PER TOOTH	\$97.15
D1354	INTERIM CARIES ARRESTING MEDICATION APPLICATION	\$75.78
D1355	CARIES PREVENTIVE MEDICAMENT APP - PER TOOTH	\$75.78
D1510	SPACE MAINTAINER - FIXED - UNILATERAL	\$438.21
D1516	SPACE MAINTAINER - FIXED - BILATERIAL MAXILLARY	\$613.50
D1517	SPACE MAINTAINER - FIXED - BILATERIAL MANDIBULAR	\$613.50
D1520	SPACE MAINTAINER - REMOVABLE - UNILATERAL	\$482.03
D1526	SPACE MAINTAINER - REMOVABLE - BILATERAL MAXILRY	\$744.96
D1527	SPACE MAINTAINER - REMOVABLE - BILATERAL MNDBULR	\$744.96
D1551	RECMT/REBND BILAT SPACE MAINTAINER MAXILLARY	\$94.65
D1552	RECMT/REBND BILAT SPACE MAINTAINER MANDIBULAR	\$94.65
D1553	RECMT/REBND UNI SPACE MAINTAINER PER QUADRANT	\$63.10
D1556	REMOVAL FIXED UNI SPACE MAINTAINER PER QUADRANT	\$61.35
D1557	REMOVAL FIXED BILAT SPACE MAINTAINER MAXILLARY	\$91.15
D1558	REMOVAL FIXED BILAT SPACE MAINTAINER MANDIBULAR	\$91.15
D1575	DISTAL SHOE SPACE MAINTANR - FIXED - UNILATERIAL	\$482.03
D1701	COVID-19 VACCINE ADMIN-PFIZER-1ST DOSE	\$0.00
D1702	COVID-19 VACCINE ADMIN-PFIZER-2ND DOSE	\$0.00
D1703	COVID-19 VACCINE ADMIN-MODERNA-1ST DOSE	\$0.00
D1704	COVID-19 VACCINE ADMIN-MODERNA-2ND DOSE	\$0.00

D1705	COVID-19 VACCINE ADMIN-ASTRAZENECA-1ST DOSE	\$0.00
D1706	COVID-19 VACCINE ADMIN-ASTRAZENECA-2ND DOSE	\$0.00
D1707	COVID-19 VACCINE ADMIN-JANSSEN	\$0.00
D1999	UNSPECIFIED PREVENTIVE PROCEDURE BY REPORT	By Report
D2140	AMALGAM - ONE SURFACE PRIMARY OR PERMANENT	\$228.03
D2150	AMALGAM - TWO SURFACES PRIMARY OR PERMANENT	\$295.10
D2160	AMALGAM - THREE SURFACES PRIMARY OR PERMANENT	\$356.81
D2161	AMALGAM-FOUR/MORE SURFACES PRIMARY/PERMANENT	\$434.61
D2330	RESIN-BASED COMPOSITE - ONE SURFACE ANTERIOR	\$210.54
D2331	RESIN-BASED COMPOSITE - TWO SURFACES ANTERIOR	\$268.69
D2332	RESIN-BASED COMPOSITE - THREE SURFACES ANTERIOR	\$328.85
D2335	RESIN-BASED COMPOSITE 4/> SURFACES INCISAL ANGLE	\$389.00
D2390	RESIN-BASED COMPOSITE CROWN ANTERIOR	\$431.11
D2391	RESIN-BASED COMPOSITE - ONE SURFACE POSTERIOR	\$246.64
D2392	RESIN-BASED COMPOSITE - TWO SURFACES POSTERIOR	\$322.83
D2393	RESIN-BASED COMPOSITE - THREE SURFACES POSTERIOR	\$401.04
D2394	RESIN COMPOS - FOUR OR MORE SURFACES POSTERIOR	\$491.27
D2410	GOLD FOIL - ONE SURFACE	\$396.49
D2420	GOLD FOIL - TWO SURFACES	\$660.81
D2430	GOLD FOIL - THREE SURFACES	\$1,145.41
D2510	INLAY - METALLIC - ONE SURFACE	\$1,048.49
D2520	INLAY - METALLIC - TWO SURFACES	\$1,189.46
D2530	INLAY - METALLIC - THREE OR MORE SURFACES	\$1,370.97
D2542	ONLAY - METALLIC - TWO SURFACES	\$1,344.54
D2543	ONLAY - METALLIC - THREE SURFACES	\$1,406.21
D2544	ONLAY - METALLIC - FOUR OR MORE SURFACES	\$1,462.60
D2610	INLAY - PORCELAIN/CERAMIC - ONE SURFACE	\$1,233.52
D2620	INLAY - PORCELAIN/CERAMIC - TWO SURFACES	\$1,302.24
D2630	INLAY - PORCELAIN/CERAMIC - THREE/MORE SURFACES	\$1,386.83
D2642	ONLAY - PORCELAIN/CERAMIC - TWO SURFACES	\$1,348.06
D2643	ONLAY - PORCELAIN/CERAMIC - THREE SURFACES	\$1,453.79
D2644	ONLAY - PORCELAIN/CERAMIC - 4 OR MORE SURFACES	\$1,541.90
D2650	INLAY - RESIN-BASED COMPOSITE - ONE SURFACE	\$810.60
D2651	INLAY - RESIN-BASED COMPOSITE - TWO SURFACES	\$965.67
D2652	INLAY RESIN BASED COMPOSITE 3 OR MORE SURFACES	\$1,015.01
D2662	ONLAY - RESIN-BASED COMPOSITE - TWO SURFACES	\$881.09
D2663	ONLAY - RESIN-BASED COMPOSITE - THREE SURFACES	\$1,036.16
D2664	ONLAY RESIN BASED COMPOSIT FOUR OR MORE SURFACES	\$1,110.17
D2710	CROWN - RESIN-BASED COMPOSITE (INDIRECT)	\$615.49
D2712	CROWN 3/4 RESIN-BASED COMPOSITE (INDIRECT)	\$615.49
D2720	CROWN - RESIN WITH HIGH NOBLE METAL	\$1,517.05
D2721	CROWN - RESIN WITH PREDOMINANTLY BASE METAL	\$1,421.69
D2722	CROWN - RESIN WITH NOBLE METAL	\$1,452.90

D2740	CROWN - PORCELAIN/CERAMIC	\$1,556.93
D2750	CROWN - PORCELAIN FUSED TO HIGH NOBLE METAL	\$1,536.12
D2751	CROWN - PORCELAIN FUSED PREDOMINANTLY BASE METAL	\$1,430.36
D2752	CROWN - PORCELAIN FUSED TO NOBLE METAL	\$1,465.04
D2753	CROWN-PORCELAIN FUSED TITANIUM AND ALLOYS	\$1,430.36
D2780	CROWN - 3/4 CAST HIGH NOBLE METAL	\$1,473.70
D2781	CROWN - 3/4 CAST PREDOMINANTLY BASE METAL	\$1,387.02
D2782	CROWN - 3/4 CAST NOBLE METAL	\$1,432.09
D2783	CROWN - 3/4 PORCELAIN/CERAMIC	\$1,515.31
D2790	CROWN - FULL CAST HIGH NOBLE METAL	\$1,482.37
D2791	CROWN - FULL CAST PREDOMINANTLY BASE METAL	\$1,404.35
D2792	CROWN - FULL CAST NOBLE METAL	\$1,430.36
D2794	CROWN - TITANIUM	\$1,517.05
D2799	PROVISIONAL CROWN	\$615.49
D2910	RECMNT/REBND INLAY/ONLAY/VNR/PART CVRGE RESTRATN	\$138.07
D2915	RECMNT/REBND INDRCT OR PREFAB POST AND CORE	\$138.07
D2920	RE-CEMENT OR RE-BOND CROWN	\$139.99
D2921	REATTACHMENT OF TOOTH FRAG INCISAL EDGE/CUSP	\$201.36
D2928	PREFAB PORCELAIN/CERAMIC CROWN-PERM TOOTH	\$554.21
D2929	PREFABR PORC CROWN - PRIMARY TOOTH	\$554.21
D2930	PREFABR STAINLESS STEEL CROWN - PRIMARY TOOTH	\$381.62
D2931	PREFABR STAINLESS STEEL CROWN - PERMANENT TOOTH	\$431.48
D2932	PREFABRICATED RESIN CROWN	\$460.24
D2933	PREFABR STAINLESS STEEL CROWN W/RESIN WINDOW	\$527.36
D2934	PREFAB ESTHETIC COAT STNLESS STEEL CROWN PRIM	\$527.36
D2940	PROTECTIVE RESTORATION	\$145.74
D2941	INTERIM THERAPEUTIC RESTORATION PRIM DENTITION	\$145.74
D2949	RESTOR FOUNDATION FOR INDIR RESTOR	\$145.74
D2950	CORE BUILDUP INCLUDING ANY PINS WHEN REQUIRED	\$364.36
D2951	PIN RETENTION - PER TOOTH ADDITION RESTORATION	\$82.46
D2952	POST AND CORE ADDITION TO CROWN INDIRECTLY FAB	\$575.30
D2953	EACH ADDITIONAL INDIRECTLY FAB POST SAME TOOTH	\$287.65
D2954	PREFABRICATED POST AND CORE IN ADDITION TO CROWN	\$460.24
D2955	POST REMOVAL	\$354.77
D2957	EACH ADDITIONAL PREFABRICATED POST - SAME TOOTH	\$230.12
D2960	LABIAL VENEER (RESIN LAMINATE) - CHAIRSIDE	\$1,112.25
D2961	LABIAL VENEER (RESIN LAMINATE) - LABORATORY	\$1,261.83
D2962	LABIAL VENEER (PORCELAIN LAMINATE) - LABORATORY	\$1,371.13
D2971	ADD PROC CUST CRWN UND XST PART DENTUR FRMEWRK	\$220.53
D2975	COPING	\$671.18
D2980	CROWN REPAIR MATERIAL FAILURE	\$268.47
D2981	INLAY REPAIR BY REPORT	\$268.47
D2982	ONLAY REPAIR BY REPORT	\$268.47

D2983	VENEER REPAIR BY REPORT	\$268.47
D2990	RESIN INFILT OF INCIPIENT LESIONS	\$95.88
D2999	UNSPECIFIED RESTORATIVE PROCEDURE BY REPORT	By Report
D3110	PULP CAP - DIRECT (EXCLUDING FINAL RESTORATION)	\$146.51
D3120	PULP CAP - INDIRECT(EXCLUDING FINAL RESTORATION)	\$117.21
D3220	TX PULP-REMOV PULP CORONAL DENTINOCEMENTL JUNC	\$300.34
D3221	PULPAL DEBRIDEMENT PRIMARY AND PERMANENT TEETH	\$329.64
D3222	PART PULPOTOMY FOR APEXOGENEIS PERM TOOTH	\$305.23
D3230	PULPAL THERAPY - ANTERIOR PRIMARY TOOTH	\$269.48
D3240	PULPAL THERAPY - POSTERIOR PRIMARY TOOTH	\$331.67
D3310	ENDODONTIC THERAPY ANTERIOR TOOTH	\$1,057.20
D3320	ENDODONTIC THERAPY PREMOLAR TOOTH	\$1,295.59
D3330	ENODODONTIC THERAPY MOLAR	\$1,606.54
D3331	TREATMENT RC OBSTRUCTION; NON-SURGICAL ACCESS	\$414.59
D3332	INCOMPLETE ENDO TX; INOP UNRESTORABLE/FX TOOTH	\$787.72
D3333	INTERNAL ROOT REPAIR OF PERFORATION DEFECTS	\$362.77
D3346	RETREATMENT PREVIOUS RC THERAPY - ANTERIOR	\$1,409.61
D3347	RETREATMENT PREVIOUS RC THERAPY - PREMOLAR	\$1,658.36
D3348	RETREATMENT PREVIOUS ROOT CANAL THERAPY - MOLAR	\$2,052.22
D3351	APEXIFICATION/RECALCIFICAT INIT VST	\$559.94
D3352	APEXIFICAT/RECALCIFICAT INT MED REPL	\$251.01
D3353	APEXIFICATION/RECALCIFICATION - FINAL VISIT	\$772.33
D3355	PULPAL REGENERATION - INITIAL VISIT	\$559.94
D3356	PULPAL REGEN - INTERIM MED RPLCMNT	\$251.01
D3357	PULPAL REGENERATION - COMPLETION OF TREATMENT	\$0.00
D3410	APICOECTOMY - ANTERIOR	\$1,110.23
D3421	APICOECTOMY - PREMOLAR (FIRST ROOT)	\$1,235.73
D3425	APICOECTOMY - MOLAR (FIRST ROOT)	\$1,399.85
D3426	APICOECTOMY (EACH ADDITIONAL ROOT)	\$473.05
D3427	PERIRADICULAR SURGERY WITHOUT APICOECTOMY	\$1,004.03
D3428	BG IN CONJ PERIRADICULAR SURG/TOOTH SINGLE SITE	\$1,463.57
D3429	BG IN CONJ PERIRADICUL SURG EACH CONTIG TH SSS	\$1,395.99
D3430	RETROGRADE FILLING - PER ROOT	\$347.55
D3431	BIO MAT SFT OSS REGE CONJ PERIR SUR	\$1,718.44
D3432	GTR RESORB BRRER PER SITE IN CONJ PERIRAD SURG	\$1,477.08
D3450	ROOT AMPUTATION - PER ROOT	\$724.06
D3460	ENDODONTIC ENDOSSEOUS IMPLANT	\$2,703.16
D3470	INTENTIONAL REIMPLANTATION W/NECESSARY SPLINTING	\$1,380.54
D3471	SURGICAL REPAIR ROOT RESORPTION - ANTERIOR	\$1,718.44
D3472	SURGICAL REPAIR ROOT RESORPTION - PREMOLAR	\$1,718.44
D3473	SURGICAL REPAIR ROOT RESORPTION - MOLAR	\$1,718.44
D3501	SRG EXP ROOT WO APICO/RPR ROOT RESORPTN - ANT	\$1,004.03
D3502	SRG EXP ROOT WO APICO/RPR ROOT RESORPTN-PREMOLAR	\$1,004.03

D3503	SRG EXP ROOT WO APICO/RPR ROOT RESORPTN-MOLAR	\$1,004.03
D3910	SURGICAL PROCEDURE ISOLATION TOOTH W/RUBBER DAM	\$0.00
D3911	INTRAORIFICE BARRIER	\$146.74
D3920	HEMISECTION NOT INCLUDING ROOT CANAL THERAPY	\$550.29
D3921	DECORONATION OR SUBMERGENCE ERUPTED TOOTH	\$550.29
D3950	CANAL PREPARATION&FITTING PREFORMED DOWEL/POST	\$251.01
D3999	UNSPECIFIED ENDODONTIC PROCEDURE BY REPORT	By Report
D4210	GINGIVECT/PLSTY 4/>CNTIG/TOOTH BOUND SPACES-QUAD	\$1,118.63
D4211	GINGIVECT/PLSTY 1-3 CNTIG/TOOTH BOUND SPACE-QUAD	\$497.17
D4212	GINGIVECT/PLSTY FOR ACCESS RESTORATION PER TOOTH	\$397.74
D4230	ANAT CROWN EXP 4/> CONTIGUOUS TEETH PER QUAD	\$1,566.09
D4231	ANATOMICAL CROWN EXPOSURE 1-3 TEETH PER QUADRANT	\$745.76
D4240	GINGL FLP PROC 4/> CONTIG/TOOTH BOUND SPACE-QUAD	\$1,416.93
D4241	GINGL FLP PROC 1-3 CONTIG/TOOTH BOUND SPACE-QUAD	\$820.33
D4245	APICALLY POSITIONED FLAP	\$1,044.06
D4249	CLINICAL CROWN LENGTHENING - HARD TISSUE	\$1,553.66
D4260	OSSEOUS SURG 4/> CNTIG TEETH QUAD	\$2,361.56
D4261	OSSEOUS SURG 1-3 CNTIG TEETH QUAD	\$1,267.78
D4263	BONE REPLACEMENT GRAFT - FIRST SITE IN QUADRANT	\$845.19
D4264	BONE REPLACEMENT GRAFT - EA ADD SITE QUADRANT	\$720.90
D4265	BIOLOGIC MATERIALS AID SOFT&OSSEOUS TISSUE REGEN	\$0.00
D4266	GUID TISSUE REGEN - RESORBABLE BARRIER PER SITE	\$870.05
D4267	GUID TISSUE REGEN - NONRESORB BARRIER PER SITE	\$1,118.63
D4268	SURGICAL REVISION PROCEDURE PER TOOTH	\$0.00
D4270	PEDICLE SOFT TISSUE GRAFT PROCEDURE	\$1,677.95
D4273	AUTOGNS CONECTIVE TISSUE GRFT 1ST TOOTH/IMPLANT	\$2,050.83
D4274	MESIAL OR DISTAL WEDGE PROCEDURE	\$1,163.38
D4275	NONAUTGNS CONECTV TISSUE GRFT 1ST TOOTH/IMPLANT	\$1,541.23
D4276	COMB CNCTIVE TISSUE & PEDICLE GRAFT PER TOOTH	\$2,299.41
D4277	FREE SOFT TISSUE GRAFT, 1ST TOOTH/ IMPLANT	\$1,740.10
D4278	FREE SOFT TISSUE GRAFT, E/ADNL TOOTH, IMPLNT	\$571.75
D4283	AUTO CNNCTV TISSUE GRFT PROC E/A TOOTH, IMPLANT	\$1,747.55
D4285	NON-AUTO CNNCTV TSSUE GRFT PROC E/A TOOTH/IMPLNT	\$1,315.01
D4320	PROVISIONAL SPLINTING - INTRACORONAL	\$590.76
D4321	PROVISIONAL SPLINTING - EXTRACORONAL	\$537.05
D4322	SPLINT INTRACORONAL NATURAL TEETH OR PROS CROWN	\$590.76
D4323	SPLINT EXTRACORONAL NATURAL TEETH OR PROS CROWN	\$537.05
D4341	PRDONTAL SCALING&ROOT PLANING 4/MORE TEETH-QUAD	\$340.13
D4342	PRDONTAL SCALING&ROOT PLANING 1-3 TEETH-QUAD	\$196.92
D4346	SCALNG GNGIVAL INFLAMM FULL MOUTH AFTR ORAL EVAL	\$196.92
D4355	FULL MOUTH DEBRID ENABLE COMP EVALUATION&DX	\$232.72
D4381	LOC DEL ANTIMICROBL AGTS CREVICULR TISS TOOTH BR	\$0.00
D4910	PERIODONTAL MAINTENANCE	\$209.45



D4920	UNSCHEDULED DRESSING CHANGE	\$152.17
D4921	GINGIVAL IRRIGATION PER QUADRANT	\$0.00
D4999	UNSPECIFIED PERIODONTAL PROCEDURE BY REPORT	By Report
D5110	COMPLETE DENTURE - MAXILLARY	\$2,441.77
D5120	COMPLETE DENTURE - MANDIBULAR	\$2,441.77
D5130	IMMEDIATE DENTURE - MAXILLARY	\$2,662.33
D5140	IMMEDIATE DENTURE - MANDIBULAR	\$2,662.33
D5211	MAXILLARY PARTIAL DENTURE - RESIN BASE	\$2,060.80
D5212	MANDIBULAR PARTIAL DENTURE - RESIN BASE	\$2,394.98
D5213	MAX PART DENTUR-CAST METL FRMEWRK W/RSN BASE	\$2,697.97
D5214	MAND PART DENTUR- CAST METL FRMEWRK W/RSN BASE	\$2,697.97
D5221	IMMED MAXILLARY PARTIAL DENTURE RESIN BASE	\$2,247.94
D5222	IMMED MANDIBULAR PARTIAL DENTURE RESIN BASE	\$2,611.09
D5223	IMMED MAXIL PART DENTURE CAST METL FRAME W/RESIN	\$2,940.81
D5224	IMMED MAND PART DENTURE CAST METL FRAME W/RESIN	\$2,940.81
D5225	MAXILLARY PARTIAL DENTURE FLEXIBLE BASE	\$2,060.80
D5226	MANDIBULAR PARTIAL DENTURE FLEXIBLE BASE	\$2,394.98
D5227	IMMED MAXILLARY PARTIAL DENTURE FLEXIBLE BASE	\$2,250.17
D5228	IMMED MANDIBULAR PARTIAL DENTURE FLEXIBLE BASE	\$2,606.63
D5282	RMVBL UNIL PRTL DNTR CST MTL INCL CLSP TTH MXLRY	\$1,572.89
D5283	RMVBL UNIL PRTL DNTR CST MTL INCL CLSP TTH MNDBL	\$1,572.89
D5284	RMVABLE UNI PRTL DNTURE 1 PC FLEX BASE PER QDRNT	\$1,200.83
D5286	RMVABLE UNI PRTL DNTURE 1 PC RESIN PER QDRNT	\$1,200.83
D5410	ADJUST COMPLETE DENTURE - MAXILLARY	\$133.67
D5411	ADJUST COMPLETE DENTURE - MANDIBULAR	\$133.67
D5421	ADJUST PARTIAL DENTURE - MAXILLARY	\$133.67
D5422	ADJUST PARTIAL DENTURE - MANDIBULAR	\$133.67
D5511	REPAIR BROKEN COMPLETE DENTURE BASE, MANDIBULAR	\$267.35
D5512	REPAIR BROKEN COMPLETE DENTURE BASE, MAXILLARY	\$267.35
D5520	REPLACE MISSING/BROKEN TEETH - COMPLETE DENTURE	\$222.79
D5611	REPAIR RESIN PARTIAL DENTURE BASE, MANDIBULAR	\$289.63
D5612	REPAIR RESIN PARTIAL DENTURE BASE, MAXILLARY	\$289.63
D5621	REPAIR CAST FRAMEWORK, MANDIBULAR	\$311.90
D5622	REPAIR CAST FRAMEWORK, MAXILLARY	\$311.90
D5630	REPAIR OR REPLACE BROKEN CLASP PER TOOTH	\$378.74
D5640	REPLACE BROKEN TEETH - PER TOOTH	\$245.07
D5650	ADD TOOTH TO EXISTING PARTIAL DENTURE	\$334.18
D5660	ADD CLASP TO EXISTING PARTIAL DENTURE PER TOOTH	\$401.02
D5670	REPLACE ALL TEETH&ACRYLIC CAST METAL FRMEWRK MAX	\$980.27
D5671	REPLACE ALL TEETH&ACRYLIC CAST METL FRMEWRK MAND	\$980.27
D5710	REBASE COMPLETE MAXILLARY DENTURE	\$991.41
D5711	REBASE COMPLETE MANDIBULAR DENTURE	\$946.85
D5720	REBASE MAXILLARY PARTIAL DENTURE	\$935.71

D5721	REBASE MANDIBULAR PARTIAL DENTURE	\$935.71
D5725	REBASE HYBRID PROSTHESIS	\$991.41
D5730	RELINE COMPLETE MAXILLARY DENTURE (CHAIRSIDE)	\$559.20
D5731	RELINE COMPLETE MANDIBULAR DENTURE (CHAIRSIDE)	\$559.20
D5740	RELINE MAXILLARY PARTIAL DENTURE (CHAIRSIDE)	\$512.41
D5741	RELINE MANDIBULAR PARTIAL DENTURE (CHAIRSIDE)	\$512.41
D5750	RELINE COMPLETE MAXILLARY DENTURE (LABORATORY)	\$746.34
D5751	RELINE COMPLETE MANDIBULAR DENTURE (LABORATORY)	\$746.34
D5760	RELINE MAXILLARY PARTIAL DENTURE (LABORATORY)	\$735.20
D5761	RELINE MANDIBULAR PARTIAL DENTURE (LABORATORY)	\$735.20
D5765	SOFT LINER COMPL/PART DENTURE REMOVAL INDIRECT	\$746.34
D5810	INTERIM COMPLETE DENTURE (MAXILLARY)	\$1,180.78
D5811	INTERIM COMPLETE DENTURE (MANDIBULAR)	\$1,269.90
D5820	INTERIM PARTIAL DENTURE (MAXILLARY)	\$913.43
D5821	INTERIM PARTIAL DENTURE (MANDIBULAR)	\$969.13
D5850	TISSUE CONDITIONING MAXILLARY	\$233.93
D5851	TISSUE CONDITIONING MANDIBULAR	\$233.93
D5862	PRECISION ATTACHMENT BY REPORT	\$0.00
D5863	OVERDENTURE COMPLETE MAXILLARY	\$2,584.35
D5864	OVERDENTURE PARTIAL MAXILLARY	\$3,408.67
D5865	OVERDENTURE COMPLETE MIBULAR	\$2,584.35
D5866	OVERDENTURE PARTIAL MIBULAR	\$3,542.35
D5867	REPLACEMENT REPL PART SEMI-PRCISN/PRCISN ATTCH	\$0.00
D5875	MODIFICATION REMV PROSTH AFTER IMPLANT SURGERY	\$0.00
D5876	ADD MTL SUBSTRUCTR TO ACRYLIC FULL DNTR PER ARCH	\$0.00
D5899	UNS REMOVABLE PROSTHODONTIC PROCEDURE REPORT	\$0.00
D5911	FACIAL MOULAGE (SECTIONAL)	\$619.35
D5912	FACIAL MOULAGE (COMPLETE)	\$619.35
D5913	NASAL PROSTHESIS	\$13,042.07
D5914	AURICULAR PROSTHESIS	\$13,042.07
D5915	ORBITAL PROSTHESIS	\$17,649.34
D5916	OCULAR PROSTHESIS	\$4,707.53
D5919	FACIAL PROSTHESIS	\$0.00
D5922	NASAL SEPTAL PROSTHESIS	\$0.00
D5923	OCULAR PROSTHESIS INTERIM	\$0.00
D5924	CRANIAL PROSTHESIS	\$0.00
D5925	FACIAL AUGMENTATION IMPLANT PROSTHESIS	\$0.00
D5926	NASAL PROSTHESIS REPLACEMENT	\$0.00
D5927	AURICULAR PROSTHESIS REPLACEMENT	\$0.00
D5928	ORBITAL PROSTHESIS REPLACEMENT	\$0.00
D5929	FACIAL PROSTHESIS REPLACEMENT	\$0.00
D5931	OBTURATOR PROSTHESIS SURGICAL	\$7,022.31
D5932	OBTURATOR PROSTHESIS DEFINITIVE	\$13,133.41

D5933	OBTURATOR PROSTHESIS MODIFICATION	\$0.00
D5934	MANDIBULAR RESECTION PROSTHESIS W/GUIDE FLANGE	\$11,970.45
D5935	MANDIBULAR RESECTION PROSTHESIS W/O GUIDE FLANGE	\$10,415.39
D5936	OBTURATOR PROSTHESIS INTERIM	\$11,698.65
D5937	TRISMUS APPLIANCE (NOT FOR TMD TREATMENT)	\$1,470.41
D5951	FEEDING AID	\$1,911.53
D5952	SPEECH AID PROSTHESIS PEDIATRIC	\$6,206.90
D5953	SPEECH AID PROSTHESIS ADULT	\$11,787.77
D5954	PALATAL AUGMENTATION PROSTHESIS	\$10,923.34
D5955	PALATAL LIFT PROSTHESIS DEFINITIVE	\$10,103.48
D5958	PALATAL LIFT PROSTHESIS INTERIM	\$0.00
D5959	PALATAL LIFT PROSTHESIS MODIFICATION	\$0.00
D5960	SPEECH AID PROSTHESIS MODIFICATION	\$0.00
D5982	SURGICAL STENT	\$991.41
D5983	RADIATION CARRIER	\$2,227.89
D5984	RADIATION SHIELD	\$2,227.89
D5985	RADIATION CONE LOCATOR	\$2,227.89
D5986	FLUORIDE GEL CARRIER	\$222.79
D5987	COMMISSURE SPLINT	\$3,341.84
D5988	SURGICAL SPLINT	\$668.37
D5991	VESICULOBULLOUS DISEASE MEDICAMENT CARRIER	\$256.21
D5992	ADJUST MAXILLOFACIAL PROSTH APPLIANCE BY REPORT	\$0.00
D5993	MAINT / CLEAN MAXILLOFACIAL PROSTH BY REPORT	\$0.00
D5994	PERIDONL MEDIC CARRIER PERIPH SEAL LAB PRCESSD	\$0.00
D5995	PERIO MEDIC CARRIER PERIPH SEAL LAB PRCESSD MAX	\$1,225.34
D5996	PERIO MEDIC CARRIER PERIPH SEAL LAB PRCESSD MAN	\$1,225.34
D5999	UNSPECIFIED MAXILLOFACIAL PROSTHESIS BY REPORT	By Report
D6010	SURG PLACEMENT IMPLANT BODY: ENDOSTEAL IMPLANT	\$3,237.12
D6011	SECOND STAGE IMPLANT SURGERY	\$0.00
D6012	SURG PLCMT INTERIM IMPL TRNSITIONL PROS: ENDOS	\$3,854.25
D6013	SURGICAL PLACEMENT OF MINI IMPLANT	\$4,079.27
D6040	SURGICAL PLACEMENT: EPOSTEAL IMPLANT	\$14,035.71
D6050	SURGICAL PLACEMENT: TRANSOSTEAL IMPLANT	\$10,471.08
D6051	INTERIM IMPLANT ABUTMENT	\$0.00
D6052	SEMI-PRECISION ATTACHMENT ABUTMENT	\$1,728.84
D6055	CONNECTING BAR IMPLANT OR ABUTMENT SUPPORTED	\$1,225.34
D6056	PREFABRICATED ABUTMENT INCLUDES PLACEMENT	\$846.60
D6057	CUSTOM FABRICATED ABUTMENT INCLUDES PLACEMENT	\$1,047.11
D6058	ABUTMENT SUPPORTED PORCELAIN/CERAMIC CROWN	\$2,348.20
D6059	ABUT SUPP PORCELAIN TO METL CROWN HI NOBLE METL	\$2,317.01
D6060	ABUT SUPP PORCELAIN TO MTL CROWN PREDOM BASE MTL	\$2,190.02
D6061	ABUT SUPP PORCELAIN TO METAL CROWN NOBLE METAL	\$2,234.57
D6062	ABUTMENT SUPP CAST METAL CROWN HIGH NOBLE METAL	\$2,225.66

D6063	ABUTMENT SUPP CAST METAL CROWN PREDOM BASE METAL	\$1,938.26
D6064	ABUTMENT SUPP CAST METAL CROWN NOBLE METAL	\$2,027.38
D6065	IMPL SUPP PORCELAIN/CERAMIC CROWN	\$2,310.32
D6066	IMPL SUPP PORCLN FUSED METL CRWN TITNM/HIGH NOBL	\$2,250.17
D6067	IMPL SUPP METAL CROWN TITIANM/HIGH NOBLE METL	\$2,183.33
D6068	ABUT SUPP RETAINER PORCELAIN/CERAMIC FPD	\$2,328.15
D6069	ABUT RETAINR PORCELN TO METL FPD HI NOBL METL	\$2,317.01
D6070	ABUT RETN PORCELN TO METL FPD PREDOM BASE METL	\$2,190.02
D6071	ABUT SUPP RETN PORCELN FUSD METAL FPD NOBLE METL	\$2,234.57
D6072	ABUT SUPP RETN CAST METL FPD HIGH NOBLE METL	\$2,261.31
D6073	ABUT RTNR CAST METL FPD PREDOM BASE METL	\$2,065.25
D6074	ABUTMENT RTNR CAST METAL FPD NOBLE METAL	\$2,194.47
D6075	IMPLANT SUPPORTED RETAINER FOR CERAMIC FPD	\$2,310.32
D6076	IMPL SUPP RTNR PORCLN FUSED METL FPD TITNM/HIGH	\$2,250.17
D6077	IMPL SUPP RTNR CST METL FPD TITNM/HIGH NOBLE	\$2,183.33
D6080	IMPL MAINT PROC REMV CLEAN PROSTH & ABUT REINSRT	\$191.60
D6081	SCALNG/DBRDMNT IMPLNT WO FLAP ENTRY/CLOS	\$98.03
D6082	IMPL SUPP CROWN PORCLN FUSED BASE ALLOY	\$2,250.17
D6083	IMPL SUPP CROWN PORCLN FUSED TO NOBLE ALLOYS	\$2,250.17
D6084	IMPL SUPP CROWN PORCLN FUSED TO TITANIUM ALLOYS	\$2,250.17
D6085	PROVISIONAL IMPLANT CROWN	\$672.82
D6086	IMPLANT SUPPORTED CROWN PREDOM BASE ALLOYS	\$2,183.33
D6087	IMPLANT SUPPORTED CROWN NOBLE ALLOYS	\$2,183.33
D6088	IMPLNT SUPRTD CROWN TITANIUM AND ALLOYS	\$2,183.33
D6090	REPAIR IMPLANT SUPPORTED PROSTHESIS BY REPORT	\$0.00
D6091	REPL ATTACHMNT IMPL/ABUT SUPP PROS PER ATTACHMNT	\$924.57
D6092	RECEMENT / REBOND IMPLANT/ABUTMENT SUPP CROWN	\$180.46
D6093	RECMNT/REBOND IMPL/ABUTMNT SUPP FIX PART DENTURE	\$282.94
D6094	ABUTMENT SUPPORTED CROWN TITANIUM	\$1,838.01
D6095	REPAIR IMPLANT ABUTMENT BY REPORT	\$0.00
D6096	REMOVE BROKEN IMPLANT RETAINING SCREW	\$0.00
D6097	ABUT SUPP CROWN PORCLN FUSED TO TITANIUM ALLOYS	\$2,250.17
D6098	IMPL SUPP RETAINER PORCELAIN FUSED TO BASE ALLOY	\$2,190.02
D6099	IMPL SUPP RETAINR FPD PORCLN FUSED NOBLE ALLOYS	\$2,234.57
D6100	SURGICAL REMOVAL IMPLANT BODY	\$0.00
D6101	DBRDMNT OF SNGL PERI-IMPLANT DEFECT/S	\$661.68
D6102	DBRDMNT AND OSSEOUS CNTUR OF PERI-IMPLANT DEFECT	\$908.98
D6103	BONE GRFT RPR PERIIMPLNT DFCT W/O FLAP ENTR/CLSE	\$757.48
D6104	BONE GRAFT AT TIME OF IMPLANT PLACEMENT	\$757.48
D6110	IMPL/ABUTMENT SUPPORTED RD - MAXILLARY	\$3,045.53
D6111	IMPL/ABUTMENT SUPPORTED RD - MANDIBULAR	\$3,045.53
D6112	IMPL/ABUTMENT SUPPORTED RPD - MAXILLARY	\$3,045.53
D6113	IMPLANT / ABUTMENT SUPPORTED RPD - MANDIBULAR	\$3,045.53

D6114	IMPLANT / ABUTMENT SUPPORTED FD - MAXILLARY FULL	\$9,357.14
D6115	IMPLANT/ABUTMENT SUPPORTED FD - MANDIBULAR FULL	\$9,357.14
D6116	IMPL/ABUTMENT SUPPORTED FD - MAXILLARY - PARTIAL	\$4,090.41
D6117	IMPL/ABUT SUPPORTED FD - MANDIBULAR - PARTIAL	\$4,090.41
D6118	IMP/ABUT SPRTD INTRM FIXED DENTR EDENTLS MANDBLR	\$2,773.72
D6119	IMP/ABUT SPRTD INTRM FIXED DENTR EDENTLS MAXLARY	\$2,773.72
D6120	IMPL SUPP RETAINR PORCLN FUSED TITNM AND ALLOYS	\$2,190.02
D6121	IMPL SUPP RETAINER METAL FPD BASE ALLOYS	\$2,065.25
D6122	IMPL SUPP RETAINER METAL FPD NOBLE ALLOYS	\$2,194.47
D6123	IMPL SUPP RETAINR METAL FPD TITNM AND ALLOYS	\$2,065.25
D6190	RADIOGRAPHIC/SURGICAL IMPLANT INDEX BY REPORT	\$412.16
D6191	SEMI-PRECISION ABUTMENT - PLACEMENT	\$1,728.84
D6192	SEMI-PRECISION ATTACHMENT - PLACEMENT	\$924.57
D6194	ABUTMENT SUPPORTED RETAINER CROWN FOR FPD-TITANM	\$1,893.71
D6195	ABUT SUPP RETAINR PORCLN FUSED TITANIUM ALLOYS	\$2,230.12
D6198	REMOVE INTERIM IMPLANT COMPONENT	\$412.16
D6199	UNSPECIFIED IMPLANT PROCEDURE BY REPORT	\$0.00
D6205	PONTIC - INDIRECT RESIN BASED COMPOSITE	\$961.98
D6210	PONTIC - CAST HIGH NOBLE METAL	\$1,470.72
D6211	PONTIC - CAST PREDOMINANTLY BASE METAL	\$1,378.22
D6212	PONTIC - CAST NOBLE METAL	\$1,433.72
D6214	PONTIC - TITANIUM	\$1,479.97
D6240	PONTIC - PORCELAIN FUSED TO HIGH NOBLE METAL	\$1,452.22
D6241	PONTIC - PORCELN FUSED PREDOMINANTLY BASE METAL	\$1,341.22
D6242	PONTIC - PORCELAIN FUSED TO NOBLE METAL	\$1,415.22
D6243	PONTIC PORCELAIN FUSED TO TITANIUM AND ALLOYS	\$1,341.22
D6245	PONTIC - PORCELAIN/CERAMIC	\$1,498.47
D6250	PONTIC - RESIN WITH HIGH NOBLE METAL	\$1,433.72
D6251	PONTIC - RESIN WITH PREDOMINANTLY BASE METAL	\$1,322.72
D6252	PONTIC - RESIN WITH NOBLE METAL	\$1,365.27
D6253	PROVISIONAL PONTIC	\$617.89
D6545	RETAINER - CAST METAL RESIN BONDED FIX PROSTH	\$551.64
D6548	RETAINER - PORCELN/CERAMIC RSN BONDED FIX PROSTH	\$606.81
D6549	RESIN RETAINER FOR RESIN BONDED FIXED PROSTHESIS	\$397.85
D6600	RETAINER INLAY - PORCELAIN/CERAMIC TWO SURFACES	\$1,094.93
D6601	RETAINER INLAY - PORC/CERAMIC 3 OR MORE SURFACES	\$1,148.42
D6602	RETAINER INLAY CAST HIGH NOBLE METAL 2 SURFACES	\$1,170.16
D6603	RETAINR INLAY - CAST HI NOBLE METAL 3/MORE SURFS	\$1,287.17
D6604	RETAINER INLAY - CAST PREDOM BASE METAL 2 SURFS	\$1,146.75
D6605	RTAINR INLAY - CAST PREDOM BASE MTL 3/MORE SURFS	\$1,215.29
D6606	RETAINER INLAY - CAST NOBLE METAL TWO SURFACES	\$1,128.36
D6607	RETNR INLAY CAST NOBLE METAL 3 OR MORE SURFACES	\$1,252.07
D6608	RETAINER ONLAY - PORCELAIN/CERAMIC TWO SURFACES	\$1,190.21

D6609	RETAINER ONLAY PORCELAIN/CERAMIC 3/MORE SURFACES	\$1,242.04
D6610	RETAINER ONLAY - HIGH NOBLE METAL TWO SURFACES	\$1,262.10
D6611	RETAINER ONLAY HIGH NOBLE METAL 3/MORE SURFACES	\$1,380.78
D6612	RETAINER ONLAY CAST PREDOM BASE METAL 2 SURFACES	\$1,255.41
D6613	RETNR ONLAY CAST PREDOM BASE METAL 3/MORE SURFS	\$1,312.25
D6614	RETAINER ONLAY - CAST NOBLE METAL TWO SURFACES	\$1,228.66
D6615	RETNR ONLAY CAST NOBLE METAL 3 OR MORE SURFACES	\$1,277.14
D6624	RETAINER INLAY - TITANIUM	\$1,170.16
D6634	RETAINER ONLAY - TITANIUM	\$1,228.66
D6710	RETAINER CROWN - INDIRECT RESIN BASED COMPOSITE	\$1,253.74
D6720	RETAINER CROWN - RESIN WITH HIGH NOBLE METAL	\$1,462.69
D6721	RETAINER CROWN - RESIN WITH PREDOM BASE METAL	\$1,387.47
D6722	RETAINER CROWN - RESIN WITH NOBLE METAL	\$1,412.54
D6740	RETAINER CROWN - PORCELAIN/CERAMIC	\$1,537.92
D6750	RETNR CROWN PORCELAIN FUSED TO HIGH NOBLE METAL	\$1,497.80
D6751	RETNR CROWN PORCELAIN FUSED PREDOM BASE METAL	\$1,397.50
D6752	RETAINER CROWN - PORCELAIN FUSED TO NOBLE METAL	\$1,430.93
D6753	RETAINR CROWN PORCLN FUSED TO TITANIUM AND ALLOY	\$1,397.50
D6780	RETAINER CROWN - 3/4 CAST HIGH NOBLE METAL	\$1,412.54
D6781	RETAINER CROWN 3/4 CAST PREDOMINANTLY BASE METAL	\$1,412.54
D6782	RETAINER CROWN - 3/4 CAST NOBLE METAL	\$1,312.25
D6783	RETAINER CROWN - 3/4 PORCELAIN/CERAMIC	\$1,454.34
D6784	RETAINER CROWN-3/4 TITANIUM AND ALLOYS	\$1,412.54
D6790	RETAINER CROWN - FULL CAST HIGH NOBLE METAL	\$1,445.98
D6791	RETAINER CROWN FULL CAST PREDOM BASE METAL	\$1,370.75
D6792	RETAINER CROWN - FULL CAST NOBLE METAL	\$1,420.90
D6793	PROVISIONAL RETAINER CROWN	\$593.44
D6794	RETAINER CROWN - TITANIUM	\$1,420.90
D6920	CONNECTOR BAR	\$394.92
D6930	RECEMENT / REBOND FIXED PARTIAL DENTURE	\$230.37
D6940	STRESS BREAKER	\$522.17
D6950	PRECISION ATTACHMENT	\$1,009.24
D6980	FIXED PARTIAL DENTURE REPAIR MATERIAL FAILURE	\$0.00
D6985	PEDIATRIC PARTIAL DENTURE FIXED	\$877.60
D6999	UNSPECIFIED FIXED PROSTHODONTIC PROCEDURE REPORT	By Report
D7111	EXTRACTION CORONAL REMNANTS - PRIMARY TOOTH	\$192.43
D7140	EXTRACTION ERUPTED TOOTH OR EXPOSED ROOT	\$255.79
D7210	EXTRACTION ERUPTED TOOTH REMV BONE ELEV FLAP	\$356.69
D7220	REMOVAL OF IMPACTED TOOTH - SOFT TISSUE	\$447.24
D7230	REMOVAL OF IMPACTED TOOTH - PARTIALLY BONY	\$595.09
D7240	REMOVAL OF IMPACTED TOOTH - COMPLETELY BONY	\$698.59
D7241	REMV IMP TOOTH - CMPL BONY W/UNUSUAL SURG COMPS	\$877.85
D7250	SURGICAL REMOVAL OF RESIDUAL TOOTH ROOTS	\$377.01

D7251	CORONECTOMY INTENTIONAL PARTIAL TOOTH REMOVAL	\$739.24
D7260	OROANTRAL FISTULA CLOSURE	\$3,229.76
D7261	PRIMARY CLOSURE OF A SINUS PERFORATION	\$1,345.74
D7270	TOOTH REIMPL &/OR STBL ACC EVULSED/DISPLCD TOOTH	\$1,009.30
D7272	TOOTH TRANSPLANTATION	\$1,345.74
D7280	EXPOSURE OF AN UNERUPTED TOOTH	\$942.01
D7282	MOBILIZ ERUPTED/MALPOSITIONED TOOTH AID ERUPTION	\$471.01
D7283	PLCMT DEVICE FACILITATE ERUPTION IMPACTED TOOTH	\$403.72
D7285	BIOPSY OF ORAL TISSUE HARD	\$1,884.03
D7286	BIOPSY OF ORAL TISSUE SOFT	\$807.44
D7287	EXFOLIATIVE CYTOLOGICAL SAMPLE COLLECTION	\$322.98
D7288	BRUSH BIOPSY - TRANSEPIHELIAL SAMPLE COLLECTION	\$322.98
D7290	SURGICAL REPOSITIONING OF TEETH	\$807.44
D7291	TRANSSEPTAL FIBEROT/SUPRA CRESTAL FIBEROT BR	\$0.00
D7292	SURG PLCMT: TEMP ANCHORAGE SCREW RET PLATE FLAP	\$1,291.91
D7293	SURG PLCMT: TEMP ANCHORAGE DEVICE RQR SURG FLAP	\$807.44
D7294	SURG PLCMT: TEMP ANCHORAGE DEVICE W/O SURG FLAP	\$672.87
D7295	HARVEST BONE FOR USE AUTOGENOUS GRAFTING PROC	\$0.00
D7296	CORTICOTOMY 1 - 3 TEETH OR TOOTH SPACES PER QUAD	\$0.00
D7297	CORTCTMY 4 OR MORE TEETH OR TOOTH SPACES PER QUAD	\$0.00
D7298	REMOVAL SCREW RETAINED PLATE WITH FLAP	\$0.00
D7299	REMOVAL TEMPORARY ANCHORAGE DEVICE WITH FLAP	\$0.00
D7300	REMOVAL TEMPORARY ANCHORAGE DEVICE WITHOUT FLAP	\$0.00
D7310	ALVEOLOPLASTY W/EXTRACTION 4/> TEETH/SPACE QUAD	\$534.54
D7311	ALVEOLOPLSTY CONJNC XTRACT 1-3 TEETH/SPACES QUAD	\$467.72
D7320	ALVEOLOPLASTY NOT W/EXTRACTIONS 4/> TEETH/SPACE	\$868.63
D7321	ALVEOLOPLSTY NOT CNJNC XTRACT 1-3 TEETH/SPACE QUAD	\$734.99
D7340	VESTIBULOPLASTY RIDGE EXT SEC EPITHELIALIZATION	\$3,674.96
D7350	VESTIBULOPLASTY RIDGE EXT W/SOFT TISS GRAFTS	\$10,690.80
D7410	EXCISION OF BENIGN LESION UP TO 1.25 CM	\$1,603.62
D7411	EXCISION OF BENIGN LESION GREATER THAN 1.25 CM	\$2,539.07
D7412	EXCISION OF BENIGN LESION COMPLICATED	\$2,806.34
D7413	EXCISION OF MALIGNANT LESION UP TO 1.25 CM	\$1,870.89
D7414	EXCISION OF MALIGNANT LESION > 1.25 CM	\$2,806.34
D7415	EXCISION OF MALIGNANT LESION COMPLICATED	\$3,140.42
D7440	EXC MALIG TUMOR-LESION DIAMETER UP TO 1.25 CM	\$2,539.07
D7441	EXC MALIG TUMOR-LESION DIAM GREATER THAN 1.25 CM	\$3,741.78
D7450	REMOVL BENIGN ODONTOGENIC CYST/TUMOR-UP TO 1.25 CM	\$1,603.62
D7451	REMOVAL BENIGN ODONTOGENIC CYST/TUMOR- > 1.25 CM	\$2,191.61
D7460	REMOVAL BEN NONODONTOGENIC CYST/TUMOR- UP 1.25 CM	\$1,603.62
D7461	REMOVAL BEN NONODONTOGENIC CYST/TUMOR > 1.25 CM	\$2,191.61
D7465	DESTRUCTION LESION PHYSICAL/CHEM METHOD BY REPR	\$868.63
D7471	REMOVAL OF LATERAL EXOSTOSIS	\$1,985.82

D7472	REMOVAL OF TORUS PALATINUS	\$2,359.99
D7473	REMOVAL OF TORUS MANDIBULARIS	\$2,226.36
D7485	REDUCTION OF OSSEOUS TUBEROSITY	\$1,985.82
D7490	RADICAL RESECTION OF MAXILLA OR MANDIBLE	\$16,036.20
D7510	INCISION & DRAINAGE ABSCESS-INTRAORAL SOFT TISS	\$574.63
D7511	I & D ABSCESS INTRAORAL SOFT TISSUE COMPLICATED	\$868.63
D7520	INCISION & DRAINAGE ABSCESS-EXTRAORAL SOFT TISS	\$2,736.84
D7521	I & D ABSCESS EXTRAORAL SOFT TISSUE COMPLICATED	\$3,006.79
D7530	REMOVAL FB FROM MUCOSA SKIN/SUBCUT ALVEOL TISSUE	\$986.23
D7540	REMOV REACT-PRODUC FOREIGN BODIES-MUSCULOSKEL SYS	\$1,093.13
D7550	PART OSTEC/SEQUESTRECTOMY REMOVAL NON-VITAL BONE	\$681.54
D7560	MAXILLARY SINUSOTOMY REMOVAL TOOTH FRAGMENT/FB	\$5,412.22
D7610	MAXILLA-OPEN REDUCTION	\$8,753.09
D7620	MAXILLA-CLOSED REDUCTION	\$6,564.15
D7630	MANDIBLE-OPEN REDUCTION	\$11,380.36
D7640	MANDIBLE-CLOSED REDUCTION	\$7,221.64
D7650	MALAR AND/OR ZYGOMATIC ARCH - OPEN REDUCTION	\$5,471.02
D7660	MALAR AND/OR ZYGOMATIC ARCH - CLOSED REDUCTION	\$3,225.95
D7670	ALVEOLUS-CLOSED REDUCTION W/STABILIZATION TEETH	\$2,517.68
D7671	ALVEOLUS-OPEN REDUCTION W/STABILIZATION TEETH	\$4,744.04
D7680	FACE BONES-COMP RDUC W/FIX&MX SURG APPRCHES CPT	\$16,413.05
D7710	MAXILLA - OPEN REDUCTION	\$10,287.22
D7720	MAXILLA - CLOSED REDUCTION	\$7,221.64
D7730	MANDIBLE - OPEN REDUCTION	\$14,881.59
D7740	MANDIBLE - CLOSED REDUCTION	\$7,363.29
D7750	MALAR AND/OR ZYGOMATIC ARCH - OPEN REDUCTION	\$9,365.14
D7760	MALAR AND/OR ZYGOMATIC ARCH - CLOSED REDUCTION	\$3,757.82
D7770	ALVEOLUS - OPEN REDUCTION STABILIZATION OF TEETH	\$5,091.49
D7771	ALVEOLUS CLOSED REDUCTION STABILIZATION OF TEETH	\$3,928.87
D7780	FACIAL BONES-COMP RDUC FIX & MULT APPROACHES	\$21,884.07
D7810	OPEN REDUCTION OF DISLOCATION	\$9,627.07
D7820	CLOSED REDUCTION OF DISLOCATION	\$1,576.89
D7830	MANIPULATION UNDER ANESTHESIA	\$903.37
D7840	CONDYLECTOMY	\$13,122.96
D7850	SURGICAL DISCECTOMY WITH/WITHOUT IMPLANT	\$11,332.25
D7852	DISC REPAIR	\$12,975.96
D7854	SYNOVECTOMY	\$13,390.23
D7856	MYOTOMY	\$9,501.45
D7858	JOINT RECONSTRUCTION	\$27,082.47
D7860	ARTHROTOMY	\$11,543.39
D7865	ARTHROPLASTY	\$18,601.99
D7870	ARTHROCENTESIS	\$614.72
D7871	NON-ARTHROSCOPIC LYSIS AND LAVAGE	\$1,229.44



D7872	ARTHROSCOPY - DIAGNOSIS WITH OR WITHOUT BIOPSY	\$6,561.48
D7873	ARTHROSCOPY: LAVAGE & LYSIS ADHESIONS	\$7,900.50
D7874	ARTHROSCOPY: DISC REPSTN & STABILIZATION	\$11,332.25
D7875	ARTHROSCOPY: SYNOVECTOMY	\$12,414.69
D7876	ARTHROSCOPY: DISCECTOMY	\$13,384.88
D7877	ARTHROSCOPY: DEBRIDEMENT	\$11,813.33
D7880	OCCLUSAL ORTHOTIC DEVICE BY REPORT	\$1,475.33
D7881	OCCLUSAL ORTHOTIC DEVICE ADJUSTMENT	\$160.36
D7899	UNSPECIFIED TMD THERAPY BY REPORT	\$0.00
D7910	SUTURE OF RECENT SMALL WOUNDS UP TO 5 CM	\$876.65
D7911	COMPLICATED SUTURE - UP TO 5 CM	\$2,188.94
D7912	COMPLICATED SUTURE - GREATER THAN 5 CM	\$3,939.56
D7920	SKIN GRAFT	\$6,454.57
D7921	COLL APPL AUTOLOGOUS BLD CNCNTRT PRODUCT	\$596.01
D7922	PLACEMENT INTRASOCKET BIO DRESSING PER SITE	\$0.00
D7940	OSTEOPLASTY - FOR ORTHOGNATHIC DEFORMITIES	\$0.00
D7941	OSTEOTOMY - MANDIBULAR RAMI	\$16,437.11
D7943	OSTEOT-MANDIB RAMI W/BONE GRFT;INCL OBTAIN GRAFT	\$15,100.76
D7944	OSTEOTOMY - SEGMENTED OR SUBAPICAL	\$13,457.04
D7945	OSTEOTOMY - BODY OF MANDIBLE	\$17,907.09
D7946	LEFORT I (MAXILLA - TOTAL)	\$22,183.41
D7947	LEFORT I (MAXILLA - SEGMENTED)	\$18,655.45
D7948	LEFORT II/LEFORT III - W/O BONE GRAFT	\$24,214.66
D7949	LEFORT II OR LEFORT III - WITH BONE GRAFT	\$31,537.86
D7950	OSSEOUS OSTEOPERIOSTEAL/CARTILAGE GRAFT MAND/MAX	\$0.00
D7951	SINUS AUG WITH BONE OR BONE SUBSTITUTES-LAT APP	\$0.00
D7952	SINUS AUGMENTATION VIA A VERTICAL APPROACH	\$0.00
D7953	BONE REPLCMT GRAFT RIDGE PRESERVATION PER SITE	\$908.72
D7955	REPAIR MAXLOFACIAL SOFT &/ HARD TISSUE DEFECT	\$0.00
D7960	FRENULECTOMY SEP PROC NOT INCIDENTL ANOTHER PROC	\$734.99
D7961	BUCCAL/LABIAL FRENECTOMY (FRENULECTOMY)	\$734.99
D7962	LINGUAL FRENECTOMY (FRENULECTOMY)	\$734.99
D7963	FRENULOPLASTY	\$1,202.72
D7970	EXCISION OF HYPERPLASTIC TISSUE - PER ARCH	\$1,069.08
D7971	EXCISION OF PERICORONAL GINGIVA	\$400.91
D7972	SURGICAL REDUCTION OF FIBROUS TUBEROSITY	\$1,496.71
D7979	NON-SURGICAL SIALOLITHOTOMY	\$0.00
D7980	SURGICAL SIALOLITHOTOMY	\$1,683.80
D7981	EXCISION OF SALIVARY GLAND BY REPORT	\$0.00
D7982	SIALODOCHOPLASTY	\$3,982.32
D7983	CLOSURE OF SALIVARY FISTULA	\$3,821.96
D7990	EMERGENCY TRACHEOTOMY	\$3,287.42
D7991	CORONOIDECTOMY	\$8,018.10

D7993	SURGICAL PLCMNT CRANIOFACIAL IMPLANT-EXTRA ORAL	\$0.00
D7994	SURGICAL PLACEMENT ZYGOMATIC IMPLANT	\$0.00
D7995	SYNTHETIC GRAFT-MANDIBLE/FACIAL BONES BY REPORT	\$0.00
D7996	IMPLANT-MANDIBLE AUGMENTATION PURPOSES BY REPORT	\$0.00
D7997	APPLIANCE REMOVAL INCLUDES REMOVAL OF ARCHBAR	\$614.72
D7998	INTRAORAL PLCMT FIX DEVICE NOT CONJUNCTION W/FX	\$2,672.70
D7999	UNSPECIFIED ORAL SURGERY PROCEDURE BY REPORT	By Report
D8010	LIMITED ORTHODONTIC TREATMENT PRIMARY DENTITION	\$0.00
D8020	LTD ORTHODONTIC TREATMENT TRANSITIONAL DENTITION	\$0.00
D8030	LTD ORTHODONTIC TREATMENT ADOLESCENT DENTITION	\$0.00
D8040	LIMITED ORTHODONTIC TREATMENT ADULT DENTITION	\$0.00
D8050	INTERCEPTIVE ORTHODONTIC TX PRIMARY DENTITION	\$0.00
D8060	INTRCPTV ORTHODONTIC TX TRANSITIONAL DENTITION	\$0.00
D8070	COMP ORTHODONTIC TX TRANSITIONAL DENTITION	\$0.00
D8080	COMPREHENSIVE ORTHODONTIC TX ADOLES DENTITION	\$0.00
D8090	COMPREHENSIVE ORTHODONTIC TX ADULT DENTITION	\$0.00
D8210	REMOVABLE APPLIANCE THERAPY	\$0.00
D8220	FIXED APPLIANCE THERAPY	\$0.00
D8660	PREORTHODONTIC TREATMENT VISIT	\$0.00
D8670	PERIODIC ORTHODONTIC TREATMENT VISIT	\$0.00
D8680	ORTHODONTIC RETENTION	\$0.00
D8681	REMOVABLE ORTHODONTIC RETAINER ADJUSTMENT	\$0.00
D8690	ORTHODONTIC TREATMENT	\$0.00
D8695	REMOVAL OF FIXED ORTHO APPLIANCES TX NOT COMPLT	\$0.00
D8696	REPAIR ORTHODONTIC APPLIANCE MAXILLARY	\$0.00
D8697	REPAIR ORTHODONTIC APPLIANCE MANDIBULAR	\$0.00
D8698	RE-CEMENT OR RE-BOND FIXED RETAINER MAXILLARY	\$0.00
D8699	RE-CEMENT OR RE-BOND FIXED RETAINER MANDIBULAR	\$0.00
D8701	REPAIR FIXED RETAINER, WITH REATTACH, MAXILLARY	\$0.00
D8702	REPAIR FIXED RETAINER, WITH REATTACH, MANDIBULAR	\$0.00
D8703	REPLACE LOST OR BROKEN RETAINER MAXILLARY	\$0.00
D8704	REPLACE LOST OR BROKEN RETAINER MANDIBULAR	\$0.00
D8999	UNSPECIFIED ORTHODONTIC PROCEDURE BY REPORT	By Report
D9110	PALLIATIVE EMERGENCY TX DENTAL PAIN MINOR PROC	\$182.15
D9120	FIXED PARTIAL DENTURE SECTIONING	\$205.81
D9130	TMJ JOINT DYSFUNCTION - NON-INVASIVE PHYSL THERP	\$0.00
D9210	LOCAL ANES-NOT CONJUNCTION W/OP/SURGICAL PROC	\$60.87
D9211	REGIONAL BLOCK ANESTHESIA	\$67.16
D9212	TRIGEMINAL DIVISION BLOCK ANESTHESIA	\$104.94
D9215	LOCAL ANESTHESIA CONJUCTION OPERATIVE/SURG PROC	\$50.37
D9219	EVALUATION FOR MOD OR DEEP SEDATION / GA	\$119.63
D9222	DEEP SEDATION / GENERAL ANESTHESIA FIRST 15 MIN	\$356.80
D9223	DEEP SEDATION/ GEN ANESTH EACH 15 MIN INCREMENT	\$272.84

D9230	INHALATION OF NITROUS OXIDE/ANXIOLYSIS ANALGESIA	\$100.74
D9239	IV MOD (CONSCIOUS) SEDATION/ANALGESIA FIRST 15 MIN	\$293.83
D9243	IV MOD (CONSCIOUS) SEDATION EACH 15 MIN INCREMENT	\$230.87
D9248	NON-INTRAVENTOUS CONSCIOUS SEDATION	\$146.92
D9310	CONSULT DX SERV DENT/PHY NOT REQUESTING DENT/PHY	\$262.54
D9311	CONSULT WITH A MEDICAL HEALTHCARE PROFESSIONAL	\$262.54
D9410	HOUSE/EXTENDED CARE FACILITY CALL	\$300.28
D9420	HOSPITAL OR AMBULATORY SURGICAL CENTER CALL	\$485.70
D9430	OFFICE VISIT OBSERVATION NO OTHER SRVC PERFORMED	\$0.00
D9440	OFFICE VISIT - AFTER REGULARLY SCHEDULED HOURS	\$164.09
D9450	CASE PRESENTATION DTL&EXT TREATMENT PLANNING	\$82.04
D9610	THERAPEUTIC PARENTERAL DRUG SINGL ADMINISTRATION	\$0.00
D9612	TX PARENTERAL DRUGS 2/> ADMINISTRATIONS DIFF MED	\$0.00
D9613	INFLTRN SUSTND RELSE THRPTIC DRG PER QUADRANT	\$0.00
D9630	DRUGS AND/OR MEDICAMENTS BY REPORT, HOME USE	\$0.00
D9910	APPLICATION OF DESENSITIZING MEDICAMENT	\$93.09
D9911	APPLIC DESENZT RSN CERV &OR ROOT SURF-TOOTH	\$130.33
D9912	PRE-VISIT PATIENT SCREENING	\$0.00
D9920	BEHAVIOR MANAGEMENT BY REPORT	\$0.00
D9930	TX COMPLICATIONS - UNUSUAL CIRCUMSTANCES REPORT	\$0.00
D9932	CLEAN/INSPECT REMOVBL COMPLETE MAXILLARY DENTURE	\$228.74
D9933	CLEAN INSPECT REMVBL COMPLETE MANDIBULAR DENTURE	\$228.74
D9934	CLEAN/ INSPECT REMVBL PARTIAL MAXILLARY DENTURE	\$228.74
D9935	CLEAN INSPECT REMVBL PARTIAL MANDIBULAR DENTURE	\$228.74
D9941	FABRICATION OF ATHLETIC MOUTHGUARD	\$265.98
D9942	REPAIR AND/OR RELINE OF OCCLUSAL GUARD	\$319.18
D9943	OCCLUSAL GUARD ADJUSTMENT	\$159.59
D9944	OCCLUSAL GUARD - HARD APPLIANCE, FULL ARCH	\$771.34
D9945	OCCLUSAL GUARD - SOFT APPLIANCE, FULL ARCH	\$771.34
D9946	OCCLUSAL GUARD HARD APPLIANCE PARTIAL ARCH	\$771.34
D9947	CUSTOM SLEEP APNEA APPLIANCE FABRCATION/PLACEMNT	\$0.00
D9948	ADJUSTMENT CUSTOM SLEEP APNEA APPLIANCE	\$0.00
D9949	REPAIR CUSTOM SLEEP APNEA APPLIANCE	\$0.00
D9950	OCCLUSION ANALYSIS - MOUNTED CASE	\$505.36
D9951	OCCLUSAL ADJUSTMENT - LIMITED	\$226.08
D9952	OCCLUSAL ADJUSTMENT - COMPLETE	\$1,063.92
D9961	DUPLICATE/COPY PATIENT'S RECORDS	\$0.00
D9970	ENAMEL MICROABRASION	\$119.69
D9971	ODONTOPLASTY 1-2 TEETH; INCL REMOVAL ENAMEL PROJ	\$154.27
D9972	EXTERNAL BLEACHING - PER ARCH	\$531.96
D9973	EXTERNAL BLEACHING - PER TOOTH	\$87.77
D9974	INTERNAL BLEACHING - PER TOOTH	\$465.47
D9975	EXTERNAL BLEACHING - PER ARCH (HOME)	\$531.96

D9985	SALES TAX	\$0.00
D9986	MISSED APPOINTMENT	\$0.00
D9987	CANCELLED APPOINTMENT	\$0.00
D9990	CERT TRNSLATION OR SIGN LANGUAGE SRVCS PER VISIT	\$0.00
D9991	DENTAL CASE MGMT ADDRESS APPNTMNT COMPL BARRIERS	\$0.00
D9992	DENTAL CASE MANAGEMENT - CARE COORDINATION	\$93.09
D9993	DENTAL CASE MGMT - MOTIVATIONAL INTERVIEWING	\$0.00
D9994	DENTAL CASE MGMT - PATIENT EDU IMPRV ORAL HEALTH	\$0.00
D9995	TELEDENTISTRY - SYNCHRONOUS; REAL TIME ENCOUNTER	\$425.57
D9996	TELDENTRY ASYNCHRNS INFO FWD DENTIST SBSQNT REVW	\$319.18
D9997	DENTAL CASE MANAGEMENT SPECIAL HEALTH CARE NEEDS	\$0.00
D9999	UNSPECIFIED ADJUNCTIVE PROC BY REPORT (01/2022)	By Report

**Exhibit #4 – Effective 1/1/2023**  
**APCs for Procedures with Status Indicator C When Performed in an OP Hospital or ASC**

Proc	Description	APC
0202T	Post vert arthrplst 1 lumbar	5115
0219T	Plmt post facet implt cerv	5115
0220T	Plmt post facet implt thor	5115
20802	Replantation arm complete	5116
20805	Replant forearm complete	5116
20808	Replantation hand complete	5116
20816	Replantation digit complete	5114
20824	Replantation thumb complete	5114
20827	Replantation thumb complete	5114
20838	Replantation foot complete	5116
20955	Fibula bone graft microvasc	5114
20956	Iliac bone graft microvasc	5114
20957	Mt bone graft microvasc	5114
20962	Other bone graft microvasc	5114
20969	Bone/skin graft microvasc	5114
20970	Bone/skin graft iliac crest	5114
21045	Extensive jaw surgery	5165
21141	Lefort i-1 piece w/o graft	5165
21142	Lefort i-2 piece w/o graft	5165
21143	Lefort i-3/> piece w/o graft	5165
21145	Lefort i-1 piece w/ graft	5165
21146	Lefort i-2 piece w/ graft	5165
21147	Lefort i-3/> piece w/ graft	5165
21151	Lefort ii w/bone grafts	5165
21154	Lefort iii w/o lefort i	5165
21155	Lefort iii w/ lefort i	5165
21159	Lefort iii w/fhdw/o lefort i	5165
21160	Lefort iii w/fhd w/ lefort i	5165
21179	Reconstruct entire forehead	5165
21180	Reconstruct entire forehead	5165
21182	Reconstruct cranial bone	5165
21183	Reconstruct cranial bone	5165
21184	Reconstruct cranial bone	5165
21188	Reconstruction of midface	5165
21194	Reconst lwr jaw w/graft	5165
21196	Reconst lwr jaw w/fixation	5165
21247	Reconstruct lower jaw bone	5165
21255	Reconstruct lower jaw bone	5165
21268	Revise eye sockets	5165
21343	Open tx dprsd front sinus fx	5165
21344	Open tx compl front sinus fx	5165

21347	Opn tx nasomax fx multiple	5165
21348	Opn tx nasomax fx w/graft	5165
21366	Opn tx complx malar w/grft	5165
21422	Treat mouth roof fracture	5165
21423	Treat mouth roof fracture	5165
21431	Treat craniofacial fracture	5165
21432	Treat craniofacial fracture	5165
21433	Treat craniofacial fracture	5165
21435	Treat craniofacial fracture	5165
21436	Treat craniofacial fracture	5165
21510	Drainage of bone lesion	5114
21602	Exc ch wal tum w/o lymphadec	5114
21603	Exc ch wal tum w/lymphadec	5114
21615	Removal of rib	5114
21616	Removal of rib and nerves	5114
21620	Partial removal of sternum	5114
21627	Sternal debridement	5114
21630	Extensive sternum surgery	5114
21632	Extensive sternum surgery	5114
21705	Revision of neck muscle/rib	5114
21740	Reconstruction of sternum	5114
21750	Repair of sternum separation	5114
21825	Treat sternum fracture	5114
22010	I&d p-spine c/t/cerv-thor	5114
22015	I&d abscess p-spine l/s/l	5114
22110	Remove part of neck vertebra	5114
22112	Remove part thorax vertebra	5114
22114	Remove part lumbar vertebra	5114
22206	Incis spine 3 column thorac	5114
22207	Incis spine 3 column lumbar	5114
22210	Incis 1 vertebral seg cerv	5114
22212	Incis 1 vertebral seg thorac	5114
22214	Incis 1 vertebral seg lumbar	5114
22220	Osteot dsc ant 1 vrt sgm crv	5114
22222	Osteot dsc ant 1vrt sgm thrc	5114
22224	Osteot dsc ant 1vrt sgm lmb	5114
22318	Treat odontoid fx w/o graft	5115
22319	Treat odontoid fx w/graft	5115
22325	Treat spine fracture	5115
22326	Treat neck spine fracture	5115
22327	Treat thorax spine fracture	5115
22532	Arthrd lat xtrcvtry tq thrc	5116
22533	Arthrd lat xtrcvtry tq lmb	5116
22548	Arthrd ant toral/xoral c1-c2	5116

22556	Arthrd ant ntrbd min dsc thc	5116
22558	Arthrd ant ntrbd min dsc lum	5116
22586	Arthrd pre-sac ntrbdy l5-s1	5116
22590	Arthrd pst tq craniocervical	5116
22595	Arthrd pst tq atlas-axis	5116
22600	Arthrd pst tq 1ntrspc crv	5116
22610	Arthrd pst tq 1ntrspc thrc	5116
22800	Arthrd pst dfrm<6 vrt sgm	5116
22802	Arthrd pst dfrm 7-12 vrt sgm	5116
22804	Arthrd pst dfrm 13+ vrt sgm	5116
22808	Arthrd ant dfrm 2-3 vrt sgm	5116
22810	Arthrd ant dfrm 4-7 vrt sgm	5116
22812	Arthrd ant dfrm 8+ vrt sgm	5116
22818	Kyphectomy 1-2 segments	5116
22819	Kyphectomy 3 or more	5116
22830	Exploration of spinal fusion	5115
22849	Reinsert spinal fixation	5116
22850	Remove spine fixation device	5115
22852	Remove spine fixation device	5115
22855	Remove spine fixation device	5115
22857	Tot disc arthrp ant lumbar	5116
22861	Revise cerv artific disc	5116
22862	Revise lumbar artif disc	5116
22864	Remove cerv artif disc	5115
22865	Remove lumb artif disc	5115
23200	Resect clavicle tumor	5114
23210	Resect scapula tumor	5114
23220	Resect prox humerus tumor	5114
23335	Shoulder prosthesis removal	5073
23474	Revis reconst shoulder joint	5115
23900	Amputation of arm & girdle	5115
23920	Amputation at shoulder joint	5115
24900	Amputation of upper arm	5115
24920	Amputation of upper arm	5115
24930	Amputation follow-up surgery	5114
24931	Amputate upper arm & implant	5115
24940	Revision of upper arm	5115
25900	Amputation of forearm	5115
25905	Amputation of forearm	5115
25915	Amputation of forearm	5114
25920	Amputate hand at wrist	5114
25924	Amputation follow-up surgery	5114
25927	Amputation of hand	5113
26551	Great toe-hand transfer	5114

26553	Single transfer toe-hand	5114
26554	Double transfer toe-hand	5114
26556	Toe joint transfer	5114
26992	Drainage of bone lesion	5114
27005	Incision of hip tendon	5114
27025	Incision of hip/thigh fascia	5114
27030	Drainage of hip joint	5114
27036	Excision of hip joint/muscle	5114
27054	Removal of hip joint lining	5113
27070	Part remove hip bone super	5114
27071	Part removal hip bone deep	5114
27075	Resect hip tumor	5114
27076	Resect hip tum incl acetabul	5114
27077	Resect hip tum w/innom bone	5115
27078	Rsect hip tum incl femur	5115
27090	Removal of hip prosthesis	5073
27091	Removal of hip prosthesis	5073
27120	Reconstruction of hip socket	5115
27122	Reconstruction of hip socket	5115
27125	Partial hip replacement	5115
27132	Total hip arthroplasty	5115
27134	Revise hip joint replacement	5115
27137	Revise hip joint replacement	5115
27138	Revise hip joint replacement	5115
27140	Transplant femur ridge	5115
27146	Incision of hip bone	5114
27147	Revision of hip bone	5114
27151	Incision of hip bones	5114
27156	Revision of hip bones	5114
27158	Revision of pelvis	5114
27161	Incision of neck of femur	5114
27165	Incision/fixation of femur	5114
27170	Repair/graft femur head/neck	5114
27175	Treat slipped epiphysis	5114
27176	Treat slipped epiphysis	5115
27177	Treat slipped epiphysis	5114
27178	Treat slipped epiphysis	5114
27181	Treat slipped epiphysis	5114
27185	Revision of femur epiphysis	5114
27187	Reinforce hip bones	5114
27226	Treat hip wall fracture	5114
27227	Treat hip fracture(s)	5114
27228	Treat hip fracture(s)	5114
27232	Treat thigh fracture	5112



27236	Treat thigh fracture	5114
27240	Treat thigh fracture	5112
27244	Treat thigh fracture	5114
27245	Treat thigh fracture	5114
27248	Treat thigh fracture	5114
27253	Treat hip dislocation	5113
27254	Treat hip dislocation	5113
27258	Treat hip dislocation	5113
27259	Treat hip dislocation	5113
27268	Cltx thigh fx w/mnpj	5113
27269	Optx thigh fx	5112
27280	Fusion of sacroiliac joint	5116
27282	Fusion of pubic bones	5115
27284	Fusion of hip joint	5116
27286	Fusion of hip joint	5116
27290	Amputation of leg at hip	5116
27295	Amputation of leg at hip	5116
27303	Drainage of bone lesion	5114
27365	Resect femur/knee tumor	5114
27445	Revision of knee joint	5115
27448	Incision of thigh	5114
27450	Incision of thigh	5114
27454	Realignment of thigh bone	5114
27455	Realignment of knee	5114
27457	Realignment of knee	5114
27465	Shortening of thigh bone	5114
27466	Lengthening of thigh bone	5114
27468	Shorten/lengthen thighs	5114
27470	Repair of thigh	5114
27472	Repair/graft of thigh	5114
27486	Revise/replace knee joint	5115
27487	Revise/replace knee joint	5115
27488	Removal of knee prosthesis	5114
27495	Reinforce thigh	5114
27506	Treatment of thigh fracture	5114
27507	Treatment of thigh fracture	5114
27511	Treatment of thigh fracture	5114
27513	Treatment of thigh fracture	5114
27514	Treatment of thigh fracture	5114
27519	Treat thigh fx growth plate	5114
27535	Treat knee fracture	5114
27536	Treat knee fracture	5114
27540	Treat knee fracture	5114
27556	Treat knee dislocation	5114

27557	Treat knee dislocation	5114
27558	Treat knee dislocation	5114
27580	Fusion of knee	5115
27590	Amputate leg at thigh	5116
27591	Amputate leg at thigh	5116
27592	Amputate leg at thigh	5116
27596	Amputation follow-up surgery	5114
27598	Amputate lower leg at knee	5115
27645	Resect tibia tumor	5114
27646	Resect fibula tumor	5114
27703	Reconstruction ankle joint	5115
27712	Realignment of lower leg	5115
27715	Revision of lower leg	5115
27724	Repair/graft of tibia	5114
27725	Repair of lower leg	5114
27727	Repair of lower leg	5114
27880	Amputation of lower leg	5116
27881	Amputation of lower leg	5114
27882	Amputation of lower leg	5114
27886	Amputation follow-up surgery	5114
27888	Amputation of foot at ankle	5115
28800	Amputation of midfoot	5113
35372	Rechannelling of artery	5184
35800	Explore neck vessels	5184
37182	Insert hepatic shunt (tips)	5193
37617	Ligation of abdomen artery	5183
38562	Removal pelvic lymph nodes	5362
43840	Repair of stomach lesion	5331
44300	Open bowel to skin	5302
44345	Revision of colostomy	5341
44346	Revision of colostomy	5341
44602	Suture small intestine	5303
49010	Exploration behind abdomen	5341
49255	Removal of omentum	5341
51840	Attach bladder/urethra	5415
56630	Extensive vulva surgery	5415
61624	Transcath occlusion cns	5194
G0412	Open tx iliac spine uni/bil	5114
G0414	Pelvic ring fx treat int fix	5115
G0415	Open tx post pelvic fxcture	5115

**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: 2022-00387

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Workers' Compensation

**on 09/12/2022**

7 CCR 1101-3

**WORKERS' COMPENSATION RULES OF PROCEDURE WITH TREATMENT GUIDELINES**

The above-referenced rules were submitted to this office on 09/12/2022 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.

September 28, 2022 13:51:17

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

**Department**

Department of Labor and Employment

**Agency**

Division of Workers' Compensation

**CCR number**

7 CCR 1101-3

**Rule title**

7 CCR 1101-3 WORKERS' COMPENSATION RULES OF PROCEDURE WITH  
TREATMENT GUIDELINES 1 - eff 01/01/2023

**Effective date**

01/01/2023

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### Rule 18 MEDICAL FEE SCHEDULE

#### CONTENTS

18-1	INTRODUCTION.....	3
18-2	INCORPORATION BY REFERENCE.....	3
18-3	GENERAL POLICIES.....	4
(A)	BILLING CODES AND FEE SCHEDULE:.....	4
(B)	PLACE OF SERVICE CODES:.....	4
(C)	CORRECT REPORTING AND PAYMENT POLICIES:.....	4
18-4	PROFESSIONAL FEES AND SERVICES.....	5
(A)	GENERAL INSTRUCTIONS.....	5
(B)	EVALUATION AND MANAGEMENT (E&M).....	11
(C)	ANESTHESIA.....	12
(D)	SURGERY.....	14
(E)	RADIOLOGY.....	17
(F)	PATHOLOGY.....	18
(G)	MEDICINE.....	20
(H)	PHYSICAL MEDICINE AND REHABILITATION (PM&R).....	24
(I)	TELEMEDICINE.....	28
18-5	FACILITY FEES.....	29
(A)	INPATIENT FACILITY FEES.....	29
(B)	OUTPATIENT FACILITY FEES.....	31
(C)	URGENT CARE FACILITIES.....	37
18-6	ANCILLARY SERVICES.....	38

(A)	DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES (DMEPOS).....	38
(B)	HOME CARE SERVICES.....	40
(C)	DRUGS AND MEDICATIONS.....	43
(D)	COMPLEMENTARY INTEGRATIVE MEDICINE.....	46
(E)	AMBULANCE TRANSPORTATION.....	46
18-7	DIVISION-ESTABLISHED CODES AND VALUES.....	47
(A)	FACE-TO-FACE OR TELEPHONIC MEETINGS.....	47
(B)	CANCELLATION FEES FOR PAYER-MADE APPOINTMENTS.....	48
(C)	REQUESTS FOR MEDICAL RECORDS AND COPYING FEES.....	49
(D)	DEPOSITION AND TESTIMONY FEES.....	49
(E)	INJURED WORKER TRAVEL EXPENSES.....	50
(F)	PERMANENT IMPAIRMENT RATING.....	50
(G)	REPORT PREPARATION.....	51
(H)	USE OF AN INTERPRETER.....	54
(I)	GUARDIAN AD LITEM AND CONSERVATOR SERVICES.....	55
18-8	DENTAL FEE SCHEDULE.....	55
18-9	QUALITY INITIATIVES.....	55
(A)	OPIOID MANAGEMENT.....	55
(B)	QUALITY PERFORMANCE AND OUTCOMES PAYMENTS (QPOP).....	57
(C)	APP-BASED INTERVENTIONS.....	57
(D)	PILOT PROGRAMS.....	58
18-10	LIST OF EXHIBITS.....	58

## 18.1 INTRODUCTION

Pursuant to § 8-42-101(3)(a)(I) and § 8-47-107, the Director promulgates this Medical Fee Schedule to review and establish maximum fees for healthcare services falling within the purview of the Workers' Compensation Act of Colorado. This Rule applies to services rendered on or after January 1, 2023. All other bills shall be reimbursed in accordance with the fee schedule in effect on the date of service. This Rule shall be read together with Rule 16, Utilization Standards, and Rule 17, the Medical Treatment Guidelines (MTGs).

The unofficial copies of Rule 18, other Colorado Workers' Compensation Rules of Procedure, and Interpretive Bulletins are available on the Division's website, <https://cdle.colorado.gov/dwc>. The rules also may be purchased from LexisNexis. An official copy of this Rule is available on the Secretary of State's webpage, [www.sos.state.co.us/CCR/Welcome.do](http://www.sos.state.co.us/CCR/Welcome.do), 7 CCR 1101-3.

## 18.2 INCORPORATION BY REFERENCE

The Director adopts and incorporates by reference the following materials:

- (A) National Physician Fee Schedule Relative Value file (RBRVS-Resource Based Relative Value Scale), as modified and published by Medicare in April 2022. Copies are available on Medicare's website, <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/PhysicianFeeSched>.
- (B) The Current Procedural Terminology CPT® 2022, Professional Edition, published by the American Medical Association (AMA). All CPT® modifiers are adopted, unless otherwise specified in this Rule.
- (C) Medicare Severity Diagnosis Related Groups (MS-DRGs) Definitions Manual, Version 39.1 using MS-DRGs from CMS1752-F Table 5. Copies are available on Medicare's website, [www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS](http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS). The MS-DRGs Definitions Manual may be purchased from 3M Health Information Systems.
- (D) Hospital Outpatient Prospective Payment System (OPPS) Addenda A and B, January 2022 - Correction; 2022 NFRM OPPS Addendum J; Table 3 (The OPPS Imaging Families and Multiple Imaging Procedure Composite APCs) of the 2022 OPPS Final Rule; and Table 2 of the 2022 NFRM OPPS Claims Accounting. Copies are available on Medicare's website, <https://www.cms.gov/medicare/medicare-fee-for-service-payment/hospitaloutpatientpps>.
- (E) Medicare Part B April 2022 Average Sales Price (ASP) Pricing File. Copies are available on Medicare's website, <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Part-B-Drugs/McrPartBDrugAvgSalesPrice>.
- (F) Health Care Common Procedure Coding System (HCPCS) Level II Professional 2022, published by the AMA.
- (G) Medicare's Clinical Laboratory Fee Schedule File, CY 2022 Q2 Release. Copies are available on Medicare's website, <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Clinical-Laboratory-Fee-Schedule-Files>.
- (H) The Current Dental Terminology, CDT® 2022, published by the American Dental Association.
- (I) Medicare's 2022 Anesthesia Base Units by CPT® Code. Copies are available on Medicare's website, [www.cms.gov/Center/Provider-Type/Anesthesiologists-Center](http://www.cms.gov/Center/Provider-Type/Anesthesiologists-Center).

All guidelines and instructions in the referenced materials are adopted, unless otherwise specified in this Rule. The incorporation is limited to the specific editions named and does not include later revisions or additions.

The Division shall make available for public review and inspection the copies of all materials incorporated by reference in Rule 18. Please contact the Medical Services Manager, 633 17th Street, Suite 400, Denver, Colorado 80202-3626. These materials also are available at any state publications depository library. All users are responsible for the timely purchase and use of these materials.

### 18.3 GENERAL POLICIES

#### (A) BILLING CODES AND FEE SCHEDULE:

- (1) The Division establishes the Medical Fee Schedule based on RBRVS, as modified by Rule 18 and its Exhibits.
- (2) The Division incorporates CPT®, HCPCS, CDT® and National Drug Code (NDC) codes and values, unless otherwise specified in Rule 18. The providers may use CPT® Category III codes listed in the RBRVS with Payer agreement. Payment for the Category III codes shall comply with Rule 16 policy for unpriced codes.
- (3) Division-created codes and values (DoWC ZXXXX) supersede CPT®, HCPCS, CDT®, and NDC codes and values. The CPT® mid-point rule for attaining a unit of time applies to these codes, unless otherwise specified in this Rule.
- (4) Codes listed with values of “BR” (by report), not listed, or listed with a zero value and not included by Medicare in another procedure(s), require prior authorization.

#### (B) PLACE OF SERVICE CODES:

The table below lists the place of service codes corresponding to the RBRVS facility RVUs. All other maximum fee calculations shall use the non-facility RVUs listed in the RBRVS.

Place of Service Code	Place of Service Code Description
21	Inpatient Hospital
22	On Campus - Outpatient Hospital
23	Emergency Room-Hospital
24	Ambulatory Surgery Center (ASC)
26	Military Treatment Facility
31	Skilled Nursing Facility
34	Hospice
41	Ambulance - Land
42	Ambulance - Air or Water
51	Inpatient Psychiatric Hospital
52	Psychiatric Facility-Partial Hospitalization
53	Community Mental Health Center
56	Psychiatric Residential Treatment Center
61	Comprehensive Inpatient Rehabilitation Facility

#### (C) CORRECT REPORTING AND PAYMENT POLICIES:

- (1) Providers shall report codes and number of units based on all applicable code descriptions and this Rule. In addition, providers shall document all services/ procedures in the medical record.
- (2) Providers shall report the most comprehensive code that represents the entire service.
- (3) Providers shall report only the primary services and not the services that are integral to the primary services.
- (4) Providers shall document the time spent performing all time-based services or procedures in accordance with applicable code descriptions.



- (5) Providers shall apply modifiers to clarify services rendered and/or adjust the maximum allowances as indicated in this Rule. When correcting a modifier, Payers shall comply with Rule 16.

#### 18.4 PROFESSIONAL FEES AND SERVICES

##### (A) GENERAL INSTRUCTIONS

##### (1) Conversion Factors (CFs):

Maximum allowances are determined by multiplying the following CFs by the established facility or non-facility total relative value units (RVUs) found in the corresponding RBRVS sections:

RBRVS SECTION	CF
Anesthesia	\$44.00
Surgery/Radiology/Pathology/Medicine	\$68.00
Physical Medicine and Rehabilitation (Includes Medical Nutrition Therapy and Acupuncture)	\$48.00
Evaluation & Management (E&M)	\$54.10

##### (2) Maximum Allowance:

- (a) Maximum allowance for most providers shall be 100% of the Medical Fee Schedule unless otherwise specified in this Rule.
- (b) The maximum allowance for Physician Assistants (PAs) and Nurse Practitioners (NPs) shall be 85% of the Medical Fee Schedule. However, PAs and NPs are allowed 100% of the Medical Fee Schedule if the requirements of Rule 16 have been met and one of the following conditions applies:
  - (i) The service is provided in a rural area. Rural area means:
    - a county outside a Metropolitan Statistical Area (MSA) or
    - a Health Professional Shortage Area, located either outside of an MSA or in a rural census tract, as determined by the Office of Rural Health Policy, Health Resources and Services Administration, United States Department of Health and Human Services.
  - (ii) The PA or NP is Level I Accredited.
- (c) The Payer may negotiate reimbursement of travel expenses not addressed in the fee schedule (including transit time) with providers traveling to a rural area to serve an injured worker. Rural area is defined in subsection (2)(b)(i) above. This reimbursement shall be in addition to the maximum allowance for services addressed in the fee schedule.

##### (3) The Division adopts the following RBRVS attributes or modifies them as follows:

- (a) HCPCS (Healthcare Common Procedure Coding System) – including any CPT® codes, Level I (CPT®), and Level II (HCPCS) Modifiers (listed and unlisted).
- (b) Description – short description as listed in the file and long description as specified in CPT®.

(c) Status Code:

Status	Meaning
A	Separately Payable
B & P	Bundled Code
C	Priced per Rule 16-10-1
E	HCPCS J0120 to J9999 and CPT® 90296-90750 are payable. HCPCS Q4074-Q4255 require prior authorization for payment. All other codes are not payable unless otherwise specified in this Rule.
I	HCPCS A0021-A0988 and S0012-S0199 (see section 18-4(B)(6)(c)) are payable. Dental codes are paid per Exhibit #3; All other codes are not payable unless otherwise specified in this Rule. There may be another code for reporting and payment of these services.
J	Anesthesia Code
M & Q	Measurement or Functional Information Codes - No Value
N	HCPCS A4206-A9999 are payable when these supplies are issued for home use. Dental codes are paid per Exhibit #3. HCPCS V2020-V5290 are payable per section 18-6(A). There may be another code for reporting and payment of services associated with V-codes. Codes found in the Medicine Section of CPT® with an assigned RBRVS value (section 18-2(A)) are payable. All other codes are not payable unless otherwise specified in this Rule.
R	Dental codes are paid per Exhibit #3. All other codes require prior authorization for payment unless otherwise specified in this Rule.
T	Paid When It Is the Only Payable Service Performed
X	Codes with an assigned RBRVS value (section 18-2(A)) are payable. All other codes are not payable unless otherwise specified in this Rule.

- (d) Increment of Service/Billable (when specified).
- (e) Anesthesia Base Unit(s), see section 18-4(C).
- (f) Non-Facility (NF) Total RVUs.
- (g) Facility (F) Total RVUs.
- (h) Professional Component/Technical Component Indicators.

Indicator	Meaning
0	Physician Service Codes – professional component/ technical component (PC/TC) distinction does not apply.
1	Diagnostic Radiology Tests - may be billed with or without modifiers 26 or TC.
2	Professional Component Only Codes – standalone professional service code (no modifier is appropriate because the code description dictates the service is professional only).
3	Technical Component Only Codes - standalone technical service code (no modifier is appropriate because the code description dictates the service is technical only).
4	Global Test Only Codes - modifiers 26 and TC cannot be used because the values equal to the sum of the total RVUs (work, practice expense, and malpractice).
5	Incident To Codes - do not apply.
6	Laboratory Physician Interpretation Codes – separate payments may be made (these codes represent the professional component of a clinical laboratory service and cannot be billed with modifier TC).
7	Physical Therapy Service – not recognized.
8	Physician Interpretation Codes – separate payments may be made only if a physician interprets an abnormal smear for a hospital inpatient.
9	Concept of PC/TC distinction does not apply.

- (i) Global Days: the number of follow-up days beginning on the day after the surgery and continuing for the defined period.

<b>Indicator</b>	<b>Meaning</b>
000	Endoscopies or some minor surgical procedures, typically a zero day post-operative period. E&M visits on the same day as procedures generally are included in the procedure, unless a separately identifiable service is reported with an appropriate modifier.
010	Other minor procedures, 10-day post-operative period. E&M visits on the same day as procedures and during the 10-day post-operative period generally are included in the procedure, unless a separately identifiable service is reported with an appropriate modifier.
090	Major surgeries, 90-day post-operative period. E&M visits the day before and on same day as procedures, as well as during the 90-day post-operative period generally are included in the procedure, unless a separately identifiable service is reported with an appropriate modifier.
MMM	Global service days concept does not apply (see Medicare's Global Maternity Care reporting rule).
XXX	Global concept does not apply.
YYY	Identifies primarily "BR" procedures where "global days" need to be determined by the Payer.
ZZZ	Code is related to another service and always included in the global period of the other service. Identifies "add on" codes.

- (j) Pre-Operative Percentage Modifier: percentage of the global surgical package payable when pre-operative care is rendered by a provider other than the surgeon.

<b>Indicator</b>	<b>Meaning</b>
%	The physician shall append modifier 56 when performing only the pre-operative portion of any surgical procedure. This modifier can be combined with either modifier 54 or 55, but not both. This column lists the allowed percentage of the total surgical relative value unit.

- (k) Intra-Operative Percentage Modifier: percentage of the global surgical package payable when the surgeon renders only intra-operative care.

Indicator	Meaning
%	The surgeon shall append modifier 54 when performing only the intra-operative portion of a surgical procedure. This modifier can be combined with either modifier 55 or 56, but not both. This column lists the allowed percentage of the total surgical relative value unit.

- (l) Post-Operative Percentage Modifier: percentage of the global surgical package payable when post-operative care is rendered by a provider other than the surgeon.

Indicator	Meaning
%	The surgeon shall append modifier 55 when performing only the post-operative portion of a surgical procedure. This modifier can be combined with either modifier 54 or 56, but not both. This column lists the allowed percentage of the total surgical relative value unit.

- (m) Multiple Procedure Modifier: the maximum allowance for the highest-valued procedure is 100% of the fee schedule, even if the provider appends modifier 51. The maximum allowance for the lesser-valued procedures performed in the same operative setting is 50% of the fee schedule.

Indicator	Meaning
0	No payment adjustment for multiple procedures applies. These codes are generally identified as “add-on” codes in CPT®.
1, 2, or 3	Standard payment reduction applies (100% for the highest-valued procedure and 50% for all lesser-valued procedures performed during the same operative setting).
4, 5, 6, or 7	Not subject to the multiple procedure adjustments.
9	Multiple procedure concept does not apply.

- (n) Bilateral Procedure Modifier.

Indicator	Meaning
0	Not eligible for the bilateral payment adjustment. Either the procedure cannot be performed bilaterally due to the anatomical constraints or another code more adequately describes the procedure.
1	Eligible for bilateral payment adjustment and shall be

	<p>reported on one line with modifier 50 and “1” in the units box.</p> <p>Providers performing the same bilateral procedure during the same operative setting on multiple sites shall report the second and subsequent procedures with modifiers 50 and 59. Report on one line with one unit for each bilateral procedure performed. The maximum allowance is increased to 150%.</p> <p>If provider performs multiple bilateral procedures during the same setting, Payer shall apply the bilateral payment adjustment rule first, and then apply other applicable payment adjustments (e.g., multiple surgery).</p>
2	Not eligible for the bilateral payment adjustment. These procedure codes are already bilateral.
3	Not eligible for the bilateral payment adjustment. Report these codes on two lines with RT and LT modifiers. There is one payment per line.
9	Not eligible for the bilateral payment adjustment because the concept does not apply.

- (o) Assistant Surgeon, Modifiers 80, 81, 82, or AS: the designation of “almost always” for a surgical code in the Physicians as Assistants at Surgery: 2020 Update (October 2020), published by the American College of Surgeons shall indicate that separate payment for an assistant surgeon is allowed for that code. If that publication does not make a recommendation on a surgical code or lists it as “sometimes” or “almost never,” then RBRVS indicators shall determine whether separate payment for assistant surgeons is allowed.

Indicator	Meaning
0	Documentation of medical necessity and prior authorization is required to allow an assistant at surgery.
1	No assistant at surgery is allowed.
2	Assistant at surgery is allowed.
9	Concept does not apply.

No separate assistant surgeon or minimum assistant fees shall be paid if a co-surgeon is paid for the same operative procedure during the same surgical episode. See section 18-4(D)(1) for additional payment policies.

- (p) Co-Surgeon, Modifier 62.

Indicator	Meaning
1 or 2	Indicators may require two primary surgeons performing two distinct portions of a procedure. Modifier 62 is used with the procedure and maximum allowance is increased to 125% of the fee schedule value.  The payment is apportioned to each surgeon in relation to the individual responsibilities and work, or it is apportioned equally between the co-surgeons.
0 or 9	Not eligible for co-surgery fee allowance adjustment. These procedures are either straightforward or only one surgeon is required, or the concept does not apply.

(q) Team Surgeon, Modifier 66.

Indicator	Meaning
0	Team surgery adjustments are not allowed.
1	Prior authorization is required for team surgery adjustments.
2	Team surgery adjustments may occur as a "BR." Each team surgeon must bill modifier 66. Payer must adjust the values in consultation with the billing surgeon(s).
9	Concept does not apply.

(r) Endoscopy base codes are not recognized for payment adjustments except when other modifiers apply.

(s) All other fields are not recognized.

(B) EVALUATION AND MANAGEMENT (E&M)

- (1) E&M codes may be billed by Physicians, NPs, and PAs, as defined in Rule 16. To justify the billed level of E&M service, medical records shall utilize (1) CPT® E&M Services Guidelines and Exhibit #1 for office or other outpatient services or (2) Medicare's 1997 Evaluation and Management Documentation Guidelines for other E&M services as applicable.

To justify the level of E&M service billed based on time, the provider shall not count the time spent on other reportable codes.

- (2) New or Established Patients:

An E&M visit shall be billed as a "new" patient service for each new injury or new Colorado workers' compensation claim even if the provider has seen the injured worker within the last three years.

Any subsequent E&M visits for the same injury billed by the same provider or another provider of the same specialty or subspecialty in the same group practice shall be billed as an "established patient" visit.

Transfer of care from one physician to another with the same tax ID and specialty or subspecialty shall be billed as an "established patient" regardless of location.

(3) Number of Office Visits:

All providers are limited to one office visit per injured worker, per day, per workers' compensation claim, unless prior authorization is obtained.

(4) Treating Physician Telephone or On-line Services:  
Minimum required documentation elements include:

- (a) Total time spent on medical discussion and date;
- (b) The injured worker, family member, or healthcare provider spoken with; and
- (c) Specific discussion and/or decision(s) made during the discussion.

Telephone or on-line services may be billed even if performed within the one day and seven day timelines listed in CPT®.

(5) Consultation/Referrals/Transfers of Care/Independent Medical Examinations:

A consultation occurs when a treating Physician seeks an opinion from another Physician regarding an injured worker's diagnosis and/or treatment beyond the treating Physician's expertise. CPT® 99241-99245 are payable codes.

To bill for a consultation, the Physician must document the following:

- (a) Identity of the Physician requesting the opinion;
- (b) The need for a consultant's opinion;
- (c) Statement that the report was submitted to the requesting Physician.

A transfer of care occurs when one Physician turns over the responsibility for the comprehensive care of an injured worker to another Physician.

An independent medical exam (IME) occurs when a Physician is requested to evaluate an injured worker by any party or party's representative and is billed in accordance with section 18-7(G).

(6) Prolonged Services:

Providers shall document the medical necessity of prolonged services utilizing patient-specific information. Providers shall comply with all applicable CPT® requirements and the following additional requirements.

- (a) Physicians or other qualified healthcare professionals (MDs, DOs, DCs, DMPs, NPs, and PAs) billing for extensive record review shall document the names of providers and dates of service reviewed, as well as briefly summarize each record reviewed.
- (b) Prolonged clinical staff services (RNs or LPNs) with physician or other qualified healthcare professional supervision:
  - (i) The supervising physician or other qualified healthcare professional may not bill for the time spent supervising clinical staff.
  - (ii) Clinical staff services cannot be provided in an urgent care or emergency department setting.
- (c) The RVUs for CPT® 99417 are .93 (non-facility) and .90 (facility).

(C) ANESTHESIA

- (1) All anesthesia base values are set forth in Medicare's Anesthesia Base Units by CPT® code, as incorporated by 18-2. Anesthesia services are only reimbursable if



the anesthesia is administered by a Physician, a Certified Registered Nurse Anesthetist (CRNA), or an Anesthesiologist Assistant (AA) who remains in constant attendance during the procedure for the sole purpose of rendering anesthesia.

When a CRNA or AA administers anesthesia:

- (a) CRNAs not under the medical direction of an Anesthesiologist shall be reimbursed 90% of the maximum anesthesia value;
  - (b) If billed separately, CRNAs and AAs, under the medical direction of an Anesthesiologist, shall be reimbursed 50% of the maximum anesthesia value. The other 50% is payable to the Anesthesiologist providing the medical direction to the CRNA or AA;
  - (c) Medical direction for administering anesthesia means the Anesthesiologist performs the following:
    - (i) examines and evaluates the injured worker before administering anesthesia;
    - (ii) prescribes the anesthesia plan;
    - (iii) personally participates in the most demanding procedures in the anesthesia plan including, if applicable, induction and emergence;
    - (iv) ensures that any procedure in the anesthesia plan is performed by a qualified anesthetist;
    - (v) monitors anesthesia administration at frequent intervals;
    - (vi) remains physically present and available for immediate diagnosis and treatment of emergencies; and
    - (vii) provides indicated post-anesthesia care.
- (2) HCPCS Level II modifiers are required when billing for anesthesia services. Modifier AD shall be used when an Anesthesiologist supervises more than four concurrent (occurring at the same time) anesthesia service cases. Maximum allowance for supervising multiple cases is calculated using three base anesthesia units for each case, regardless of the number of base anesthesia units assigned to each specific anesthesia episode of care.
- (3) Physical status modifiers are reimbursed as follows, using the Anesthesia CF:

P-1	Healthy patient	0 RVUs
P-2	Patient with mild systemic disease	0 RVUs
P-3	Patient with severe systemic disease	1 RVU
P-4	Patient with severe systemic disease that is a constant threat to life	2 RVUs
P-5	A moribund patient who is not expected to survive without the operation	3 RVUs
P-6	A declared brain-dead patient whose organs are being removed for donor purposes	0 RVUs

- (4) Qualifying circumstance codes are reimbursed using the Anesthesia CF:

Anesthesia complicated by extreme age (under one or over 70 yrs)	1 RVU
Anesthesia complicated by utilization of total body hypothermia	5 RVUs
Anesthesia complicated by utilization of controlled hypotension	5 RVUs
Anesthesia complicated by emergency conditions (specify)	2 RVUs

- (5) Multiple procedures are billed in accordance with CPT®. When more than one surgical procedure is performed during a single episode, only the highest-valued base anesthesia procedure value is added to the total anesthesia time for all procedures.
- (6) Total minutes are reported for reimbursement. Each 15-minutes of anesthesia time equals one additional RVU. Five minutes or more is considered significant time and adds one RVU to the payment calculation.
- (7) Calculation of Maximum Allowance for Anesthesia:
- (a) Add the anesthesia base units, one unit for each 15 minutes of anesthesia time, and any physical status modifier units to calculate total relative value anesthesia units;
  - (b) Multiply the total relative value anesthesia units by the Anesthesia CF to calculate the total maximum anesthesia allowance.
- (8) Non-time based anesthesia procedures shall be billed with modifier 47.

(D) SURGERY

- (1) Assistant Surgeons Payment Policies and Modifiers:

- (a) The use of assistant surgeons shall be limited according to the American College of Surgeons' Physicians as Assistants at Surgery: 2020 Update (October 2020), available from the American College of Surgeons, Chicago, IL, or from its web page.  
  
Provider shall document the medical necessity for any assistant surgeon in the operative report.
- (b) Payment for more than one assistant surgeon or minimum assistant surgeon requires prior authorization.
- (c) Maximum allowance for an assistant surgeon reported by a physician, as indicated by modifier 80, 81, or 82 is 20% of the fee schedule allowance.
- (d) Maximum allowance for a minimum assistant surgeon, reported by a non-physician, as indicated by modifier AS is 10% of the fee schedule allowance (the 85% adjustment in section 18-4(A)(2)(b) does not apply).
- (e) The services performed by registered surgical technologists are bundled fees and are not separately payable.

See section 18-4(A)(3) for additional payment policies applicable to assistant surgeons.

(2) Global Package:

- (a) Global surgical package rules apply in any setting, including inpatient and outpatient hospitals, ambulatory surgical centers, and physicians' offices. The payment rules for global surgical packages apply to surgical procedure codes with global surgery indicators of 000, 010, 090, and sometimes YYY. In addition to the services included pursuant to CPT®, the following services, when provided within the global period by a provider with the same specialty reporting the same Federal Employer Identification Number (FEIN), are included in the global surgical package:
  - (i) Pre-operative services performed within the global period (the day before surgery for procedures with global surgery indicators of 090, and the day of the surgery for all other procedures);
  - (ii) Complications following a procedure that require services of the physician, but not a return trip to the operating room;
  - (iii) Post-operative visits, including follow-up E&Ms, related to the patient recovery;
  - (iv) Post-surgical pain management;
  - (v) Supplies related to the procedure, unless otherwise addressed in this Rule;
  - (vi) Miscellaneous services related to the procedure such as dressing changes; local incision care; removal of operative pack; removal of cutaneous sutures, staples, lines, wires, tubes, drains, casts, and splints; insertion, irrigation, and removal of urinary catheters, routine peripheral intravenous lines, and nasogastric and rectal tubes; and changes/removal of tracheostomy tubes.
- (b) Services not included in the global surgical package:
  - (i) Services by a provider who is not the same specialty unless the surgeon and the other provider agree on the transfer of care (for transfers of care, see pre-, intra-, and post- operative percentage modifiers);
  - (ii) The E&M service that resulted in the initial decision to perform the surgery. billed with modifier 57;
  - (iii) Visits that are unrelated to the diagnosis for which the procedure was performed, billed with modifier 24 or 25;
  - (iv) Diagnostic tests and procedures (including lab and x-ray);
  - (v) Staged or related procedures or services that occur on the same day or staged over a couple of days, billed with modifier 58. The maximum allowance is 100% of the fee schedule.
  - (vi) Clearly distinct procedures during the postoperative period that are not re-operations or treatment for complications;
  - (vii) Treatment for post-operative complications requiring a return trip to the operating room or another place of service specifically equipped and staffed for the sole purpose of performing procedures, billed with modifier 78. The maximum allowance is the intra-operative value of the procedure(s) performed only and the original post-operative global days continue from the initial surgical procedure(s).

- (viii) Increased procedural services (the work required to provide a service is substantially greater than typically required), billed with modifier 22. The Payer and Provider shall negotiate the value based on the fee schedule and the amount of additional work.
  - (ix) Significant and separately identifiable services, billed with modifier 24 or 25. These services are not considered part of the surgical procedure, but may be necessary to stabilize the patient for the procedure. These services may involve unusual circumstances, complications, exacerbations, or recurrences; and/or unrelated diseases or injuries. This category also includes an E&M visit by an ATP for disability management. Disability management for the same diagnosis requires the physician to identify specific disability management detail performed during that visit.
  - (x) Casting supplies if a related fracture or surgical care code is not billed. The HCPCS Level II "Q" code(s) are used for reporting any associated DMEPOS fees.
  - (xi) Immunosuppressive therapy for organ transplants.
- (3) General Surgical Payment Policies:
- (a) Exploration of a surgical site is not separately payable except in cases of a traumatic wound or an exploration performed in a separate anatomic location.
  - (b) An arthroscopy performed as a "scout" procedure to assess the surgical field or extent of disease is bundled into the surgical procedure performed on the same body part during the same surgical encounter and is not separately payable.
  - (c) An arthroscopy converted to an open procedure is bundled into the open procedure and is not separately payable. In this circumstance, providers shall not report either a surgical arthroscopy or a diagnostic arthroscopy code.
  - (d) Only the joints/compartments listed in subsections (4) through (6) below are recognized for separate payment purposes.
  - (e) Providers shall report only one removal code for removal of implants through the same incision, same anatomical site, or a single implant system during the same episode of care.
- (4) Knee Arthroscopies:
- (a) Medial, lateral, and patella are the knee compartments recognized for purposes of separate payment of debridement and synovectomies.
  - (b) Chondroplasty is separately payable with another knee arthroscopy only if performed in a different knee compartment or to remove a loose/foreign body during a meniscectomy. The separate payment must comply with all applicable CPT® guidelines.
  - (c) Limited synovectomy involving one knee compartment is not separately payable with another arthroscopic procedure on the same knee.
  - (d) Separate payment for a major synovectomy procedure requires a synovial diagnosis and two or more knee compartments without any other arthroscopic surgical procedures performed in the same compartment.

(5) Shoulder Arthroscopies:

CPT® 29822 is not separately payable when another shoulder arthroscopy procedure is billed and paid on the same shoulder at the same encounter. CPT® 29823 is bundled with CPT® 29806 and 29807.

(6) Spine and Nervous System:

- (a) Spinal manipulation is integral to spinal surgical procedures and is not separately payable.
- (b) Surgeon performing a spinal procedure shall not report intra-operative neurophysiology monitoring/testing codes.
- (c) If multiple procedures from the same CPT® code family are performed at contiguous vertebral levels, provider shall append modifier 51 to all lesser-valued primary codes. See section 18-4(A)(3) for applicable payment policies.
- (d) Fluoroscopy is separately payable with spinal procedures only if indicated by a specific CPT® instruction.
- (e) Lumbar laminotomies and laminectomies performed with arthrodesis at the same interspace are separately payable if the surgeon identifies the additional work performed to decompress the thecal sac and/or spinal nerve(s). If these procedures are performed at the same level, provider shall append modifier 51 to the lesser-valued procedure(s). If procedures are performed at different interspaces, provider shall append modifier 59 to the lesser-valued procedure(s). See section 18-4(A)(3) for applicable payment policies.
- (f) Only one anterior or posterior instrumentation performed through a single skin incision is payable.
- (g) Anterior instrumentation performed to anchor an inter-body biomechanical device to the intervertebral disc space is not separately payable.
- (h) Anterior instrumentation unrelated to anchoring the device is separately payable with modifier 59 appended.

(7) Venipuncture maximum fee allowance is addressed in section 18-4(F)(2).

(8) Platelet Rich Plasma (PRP) Injections:

The maximum allowance includes and applies to all body parts, imaging guidance, harvesting, preparation, the injection itself, kits, and supplies.

CPT® 0232T                      Non-facility RVU is 11.16, facility RVU is 4.04

(9) Functional Assessments:

If all requirements of the Medical Treatment Guidelines for pre- and post- injection functional assessments have been met and documented, the billing codes and maximum allowances are as follows:

DOWC Z0811, \$64.26, per episode for the initial functional assessment of pre-injection care, billed with the appropriate code, related to spinal or SI joint injections.

DOWC Z0812, \$35.29, for a subsequent visit of therapeutic post-injection care (preferably done by a non-injectionist and at least seven days after the injection), billed along with the appropriate E&M code, related to follow-up care of spinal or SI joint injections. The injured worker should provide post injection data.

DOWC Z0814, \$35.29, for post-diagnostic injection care (repeat functional assessment within the time period for the effective agent given).

(E) RADIOLOGY

(1) Payments:

- (a) The Division recognizes the value of accreditation for quality and safe radiological imaging. Only offices/facilities that have attained accreditation from American College of Radiology (ACR), Intersocietal Accreditation Commission (IAC), RadSite, or The Joint Commission (TJC) may bill the technical component for Advanced Diagnostic Imaging (ADI) procedures (magnetic resonance imaging (MRI), computed tomography (CT), and nuclear medicine scan). Providers reporting technical or total component of these services certify accreditation status. The provider shall supply proof of accreditation upon Payer request.
- (b) The cost of dye and contrast materials shall be reimbursed in accordance with section 18-6(A).
- (c) Copying charges for X-rays and MRIs shall be \$15.00/film regardless of the size of the film.
- (d) Providers using film instead of digital X-rays shall append the FX modifier. The allowance is 80% of the Maximum Fee Schedule.

If a physician interprets the same radiological image more than once, or if multiple physicians interpret the same radiological image, only one interpretation shall be reimbursed.

If an X-ray consultation is requested, the consultant's report shall include the name of the requesting provider, the reason for the request, and documentation that the report was sent to the requesting provider.

The maximum allowance for an X-ray consultation shall be no greater than the maximum allowance for the professional component of the original X-ray.

The time a physician spends reviewing and/or interpreting an existing radiological image is considered a part of the physician's E&M service code.

(2) Thermography:

- (a) The provider supervising and interpreting the thermographic evaluation shall be certified by the examining board of one of the following national organizations and follow their recognized protocols, or have equivalent documented training:
  - (i) American Academy of Thermology;
  - (ii) American Chiropractic College of Infrared Imaging; or
  - (iii) American Academy of Infrared Imaging.
- (b) Thermography Billing Codes:

DoWC Z0200 Upper Body w/ Autonomic Stress Testing	\$980.00
DoWC Z0201 Lower Body w/Autonomic Stress Testing	\$980.00
- (c) Documentation must include:
  - (i) Method of stress thermography supporting it was accomplished in a guideline-consistent fashion (cold water stress test, warm water stress test, or whole body thermal stress);

- (ii) Temperature readings via infrared thermography and their locations on the affected and contralateral extremity and/or copies of any pictures or graphics obtained; and
- (iii) Interpretation of the results.

(F) PATHOLOGY

(1) Clinical Laboratory Improvement Amendments (CLIA):

Only laboratories with a CLIA certificate of waiver may perform tests cleared by the Food and Drug Administration (FDA) as waived tests. Laboratories with a CLIA certificate of waiver, or other providers billing for services performed by these laboratories, shall bill using the QW modifier.

Laboratories with a CLIA certificate of compliance or accreditation may perform non-waived tests. Laboratories with a CLIA certificate of compliance or accreditation, or other providers billing for services performed by these laboratories, do not append the QW modifier.

(2) Payments:

All clinical pathology laboratory tests, except as allowed by this Rule, are reimbursed at 170% of the rate listed in the CMS Clinical Diagnostic Laboratory Fee Schedule, as incorporated by 18-2.

Technical or professional component maximum split is not separately payable, and therefore should be negotiated between billing parties when applicable.

When a physician clinical pathologist is required for consultation and interpretation, and a separate written report is created, the maximum allowance is determined by using RBRVS values and the Pathology CF. The Pathology CF also determines the maximum allowance when the Pathology CPT® code description includes "interpretation" and "report" or when billing CPT® codes for the following services:

- (a) physician blood bank services;
- (b) cytopathology and cell marker study interpretations;
- (c) cytogenetics or molecular cytogenetics interpretation and report;
- (d) surgical pathology gross and microscopic and special stain groups 1 and 2 and histochemical stain, blood or bone marrow interpretations; and
- (e) skin tests for unlisted antigen each, coccidioidomycosis, histoplasmosis, TB intradermal.

When ordering automated laboratory tests, the ordering physician may seek verbal consultation with the pathologist in charge of the laboratory's policy, procedures and staff qualifications. The consultation with the ordering physician is not payable unless the physician requested additional medical interpretation, judgment, and a separate written report. Upon such a request, the pathologist may bill using the appropriate CPT® code, not DoWC Z0755.

The maximum allowance for CPT® 80050 is \$39.95 (equal to the total allowance for CPT® 80053, 85004, and 85027).

(3) Clinical Drug Screening and Testing:

Clinical drug screening and testing may be appropriate for therapeutic drug monitoring, to assess compliance, or to identify illicit or non-prescribed drug use.

(a) Billing requirements for clinical drug testing:

- (i) documentation of medical necessity by the ordering Physician.

- (ii) the ordering Physician shall specify which drugs require definitive testing to meet the injured worker's medical needs.
- (iii) a Physician order for quantification of illicit or non-prescribed drugs or drug classes.

(b) Presumptive Tests:

All drug class immunoassays or enzymatic methods are considered presumptive. Payers shall only pay for one presumptive test per date of service, regardless of the number of drug classes tested.

(c) Definitive qualitative or quantitative tests identify specific drug(s) and any associated metabolites, providing sensitive and specific results expressed as a concentration in ng/mL or as the identity of a specific drug.

- These tests may be billed using G0480-G0483.
- Providers may only bill one definitive HCPCS Level II code per day.

A Physician must order definitive quantitative tests. The reasons for ordering a definitive quantification drug test may include:

- Unexpected positive presumptive or qualitative test results inadequately explained by the injured worker.
- Unexpected negative presumptive or qualitative test results and suspected medication diversion.
- Differentiate drug compliance:
  - Buprenorphine vs. norbuprenorphine
  - Oxycodone vs. oxymorphone and noroxycodone
- Need for quantitative levels to compare with established benchmarks for clinical decision-making, such as tetrahydrocannabinol quantitation to document discontinuation of a drug.
- Chronic opioid management:
  - Drug testing shall be done prior to the implementation of the initial long-term drug prescription and randomly repeated at least annually.
  - While the injured worker receives chronic opioid management, additional drug screens with documented justification may be conducted (see section 18-9(A) for examples).

CPT® lists definitive drug classes and examples of individual drugs within each class. Each class of drug can only be billed once per day.

(G) MEDICINE

(1) Biofeedback:

Licensed medical and mental health professionals who provide biofeedback must practice within the scope of their training. Non-licensed biofeedback providers must hold Clinical Certification from the Biofeedback Certification International Alliance (BCIA), practice within the scope of their training, and receive prior approval of their biofeedback treatment plan from the injured worker's authorized treating Physician, or Psychologist. Professionals integrating biofeedback with any form of psychotherapy must be a Psychologist, a Clinical Social Worker, a Marriage and Family Therapist, or a Professional Counselor.



All biofeedback providers shall document biofeedback instruments used during each visit (including, but not limited to, surface electromyography (SEMG), heart rate variability (HRV), electroencephalogram (EEG), or temperature training), placement of instruments, and patient response if sufficient time has passed.

The modified RVUs for biofeedback are:

CPT® 90901                      Non-facility RVU is 1.78, facility RVU is 1.76

CPT® 90875                      Non-facility RVU is 2.13, facility RVU is 1.82

Psychophysiological therapy incorporating biofeedback is not subject to a reduction when performed by non-physician providers.

- (2) Appendix J of CPT® identifies mixed, motor, and sensory nerve conduction studies and applicable billing requirements. For purposes of Appendix J, each nerve branch listed in that appendix counts as a separate nerve. Electromyography (EMG) and nerve conduction velocity values generally include an E&M service. However, an E&M service may be separately payable if the requirements listed in Appendix A of CPT® for billing modifier 25 have been met.

- (3) Manipulation -- Chiropractic (DC), Medical (MD) and Osteopathic (DO):

- (a) Prior authorization shall be obtained before billing for more than four body regions in one visit.

- (b) Osteopathic Manipulative Treatment and Chiropractic Manipulative Treatment codes include manual therapy techniques, unless the Physician performs manual therapy in a separate region and meets modifier 59 requirements.

- (c) The modified RVUs for chiropractic spinal manipulative treatment are:

CPT® 98940                      Non-facility RVU is 1.03, facility RVU is 0.81

CPT® 98941                      Non-facility RVU is 1.48, facility RVU is 1.26

- (4) Psychiatric/Psychological Services:

- (a) The maximum allowance for services performed by a Psychologist is 100% of the Medical Fee Schedule. The maximum allowance for psychological/psychiatric services performed by other non-physician providers is 85% of the Medical Fee Schedule.

- (b) Psychological diagnostic evaluation code(s) are limited to one per provider, per admitted claim, unless it is authorized by the Payer or is necessary to complete an impairment rating recommendation as determined by the ATP.

- (c) Central Nervous System (CNS) Assessments/Tests:

When testing, evaluation, administration, and scoring services are provided across multiple dates of service, all codes should be billed on the last date of service when the evaluation process is completed. A base code shall be billed only for the first unit of service of the evaluation process, and add-on codes shall be used to capture services provided during subsequent dates of service. The limit for these services is 16 hours unless the provider obtains prior authorization.

Documentation shall include the total time and the approximate time spent on each of the following activities, when performed:

- face-to-face time with the patient;
- reviewing and interpreting standardized test results and clinical data;

- integrating patient data;
- clinical decision-making and treatment planning;
- report preparation.

If there is a delay in scheduling the feedback session, the provider may incorporate feedback into the first psychotherapy session.

The modified RVUs for psychological and neuropsychological services are:

CPT® 96116	Non-facility RVU is 3.50, facility RVU is 3.07
CPT® 96127	Non-facility and facility RVUs are 0.19
CPT® 96130	Non-facility RVU is 3.74, facility RVU is 3.50
CPT® 96131	Non-facility RVU is 3.00, facility RVU is 2.81
CPT® 96132	Non-facility RVU is 4.23, facility RVU is 3.29
CPT® 96133	Non-facility RVU is 3.20, facility RVU is 2.51
CPT® 96146	Non-facility and facility RVUs are 0.10
CPT® 90791	Non-facility RVU is 10.2, facility RVU is 9.88
CPT® 90792	Non-facility RVU is 11.45, facility RVU is 11.12

- (d) The limit for psychotherapy services is 60 minutes per visit, unless provider obtains prior authorization. The time for internal record review/documentation is included in this limit.

Psychotherapy for work-related conditions continuing for more than three months after the initiation of therapy requires prior authorization unless the MTGs recommend a longer duration.

- (e) When billing an E&M code in addition to psychotherapy:
- (i) both services must be separately identifiable;
  - (ii) the level of E&M is based on history, exam, and medical decision-making;
  - (iii) time may not be used as the basis for the E&M code selection; and
  - (iv) add-on psychotherapy codes are to be used by psychiatrists to indicate both services were provided.

Non-medical disciplines cannot bill most E&M codes.

- (f) A provider billing for any stored clinical or physiological data analysis must obtain prior authorization.
- (g) Upon request of a party to a workers' compensation claim and pursuant to HIPAA regulations, a psychiatrist, psychologist or other qualified healthcare professional may generate a separate report and bill for that service as a special report.

(5) Telephone or On-Line Services:

Reimbursement for coordination of care between medical professionals is limited to professionals outside of the provider's practice and shall be based upon the telephone and on-line services codes found in the CPT® E&M and Medicine sections.

For reimbursement of face-to-face or telephonic meetings by a treating Physician or Psychologist with employer, claim representative, or attorney, see section 18-

7(A)(1).

(6) Quantitative Autonomic Testing Battery (ATB) and Autonomic Nervous System Testing:

- (a) Quantitative Sudomotor Axon Reflex Test (QSART) is a diagnostic test used to diagnose Complex Regional Pain Syndrome. This test is performed on a minimum of two extremities and encompasses the following components:
- (i) Resting Sweat Test;
  - (ii) Stimulated Sweat Test;
  - (iii) Resting Skin Temperature Test; and
  - (iv) Interpretation of clinical laboratory scores. Physician must evaluate the patient specific clinical information generated from the test and quantify it into a numerical scale. The data from the test and a separate report interpreting the results of the test must be documented.
- (b) DoWC Z0401 QSART, \$1,066.00, is billed when all of the services outlined above are completed and documented. This code may only be billed once per workers' compensation claim, regardless of the number of limbs tested.

(7) Intra-Operative Monitoring (IOM):

IOM identifies compromise to the nervous system during certain surgical procedures. Evoked responses are constantly monitored for changes that could imply damage to the nervous system.

(a) Clinical Services:

- (i) Technical staff: A qualified technician shall set up the monitoring equipment in the operating room. The technician shall be in constant attendance in the operating room with the physical or electronic capacity for real-time communication with the supervising neurologist or other physician trained in neurophysiology. The technician shall be specifically trained in/registered with:

- the American Society of Neurophysiologic Monitoring; or
- the American Society of Electrodiagnostic Technologists

- (ii) Professional/Supervisory/Interpretive:

A Colorado-licensed Physician trained in neurophysiology shall monitor the patient's nervous system throughout the surgical procedure. The monitoring Physician's time is billed based upon the actual time the Physician devotes to the individual patient, even if the Physician is monitoring more than one patient. The monitoring Physician's time does not have to be continuous for each patient and may be cumulative. The Physician shall not monitor more than three surgical patients at one time. The Physician shall provide constant neuromonitoring at critical points during the surgical procedure as indicated by the surgeon or any unanticipated testing responses. There must be a neurophysiology-trained Colorado licensed Physician backup available to continue monitoring the other two patients if one of the patients being monitored has complications and/or requires the monitoring

Physician's undivided attention. There is no additional payment for the back-up neuro-monitoring Physician, unless utilized.

(b) Procedures and Time Reporting:

Physicians shall include an interpretive written report for all primary billed procedures.

(c) Billing Restrictions:

Intra-operative neurophysiology codes do not have separate professional and technical components. However, certain tests performed in conjunction with these services have separate professional and technical components, which may be separately payable if documented and otherwise allowed in this Rule.

The neuromonitoring Physician is the only party allowed to report these codes.

The maximum allowance for CPT® 95941 is equal to the maximum allowance for CPT® 95940.

- (8) Speech-language therapy/pathology or any care rendered under a speech-language therapy/pathology plan of care shall be billed with a GN modifier.

- (9) Hearing and vision services are separately payable with a code from the Medicine Section of CPT®, in addition to the supplies payable per section 18-6(A)(1)(f). The maximum allowances for the following codes are as follows:

CPT® 92590 Non-facility value is \$165.90, facility value is \$93.80

CPT® 92591 Non-facility value is \$248.78, facility value is \$140.56

CPT® 92592 Non-facility value is \$60.31, facility value is \$34.07

CPT® 92593 Non-facility value is \$90.46, facility value is \$51.11

CPT® 92594 Non-facility value is \$60.31, facility value is \$34.07

CPT® 92595 Non-facility value is \$90.46, facility value is \$51.11

- (10) Vaccines, toxoids, immune globulins (including those with status "I"), serums, or recombinant products shall be billed using the appropriate J code or CPT® code listed in the Medicare Part B Drug Average Sale Price (ASP), as incorporated by Rule 18-2, unless the ASP value does not exist for the drug or the provider's actual cost exceeds the ASP. In these circumstances, the provider may request reimbursement based on the actual cost, after taking into account any discounts/rebates the provider may have received.

The maximum allowance for CPT® 90371 is \$800.

- (11) IV infusion therapy performed in a Physician's office or sent home with the injured worker shall be billed under the "Therapeutic, Prophylactic, and Diagnostic Injections and Infusions" and the "Chemotherapy and Other Highly Complex Drug or Highly Complex Biologic Agent Administration" in the Medicine Section of CPT®. The maximum allowance for infused therapeutic drugs shall be at cost to the billing provider.

Maximum allowance for supplies and medications provided by a Physician's office for self-administered home care infusion therapy are covered in section 18-6(B).

- (12) Moderate (Conscious) Sedation:

Providers billing for moderate sedation services shall comply with all applicable CPT® billing instructions. The maximum allowance is determined using the

Medicine CF.

(H) PHYSICAL MEDICINE AND REHABILITATION (PM&R)

(1) General Policies:

(a) Modifiers:

- (i) Physical therapy or any care provided under a Physical Therapist's plan of care shall be billed with a GP modifier. Occupational therapy or any care provided under an Occupational Therapist's plan of care shall be billed with a GO modifier.
- (ii) Services provided in whole or in part by a Physical Therapist Assistant shall be billed with a CQ modifier. Services provided in whole or in part by an Occupational Therapist Assistant shall be billed with a CO modifier. "In part" is defined as exceeding the CPT® mid-point. The CQ and CO modifiers shall be billed in addition to the GP or GO modifiers.

(b) Each PM&R billed service must be clearly identifiable. The provider must clearly document the time spent performing each service and the beginning and end time for each session.

(c) Functional objectives shall be included in the PM&R plan of care for all injured workers. Any request for additional treatment must be supported by evidence of positive objective functional gains or PM&R treatment plan changes. The ordering ATP must also agree with the PM&R continuation or changes to the treatment plan.

(d) The injured worker shall be re-evaluated by the prescribing provider within 30 calendar days from the initiation of the prescribed treatment and at least once every month thereafter.

(2) Medical nutrition therapy requires prior authorization.

(3) Interdisciplinary Rehabilitation Programs:

As defined in the MTGs, interdisciplinary rehabilitation programs may include, but are not limited to: chronic pain, spinal cord, or brain injury programs.

All billing providers shall detail the services, frequency of services, duration of the program, and proposed fees for the entire program. The billing Provider and Payer shall attempt to agree upon billing code(s) and fee(s) for each interdisciplinary rehabilitation program.

If there is a single billing provider for the entire interdisciplinary rehabilitation program and a daily per diem rate is mutually agreed upon, use code Z0500.

Individual professionals billing separately for their participation in an interdisciplinary rehabilitation program shall use the applicable CPT® codes.

(4) Procedures and Modalities:

(a) Definitions:

- (i) Procedure is any treatment listed in the Medicine/Physical Medicine and Rehabilitation section of CPT® under the sub-heading "Therapeutic Procedures." For purposes of this rule, the term "procedure" includes acupuncture.

The billing maximums listed below are per discipline per day, unless medical necessity is documented and prior authorization is obtained. The total amount of time spent performing the

procedures shall determine the appropriate number of time based units for a particular visit.

- (ii) Modality is any treatment listed in the Medicine/Physical Medicine and Rehabilitation section of CPT® under the sub-heading “Modalities.”

(b) Billing Restrictions:

- (i) Provider may bill no more than two separate modality codes and no more than 60 minutes or four units of procedure codes on the same visit. This restriction does not apply to Special Tests referenced in subsection (6) below.
- (ii) The maximum allowance for services billed by a Massage Therapist shall be 72% of the fee schedule.
- (iii) The maximum allowance for services billed with a CQ or CO modifier shall be 85% of the fee schedule.
- (iv) If provider performs another service concurrently with a time-based service, the time associated with the concurrent service shall not be included in the time used for reporting the time-based service.
- (v) Electrical stimulation is not payable when billed with dry needling and performed on the same body part.
- (vi) Providers shall specify all unlisted treatment in the medical record.  
CPT® 97139                      Non-facility and facility RVUs are 0.87  
CPT® 97039                      Non-facility and facility RVUs are 0.42

(c) Acupuncture:

- (i) All non-physician acupuncture providers must be Licensed Acupuncturists (L.Ac). Both Physician and L.Acs must provide evidence of training, and licensure upon request of the Payer.
- (ii) New or established patient evaluation services are payable if the medical record specifies the appropriate history, physical examination, treatment plan, or evaluation of the treatment plan. Only evaluation services directly performed by a Physician or a L.Ac are payable. All evaluation notes or reports must be written and signed by the Physician or the L.Ac.  
L.Ac new patient visit:                      DOWC Z0800, \$103.84  
L.Ac established patient visit: DOWC Z0801, \$70.33

(5) Evaluation Services for Physical Therapists (PTs), Occupational Therapists (OTs) and Athletic Trainers (ATs):

- (a) All evaluation services must be supported by the appropriate history, physical examination documentation, treatment goals, and treatment plan or re-evaluation of the treatment plan, as outlined in CPT®. The provider shall clearly state the reason for the evaluation, the nature and results of the physical examination, and the reason for recommending the continuation or adjustment of the treatment protocol. The re-evaluation codes shall not be billed for routine pre-treatment patient assessment.

If a new problem or abnormality is encountered that requires a new evaluation and treatment plan, the provider may perform and bill for another initial evaluation. A new problem or abnormality may be caused by

a surgical procedure being performed after the initial evaluation has been completed.

A re-examination, re-evaluation, or re-assessment is different from a progress note. Providers shall not bill these codes for a progress note. Providers may bill a re-evaluation code only if:

- (i) professional assessment indicates a significant improvement or decline or change in the injured worker's condition or a functional status that was not anticipated in the plan of care for that time interval;
- (ii) new clinical findings become known; or
- (iii) the injured worker fails to respond to the treatment outlined in the current plan of care.

- (b) A PT or OT may utilize a Rehabilitation Communication Form (WC 196) in addition to a progress note no more than every two weeks for the first six weeks, and once every four weeks thereafter.

The WC 196 form shall not be used for an evaluation, re-evaluation, or re-assessment. The form must be completed and specify which validated functional tool was used for assessing the injured worker. The form shall be sent to the referring physician before or at the injured worker's follow-up appointment with the physician.

DoWC Z0817 \$15.61.

- (c) Only evaluation services directly performed by a PT, OT, or AT are payable. All evaluation notes or reports must be written and signed by the PT, OT, or AT.
- (d) An injured worker may be seen by more than one healthcare professional on the same day. Each professional may charge an evaluation service with appropriate documentation per patient, per day.
- (e) The RVU for evaluation services performed by ATs shall be equal to the RVU for evaluation services performed by PTs.

(6) Special Tests:

- (a) The following are considered special tests:

- (i) Job Site Evaluation
- (ii) Functional Capacity Evaluation
- (iii) Assistive Technology Assessment
- (iv) Speech
- (v) Physical performance test or measurement

- (b) Billing Restrictions:

- (i) The following services require prior authorization: Job site evaluations exceeding two hours; Assistive Technology Assessments and Work Tolerance Screenings for more than four hours per test or more than three tests per claim; and Functional Capacity Evaluations for more than four hours per test or two tests per claim.
- (ii) The provider shall specify the time required to perform the test in 15-minute increments.

- (iii) The analysis and the written report is included in the code's value.
    - (iv) No E&M services or PT, OT, or acupuncture evaluations shall be charged separately for these tests.
    - (v) Data from computerized equipment shall always include the supporting analysis developed by the PM&R professional before it is payable as a special test.
  - (c) All special tests must be fully supervised by a Physician, PT, OT, CCC-SLP, or Audiologist. Final reports must be written and signed by the Physician, PT, OT, CCC-SLP, or Audiologist.
- (7) Non-Medical Facility Fees:  
Gyms, pools, etc., and training or supervision by non-medical providers require prior authorization and a written negotiated fee for every three month period.
- (8) Work Hardening, Conditioning and Simulation:  
These programs and recommendations for coverage are defined in the MTGs. All procedures must be performed by or under the onsite supervision of a Physician, Psychologist, PT, OT, CCC-SLP, or Audiologist.  

CPT® 97545	Non-facility and facility RVUs are 3.39
CPT® 97546	Non-facility and facility RVUs are 1.7
- (9) Wound Care:  
Wound care is separately payable only when devitalized tissue is debrided using a recognized method (chemical, water, vacuums).
- (I) TELEMEDICINE
  - (1) In addition to the healthcare services listed in Appendix P of CPT®, and Division Z-codes (when appropriate), the following CPT® codes may be provided via telemedicine: G0396, G0397, G0406-G0408, G0425-G0427, G0447, G0459, G0508, G0509, 97129, 97130, 97150, 97542, and 97763. Additional services may be provided via telemedicine with prior authorization. The provider shall append modifier 95 to the appropriate CPT® code(s) to indicate synchronous telemedicine service rendered via a real-time interactive audio and video telecommunications system.  
  
All treatment provided through telemedicine shall comply with the applicable requirements found in the Colorado Medical Practice Act and Colorado Mental Health Practice Act, as well as the rules and policies adopted by the Colorado Medical Board and the Colorado Board of Psychologist Examiners and shall follow applicable laws, rules and regulations for informed consent.
  - (2) HIPAA privacy and electronic security standards are required for the originating site and the rendering provider.
  - (3) The physician-patient/psychologist-patient relationship needs to be established.  
  
This relationship is established through assessment, diagnosis, and treatment of the injured worker. Both in-person evaluation and, two-way live audio/video services are among acceptable methods to 'establish' a patient relationship.
  - (4) Reimbursement:
    - (a) The rendering provider may be the only provider involved in the provision of telemedicine services. The rendering provider shall bill place of service (POS) code 02. Maximum allowance is the appropriate CPT® code's non-



facility relative weight from RBRVS multiplied by the appropriate CF, unless only a facility weight is established.

- (b) An originating site fee may only be billed when the injured worker is receiving services at an authorized originating site. The originating site is responsible for verifying the injured worker and rendering provider's identities. Originating site must bill with the appropriate facility POS code. Authorized originating sites include:

- A Hospital (inpatient or outpatient)
- A Critical Access Hospital (CAH)
- A Rural Health Clinic (RHC)
- A federally qualified health center (FQHC)
- A hospital based renal dialysis center (including satellites)
- A Skilled Nursing Facility (SNF)
- A community mental health center (CMHC)

Maximum allowance for Q3014 is \$35.00 per 15 minutes. (Equipment, supplies, and professional fees of supporting providers at the originating site are not separately payable.)

- (5) Documentation:

Documentation requirements are the same as for a face-to-face encounter and shall also include the location of both the rendering provider and the injured worker at the time of service, and a statement on how the treatment was rendered through telemedicine (such as secured video).

## **18.5 FACILITY FEES**

### **(A) INPATIENT FACILITY FEES**

#### **(1) Billing:**

- (a) Inpatient facility fees shall be billed on a UB-04 and require summary level billing by revenue code. The provider must submit itemized bills along with the UB-04.
- (b) Hospitals reimbursed based on MS-DRGs shall indicate the MS-DRG code FL 71 of the UB-04 billing form and maintain documentation on file showing how the MS-DRG was determined. The hospital shall determine the MS-DRG using the MS-DRGs Definitions Manual in effect per section 18-2 at the time of discharge. The attending Physician shall not be required to certify this documentation unless a dispute arises between the hospital and the Payer regarding MS-DRG assignment. The Payer may deny payment for services until the appropriate MS-DRG code is supplied.

#### **(2) Reimbursement:**

- (a) The following types of inpatient facilities, as defined in Rule 16, are allowed a reasonable charge as negotiated by the Provider and Payer:
- (i) Children's Hospitals
  - (ii) Veterans Administration Hospitals
  - (iii) State-run Psychiatric Hospitals
  - (iv) Psychiatric Hospitals

The provider has the burden of proving reasonableness of reimbursement sought. Veterans Administration Hospital payments must comply with applicable rules promulgated by the United States Department of Veterans Affairs.

- (b) The following inpatient facilities, as defined in Rule 16, are allowed a daily rate:

- (i) Skilled Nursing Facilities (SNFs) are allowed \$650 per day.
- (ii) Rehabilitation Hospitals are allowed \$1,450 per day.
- (iii) Long Term Acute Care Hospitals (LTACHs) are allowed \$3,350 per day.

Each of the daily rates listed above is all-inclusive for services related to the injured worker's compensable conditions. Physician's professional services, ambulance services, and chemotherapy drugs or radioisotopes may be billed separately. In the rare case extraordinary medical care is required, or for treatment of traumatic brain injuries or spinal cord injuries, there shall be an additional payment of \$300 on a per day basis.

All charges shall be submitted on a final bill, unless the parties agree on interim billing. The rate in effect on the last date of service covered by an interim or final bill shall determine payment.

The total length of stay includes the date of admission but not the date of discharge. Typically, bed hold days or temporary leaves are not subtracted from the total length of stay.

- (c) All other inpatient facilities:

The maximum allowance is determined by the relative weights for the assigned MS-DRG from Table 5 in effect per section 18-2 at the time of discharge and the hospital's base rate in Exhibit #2, calculated as follows:

$(\text{MS-DRG Relative Wt} \times \text{Specific hospital base rate} \times 170\%) + (\text{trauma center activation allowance}) + (\text{organ acquisition, when appropriate})$

- (i) For trauma center activation allowance, (revenue codes 680-684) see subsection (B)(7)(c);
- (ii) For organ acquisition allowance, (revenue codes 810-819) see subsection (A)(2)(g).

Table 5 establishes the maximum length of stay (LOS) using the "arithmetic mean LOS." However, there is no additional allowance for exceeding this LOS, other than through the cost outlier criteria.

An admission requiring the use of both an acute care hospital (admission/discharge) and its Rehabilitation Hospital (admission/discharge) is considered as one admission and MS-DRG.

- (d) Outliers for inpatient hospitals identified in Exhibit #2:

Outliers are admissions with extraordinary cost warranting additional reimbursement beyond the maximum allowance. To calculate the additional reimbursement, if any:

- (i) Determine the hospital's cost by multiplying total billed charges (excluding any trauma center activation or organ acquisition billed charges) by the hospital's cost-to-charge ratio located in Exhibit #2;
- (ii) The difference = hospital's cost – maximum allowance excluding

any trauma center activation or organ acquisition allowance;

- (iii) If the difference is greater than \$30,988.00, additional reimbursement is warranted. The additional allowance is determined by multiplying the difference by .80.
- (e) If an injured worker is admitted to a hospital through the emergency department (ED), the ED fee is included in the inpatient allowance.
- (f) If an injured worker is admitted to one hospital and is subsequently transferred to another hospital, the payment to the transferring hospital will be based upon a per diem value of the MS-DRG maximum allowance. The per diem value is calculated based upon the transferring hospital's MS-DRG relative weight multiplied by the hospital's specific base rate divided by the MS-DRG geometric mean LOS established in Table 5. This per diem amount is multiplied by the actual LOS. If the patient is admitted and transferred on the same day, the actual LOS equals one. The receiving hospital shall receive the appropriate MS-DRG maximum allowance.
- (g) The Payer shall compare each billed charge type:
  - (i) The MS-DRG adjusted billed charges to the MS-DRG allowance (including any outlier allowance);
  - (ii) The trauma center activation billed charge to the trauma center activation allowance; and
  - (iii) The organ acquisition billed charges to the organ acquisition allowance.

The MS-DRG adjusted billed charges are determined by subtracting the trauma center activation billed charge and the organ acquisition billed charges from the total billed charges. The final payment is the sum of the lesser of each of these comparisons.

The organ acquisition allowance is calculated using the most recent filed computation of organ acquisition costs and charges for hospitals that are certified transplant centers (CMS Worksheet D-4 or subsequent form) plus 20%.

(B) OUTPATIENT FACILITY FEES

- (1) Provider Restrictions:
  - (a) All non-emergency outpatient surgeries require prior authorization unless the MTGs recommend a surgery for the particular condition. All outpatient surgical procedures performed in an ASC shall warrant performance at an ASC level.
  - (b) A facility fee is payable only if the facility is licensed as a hospital or an ASC by the Colorado Department of Public Health and Environment (CDPHE) or applicable out of state governing agency or statute.
- (2) Types of Bills for Service:
  - (a) Outpatient facility fees shall be billed on a UB-04 and require summary level billing by revenue code. The provider must submit itemized bills along with the UB-04.
  - (b) All professional charges (professional services including, but not limited to, PT, OT, CCC-SLP, anesthesia, etc.) are subject to the RBRVS and Dental Fee Schedules as incorporated by this Rule. These fee schedules apply to professional services performed in all facilities.

- (c) Outpatient hospital facility bills include all outpatient surgery, ED, clinics, Urgent Care, and diagnostic testing in the Radiology, Pathology or Medicine Section of CPT®/RBRVS.
- (3) General Reimbursement Instructions:
- (a) The following outpatient facilities, as defined in Rule 16, are allowed a reasonable charge, as negotiated by the Provider and Payer, except for any associated professional fees that are reimbursed per section 18-4:
    - (i) Children's Hospitals
    - (ii) Veterans Administration Hospitals
    - (iii) State-run Psychiatric Hospitals

The Provider has the burden of proving reasonableness of reimbursement sought. Veterans Administration Hospital payments must comply with applicable rules promulgated by the United States Department of Veterans Affairs.
  - (b) The maximum allowance for Ambulatory Payment Classifications (APC) is calculated at the following percentages of the payment rates listed in Medicare's OPPS Addendum A, as incorporated by 18-2:
    - (i) Outpatient hospital is 170%
    - (ii) CAH is 200%
    - (iii) ASC is 153%

To identify which APC grouper is aligned with a CPT® code and dollar value, use Medicare's Addendum B, as incorporated by 18-2. For comprehensive APCs (C-APCs), see 18-5(B)(6).
  - (c) CPT® codes listed with a "C" status indicator in Medicare's Addendum B shall align to the APC codes as listed in Exhibit #4. The status indicator assigned to the Exhibit #4 APC code, as identified in Medicare's Addendum A, shall apply. These codes are not eligible for complexity-adjusted APC payments.
  - (d) Facilities receive the lesser of the actual charge or the fee schedule allowance. A line-by-line comparison of charges is not appropriate.
- (4) APC values include the services and revenue codes listed in Table 2 of the 2022 NFRM OPPS Claims Accounting, as incorporated by Rule 18-2; therefore, these are generally not separately payable. Drugs and devices having a status indicator of G and H receive a pass-through payment. In some instances, the procedure code may have an APC code assigned. These are separately payable based on APC values, if given, or at cost to the facility.

Services and items included in the APC value:

- (a) nursing, technician, and related services;
- (b) use of the facility where the surgical procedure(s) was performed;
- (c) drugs and biologicals for which separate payment is not allowed;
- (d) medical and surgical supplies, durable medical equipment and orthotics not listed as a "pass through";
- (e) surgical dressings;

- (f) equipment;
- (g) splints, casts and related devices;
- (h) radiology services for which separate payment is not allowed;
- (i) administrative, record keeping, and housekeeping items and services;
- (j) materials, including supplies and equipment for the administration and monitoring of anesthesia;
- (k) supervision of the services of an anesthetist by the operating surgeon;
- (l) post-operative pain blocks; and
- (m) implanted items.

(5) Status Indicators from Medicare's Addendum B apply as follows:

Indicator	Meaning
A	Use another fee schedule instead of Addendum B, such as conversion factors listed in section 18-4, RBRVS RVUs, Ambulance Fee Schedule, or section 18-4(F)(2).
B	Is not recognized for Outpatient Hospital Services bill type (12x and 13x) and therefore is not separately payable unless separate fees are applicable under another section of this Rule.
C	The Division recognizes these procedures on an outpatient basis with prior authorization.
E	Not generally reimbursable when submitted on any outpatient bill type. However, services could still be reasonable and necessary, thus requiring hospital or ASC level of care. The billing party shall submit documentation to substantiate the billed service codes and any similar established codes with fees in Addendum A, as incorporated by 18-2.
F	Corneal tissue acquisition, certain CRNA services, and Hepatitis B vaccines are allowed at a reasonable cost to the facility. The facility must provide a separate invoice identifying its cost.
G	"Pass-Through Drugs and Biologicals"; separate APC payment.
H	"Pass-Through Device"; separate APC payment based on cost to the facility.
J1 or J2	The services are paid through a comprehensive APC.
K	"Nonpass-Through Drug or Biological or Device" for therapeutic radiopharmaceuticals, brachytherapy sources, blood and blood products; separate APC payment.
L	Influenza Vaccine/Pneumococcal Pneumonia Vaccine and therefore is generally considered to be unrelated to work injuries.

M	Not separately payable.
N	Items and services packaged into APC rates; not separately payable.
P	Partial hospitalization paid based on observation fees outlined in this section.
Q1-Q4	Packaged services subject to separate payment criteria.
R	Blood and blood products; separate APC payment.
S	Significant procedure, not discounted when multiple.
T	Significant procedure, multiple procedure reduction applies.
U	Brachytherapy source; separate APC payment.
V	Clinic or an ED visit; separate APC payment.
Y	Non-implantable Durable Medical Equipment paid pursuant to Medicare's Durable Medical Equipment Regional Carrier fee schedule for Colorado.

(6) Multiple Procedures

- (a) A comprehensive APC treats all individually reported codes as representing components of the comprehensive service, resulting in a single prospective payment.

As defined by status indicator J1, all covered outpatient services on the claim are packaged with the primary J1 service for payment, except services with a status indicator of F, G, H, L, or U; ambulance services; diagnostic and screening mammography; rehabilitation therapy services reported on a separate claim; new technology services; and self-administered drugs.

When multiple codes with J1 status indicators are included on the claim, services are packaged with the primary (highest APC value) J1 code. Certain J1 codes, when billed together, may be eligible for a complexity adjusted APC payment listed on Medicare's Addendum J, as incorporated by 18-2.

Services with a status indicator J2 are assigned to a comprehensive APC (8011) when specific combinations of services are reported on the claim. All levels of emergency department (ED) and clinic visits, if billed in combination with observation time, can trigger this comprehensive composite rate. Payment of APC 8011 requires a minimum of eight units of G0378 *hospital observation service, per hour*; no status T procedure on the claim; and either an E&M visit on the same day or day before the G0378 date of service; or G0379 *direct admit to observation*.

All covered services on the claim shall be considered adjunct to APC 8011 and packaged into a single payment, except those items excluded by rule. Other excluded services include covered screening procedures, preventative services, pass-through drugs and devices (status indicator G

or H), PT, OT, and SLP services reported on a separate claim, certain vaccines (status indicator L or F), cornea tissue acquisition, and new technology APCs with status indicator S. If the claim contains a J1 primary service, the J1 C-APC will be the composite under which the services will be paid. There is no complexity adjustment for J2 occurring on the same claim as J1.

If services with a J2 status indicator are provided during an extended assessment and management encounter, including observation care, and do not meet all the requirements for APC 8011 listed above, the usual APC logic will apply.

- (b) Codes with a status Q1 indicator are packaged with the APC payment if billed on the same claim as a HCPCS code assigned status indicator S, T, or V. Otherwise, payment is made through a separate APC.

Codes with a Q2 indicator are packaged with the APC payment if billed on the same claim as a HCPCS code assigned status indicator T. Otherwise, payment is made through a separate APC. When multiple codes with status Q1 or Q2 are billed together, only one unit of the highest-valued Q1 or Q2 code is payable.

Codes with a status Q3 indicator may be paid through a composite APC if billed with another code in the same family listed in Table 4 of the OPPS Imaging Families and Multiple Procedure Composite APCs, of the 2022 OPPS Final Rule. The five multiple imaging composite APCs are:

- APC 8004 (Ultrasound Composite);
- APC 8005 (CT and CTA without Contrast Composite);
- APC 8006 (CT and CTA with Contrast Composite);
- APC 8007 (MRI and MRA without Contrast Composite); and
- APC 8008 (MRI and MRA with Contrast Composite).

Each imaging composite APC is defined as having two or more imaging procedures from the same family performed on the same date of service. If a “without contrast” procedure is performed during the same session as a “with contrast” procedure from the same family, payment would be based on the “with contrast” composite APC. Standard APC assignments apply for single imaging procedures and multiple imaging procedures performed across families.

Codes with a status Q4 indicator are packaged with the APC payment if billed on the same claim as a HCPCS code assigned status indicator S, T, V, Q1, Q2, or Q3. Otherwise, payment is made through a separate APC.

- (c) The maximum allowance for multiple procedures with a T status indicator is limited to four procedure codes per episode. The highest valued APC code is allowed at 100% of the maximum allowance, plus 50% of the maximum allowance for the following three highest valued codes.
- (i) The use of modifier 51 is not a factor in determining which codes are subject to multiple procedure reductions.
  - (ii) Bilateral procedures require each procedure to be billed on separate lines using RT and LT modifier(s).
  - (iii) When a code is billed with multiple units, multiple procedure reductions apply to the second through fourth units as appropriate.

Units may also be subject to other maximum frequency per day policies.

- (7) Other surgical payment policies:
- (a) All surgical procedures performed in one operating room, regardless the number of surgeons, are considered one outpatient surgical episode of care for payment purposes.
  - (b) Discontinued surgeries require the use of modifier 73 (discontinued prior to the administration of anesthesia) or modifier 74 (discontinued after administration of anesthesia). Modifier 73 results in an allowance of 50% of the APC value for the primary procedure only. Modifier 74 allows 100% of the primary procedure value only. If a comprehensive APC procedure is discontinued or reduced and modifier 52, 73 or 74 is reported, complexity adjustment will not apply to the claim.
  - (c) Facilities shall report G0260 when billing for sacroiliac joint injections, not CPT® 27096.

(8) Emergency Department (ED) Visits:

- (a) Types of ED Visits:
- (i) Hospitals billing type “A” ED visits must be physically located within a hospital licensed by the CDPHE as a general hospital or meet the out-of-state facility’s state’s licensure requirements, and be open 24 hours a day, seven days a week. These EDs bill using revenue code 450 and applicable CPT® codes;
  - (ii) A freestanding type “B” ED must have operations and staffing equivalent to a licensed ED, be physically located inside a hospital, and meet Emergency Medical Treatment and Active Labor Act (EMTALA) regulations. All type “B” outpatient ED visits must be billed using revenue code 456 with level of care HCPCS codes G0380-G0384, even though the facility may not be open 24 hours a day, seven days a week.
- (b) ED level of care is identified based upon one of five levels of care for either a type “A” or type “B” ED visit. The level of care is defined by CPT® E&M code descriptions and internal level of care guidelines developed by the hospital in compliance with Medicare regulations. The hospital’s guidelines should establish an appropriate gradation of hospital resources (ED staff and other resources) as the level of service increases. Upon request, the provider shall supply a copy of its level of care guidelines to the Payer. (Only the higher one of any ED levels or critical care codes shall be paid).
- (c) Trauma activation means a trauma team has been activated, not just alerted. Trauma activation is billed with 068X revenue codes. The level of trauma activation shall be determined by CDPHE’s assigned hospital trauma level designation. Trauma activation fees are in addition to ED and inpatient fees and are not paid for alerts. APC 5045, Trauma Response with Critical Care, is not recognized for separate payment.

Trauma activation allowances are as follows:

Revenue Code 681	\$5,534.00
Revenue Code 682	\$2,298.00
Revenue Code 683	\$1,289.00



Revenue Code 684

\$954.00

(9) Ancillary Services:

- (a) Any diagnostic testing, clinical labs, or therapies with a status indicator of "A" shall be reimbursed using section 18-4(F)(2) or the appropriate CF to the unit values for the specific CPT® code as listed in the RBRVS. Hospital bill types 13x are allowed payment for any clinical laboratory services (even if the SI is "N" for the specific clinical laboratory CPT® code) when these laboratory services are unrelated to any other outpatient services performed that day. Off-campus freestanding imaging centers are reimbursed using the RBRVS TC value(s).
- (b) Professional fees are reimbursed in accordance with section 18-4 regardless of the facility type. Additional reimbursement is payable for the following services not included in the APC values, as incorporated by 18-2:
  - (i) ambulance services (revenue code 540), see section 18-6(E)
  - (ii) blood, blood plasma, platelets (revenue codes 380X)
  - (iii) physician or physician assistant services
  - (iv) nurse practitioner services
  - (v) licensed clinical psychologist
  - (vi) licensed social workers
  - (vii) rehabilitation services (PT, OT, respiratory or CCC-SLP, revenue codes 420, 430,440)
- (c) Any prescription for a drug supply to be used for longer than 24 hours, filled at any clinic, shall be reimbursed in accordance with section 18-6(C).
- (d) Clinic facility fees are not separately payable unless otherwise specified in this Rule.
- (e) IV infusion therapy performed in an outpatient hospital facility is separately payable in accordance with this section.

(10) Rural Health Clinics:

Rural Health Clinics are allowed a single separate clinic facility fee at 80% of billed charges per date of service.

Allowed revenue codes for clinic fees are 521 for physical health services and 900 for behavioral health services.

(C) URGENT CARE FACILITIES

(1) Provider Restrictions:

Facility fees are only payable if the facility qualifies as an Urgent Care facility. All Urgent Care facilities shall be accredited or certified by the Urgent Care Association (UCA) or accredited by the Joint Commission to be recognized for a separate facility payment for the initial visit.

(2) Billing and Maximum Allowances:

(a) Facility Fees:

- (i) No separate facility fees are allowed for follow-up care. To receive a separate facility fee, a subsequent diagnosis shall be based on a new acute care situation and not the initial diagnosis.

- (ii) No facility fee is appropriate when the injured worker is sent to the employer's designated provider for a non-urgent episode of care during regular business hours of 8 am to 5 pm, Monday through Friday.
- (iii) Hospitals may bill on a UB-04 using revenue code 516 or 526 and the facility HCPCS code S9088, \$76.50, with one unit. All maximum allowances for other services billed on the UB-04 shall be in accordance with CPT® relative weights from RBRVS, multiplied by the appropriate CF.
- (iv) Hospital and non-hospital based urgent care facilities may bill for the facility fee, HCPCS code S9088, \$76.50, on the CMS-1500 with professional services. All other services and procedures provided in an urgent care facility, including a freestanding facility, are allowed according to the appropriate CPT® code relative weight from RBRVS multiplied by the appropriate CF.
- (b) All professional fees shall be billed on a CMS-1500 with a Place of Service Code 20 and reimbursed in accordance with section 18-4.
- (c) All supplies are included in the facility fee.
- (d) Any prescription for a drug to be used for longer than 24 hours, filled at any clinic, shall be reimbursed in accordance with section 18-6(C).

## **18-6 ANCILLARY SERVICES**

### **(A) DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES (DMEPOS)**

#### **(1) Durable Medical Equipment (DME):**

DME equipment withstands repeated use and allows injured workers accessibility in the home, work, and community. DME can be categorized as:

- (a) Purchased Equipment/Capped Rental:
  - (i) Items that cost \$100.00 or less may not be rented.
  - (ii) Rented items must be purchased or discontinued after ten months of continuous use or once the total fee schedule allowance has been reached.
  - (iii) The monthly rental rate cannot exceed 10% of the DMEPOS fee schedule, or if not available, the cost of the item to the provider or the supplier (after taking into account any discounts/rebates the supplier or the provider may have received). When the item is purchased, all rental fees shall be deducted from the total fee scheduled price. If necessary, the parties should use an invoice to establish the purchase price.
  - (iv) Purchased items may require maintenance/servicing agreements or fees. The fees are separately payable. Rented items typically include these fees in the monthly rental rates.
  - (v) Modifier NU shall be appended for new, UE for used purchased items or modifier RR for rented items.
- (b) Take Home Exercise Equipment:

Items with a total invoice cost of \$50 or less may be billed using A9300 at no more than 120% of actual cost, without an invoice. Reimbursement shall be based on billed charges. Payers reserve the right to retroactively review invoices to validate the provider's cost, per Rule 16. Home exercise supplies can include, but are not limited to the following items: therabands, theratubes, band/tube straps, theraputty, bow-tie tubing, fitness cables/trainers, overhead pulleys, exercise balls, cuff weights, dumbbells, ankle weight bands, wrist weight bands, hand squeeze balls, flexbars, digiflex hand exercisers, power webs, plyoballs, spring hand grippers, hand helper rubber band units, ankle stretchers, rocker boards, balance paws, and aqua weights.

(c) Electrical Stimulators:

Electrical stimulators are bundled kits that include the portable unit(s), two to four leads and pads, initial battery, electrical adapters, and carrying case. Kits that cost more than \$300.00 shall be rented for the first month of use and require documentation of effectiveness prior to purchase (effectiveness means functional improvement and decreased pain).

(i) TENS (Transcutaneous Electric Nerve Stimulator) machines/kits, IF (Interferential) machines/kits, and any other type of electrical stimulator combination kits: E0720 for a kit with two leads or E0730 for a kit with four leads.

(ii) Electrical Muscle Stimulation machines/kits: E0744 for scoliosis; or E0745 for neuromuscular stimulator, electric shock unit.

(iii) Osteogenesis electrical stimulators (E0747-E0760) are not required to be rented before purchase when used in accordance with MTG recommendations.

(iv) Replacement supplies are limited to once per month and are not eligible with a first month rental.

A4595 - electrical stimulator supplies, two leads.

A4557 - lead wires, pair (reimbursable once every 12 months).

(v) Conductive Garments: E0731.

(d) Continuous Passive Motion Devices (CPMs):

These devices are bundled into the facility fees and not separately payable, unless the MTGs recommend their use after discharge for the particular condition.

E0935 – continuous passive motion exercise device for use on the knee only.

E0936 – continuous passive motion exercise device for use on body parts other than knee.

(e) Intermittent Pneumatic Devices:

These devices (including, but not limited to, cold with compression) are bundled into facility fees and are not separately payable. The use of these devices after discharge requires prior authorization.

E0650-E0676 – Codes based on body part(s), segmental or not, gradient pressure and cycling of pressure, and purpose of use.

A4600 – Sleeve for intermittent limb compression device, replacement only, per each limb.

(f) Hearing and Vision Supplies:

These items are purchased. The maximum allowance is 120% of the cost to the provider as indicated by invoice. The maximum allowance for V2623 (prosthetic eye) and L8045 (auricular prosthesis) shall be based on 120% of the cost of the item as indicated by invoice.

(2) Orthotics:

Maximum allowance for any orthotic created using casting materials shall be determined using Medicare's Q codes and values listed under Medicare's DMEPOS fee schedule. The therapist time necessary to create the orthotic shall be billed using CPT® 97760.

Payment for professional services associated with the fabrication and/or modification of orthotics, custom splints, adaptive equipment, and/or adaptation and programming of communication systems and devices shall be paid in accordance with the Colorado Medicare HCPCS Level II values.

(3) Supplies:

Supplies necessary to perform a service or procedure are not separately reimbursable. Only supplies that are not an integral part of a service or procedure are considered to be over and above those usually included in the service or procedure. Allowances for supplies to facilities shall comply with the appropriate section of this Rule.

(4) Reimbursement:

Unless other limitations exist in this Rule, the maximum allowance for DMEPOS suppliers and medical providers shall be based on Medicare's HCPCS Level II codes, when one exists, as established in the July 2022 DMEPOS schedule for rural (R) or non-rural (NR) areas. The DMEPOS schedule can be found at <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/DMEPOSFeeSched/DMEPOS-Fee-Schedule>.

If no Medicare value exists, the maximum allowance shall be based on the total allowable amount listed in Medicaid's Health First Colorado Fee Schedule Effective January 1, 2022, available at <https://hcpf.colorado.gov/provider-rates-fee-schedule>.

If no Medicaid fee schedule value exists, the maximum allowance is based on 120% of the cost of the item as indicated by invoice. For inventoried items, "invoice" means a statement given to the Provider by its supplier showing the Provider's cost of obtaining the item. For fabricated/customized items, "invoice" means a statement prepared by the Provider showing the amount due after accounting for fabrication and necessary customization. Shipping and handling charges are not separately payable. Payers shall not recognize the KE modifier.

Auto-shipping of monthly DMEPOS is not allowed. An affirmative request by the injured worker or prescribing provider is required.

(5) Complex Rehabilitation Technology dispensed and billed by Non-Physician DMEPOS Suppliers:

(a) Complex rehabilitation technology (CRT) items, including complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, standing frames, and gait trainers enable individuals to maximize their function and minimize the extent and costs of their medical care.

(b) Complex Rehabilitation Technology products must be provided by suppliers who are specifically accredited by a Center for Medicare and Medicaid

Services (CMS) deemed accreditation organization as a supplier of CRT and licensed as a DMEPOS Supplier with the Colorado Secretary of State.

(B) HOME CARE SERVICES

Prior authorization is required for all home care services, unless otherwise specified. All skilled home care service providers shall be licensed by the Colorado Department of Public Health and Environment (CDPHE) as Type A or B providers. The Payer and the home health entity should agree in writing on the type of care, the type and skill level of provider, frequency of care, duration of care at each visit, and any financial arrangements to prevent disputes.

(1) Home Infusion Therapy:

The per day or refill rates for home infusion therapy shall include all reasonable and necessary products, equipment, IV administration sets, supplies, supply management, and delivery services necessary to perform the infusion therapy. Per diem rates are only payable when licensed professionals (RNs) are providing "reasonable and necessary" skilled assessment and evaluation services in the injured worker's home.

Skilled Nursing fees are separately payable when the nurse travels to the injured worker's home to perform initial and subsequent evaluation(s), education, and coordination of care.

(a) Parenteral Nutrition:

Code	Quantity	Max Bill Frequency	Daily Rate
S9364	<1 Liter	once per day	\$160.00
S9365	1 liter	once per day	\$174.00
S9366	1.1 - 2.0 liter	once per day	\$200.00
S9367	2.1 - 3.0 liter	once per day	\$227.00
S9368	> 3.0 liter	once per day	\$254.00

The daily rate includes the standard total parenteral nutrition (TPN) formula. Lipids, specialty amino acid formulas, and drugs other than those in standard formula are separately payable under section 18-6(C).

(b) Antibiotic Therapy is allowed a daily rate by professional + drug cost at Medicare's Average Sale Price (ASP), as incorporated by Rule 18-2. If ASP is not available, use Average Wholesale Price (AWP) (see section 18-6(C)).

Code	Time	Max Bill Frequency	Daily Rate
S9494	Per diem	once per day	\$158.00
S9497	once every 3 hours	once per day	\$152.00
S9500	every 24 hours	once per day	\$97.00

S9501	once every 12 hours	once per day	\$110.00
S9502	once every 8 hours	once per day	\$122.00
S9503	once every 6 hours	once per day	\$134.00
S9504	once every 4 hours	once per day	\$146.00

- (c) Chemotherapy is allowed a daily rate + drug cost at ASP, as incorporated by Rule 18-2. If ASP is not available, use AWP.

Code	Description	Max Bill Frequency	Daily Rate
S9329	Administrative Services	once per day	\$0.00
S9330	Continuous (24 hrs. or more) chemotherapy	once per day	\$91.00
S9331	Intermittent (less than 24 hrs.)	once per day	\$103.00

- (d) Enteral nutrition (enteral formula and nursing services are separately payable):

Code	Description	Max Bill Frequency	Daily Rate
S9341	Via Gravity	once per day	\$44.09
S9342	Via Pump	once per day	\$24.23
S9343	Via Bolus	once per day	\$24.23

- (e) Pain Management per day or refill + drug cost at ASP, as incorporated by Rule 18-2. If ASP is not available, use AWP.

Code	Description	Max Bill Frequency	Daily Rate
S9326	Continuous (24 hrs. or more)	once per day	\$79.00
S9327	Intermittent (less than 24 hrs.)	once per day	\$103.00
S9328	Implanted pump	per diem	\$116.00/refill.

- (f) Fluid Replacement is allowed a daily rate + drug cost at ASP, as incorporated by Rule 18-2. If ASP is not available, use AWP.

<b>Code</b>	<b>Quantity</b>	<b>Max Bill Frequency</b>	<b>Daily Rate</b>
S9373	< 1 liter per day	once per day	\$61.00
S9374	1 liter per day	once per day	\$85.00
S9375	>1 but <2 liters per day	once per day	\$85.00
S9376	>2 liters but <3 liters	once per day	\$85.00
S9377	>3 liters per day	once per day	\$85.00

(g) Multiple Therapies:

Highest cost per day or refill only + drug cost at ASP, as incorporated by Rule 18-2. If ASP is not available, use AWP.

- (2) Nursing Services are limited to two hours without prior authorization, unless otherwise indicated in the MTGs:

<b>Code</b>	<b>Type of Nurse</b>	<b>Max Bill Frequency</b>	<b>Hourly Rate</b>
S9123	RN	2 hours	\$127.50
S1924	LPN	2 hours	\$127.50
S1922	CNA	The amount of time spent with the injured worker must be specified in the medical records and on the bill.	\$51.00

- (3) Physical medicine procedures are payable in accordance with section 18-4(H).

(4) Mileage:

The parties should agree upon travel allowances and the mileage rate shall not exceed 56 cents per mile, portal to portal. DoWC Z0772.

(5) Travel Time:

Travel is typically included in the fees listed. Travel time greater than one hour one-way is allowed additional reimbursement not to exceed \$35.37 per hour. DoWC Z0773.

(6) Drugs/Supplies/DME/Orthotics/Prosthetics Used For At-Home Care:

As defined in section 18-6(A), any drugs/supplies/DME/Orthotics/Prosthetics integral to a professional's service are not separately payable.

The maximum allowance for non-integral drugs/supplies/DME/Orthotics/Prosthetics used during a professional's home care visits are listed in section 18-6(A). All IV infusion supplies are included in the per diem or refill rates listed in this Rule.

(C) DRUGS AND MEDICATIONS

- (1) All medications must be reasonably needed to cure and relieve the injured worker from the effects of the injury. Prior authorization is required for:

- (a) Medications "not recommended" in the MTGs for a particular diagnosis; or

- (b) Any non-steroidal anti-inflammatory drug (NSAID), muscle relaxant, or topical agent for which a significantly lower-cost therapeutic equivalent is available, including commercially or over-the-counter (OTC), even in a different strength/dosage. Significantly lower cost means the therapeutic equivalent costs at least \$100 less, for the same number of days' supply. For example, prior authorization would be required to dispense diclofenac gel 1.5% at an average wholesale price (AWP) of \$689 when diclofenac 1% is available OTC for \$10, or to dispense more than one unit of lidocaine 4.5%-menthol 5% patch at an AWP of \$49 when a lidocaine 4%-menthol 5% patch can be obtained OTC for \$2.
- (2) Prescription Writing:
  - (a) This Rule applies to all pharmacies, whether located in or out of state.
  - (b) Physicians shall indicate on the prescription form that the medication is related to a workers' compensation claim.
  - (c) All prescriptions shall be filled with bio-equivalent generic drugs unless the physician indicates "Dispense As Written" (DAW) on the prescription. In addition to the Rule 16 requirements, providers prescribing a brand name with a DAW indication shall provide a written medical justification explaining the reasonableness and necessity of the brand name over the generic equivalent.
  - (d) The provider shall not exceed a 60-day supply per prescription.
  - (e) Opioids/scheduled controlled substances that are prescribed for treatment lasting longer than three days shall be provided through a pharmacy. The prescriber shall comply with applicable provisions of Title 12 and other statutes and rules.
- (3) Billing:
  - (a) Drugs (brand name or generic) shall be reported on bills using the applicable identifier from the National Drug Code (NDC) Directory as published by the Food and Drug Administration (FDA).
  - (b) All parties shall use one (1) of the following forms:
    - (i) CMS-1500 – dispensing provider shall bill by using the metric quantity (number of tablets, grams, or mls) in column 24.G and NDC number of the drug being dispensed or, if one does not exist, the RBRVS supply code. For repackaged drugs, dispensing provider shall list the "repackaged" and the "original" NDC numbers in field 24 of the CMS- 1500. The dispensing provider shall list the "repackaged" NDC number of the actual dispensed medication first and the "original" NDC number second, with the prefix 'ORIG' appended. Billing providers shall include the units and days supply for all dispensed medications in field 19, example: '60UN/30DY.'
    - (ii) With the agreement of the Payer, the National Council for Prescription Drug Programs (NCPDP) or ANSI ASC 837 (American National Standards Institute Accredited Standards Committee) electronic billing transaction containing the same information as above may be used for billing. NCPDP Workers' Compensation/Property and Casualty (P&C) Universal Claim Form, version 1.1, for prescription drugs billed on paper shall be used by dispensing pharmacies and pharmacy benefit managers.



- (c) Dispensing provider shall keep a signature on file indicating the injured worker or the injured worker's authorized representative has received the prescription.
- (4) Average Wholesale Price (AWP):
  - (a) AWP for brand name and generic pharmaceuticals may be determined using such monthly publications as Red Book Online or Medispan. In case of a dispute on AWP values for a specific NDC, the parties shall take the lower of their referenced published values.
  - (b) If published AWP data becomes unavailable, substitute Wholesale Acquisition Cost (WAC) + 20% for AWP everywhere in this Rule.
- (5) Reimbursement for Prescription Drugs & Medications:
  - (a) For prescription medications, except topical compounds, reimbursement shall be AWP + \$4.00. If drugs have been repackaged, use the original AWP and NDC that was assigned by the source of the repackaged drugs to determine reimbursement.
  - (b) The entity packaging two or more products together makes an implied claim that the products are safe and effective when used together and shall be billed as individual line items identified by their original AWP and NDC. This original AWP and NDC shall be used to determine reimbursement. Supplies are considered integral to the package are not separately reimbursable.
  - (c) Reimbursement for an opiate antagonist prescribed or dispensed under §12- 30-110, to an injured worker at risk of experiencing an opiate-related drug overdose event, or to a family member, friend, an employee or volunteer of a harm reduction organization, or other person in a position to assist the injured worker shall be AWP plus \$4.00.
  - (d) Injectables shall be reimbursed at Medicare's Part B Drug Average Sale Price (ASP), as incorporated by Rule 18-2, unless the ASP value does not exist for the drug or the provider's actual cost exceeds the ASP. In this circumstance, provider may request reimbursement based on the actual cost, after taking into account any discounts/rebates the provider may have received.
  - (e) The provider may bill for the discarded portion of drug from a single use vial or a single use package, appending the JW modifier to the HCPCS Level II code. The provider shall bill for the discarded drug amount and the amount administered to the injured worker on two separate lines. The provider must document the discarded drug in the medical record.
- (6) Prescription-Strength Topical Compounds:
 

In order to qualify as a compound under this section, the medication must require a prescription; the ingredients must be combined, mixed, or altered by a licensed pharmacist or a pharmacy technician being overseen by a licensed pharmacist, a licensed physician, or, in the case of an outsourcing facility, a person under the supervision of a licensed pharmacist; and it must create a medication tailored to the needs of an individual patient. All topical compounds shall be billed using the DoWC Z code corresponding with the applicable category as follows:

Category I Z0790, \$83.23 per 30 day supply

Any anti-inflammatory medication or any local anesthetic single agent.

Category II Z0791, \$166.46 per 30 day supply

Any anti-inflammatory agent or agents in combination with any local anesthetic agent or agents.

Category III Z0792, \$275.71 per 30 day supply

Any single agent other than anti-inflammatory agent or local anesthetic, either alone, or in combination with anti-inflammatory or local anesthetic agents.

Category IV Z0793, \$384.95 per 30 day supply

Two or more agents that are not anti-inflammatory or local anesthetic agents, either alone or in combination with other anti-inflammatory or local anesthetic agents.

All ingredient materials must be listed by quantity used per prescription. If the MTGs approve some but not all of the active ingredients for a particular diagnosis, the insurer shall count only the number of the approved ingredients to determine the applicable category. In addition, initial prescription containing the approved ingredients shall be reimbursed without a medical review. Continued use (refills) may require documentation of effectiveness including functional improvement.

Category allowances include materials, shipping and handling, and time. Regardless of how many ingredients or what type, compounded drugs cannot be reimbursed higher than the Category IV allowances. The 30 day maximum allowance value shall be fractioned down to the prescribed and dispensed amount given to the injured worker. Automatic refilling is not allowed.

(7) Over-the-Counter Medications:

(a) Medications that are available for purchase by the general public without a prescription and listed as over-the-counter in publications such as RedBook Online or Medispan, are reimbursed at NDC/AWP and are not eligible for dispensing fees. If drugs have been repackaged, use the original AWP and NDC that was assigned by the source of the repackaged drugs to determine reimbursement.

(b) The maximum allowance for any topical agent containing only active ingredients available without a prescription shall be at cost to the billing provider up to \$30.60 per 30 day supply for any application (excludes patches). The maximum allowance for a patch is cost to the billing provider up to \$71.40 per 30 day supply. When less than a 30 day supply is prescribed, these allowances shall be pro-rated to the amount dispensed to the injured worker.

DoWC Z0794 per 30 day supply for any application (excludes patches).

DoWC Z0795 per 30 day supply for patches.

See subsection (6) for prescription-strength topicals and patches.

(8) Dietary Supplements, Vitamins, and Herbal Medicines:

Reimbursement for outpatient dietary supplements, vitamins, and herbal medicines is authorized only by prior agreement of the Payer or if specifically indicated in the MTGs. Reimbursement shall be at cost to the injured worker (see subsection (9) below).

(9) Injured Worker Reimbursement:

In the event the injured worker has directly paid for authorized medications (prescription or over-the-counter), the Payer shall reimburse the injured worker for the amount actually paid within 30 days after submission of the injured worker's receipt. See Rule 16.

(D) COMPLEMENTARY INTEGRATIVE MEDICINE

Complementary integrative medicine describes a broad range of treatment modalities, some of which are generally accepted in the medical community and others that remain outside the accepted practice of conventional western medicine. Non-physician providers of complementary integrative medicine that are not listed in Rule 16 must have completed training in one or more forms of therapy and certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) in Chinese herbology.

(E) **AMBULANCE TRANSPORTATION**

(1) **Maximum Allowance:**

The maximum allowance for medical transportation consists of a base rate and a payment for mileage. Both the transport of the injured worker and all items and services associated with such transport are included in the base rate and mileage rate.

(2) **General Claims Submission:**

- (a) All hospitals billing for ground or air ambulance services shall bill on the UB-04. All other providers shall bill on the CMS-1500.
- (b) Providers shall use HCPCS codes and origin/destination modifiers.
- (c) Providers shall list their name, complete address, and NPI number.
- (d) Providers shall list the zip code for the place of origin in Item 23 of the CMS-1500 or FL 39-41 of the UB-04 with an "AO" code. If billing for multiple trips and the zip code for each origin is the same, services can be submitted on the same claim. If the zip codes are different, a separate claim must be submitted for each trip.

(3) **Ground Ambulance Services Billing Codes and Fees:**

The selection of the base code is based upon the condition of the injured worker at the time of transport, not the vehicle used and includes services and supplies used during the transport.

HCPCS	Base Rate	URBAN BASE RATE/ URBAN MILEAGE	RURAL BASE RATE/ RURAL MILEAGE	RURAL BASE RATE/ LOWEST QUARTILE	RURAL GROUND MILES
A0425	\$19.65	\$20.05	\$20.25	n/a	\$30.38
A0426	\$610.73	\$772.13	\$779.70	\$955.91	n/a
A0427	\$610.73	\$1,222.53	\$1,234.50	\$1,513.50	n/a
A0428	\$610.73	\$643.43	\$649.75	\$796.59	n/a
A0429	\$610.73	\$1,029.50	\$1,039.60	\$1,274.55	n/a
A0432	\$610.73	\$1,126.00	\$1,137.05	n/a	n/a
A0433	\$610.73	\$1,769.45	\$1,786.80	\$2,190.62	n/a

A0434	\$610.73	\$2,091.15	\$2,111.68	\$2,588.91	n/a
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The “urban” base rate(s) and mileage rate(s) shall apply to all relevant/applicable ambulance services unless the zip code range area is “Rural” or “Super Rural.” Medicare MSA zip code grouping is listed on Medicare’s webpage with an “R” indicator for “Rural” and “B” indicator for “Super Rural.” See Medicare’s Zip Code to Carrier Locality File, available at <https://www.cms.gov/medicare/medicare-fee-for-service-payment/feeschedulegeninfo>.

(4) Modifiers:

HCPCS modifiers identify place of origin and destination of the trip. The modifier is to be placed next to the HCPCS code billed. Each of the modifiers may be utilized to make up the first and/or second half of a two-letter modifier. The first letter describes the origin of the transport, and the second letter describes the destination.

(5) Mileage:

Charges for mileage must be based on loaded mileage only, i.e., from pickup to destination.

## 18-7 DIVISION-ESTABLISHED CODES AND VALUES

### (A) FACE-TO-FACE OR TELEPHONIC MEETINGS

- (1) Face-to-face or telephonic meeting by a treating Physician or a Psychologist with an employer, claim representative, or any attorney, and with or without the injured worker. Claim representatives include physicians or other qualified medical personnel performing Payer-initiated medical treatment reviews, but this Rule does not apply to provider-initiated requests for prior authorization. The Physician or Psychologist may bill for the time spent attending the meeting and preparing the report (no travel time or mileage is separately payable). The fee includes the cost of the report for all parties, including the injured worker.

Before a meeting is separately payable, the following requirements must be met:

- (a) Each meeting (including the time to document) shall be a minimum of 8 minutes.
- (b) A report or written record signed by the Physician or Psychologist is required and shall include the following:
  - (i) Who was present at the meeting and their role at the meeting;
  - (ii) Purpose of the meeting;
  - (iii) A brief statement of recommendations and actions at the conclusion of the meeting;
  - (iv) Documented time (both start and end times).
- (c) DoWC Z0701, \$44.22, is payable in 8-minute increments. The CPT® mid-point rule for attaining a unit of time does not apply to this code. The Physician or Psychologist may bill multiple units of this code per date of service.
- (d) For reimbursement to qualified non-physician providers for coordination of care with medical professionals, see section 18-4(H).

- (2) Face-to-face or telephonic meeting by a non-treating physician with the employer, claim representatives, or any attorney in order to provide a medical opinion on a specific workers' compensation case, which is not accompanied by a specific report or written record.

DoWC Z0601, \$76.99 per 15 minutes billed to the requesting party.

- (3) Face-to-face or telephonic meeting by a non-treating physician with the employer, claim representatives, or any attorney to provide a medical opinion on a specific workers' compensation case, which is accompanied by a report or written record, shall be billed as a special report (see section 18-7(G)(4)).

- (4) Peer-to-peer review by a treating physician with a medical reviewer, following the treating physician's complete prior authorization request pursuant to Rule 16.

DoWC Z0602, \$76.99 per 15 minutes billed to the requesting party.

(B) CANCELLATION FEES FOR PAYER-MADE APPOINTMENTS

- (1) A cancellation fee is payable only when a Payer schedules an appointment the injured worker fails to keep, and the Payer has not canceled five days prior to the appointment.

The Payer shall pay one-half of the usual fee for the scheduled services, or \$187.27, whichever is less:

DoWC Z0720. The provider shall indicate the code corresponding to the service that has been cancelled in Box 19 of the CMS-1500 form or electronic billing equivalent.

For Payer-made appointments scheduled for four hours or longer, the Payer shall pay one-half of the usual fee for the scheduled service.

DoWC Z0740. The Provider shall indicate the code corresponding to the service that has been cancelled in Box 19 of the CMS-1500 form or electronic billing equivalent.

- (2) Missed Appointments:

When an injured worker fails to keep a scheduled appointment, the Provider should contact the Payer within five days. Upon reporting the missed appointment, the Provider may inquire if the Payer wishes to reschedule the appointment for the injured worker. If the injured worker fails to keep the Payer's rescheduled appointment, the Provider may bill for a cancellation fee according to this section.

(C) REQUESTS FOR MEDICAL RECORDS AND COPYING FEES

The Payer, Payer's representative, injured worker, and injured worker's representative shall pay a reasonable fee for the reproduction of the injured worker's medical record. -Copying charges do not apply for the initial submission of records that are part of the required documentation for billing. If records are readily producible electronically and appropriate security is in place, including but not limited to compatible encryption, the provider shall provide the requestor with an electronic copy (e.g., email). If the requester and Provider agree, the copy may be provided by fax, on paper, or by disc. Provider may not charge a fee for a records search and retrieval. All records shall be provided no later than 30 days from the date the request is received.

Copying Fee Billing Codes and Maximum Fees:

DoWC Z0721, \$18.53 for first 10 or fewer paper page(s), including faxed documents

DoWC Z0725, \$0.85 per paper page for the next 11-40 paper page(s), including faxed documents

DoWC Z0726, \$0.57 per paper page for remaining paper page(s), including faxed documents

DoWC Z0727, \$1.50 per microfilm page

DoWC Z0728, \$14.00 per computer disc

DoWC Z0729, \$6.50 per electronic copy

DoWC Z0802, actual postage paid

(D) DEPOSITION AND TESTIMONY FEES

- (1) When requesting deposition or testimony from any Provider, guidance should be obtained from the Interprofessional Code, prepared by the Colorado Bar Association, the Denver Bar Association, the Colorado Medical Society, and the Denver Medical Society. If the parties cannot agree upon lesser fees for the deposition or testimony services, or cancellation time periods and/or fees, the deposition and testimony rules and fees listed below shall be used.

If a party shows good cause to an Administrative Law Judge (ALJ) for exceeding the Medical Fee Schedule allowance, that ALJ may allow a greater fee.

- (2) Preparation Time:

By prior agreement, the Provider may charge for preparation time for a deposition or testimony, for reviewing and signing the deposition, or for preparation time for testimony.

Treating or non-treating Physician or Psychologist:

DoWC Z0730, \$190.74, billed in half-hour increments. Other Providers are allowed 85% of this fee.

- (3) Deposition:

Payment for testimony at a deposition shall not exceed \$190.74, billed in half-hour increments, for a treating or non-treating Physician or a Psychologist. DoWC Z0734, calculating the Provider's time from "portal to portal." Other Providers are allowed 85% of this fee.

If requested, the Provider is entitled to a full hour deposit in advance in order to schedule the deposition.

If the Provider is notified of the cancellation of the deposition at least ten days prior to the scheduled deposition, the Provider shall be paid the number of hours that have been reasonably spent in preparation, less any deposit paid by the deposing party. DoWC Z0731, \$190.74, in half-hour increments.

If the Provider is notified less than ten days in advance of a cancellation or rescheduling, or the deposition is shorter than the time scheduled, the Provider shall be paid the number of hours that have been reasonably spent in preparation and have been scheduled for the deposition. DoWC Z0733, \$190.74, in half-hour increments.

- (4) Testimony:

Treating or non-treating Physician or Psychologist:

DoWC Z0738, \$264.18, billed in half-hour increments. Other Providers are allowed 85% of this fee.

Calculation of the Provider's time shall be "portal to portal" (includes travel time and mileage in both directions).

For testifying at a hearing, if requested, the Provider is entitled to a four-hour deposit in advance in order to schedule the testimony.

If the Provider is notified of the cancellation of the testimony at least ten days prior to the scheduled testimony, the Provider shall be paid the number of hours that have been reasonably spent in preparation, less any deposit paid by the requesting party. DoWC Z0735, \$264.18, in half-hour increments.

If the Provider is notified less than ten days in advance of a cancellation or rescheduling, or the testimony is shorter than the time scheduled, the Provider shall be paid the number of hours that have been reasonably spent in preparation and has scheduled for the testimony. DoWC Z0737, \$264.18, in half-hour increments.

(E) INJURED WORKER TRAVEL EXPENSES

The Payer shall advance or reimburse the injured worker for reasonable and necessary mileage expenses for travel to and from medical appointments. The injured worker shall submit a request to the Payer showing the date(s) of travel and mileage, incurred or anticipated, and explain any other reasonable and necessary travel expenses. The number of miles shall be in whole numbers and calculated using the most direct route available on the date of service. Advance mileage is available for eligible travel greater than 100 miles round trip, and shall be approved when requested by the injured worker at least seven days in advance.

Mileage Pre-paid Expense: Z0722, 56 cents per mile

Mileage Expense: DoWC Z0723, 56 cents per mile

Other Travel Expenses: DoWC Z0724, actual paid

(F) PERMANENT IMPAIRMENT RATING

(1) The Payer is only required to pay for one combined whole-person permanent impairment rating per claim, except as otherwise provided in the Workers' Compensation Rules of Procedures. Exceptions that may require payment for an additional impairment rating include, but are not limited to, reopened cases, as ordered by the Director or an Administrative Law Judge, or a subsequent request to review apportionment. The ATP is required to submit in writing all permanent restrictions and future maintenance care related to the injury or occupational disease.

(2) Provider Restrictions:

The Physician determining the permanent impairment rating must be Level II accredited and comply with Rule 5 as applicable.

(3) Maximum Medical Improvement (MMI) Determined Without any Permanent Impairment:

If a Physician determines the injured worker is at MMI and has no permanent impairment, the Physician should be reimbursed for the examination at the appropriate level of E&M service. The ATP managing the total workers' compensation claim should complete the Physician's Report of Workers' Compensation Injury (Closing Report), WC 164 (see section 18-7(G)(2)).

(4) MMI Determined with a Calculated Permanent Impairment Rating

(a) Calculated Impairment: The total fee includes the office visit, a complete physical examination, complete history, review of all medical records except when the amount of medical records is extensive (see below), determining MMI, completing all required measurements, referencing all tables used to determine the rating, using all report forms from the AMA's

Guide to the Evaluation of Permanent Impairment, Third Edition (Revised), (AMA Guides), and completing the Physician's Report of Workers' Compensation Injury (Closing Report) WC 164.

Extensive medical records take longer than one hour to review and require a separate report. The separate report must document each record reviewed, specific details of the records reviewed, and the dates represented by the records reviewed. The separate record review can be billed as a special report and requires prior authorization.

(b) Impairments Requiring Multiple Providers:

All Physicians and Psychologists (including Level II Accredited Physicians) providing consulting services for the completion of a whole person impairment rating shall bill using the appropriate E&M consultation code, or psychological diagnostic evaluation code, and shall forward their portion of the rating to the Physician determining the combined whole person rating.

A return visit for a range of motion (ROM) validation shall be billed with the appropriate code in the Medicine Section of CPT®.

The date the Physician sees the injured worker shall be the date of service billed.

DoWC Z0759, \$612.00, for the Level II Accredited Authorized Treating Physician providing primary care.

DoWC Z0760, \$822.12, for the Referral, Level II Accredited Authorized Physician (the claimant is not a previously established patient to that physician for that workers' compensation injury).

(G) REPORT PREPARATION

(1) Routine Reports:

Providers shall submit routine reports free of charge as directed in Rule 16 and by statute. Requests for additional copies of routine reports and for reports not in Rule 16 or statute are reimbursable under the copying fee section of this Rule. Routine reports include:

- (a) Diagnostic testing
- (b) Procedure reports
- (c) Progress notes
- (d) Office notes
- (e) Operative reports
- (f) Supply invoices, if requested by the Payer

(2) Completion of the Physician's Report of Workers' Compensation Injury:

(a) Initial Report WC 164:

The ATP and ED/urgent care physician when applicable, shall complete the first report of injury. Items 1-7 and 11 must be complete, however item 2 may be omitted if not known by the Provider. If completed by a PA or NP, the ATP must countersign the form.

DoWC Z0750 Initial Report \$51.00

(b) Closing Report WC 164:

The ATP managing the workers' compensation claim must complete the WC 164 closing report when the injured worker is at maximum medical



improvement (MMI) for all covered injuries or diseases, with or without a permanent impairment. Items 1-5, 6 B-C, 7 (if applicable), and 8-11 must be complete. If completed by a PA or NP, the ATP must countersign the form.

DoWC Z0752 Closing Report \$51.00

If the injured worker has sustained a permanent impairment, the following additional information must be attached to the bill when MMI is determined:

- (i) All necessary permanent impairment rating reports, medical reports, and narrative relied upon by the ATP, when the ATP managing the workers' compensation claim is Level II Accredited; or
- (ii) The name of the Level II Accredited Physician requested to perform the permanent impairment rating when a rating is necessary and the ATP managing the workers' compensation claim is not determining the permanent impairment rating.

(c) Initial and Closing Report WC 164 completed on the same form for the same date of service: DoWC Z0753 \$51.00

(d) Progress Report WC 164:

Any request from the Payer or the employer for the information provided on this form is deemed authorization for payment. The Provider shall document the name of the person who made the request and the date of the request on the WC 164; complete items 1, 2, 4-7, and 11; and send it to all parties within five days of the request. If completed by a PA or NP, the ATP must countersign the form.

DoWC Z0751 Progress Report \$51.00

(3) Form Completion:

The requesting party shall pay for its request for a physician to complete additional forms requiring 15 minutes or less, including forms sent by a Payer or an employer. This code also may be billed when completing the requirements outlined in § 8-43-404(10)(a) or Desk Aid 15 for a non-medical discharge.

DoWC Z0754 Form Completion \$51.00

(4) Special Reports:

The term special report includes any form, questionnaire, letter or report with variable content not otherwise addressed in Rule. Examples include:

- (a) treating or non-treating medical reviewers or evaluators producing written reports pertaining to injured workers not otherwise addressed, or
- (b) meeting with and reviewing another Provider's written record, and amending or signing that record.

The content and total payment shall be agreed upon by the Provider and the report's requester before the Provider begins the report.

Advance Payment: If requested, the Provider is entitled to a two hour deposit in advance in order to schedule a patient exam associated with a special report.

DoWC Z0755 Written Report, \$95.37 billable in 15 minute increments

DoWC Z0757 Lengthy Form, \$95.37 billable in 15 minute increments

DoWC Z0758 Meeting and Report with Non-treating Physician, \$95.37 billable in

15 minute increments

In cases of cancellation for special reports not requiring a scheduled patient exam, the Provider shall be paid for the time reasonably spent in preparation up to the date of cancellation.

DoWC Z0761 Report Preparation with Cancelled Patient Exam, \$95.37 billable in 15 minute increments

(5) Independent Medical Examinations (IMEs):

An IME is an objective medical examination of an injured worker performed by a Physician who has not previously treated the injured worker, in order to evaluate prior, current, or proposed treatment, or current condition. The Physician may refer a psychological component of the IME to a Psychologist and incorporate that evaluation into the IME report. In some circumstances, the IME Physician must be Level I or Level II accredited.

RIME: Respondent-requested Independent Medical Examination

DoWC Z0756 RIME Report with patient exam, \$95.37 billable in 15 minute increments

Section 8-43-404 requires RIMEs to be recorded in audio in their entirety and retained by the examining Physician for 12 months and made available by request to any party to the case.

DoWC Z0766 RIME Audio Recording, \$35.70 per exam

DoWC Z0767 RIME Audio Copying Fee, \$24.48 per copy

CIME: Claimant-requested Independent Medical Examination, \$95.37 billable in 15 minute increments to the injured worker, DoWC Code Z0770

DIME: Division Independent Medical Examination - see Rule 11

All IME reports must be served concurrently to all parties no later than 20 days after the examination. All IME reports must include an attestation that the billed charges comply with § 8-42-101(3)(a)(I) and Rule 16-8, as well as document the total time spent.

Cancellations:

In cases of a cancelled or rescheduled RIME or CIME, the Provider shall be paid the following fees:

If the Provider is notified of the cancellation of the RIME or CIME at least fourteen days prior to the scheduled examination, the Provider shall be paid the number of hours reasonably spent in preparation, less any deposit paid by the requesting party. DoWC Z0762, \$95.37 billable in 15 minute increments.

If the Provider is notified less than fourteen days in advance of a cancelled or rescheduled RIME or CIME, the Provider shall be paid the number of hours reasonably spent in preparation and scheduled for the examination. DoWC Z0763, \$95.37 billable in 15 minute increments.

(H) USE OF AN INTERPRETER

- (1) Payers shall reimburse for the services of an interpreter when interpretation is reasonable and necessary to provide access to medical benefits. Interpreter services provided in a hospital or ambulatory surgery center are included in the facility reimbursement and are not separately payable.

An interpreter may be provided on-site or via video or audio remote interpreting

service, based on availability and the preference of the treating Provider.

- (2) Providers are prohibited from relying on minor children and should refrain from using adult family members and friends as interpreters, except in an emergency.
- (3) Payment requirements:
  - (a) Interpreters for certifiable languages must be listed as certified on the Certification Commission for Healthcare Interpreters or National Board of Certification for Medical Interpreters website directory. Certifiable languages are:
    - Spanish
    - Cantonese
    - Mandarin
    - Russian
    - Korean
    - Vietnamese
    - Arabic
  - (b) For all other languages, or in the event a certified interpreter is unavailable, the interpreter shall be qualified. Qualified means the interpreter has documentation showing completion of at least 40 hours of healthcare interpreter training.
  - (c) When a qualified interpreter is used in lieu of a certified interpreter, Payers must document a good faith effort was made to obtain a certified interpreter and submit this documentation to the Division upon request. By way of example, the payer may document a good faith effort by contacting at least two certified interpreters who are unavailable for the requested date and time.
  - (d) Prior authorization is required for on-site interpreters except for initial and emergency treatment.
- (4) Interpreters shall use the Interpreter Invoice Form. The codes and maximum allowances are:
  - (a) DoWC Z0710, Certified Spanish Interpreter, on-site, \$15.00, billable in 15 minute increments with a minimum of one hour;
  - (b) DoWC Z0711, Qualified Spanish Interpreter, on-site, \$11.25, billable in 15 minute increments with a minimum of one hour;
  - (c) DoWC Z0712, Interpreter for languages other than Spanish, on-site, rates shall be negotiated;
  - (d) HCPCS T1013, Sign Language, rates shall be negotiated;
  - (e) DoWC Z0713, On-Demand Video or Audio Remote Interpreting, all languages, \$1.35 per minute, with no minimum.
  - (f) DoWC Z0773, Travel time for distances 50 miles or greater one-way is separately payable to on-site interpreters and shall not exceed \$35.37 per hour.
  - (g) DoWC Z0772, Mileage is separately payable to on-site interpreters, and shall not exceed 56 cents per mile. The reimbursement shall be calculated based on the actual number of miles driven portal to portal or the most direct route available on the date of service, whichever is less.
  - (h) If a prior authorized interpreter receives a cancellation notice less than 24 hours prior to the scheduled service, the Payer shall pay one-half of the

usual fee for the scheduled service, or \$187.27, whichever is less. DoWC Z0720, plus full reimbursement for incurred mileage and eligible travel time.

(I) GUARDIAN AD LITEM AND CONSERVATOR SERVICES

When reasonably necessary for employees who are legally incapacitated as a result of a work-related injury or occupational disease, the following services are allowed reasonable fees and costs as agreed upon by the parties:

Guardian ad litem  
Conservator  
Attorney/Paralegal

The parties may submit an invoice or other agreed upon form for these services. If the parties are unable to agree on a reasonable fee, the parties may bring the matter before the Director for resolution.

**18.8 DENTAL FEE SCHEDULE**

The dental fee schedule is adopted using the American Dental Association's CDT® as incorporated by 18-2. However, surgical treatment for dental trauma and subsequent related procedures shall be billed using medical codes from RBRVS. If billed using RBRVS, reimbursement shall be in accordance with the values listed in the Surgery/Anesthesia section and the corresponding CF. See Exhibit #3 for the listing and maximum allowance for CDT® codes.

Regarding prosthetic appliances, the Provider may bill and be reimbursed for 50% of the allowed fee at the time the master casts are prepared for removable prosthodontics or the final impressions are taken for fixed prosthodontics. The remaining 50% may be billed on insertion of the final prosthesis.

**18.9 QUALITY INITIATIVES**

(A) OPIOID MANAGEMENT

- (1) Codes and maximum allowances are payable to the prescribing ATP for a written report with all the following opioid review services completed and documented:
  - (a) ordering and reviewing drug tests for subacute or chronic opioid management;
  - (b) ordering and reviewing Colorado Prescription Drug Monitoring Program (PDMP) results;
  - (c) reviewing the medical records;
  - (d) reviewing the injured worker's current functional status;
  - (e) evaluating the risk of misuse and abuse initially and periodically; and
  - (f) determining what actions, if any, need to be taken.

In determining the prescribed levels of medications, the ATP shall review and integrate the drug screening results required for subacute and chronic opioid management, as appropriate; the PDMP and its results; an evaluation of compliance with treatment and risk for addiction or misuse; as well as the injured worker's past and current functional status. A written report also must document the treating physician's assessment of the injured worker's past and current functional status of work, leisure, and activities of daily living.

The injured worker should initially and periodically be evaluated for risk of misuse or addiction. The ATP may consider whether the injured worker experienced an opiate- related drug overdose event that resulted in an opiate antagonist being prescribed or dispensed pursuant to § 12-30-110. If the injured worker is deemed to be at risk for an opiate overdose, an opioid antagonist may be prescribed (see section 18- 6(C)(5)(c)).

Opioid Management Billing Codes:

Acute Phase:	DoWC Z0771, \$86.70, per 15 minutes, maximum of 30 minutes per report
Subacute/Chronic Phase:	DoWC Z0765, \$86.70, per 15 minutes, maximum of 30 minutes per report

(2) Definitions:

- (a) Acute opioid use refers to the prescription of opioid medications (single or multiple) for duration of 30 days or less for non-traumatic injuries, or six weeks or less for traumatic injuries or post-operatively.
- (b) Subacute opioid use refers to the prescription of opioid medications for longer than 30 days for non-surgical cases and longer than six weeks for traumatic injuries or post-operatively.
- (c) Chronic opioid use refers to the prescription of opioid medications for longer than 90 days.

(3) Acute opioid prescriptions generally should be limited to three to seven days and 50 morphine milliequivalents (MMEs) per day. Providers considering repeat opioid refills at any time during treatment are encouraged to perform the actions in this section and bill accordingly.

(4) When long-term opioid treatment is prescribed, the ATP shall comply with the Division's Chronic Pain Disorder MTG (Rule 17, Exhibit #9), and review the Colorado Medical Board Policy #40-26, "Policy for Prescribing and Dispensing Opioids."

(5) Urine drug tests are required for subacute and chronic opioid management and shall employ testing methodologies that meet or exceed industry standards for sensitivity, specificity, and accuracy. The test methodology must be capable of identifying and quantifying the parent compound and relevant metabolites of the opioid prescribed. In-office screening tests designed to screen for drugs of abuse are not appropriate for subacute or chronic opioid compliance monitoring. Refer to section 18-4(F)(3) for clinical drug screening testing codes and values.

- (a) Drug testing shall be done prior to the initial long-term drug prescription being implemented and randomly repeated at least annually.
- (b) While the injured worker is receiving opioid management, additional drug screens with documented justification may be conducted. Examples of documented justification include:
  - (i) Concern regarding the functional status of the injured worker;
  - (ii) Abnormal results on previous testing;
  - (iii) Change in management of dosage or pain; and
  - (iv) Chronic daily opioid dosage above 50 MMEs.

(B) QUALITY PERFORMANCE AND OUTCOMES PAYMENTS (QPOP)

(1) Medical Providers who are Level I or II Accredited, or who have completed the

Division-sponsored Level I or II Accreditation program and have successfully completed the QPOP training may bill separately for documenting functional progress made by the injured worker. The medical Providers must utilize both a Division-approved psychological screen and a Division-approved functional tool. The psychological screen and the functional tool are approved by the Division and are validated for the specific purpose for which they have been created. The medical Provider also must document whether the injured worker's perception of function correlates with clinical findings. The documentation of functional progress should assist the Provider in preparing a successful plan of care, including specific goals and expected time frames for completion, or for modifying a prior plan of care. The documentation must include:

- (a) Specific testing that occurred, interpretation of testing results, and the weight given to these results in forming a reasonable and necessary plan of care;
  - (b) Explanation of how the testing goes beyond the evaluation and management (E&M) services typically provided by the Provider;
  - (c) Meaningful discussion of actual or expected functional improvement between the Provider and the injured worker.
- (2) Billing codes and maximum fees:
- DOWC Z0815, \$83.23, for the initial assessment during which the injured worker provides functional data and completes the validated psychological screen, which the Provider considers in preparing a plan of care. This code also may be used for the final assessment that includes review of the functional gains achieved during the course of treatment and documentation of MMI.
- DOWC Z0816, \$41.62, for subsequent visits during which the injured worker provides follow-up functional data that could alter the treatment plan. The Provider may use this code if the analysis of the data leads to a modification of the treatment plan. The Provider should not bill this code more than once every two to four weeks.
- (3) QPOP for post-MMI patients requires prior authorization based on clearly documented functional goals.

(C) APP-BASED INTERVENTIONS

Providers may write an order for app-based interventions for the purpose of patient education and training to aid in curing and/or relieving the injured worker from the effects of the work injury. A duration for use shall be designated on the order and may be reordered as clinically indicated. If ordered, the app must be payable by invoice and billed directly to the Payer. Providers who write such orders are not permitted to receive any remuneration from the service Provider for the referral. The maximum allowable charge is \$25 per month and may be billed for a maximum duration of three months, or \$75 per order. App-based interventions that exceed this allowance require prior authorization. Examples of app-based interventions include apps that utilize artificial intelligence to educate the user about pain neuroscience, chronic pain management, weight loss, mental well-being, glucose management, and home exercise routines.

(D) PILOT PROGRAMS

Payers may submit a proposal to conduct a pilot program(s) to the Director for approval. Pilot programs authorized by this Rule shall be designed to improve quality of care, determine the efficacy of clinic or payment models, and to provide a basis for future development and expansion of such models.

The proposal for a pilot program shall meet the minimum standards set forth in § 8-43-602 and shall include:

- (1) beginning and end date for the pilot program;
- (2) population to be managed (e.g. size, specific diagnosis codes);
- (3) Provider group(s) participating in the program;
- (4) proposed codes and fees; and
- (5) process for evaluating the program's success.

Participating Payers must submit data and other information as required by the Division to examine such issues as the financial implications for Providers and injured workers, enrollment patterns, utilization patterns, impact on health outcomes, system effects and the need for future health planning.

#### **18-10 LIST OF EXHIBITS**

Exhibit #1 - Evaluation and Management (E&M)

Exhibit #2 - Hospital Base Rates and Cost to Charge Ratios (CCRs)

Exhibit #3 - Dental Fee Schedule

Exhibit #4 - CPT® codes with a "C" status indicator

**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: 2022-00367

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Workers' Compensation

**on 09/12/2022**

7 CCR 1101-3

**WORKERS' COMPENSATION RULES OF PROCEDURE WITH TREATMENT GUIDELINES**

The above-referenced rules were submitted to this office on 09/12/2022 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.

September 28, 2022 14:22:59

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 Agriculture

### **Agency**

State Board of Stock Inspection Commissioners

### **CCR number**

8 CCR 1205-7

### **Rule title**

8 CCR 1205-7 Rules Pertaining to Inspection of Livestock Sold as Animal Shares 1 - eff  
11/15/2022

### **Effective date**

11/15/2022

## **DEPARTMENT OF AGRICULTURE**

### **State Board of Stock Inspection Commissioners**

#### **RULES PERTAINING TO INSPECTION OF LIVESTOCK SOLD AS ANIMAL SHARES**

##### **8 CCR 1205-7**

###### **Part 1. Definitions**

- 1.1. "Act" means the Ranch to Plate Act, § 25-4-1617, C.R.S.
- 1.2. "Animal" or "livestock" means cattle and calves.
- 1.3. "Animal share" means an ownership interest of at least one percent in the meat of a live animal.
- 1.4. "Board" means the Colorado State Board of Stock Inspection Commissioners.
- 1.5. "Brand inspector" means a livestock inspector authorized by the Board and employed by the Department to inspect livestock prior to a change of ownership.
- 1.6. "Department" means the Colorado Department of Agriculture.
- 1.7. "Packing house" or "locker plant" means a person, association, firm, or corporation carrying on the trade or business of slaughtering livestock for compensation or profit under a license issued by the State of Colorado.

###### **Part 2. Inspection of Livestock Sold as Animal Shares/Fees**

- 2.1. When performing an inspection of livestock sold as animal shares in accordance with the Act, brand inspectors will inspect the livestock only once immediately prior to slaughter notwithstanding that shares in the animal's meat will be sold to multiple owners.
- 2.2. When performing such inspections, brand inspectors will collect the fees set forth in 8 CCR 1205-6 (State Board of Stock Inspection Fees), including the minimum fee and the per head inspection fee.

###### **Part 3. Statement of Basis, Specific Statutory Authority and Purpose**

- 3.1. Adopted September 20, 2022 - Effective November 15, 2022

###### **Specific Statutory Authority**

These rules are adopted pursuant to § 35-53-101 (3) (b), C.R.S., § 25-4-1617, C.R.S., and SB 21-079 pertaining to brand inspection of livestock sold as animal shares

###### **Purpose**

The purpose of these rules is to establish procedures for brand inspection of livestock sold as animal shares.

###### **Factual and Policy Issues**

Following the 2021 legislative session, Governor Polis signed into law the Ranch to Plate Act. Section 1 of the Act amends Colorado's Food Protection Act by authorizing the sale of shares in the meat of certain animals bound for a packing house or locker plant without licensure, regulation or inspection by a public health agency, subject to a number of limitations set forth in the Act. Section 2 of the Act deals with brand inspections to avoid a possible interpretation under

current statutes and regulations that the sale of animal shares constitutes multiple changes of ownership in the same animal, requiring multiple brand inspections.

**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: 2022-00462

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

State Board of Stock Inspection Commissioners

**on 09/20/2022**

8 CCR 1205-7

Rules Pertaining to Inspection of Livestock Sold as Animal Shares

The above-referenced rules were submitted to this office on 09/20/2022 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.

September 29, 2022 08:34:24

**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 2503-7

### **Rule title**

9 CCR 2503-7 LOW-INCOME ENERGY ASSISTANCE PROGRAMS (LEAP) 1 - eff  
11/01/2022

### **Effective date**

11/01/2022

DEPARTMENT OF HUMAN SERVICES

**Income Maintenance (Volume 3)**

LOW-INCOME ENERGY ASSISTANCE PROGRAMS

(LEAP) 9 CCR 2503-7

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

**3.751.1 DEFINITIONS [Rev. eff. 12/1/14]**

"Applicant": The person who completes and signs the basic LEAP application form.

\*\*\*\*\*

"Completed Application": A basic LEAP application shall be considered to be a completed application when:

- A. The applicant has provided an adequate response to all application questions which are necessary to determine eligibility and payment level;
- B. The applicant has provided all required verification. A Social Security Number (SSN) for each household member or proof of application for a SSN must be provided. A SSN is required to determine eligibility. If no SSN is provided for a household member, that member will not be included in the household, but the member's income will be counted;
- C. The application is signed;

\*\*\*\*\*

"Lawful Permanent Residents" are non-citizens who are lawfully authorized to live permanently within the United States.

\*\*\*\*\*

"Questionable". Means inconsistent or contradictory information, statements, documents or case documentation that require verification from the household to determine eligibility.

\*\*\*\*\*

**3.751.22 Presumption of Marriage [Eff. 12/1/14]**

Unless there has been a divorce or legal separation, the presumption is made that the couple is still married. Such presumption must be refuted by persons, other than the spouses, who can establish that they are in a position to know and assert that a complete and permanent separation does, in fact, exist.

A legal separation or divorce can be verified by court documents. Attestation of separation by persons other than the spouses can be in writing or collateral contact.

**3.751.55 Recovery Procedures [Rev. eff. 12/1/07]**

\*\*\*\*\*

D. Enters the amount of overpayment and other specific factors regarding the situation into the case record.

.....

**3.752.2 PROGRAM ELIGIBILITY REQUIREMENTS [Rev. eff. 12/1/14]**

To be determined eligible for a Heating Fuel Assistance Program payment, households must, at time of application, be vulnerable to the rising costs of home heating, and meet income and other requirements of the program as defined in these regulations.

The following factors shall be considered as of the date of application: Colorado state residency, U.S. citizenship/alien status, income, vulnerability, fuel type, household composition, shared living arrangements, dwelling type, and estimated home heating costs.

**3.752.211 Periodic Payments [Eff. 12/1/14]**

\*\*\*\*\*

K. Trusts – any interest or trust payments received in the income verification period.

**3.752.22 Income and Household Size Criteria [Rev. eff. 11/1/15]**

\*\*\*\*\*

D. All applicant households whose countable income for the eligibility period is up to and including 60 percent (60%) of the state median income level released by the U.S. Department of Health and Human Services for federal fiscal year 2023 shall meet the income requirements for the Heating Fuel Assistance Program. The State Department shall adjust the income limits annually based on funds available and the state median income guidelines.

State median income level means the income level for a household as set forth in the federal register 86 FR 7732, 7732-7734, as of February 1, 2022. This rule does not contain any later amendments or editions. These guidelines are available for no cost at <https://www.federalregister.gov/>. These guidelines are also available for public inspection and copying at the Colorado Department of Human Services, Director of the Food and Energy Assistance Division, 1575 Sherman Street, Denver, Colorado, 80203, or at any state publications library during regular business hours.

\*\*\*\*\*

**3.752.23 Income Exclusions [Rev. eff. 11/1/15]**

\*\*\*\*\*

BB. A bona fide loan is a debt that the borrower has an obligation to repay and expresses his or her intention to repay, as documented in a written agreement or by collateral contact from the lender;

\*\*\*\*\*

HH. Any recurring or non-recurring health insurance subsidies paid directly to an employee by an employer to assist with the purchase of private health insurance.

**GENERAL REQUIREMENTS FOR CITIZENSHIP AND-LAWFUL PERMANENT RESIDENCY [Eff.12/1/14]**

**3.753.1 CITIZENSHIP AND LAWFUL PERMANENT RESIDENCY STATUS [Eff. 12/1/14]**

The following are citizens of the United States and are generally eligible to receive social services and public assistance.

- A. Persons born in the United States, Puerto Rico, Guam, Virgin Islands (U.S.), American Samoa, or Swain's Island;
- B. Persons who have become citizens through the naturalization process;
- C. Persons born to U.S. citizens outside the United States with appropriate documentation.

**3.753.11 Verification of Citizenship in the United States [Eff. 12/1/14]**

Documents that are acceptable as verification of citizenship can be found at 1 CCR 204-30, Appendix A.

**3.753.111 Verification of Questionable Citizenship Information [Eff. 12/1/14]**

The following shall be used in considering questionable statement(s) of citizenship from applicant:

- A. The claim of citizenship is inconsistent with statements made by the applicant, or with other information on the application, or on previous applications.
- B. The claim of citizenship is inconsistent with information received from another reliable source.

Application of the above criteria by the eligibility worker must not result in discrimination based on race, religion, ethnic background or national origin, and groups such as migrant farm workers or Native Americans shall not be targeted for special verification. The eligibility worker shall not rely on a surname, accent, or appearance that seems foreign to find a claim to citizenship questionable. Nor shall the eligibility worker rely on a lack of English speaking, reading or writing ability as grounds to question a claim to citizenship. There are no additional identification requirements for citizenship or lawful permanent residency status.

**3.753.187 Citizenship Requirements [Eff. 12/1/14]**

An applicant who does not meet lawful permanent residency or citizenship requirements shall not be included as a household member; however, all countable income of this individual shall be counted as part of the household's total income. The household's application shall not be denied due to lack of documentation regarding citizenship requirements if there are other household members who meet the citizenship requirements (i.e., minors born in the United States).

\*\*\*\*\*

**3.755.11 Verification in Determining Initial Eligibility and Payment Amount [Rev. eff. 12/1/14]**

Income, estimated home heating costs, and vulnerability shall be verified in determining initial eligibility and/or payment amount. If a household applied during the prior LEAP program year and there are no changes in the applicant, address and fuel provider, vulnerability may be copied from the prior year case file and provided in the current case file.

**3.755.2 VERIFYING INCOME**

**3.755.21 Adequate Verification of Income [Rev. eff. 11/1/15]**

\*\*\*\*\*

- K Gift income shall be considered verified with applicant declaration.

\*\*\*\*\*

**3.755.4 VULNERABILITY**



**3.755.45 Propane Purchase/Other Bulk Fuels [Eff. 11/1/15]**

Applicants who use propane or other bulk fuels, referred to in definitions in these rules, as their primary heating fuel must provide a receipt or statement from their vendor. Receipts must include the vendor's name, date, and the name and service address of the buyer.

Applicants, who utilize propane bottles, as described in definitions in these rules or purchase propane as a cash account, are required to provide a copy of a receipt of purchase only from a retail store or other propane provider.

**3.758.32 Death of Payee Affecting Issuance of Payment [Rev. eff. 12/1/14]**

\*\*\*\*\*

- C. In the case of a single member household client payment the executor of the estate may claim the payment. If the client payment is not claimed the payment will expunge two hundred seventy-four (274) days. In the case of a single member household vendor payment, the vendor will follow the process outlined in the vendor agreement.

\*\*\*\*\*  
\*\*\*\*\*

**3.758.47 Methodology for Calculating Heating Fuel Assistance Program Benefits [Rev. eff. 11/1/15]**

Step A. Determine Estimated Home Heating Costs (EHHC)

\*\*\*\*\*

2. For any applicant whose home heating costs for the prior year's heating season are not available or determined by the county department to be invalid, the county department shall use the flat rate amount. The State Department shall adjust the flat rate amounts annually, based on the average actual home heating costs found in the LEAP system by dwelling type for the prior year's heating season contained in the annual LEAP training manual.
3. The State Department shall adjust the standard rates for heating costs that are included in rent annually, based on the flat rate amounts adjustment contained in the annual LEAP training manual.

\*\*\*\*\*

**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: 2022-00344

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Income Maintenance (Volume 3)

**on 09/09/2022**

9 CCR 2503-7

**LOW-INCOME ENERGY ASSISTANCE PROGRAMS (LEAP)**

The above-referenced rules were submitted to this office on 09/19/2022 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.

September 29, 2022 11:35:19

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 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 10/30/2022

### **Effective date**

10/30/2022

## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning Waiving of Enrollment Fees, Sections 50.4, 310 & 440.4

Rule Number: CHP 22-07-27-B

Division / Contact / Phone: Health Programs Office / Jeffrey Jaskunas / 3824

## **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 22-07-27-B, Revision to the Child Health Plan Plus Rule Concerning Waiving of Enrollment Fees, Sections 50.4, 310 & 440.4
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), 107(b) Colorado Department of Health Care Policy and Financing, Child Health Plan *Plus* (CCR 25.5-8).
5. Does this action involve any temporary or emergency rule(s)?  
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 50 with the proposed text beginning at 50.4 through the end of 50.4. Delete the current text at 310 through the end of 310.6. Replace the current text at 440.4 beginning at 440.4.E through the end of 440.4.E. This rule is effective October 30, 2022.

## DO NOT PUBLISH THIS PAGE

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning Waiving of Enrollment Fees, Sections 50.4, 310 & 440.4

Rule Number: CHP 22-07-27-B

Division / Contact / Phone: Health Programs Office / Jeffrey Jaskunas / 3824

### 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 25.5-8 107(b) and 2505-3 section 310, 50.4 & 440.4 based on the passage of HB-1289. This bill removed section 107(b) in its entirety, which has the effect of removing the Department's authority to charge and/or collect an enrollment fee for CHP+ eligible members.

As a result of this statutory change, prior amendments made due to 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 must be amended. Policy revisions will ensure continued alignment with federal regulations for the state and compliance during this Coronavirus (COVID-19) Public Health Emergency. These changes will impact Child Health Plan Plus (CHP+). These policy changes will stay in place as directed by HB 1289.

The policy changes are specific to the CHP+ program. Enrollment fees will be waived for all CHP+ eligible clients at the times of initial determination and renewal. Required through the Federal CARES Act for the Maintenance of Effort (MOE), the Department will continue eligibility for all the CHP+ categories according to its prior rule submission guidelines and categories to allow continued eligibility through the end of the Public Health Emergency as authorized in our State Plan Amendments and Waivers.

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:

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 **10/30/22**

Final Adoption

Emergency Adoption

**09/09/22**

**DOCUMENT #02**

**DO NOT PUBLISH THIS PAGE**

4. State Authority for the Rule:

House Bill 22-1289 & Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2022)

Initial Review

Proposed Effective Date **10/30/22**

Final Adoption

Emergency Adoption

**09/09/22**

**DOCUMENT #02**

## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Revision to the Child Health Plan Plus Rule Concerning Waiving of Enrollment Fees, Sections 50.4, 310 & 440.4

Rule Number: CHP 22-07-27-B

Division / Contact / Phone: Health Programs Office / Jeffrey Jaskunas / 3824

### **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 newly enrolled in the CHP+ programs and members being redetermined at renewal. The rule updates will benefit members enrolled in CHP+ by remaining eligible during and after this Coronavirus (COVID-19) Public Health Emergency without having to pay an enrollment fee.

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 serves two aims. First, it complies with the directives of HB22-1289, which directs the removal of 25.5-8-107(b) from C.R.S. Secondly, it 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 without having to pay an enrollment fee.

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 first aim of this amendment is expected to result in a decrease in revenue collected by the Department through enrollment fee payments by CHP+ beneficiaries, which may be viewed as the cost associated with the change. This decrease is forecasted at \$400,000 in state funds per annum.

Through the second aim, 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

## **DO NOT PUBLISH THIS PAGE**

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 remove CCR 25.5-8-107(b) to eliminate CHP+ enrollment fees will leave the Program in a position of non-compliance with state law. The Department sees no benefit to inaction.

In addition, the Department expects that inaction to the proposal to eliminate 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.

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 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.

### **300 ENROLLMENT FEES AND COPAYMENTS**

### **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 (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.

**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: 2022-00407

**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 09/09/2022**

10 CCR 2505-3

**FINANCIAL MANAGEMENT OF THE CHILDREN'S BASIC HEALTH PLAN**

The above-referenced rules were submitted to this office on 09/09/2022 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.

September 29, 2022 12:02:43

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

### **Department**

Department of Health Care Policy and Financing

### **Agency**

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)

### **CCR number**

10 CCR 2505-10

### **Rule title**

10 CCR 2505-10 MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND  
PURPOSE AND RULE HISTORY 1 - eff 10/30/2022

### **Effective date**

10/30/2022

## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Addition to the Medical Assistance Act Rule Concerning  
Outpatient Payment Rates for Opioid Antagonist, Section  
8.300.6.A.4

Rule Number: MSB 22-07-27-A

Division / Contact / Phone: Fee for Service Rates / Andrew Abalos / 2130

## **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 22-07-27-A, Addition to the Medical Assistance Act Rule Concerning Outpatient Payment Rates for Opioid Antagonist, Section 8.300.6.A.4
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) 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)? No  
If yes, state effective date:  
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

#### **PUBLICATION INSTRUCTIONS\***

Replace the current text at 8.300.6.A beginning at 8.300.6.A through the end of 8.300.6.A. This rule is effective October 30, 2022.

## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Addition to the Medical Assistance Act Rule Concerning Outpatient Payment Rates for Opioid Antagonist, Section 8.300.6.A.4

Rule Number: MSB 22-07-27-A

Division / Contact / Phone: Fee for Service Rates / Andrew Abalos / 2130

### **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).

House Bill 22-1326 appropriates funding allowing the Department of Health Care Policy and Financing to reimburse opioid antagonist drugs outside of its current reimbursement methodology. Currently, there is no distinct reimbursement for the opioid antagonist drug Naloxone in the payment bundles used for outpatient hospital payment calculation. This rule change will allow the Department to make payment outside of the payment bundles, creating greater incentive to outpatient hospitals to provide take-home Naloxone to patients at-risk for opioid overdoses.

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:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2022);  
HB 22-1326

Initial Review

Proposed Effective Date **10/30/22**

Final Adoption

Emergency Adoption

**09/09/22**

**DOCUMENT #01**

## **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.

Persons benefiting from the proposed rule are Health First Colorado patients at-risk for opioid overdoses, as the rule will increase access to an opioid antagonist drug. Outpatient hospitals may bear the cost of the proposed rule when providing Naloxone if the payment rate is less than the acquisition cost of the drug, but in general this will increase the reimbursement rates associated with this drug compared to inaction.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Outpatient hospitals may bear the cost of the proposed rule when providing Naloxone if the payment rate is less than the acquisition cost of the drug, but in general this will increase the reimbursement rates associated with this drug compared to inaction. The benefits of this rule are a probable reduction in deaths relating to opioid overdoses within the Health First Colorado population.

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 probable costs to the Department were considered in HB 22-1326. However, the Department is also seeking State Plan authority from Centers for Medicare and Medicaid Services for this modified payment method. This authority will allow for federal funding, thereby reducing the cost of this change to the State of Colorado.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

A probable benefit to the rule is wider distribution of a life-saving drug to the portion of the Health First Colorado population at-risk for opioid overdoses, in comparison to our current authority, which does not provide additional payment for take-home Naloxone.

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 or 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.

The Department considered the modification of its payment bundle weights used in payment calculation for achieving the purpose of this rule. However, this would have resulted in an increased payment for all drugs within the same payment package as Naloxone, which would result in significant budgetary impacts to the Department. The Department could have reduced such costs through modification of other payment bundle rates, but this may have disincentivized the provision of other outpatient hospital procedures. The proposed rule most directly achieves its purpose, without modification of payments to unrelated services.

## **8.300 HOSPITAL SERVICES**

### **8.300.6 Payments For Outpatient Hospital Services**

#### **8.300.6.A Payments to DRG Hospitals for Outpatient Services**

##### **1. Payments to In-Network Colorado DRG Hospitals**

Excluding items that are reimbursed according to the Department's fee schedule, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges multiplied by the Medicare cost-to-charge ratio less 28%. When the Department determines that the Medicare cost-to-charge ratio is not representative of a Hospital's Outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited Medicaid cost less 28% or billed charges less 28%.

Effective September 1, 2009, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 29.1 percent (29.1%). When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 29.1 percent (29.1%) or billed charges less 29.1 percent (29.1%).

Effective January 1, 2010, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 30 percent (30%). When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 30 percent (30%) or billed charges less 30 percent (30%).

Effective July 1, 2010, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 30.7 percent (30.7%). When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 30.7 percent (30.7%) or billed charges less 30.7 percent (30.7%).

Effective July 1, 2011, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 31.2 percent (31.2%). When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 31.2 percent (31.2%) or billed charges less 31.2 percent (31.2%).

Effective July 1, 2013, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 29.8 percent (29.8%).

When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 29.8 percent (29.8%) or billed charges less 29.8 percent (29.8%).

Effective July 1, 2014, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 28.4 percent (28.4%). When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 28.4 percent (28.4%) or billed charges less 28.4 percent (28.4%).

Effective July 1, 2015, Outpatient Hospital Services are reimbursed on an interim basis at actual billed charges times the Medicare cost-to-charge ratio less 28 percent (28%). When the Department determines that the Medicare cost-to-charge ratio is not representative of a hospital's outpatient costs, the cost-to-charge ratio may be calculated using historical data. A periodic cost audit is done and any necessary retrospective adjustment is made to bring reimbursement to the lower of actual audited cost less 28 percent (28%) or billed charges less 28 percent (28%).

Effective October 31, 2016, DRG Hospitals will be reimbursed for Outpatient Hospital Services based on a system of Enhanced Ambulatory Patient Grouping and a Hospital-specific Medicaid Outpatient base rate. The reimbursement for Outpatient Hospital Services shall be referred to as the EAPG Payment.

- a. The EAPG Payment will be equal to the EAPG Weight multiplied by the Hospital-specific Medicaid Outpatient base rate for that hospital as calculated in 10 CCR 2505-10, Section 8.300.6.A.1.k. If the EAPG Weight is modified due to any action impacting payment as described in sections 8.300.6.A.1.d-j, the modified EAPG Weight will be referred to as the EAPG Adjusted Weight. EAPG Payment will then be equal to the EAPG Adjusted Weight multiplied by the Hospital-specific Medicaid Outpatient base rate. If the billed amount is less than the EAPG Payment, reimbursement will be the billed amount.
- b. The EAPG Payment is calculated for each detail on the claim. Claim details with the same dates of service are grouped into a visit. Claims containing details describing charges for emergency room, treatment room services or patients placed under observation will have all its details grouped into a single visit.
- c. Each detail on a claim is assigned an EAPG. EAPGs can have the following types:
  - (1) Per Diem
  - (2) Significant Procedure. Subtypes of Significant Procedures Are:
    - (a) General Significant Procedures
    - (b) Physical Therapy and Rehabilitation
    - (c) Behavioral Health and Counseling
    - (d) Dental Procedure

- (e) Radiologic Procedure
    - (f) Diagnostic or Therapeutic Significant Procedure
  - (3) Medical Visit
  - (4) Ancillary
  - (5) Incidental
  - (6) Drug
  - (7) Durable Medical Equipment
  - (8) Unassigned
- d. A detail will be subject to EAPG Consolidation when it is assigned the same Significant Procedure EAPG as a detail not already subjected to EAPG Consolidation for that visit. EAPG Consolidation will also occur for details assigned EAPGs considered to be clinically similar to another EAPG during the visit. Details subject to EAPG Consolidation will have an EAPG Payment calculated using an EAPG Weight of 0.
- e. A detail will be subject to EAPG Packaging when its assigned EAPG is considered an ancillary service to a Significant Procedure EAPG or Medical Visit EAPG present on the claim for that visit. Details describing additional undifferentiated medical visits and services will be exempt from EAPG Packaging. A detail is also subject to EAPG Packaging when it is assigned a Medical Visit EAPG while a Significant Procedure EAPG is present on the claim for that visit. Details assigned Significant Procedure EAPGs that are not General Significant Procedures do not cause details with Medical Visit EAPGs to be subject to EAPG Packaging. Details subject to EAPG Packaging will be calculated using an EAPG Weight of 0.
- f. A detail will qualify for Multiple Significant Procedure Discounting when a Significant Procedure of the same subtype is present on the claim for that visit. Details qualifying for Multiple Significant Procedure Discounting are ordered by their EAPG Weight, by visit. Per visit, the qualifying detail with the greatest EAPG Weight will have its EAPG Payment calculated at 100 percent (100%) of its EAPG Weight. The qualifying detail for that visit with the next greatest EAPG Weight will have its EAPG Payment calculated at 50 percent (50%) of its EAPG Weight. All other qualifying details for that visit will have its EAPG Payment calculated at 25 percent (25%) of its EAPG Weight.
- g. Details assigned the same Ancillary EAPG on the same visit will qualify for Repeat Ancillary Discounting. EAPG Payment for the first occurrence of a detail qualifying for Repeat Ancillary Discounting for that visit and EAPG is calculated using 100 percent (100%) of its EAPG Weight. EAPG Payment for the second occurrence of a detail qualifying for Repeat Ancillary Discounting for that visit and EAPG is calculated using 50 percent (50%) of its EAPG Weight. EAPG Payment for all other details qualifying for Repeat Ancillary Discounting for that visit and EAPG will be calculated using 25 percent (25%) of their EAPG Weights.
- h. Details describing terminated procedures will be subject to Terminated Procedure Discounting. EAPG Payment for a detail subject to Terminated Procedure

Discounting is calculated using 50 percent (50%) of the EAPG Weight. Terminated procedures are not subject to other types of discounting.

- i. Details describing bilateral services will have EAPG Payment calculated using 150 percent (150%) of the EAPG Weight or the EAPG Payment not resulting from Terminated Procedure Discounting.
- j. Details describing 340B Drugs will have an EAPG Payment calculated using 80 percent (80%) of the EAPG Weight or the EAPG Payment not resulting from Terminated Procedure Discounting.
- k. The Hospital-specific Medicaid Outpatient base rate for January 1, 2022 for each hospital is calculated using the following method.
  - (1) Assign each hospital to one of the following groups based on hospital type and location:
    - (a) Pediatric Hospitals
    - (b) Critical Access Hospitals
    - (c) Non-Critical Access, System Hospitals
    - (d) Independent Hospitals
    - (e) Rehabilitation, Long-term Acute Care, and Brain/Spine Injury Hospitals
  - (2) Rehabilitation, Long-term Acute Care, and Brain/Spine Injury Hospitals are assigned their same hospital-specific base rate as effective immediately prior to January 1, 2022.
  - (3) Process Medicaid outpatient hospital claims from calendar year 2019 through the methodology described in 8.300.6.A.1.a-j using 3M's EAPG Relative Weights, scaled for budget neutrality purposes, and version 3.16 of the Enhanced Ambulatory Patient Grouping methodology. Hospital payment rates from version 3.10 of the methodology are then compared to the version 3.16 payment rates using the hospital-specific base rates immediately prior to January 1, 2022.
  - (4) For Critical Access Hospitals, a weighted average base rate by outpatient hospital visit is calculated EAPG payments for Critical Access Hospitals under version 3.10 and 3.16 are calculated using this weighted average base rate, then an inflation factor is applied to determine a revenue neutral rate for the Critical Access Hospital group. This inflation factor is then applied to all Critical Access Hospital rates effective immediately prior to January 1, 2022. For all other hospitals, with the exception of Rehabilitation, Long-term Acute Care, and Spine/Brain Injury Hospitals, a revenue neutral rate is calculated which aligns payment under version 3.16 of EAPGs to payments calculated under version 3.10.
  - (5) For Critical Access Hospitals, the average and standard deviation of their rates with the inflation factor applied is calculated. All Critical Access Hospitals with a rate falling below 1 standard deviation of the average is given a rate at 1 standard deviation below the average. For Critical

Access Hospitals with a rate above 2 standard deviations of the average is given a rate at 2 standard deviations above the average. For each other hospital group, except Rehabilitation, Long-term Acute Care, and Spine/Brain Injury Hospitals, the average and standard deviation of their rates are calculated. For hospitals that have a rate below 1.5 standard deviations of the average rate of their assigned group, the hospital is assigned a rate at 1.5 standard deviations below the group's average rate. For hospitals that have a rate above 1.5 standard deviations of the average rate of their assigned group, the hospital is assigned a rate at 1.5 standard deviations above the group's average rate.

- (6) For all hospitals, the Medicaid Outpatient base rate, as determined in 8.300.6.A.k.(1)-(4), shall be adjusted by an equal percentage, when required due to changes in the available funds appropriated by the General Assembly. The application of this change to the Medicaid Outpatient base rate shall be determined by the Department.

- I. Effective June 1, 2020, by the modification of the EAPG Weights, the allowed reimbursement of outpatient hospital drugs shall be increased by 42.93% for drugs provided at Critical Access Hospitals and Medicare Dependent Hospitals, and decreased by 3.47% for drugs provided at non-independent urban hospitals.

## 2. Payments to Out-of-Network DRG Hospitals

Excluding items that are reimbursed according to the Department's fee schedule, border-state Hospitals and out-of-network Hospitals, including out-of-state Hospitals, shall be paid 30% of billed charges for Outpatient Hospital Services. Consideration of additional reimbursement shall be made on a case-by-case basis in accordance with supporting documentation submitted by the Hospital.

Effective October 31, 2016, Out-of-Network DRG Hospitals will be reimbursed for Outpatient Hospital Services based the system of Enhanced Ambulatory Patient Grouping described in 10 CCR 2505-10 Section 8.300.6.A.1. Such hospitals will be assigned to a Rural or Urban peer group depending on hospital location and will receive a base rate of 90% of the respective peer group base rate as calculated in 8.300.6.A.1.k.(3). Out-of-Network DRG Hospitals will periodically have their Medicaid Outpatient base rates adjusted as determined in 8.300.6.A.k.(5).

## 3. Payments for Outpatient Hospital Specialty Drugs

Effective August 11, 2018, for services meeting the criteria of an Outpatient Hospital Specialty Drug that would have otherwise been compensated through the EAPG methodology, a hospital must submit a request for authorization to the Department prior to administration of the drug. If the request is approved, then the payment will be negotiated between the Department and the hospital on a case-by-case basis.

## 4. Payments for Select Outpatient Hospital Opioid Antagonist Drugs

Pursuant to [C.R.S. § 25.5-5-509](#), effective July 8, 2022, payments for select Outpatient Hospital Opioid Antagonist Drugs that would have otherwise been compensated through the EAPG methodology will be reimbursed at either the lower of the billed charges or the fee schedule rate.

## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Revision to the Medical Assistance Act Rule concerning  
Telemedicine Electronic-Health (eHealth) Entities  
Rule Number: MSB 22-05-03-A  
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 22-05-03-A, Revision to the Medical Assistance Act Rule concerning Telemedicine Electronic-Health (eHealth) Entities
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) 8.095 (NEW), 8.200.3.B and .3.D, 8.520.4.B, 8.700.1.C, 8.730.3.B, 8.740.1, 8.750.3.B, Colorado Department of Health Care Policy and Financing, Staff Manual Volume 8, Medical Assistance (10 CCR 2505-10).
5. Does this action involve any temporary or emergency rule(s)? No  
If yes, state effective date:  
Is rule to be made permanent? (If yes, please attach notice of Yes hearing).

#### **PUBLICATION INSTRUCTIONS\***

Insert the newly proposed text beginning at 8.095 through the end of 8.095.8.A. Replace the current text at 8.200 with the proposed text beginning at 8.200.3.B through the end of 8.200.3.B.3. Replace the current text at 8.200.3.D with the proposed text beginning at 8.200.3.D.2.c.7 through the end of 8.200.3.D.2.c.7. Replace the current text at 8.520 with the proposed text beginning at 8.520.4.B.1.g through the end of 8.520.4.B.1.g. Replace the current text at 8.700 with the proposed text beginning at 8.700.1.C through the end of 8.700.1.C.1. Replace the current

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text 8.730 with the proposed text beginning at 8.730.3.B.11 through the end of 8.730.3.B.11. Replace the current text at 8.740 with the proposed text beginning at 8.740.1 through the end of 8.740.1. Replace the current text at 8.750.3 with the proposed text beginning at 8.750.3.B through the end of 8.750.3.B. This rule is effective October 30, 2022.



## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Revision to the Medical Assistance Act Rule concerning Telemedicine  
Electronic-Health (eHealth) Entities

Rule Number: MSB 22-05-03-A

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).

House Bill 21-1256 gave the Department authority, at C.R.S. § 25.5-5-320(1), to promulgate rules specifically relating to entities that deliver health-care or mental health-care services exclusively or predominately through telemedicine, otherwise referred to as Electronic-Health entities (eHealth Entities). The proposed rule creates a Telemedicine section in rule that delineates telemedicine service coverage and eligibility generally, while also defining eHealth Entities. Under the proposed rule, existing rule benefit sections that include telemedicine services will reference the new Telemedicine section rather than defining it in each benefit section separately.

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:

Sections 25.5-1-301 through 25.5-1-303, C.R.S. (2022);  
C.R.S. 25.5-5-320(1) (2021)

Initial Review

**08/12/22**

Final Adoption

**09/09/22**

Proposed Effective Date

**10/30/22**

Emergency Adoption

**DOCUMENT #03**

## **DO NOT PUBLISH THIS PAGE**

Title of Rule: Revision to the Medical Assistance Act Rule concerning  
Telemedicine Electronic-Health (eHealth) Entities

Rule Number: MSB 22-05-03-A

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.

Colorado's Medicaid program covered health care services provided through telemedicine prior to the passage of House Bill 21-1256, so long as the services meet the same standard of care as an in-person visit and are delivered using HIPAA-compliant technology. As such, members should not see a difference in services rendered. Providers that qualify as eHealth Entities are impacted by the proposed rule and will benefit from the availability of this new provider type.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Providers that qualify as eHealth Entities benefit from the availability of this new provider type that is designed for their business model.

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.

Colorado's Medicaid program covered health care services provided through telemedicine prior to the passage of HB 21-1256, so long as the services meet the same standard of care as an in-person visit and are delivered using HIPAA-compliant technology. As such, the addition of e-Health Entities 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.

There are not anticipated costs to the Department for implementing the proposed rule, as telemedicine is already covered by Colorado Medicaid. The benefits of the rule are aligning Department rule with House Bill 21-1256 and creating a new provider type for provision of telemedicine

**DO NOT PUBLISH THIS PAGE**

services. The cost of inaction is misalignment between House Bill 21-1256 and Department rule. There are no benefits to inaction.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly methods or intrusive methods to align Department rule with House Bill 21-1256.

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 aligning Department rule with House Bill 21-1256.

## **8.095 Telemedicine**

### **8.095.1.A DEFINITIONS**

1. Electronic Health Entity (eHealth Entity) means a group practice that delivers services exclusively through telemedicine and is enrolled in a provider type that has an eHealth specialty. eHealth entities:
  - a. Cannot be Primary Care Medical Providers;
  - b. Can be either in-state or out-of-state.
2. Facilitated Visit means a Telemedicine visit where the rendering provider is at a distant site and the member is physically present with a support staff team member who can assist the provider with in-person activities.
3. HIPAA means the federal "Health Insurance Portability and Accountability Act of 1996", PUB. L. 104-191, as amended, which is incorporated herein by reference. Pursuant to C.R.S. § 24-4-103(12.5) (2022), 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.
4. Primary Care Medical Provider (PCMP) means an individual physician, advanced practice nurse or physician assistant, who contracts with a Regional Accountable Entity (RAE) in the Accountable Care Collaborative (ACC), with a focus on primary care, general practice, internal medicine, pediatrics, geriatrics, or obstetrics and gynecology.
5. Telemedicine means the delivery of medical and health-care services and any diagnosis, consultation, or treatment using interactive audio (including but not limited to telephone and relay calls), interactive video (including but not limited to interactive audiovisual modalities), or interactive data communication (including but not limited to live chat and excluding text messaging, electronic mail, and facsimile transmission).

### **8.095.2 CLIENT ELIGIBILITY**

- 8.095.2.A. All Colorado Medicaid clients are eligible for medical and behavioral services delivered by telemedicine.

### **8.095.3 PROVIDER ELIGIBILITY**

- 8.095.3.A. Any licensed provider enrolled with Colorado Medicaid is eligible to provide telemedicine services within the scope of the provider's practice.
- 8.095.3.B. Providers that meet the definition of an eHealth Entity shall enroll as the eHealth specialty.

### **8.095.4 COVERED SERVICES**

- 8.095.4.A. Covered Telemedicine services must:
1. Meet the same standard of care as in-person care;
  2. Be compliant with state and federal regulations regarding care coordination;
  3. Be services the Department has approved for delivery through Telemedicine;

4. Be within the provider's scope of practice and for procedure codes the provider is already eligible to bill;
5. Be provided only where contact with the provider was initiated by the member for the services rendered; and
6. Be provided only after the member's consent, either verbal or written, to receive telemedicine services is documented.

8.095.4.B. eHealth Entities shall only provide:

1. Covered Telemedicine services, including Facilitated Visits.

#### **8.095.5 PRIOR AUTHORIZATION REQUIREMENTS**

8.095.5.A. The use of Telemedicine does not change prior authorization requirements for the underlying services provided.

#### **8.095.6 RECORDKEEPING.**

8.095.6.A. eHealth Entities must maintain a Release of Information in compliance with current HIPAA standards to facilitate communication with the member's PCMP.

#### **8.095.7 REIMBURSEMENT**

8.095.7.A Pursuant to C.R.S. § 25.5-5-320(2) (2022), the reimbursement rate for a Telemedicine service shall, as a minimum, be set at the same rate as the Colorado Medicaid rate for a comparable in-person service.

#### **8.095.8 NON-COVERED SERVICES**

8.095.8.A Services not otherwise covered by Colorado Medicaid are not covered when delivered through Telemedicine.

### **8.200 PHYSICIAN SERVICES**

#### **8.200.3. BENEFITS**

8.200.3.B Physician services may be provided as telemedicine in accordance with Section 8.095.

8.200.3.C Services and goods generally excluded from coverage are identified in Section 8.011.11.

8.200.3.D Physician Services

Note: 8.200.3.D.1 Podiatry Services was moved to §8.810 01/2015.

2. Speech – Language and Hearing Services

#### **c. ELIGIBLE PLACES OF SERVICE**

- i. Eligible Places of Service shall include:
  - 1. Office
  - 2. Home
  - 3. School
    - A. Therapies provided as part of a member's school requirement are not separately reimbursable. These services are paid for by the school district which is reimbursed by the Department. Providers may not submit claims for therapy services performed as part of a member's school requirement.
  - 4. FQHC
  - 5. Outpatient Hospital
  - 6. Community Based Organization
  - 7. Telemedicine in accordance with Section 8.095.

## **8.520 HOME HEALTH SERVICES**

### **8.520.4. Covered Services**

#### **8.520.4.B. Place of Service**

- 1. Services shall be provided in the client's place of residence or one of the following places of service:
  - a. Assisted Living Facilities (ALFs);
  - b. Alternative Care Facilities (ACFs);
  - c. Group Residential Services and Supports (GRSS) including host homes, apartments or homes where three or fewer clients reside. Services shall not duplicate those that are the contracted responsibility of the GRSS;
  - d. Individual Residential Services and Supports (IRSS) including host homes, apartments or homes where three or fewer clients reside. Services shall not duplicate those that are the contracted responsibility of the IRSS; or

- e. Hotels, or similar temporary accommodations while traveling, will be considered the temporary place of residence for purposes of this rule.
- f. Nothing in this section should be read to prohibit a client from receiving Home Health Services in any setting in which normal life activities take place, other than a hospital, nursing facility; intermediate care facility for individuals with intellectual disabilities; or any setting in which payment is or could be made under Medicaid for inpatient services that include room and board.
- g. Telemedicine may be provided in accordance with Section 8.095.

## **8.700 FEDERALLY QUALIFIED HEALTH CENTERS**

### **8.700.1 DEFINITIONS**

8.700.1.C. The visit definition includes interactive audio (including but not limited to telephone and relay calls), interactive video (including but not limited to interactive audiovisual modalities), or interactive data communication (including but not limited to live chat and excluding text messaging, electronic mail, and facsimile transmission) encounters in accordance with Section 8.095.

- 1. Any health benefits provided through interactive audio (including but not limited to telephone and relay calls), interactive video (including but not limited to interactive audiovisual modalities), or interactive data communication (including but not limited to live chat and excluding text messaging, electronic mail, and facsimile transmission) must meet the same standard of care as in-person care in accordance with Section 8.095.

## **8.730 FAMILY PLANNING SERVICES**

### **8.730.3 Provider Eligibility**

8.730.3.B. Eligible places of service include:

- 1. Office
- 2. Clinic
- 3. Public Health Agency
- 4. Home
- 5. School
- 6. School-based Health Center

7. Federally Qualified Health Center
8. Rural Health Center
9. Hospital
10. Ambulatory Surgery Center
11. Telemedicine may be provided in accordance with Section 8.095.

## **8.740 RURAL HEALTH CLINICS**

### **8.740.1 DEFINITIONS**

Rural Health Clinic (RHC) means a clinic or center that:

1. Has been certified as a Rural Health Clinic under Medicare.
2. Is located in a rural area, which is an area that is not delineated as an urbanized area by the Bureau of the Census.
3. Has been designated by the Secretary of Health and Human Services as a Health Professional Shortage Area (HPSA) through the Colorado Department of Public Health and Environment.
4. Is not a rehabilitation facility or a facility primarily for the care and treatment of mental diseases.

Visit means a face-to-face encounter, or an interactive audio (including but not limited to telephone and relay calls), interactive video (including but not limited to interactive audiovisual modalities), or interactive data communication (including but not limited to live chat and excluding text messaging, electronic mail, and facsimile transmission) encounter in accordance with Section 8.095, between a clinic client and a health professional providing the services set forth in 8.740.4. Any health benefits provided through interactive audio, interactive video, or interactive data communication must meet the same standard of care as in-person care.

## **8.750 COMMUNITY MENTAL HEALTH CENTERS/CLINICS**

### **8.750.3 COVERED SERVICES**



8.750.3.B. Community Mental Health Centers/Clinics shall provide medically necessary rehabilitation services in an outpatient setting. Covered services shall include:

1. Case management services, including but not limited to:
  - a. Service planning and program linkage.
  - b. Referral recommendations.
  - c. Monitoring and follow up.
  - d. Client advocacy.
  - e. Crisis management.
2. Group psychotherapy services shall be face-to-face, or interactive audio (including but not limited to telephone and relay calls), interactive video (including but not limited to interactive audiovisual modalities), or interactive data communication (including but not limited to live chat and excluding text messaging, electronic mail, and facsimile transmission) in accordance with Section 8.095, services that are insight-oriented, behavior modifying, and that involve emotional interactions of the group members. Group psychotherapy services shall assist in providing relief from distress and behavior issues with other clients who have similar problems and who meet regularly with a practitioner. Any health benefits provided through interactive audio, interactive video, or interactive data communication must meet the same standard of care as in-person care
3. Individual psychotherapy services shall be face-to-face, or interactive audio (including but not limited to telephone and relay calls), interactive video (including but not limited to interactive audiovisual modalities), or interactive data communication (including but not limited to live chat and excluding text messaging, electronic mail, and facsimile transmission) in accordance with Section 8.095, services that are tailored to address the individual needs of the client. Services shall be insight-oriented, behavior modifying and/or supportive with the client in an office or outpatient facility setting. Individual psychotherapy services are limited to thirty-five visits per State fiscal year. Any health benefits provided through interactive audio, interactive video, or interactive data communication must meet the same standard of care as in-person care

**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: 2022-00406

**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 09/09/2022**

10 CCR 2505-10

**MEDICAL ASSISTANCE - STATEMENTS OF BASIS AND PURPOSE AND RULE HISTORY**

The above-referenced rules were submitted to this office on 09/09/2022 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.

September 29, 2022 11:54:25

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 Human Services

### **Agency**

Supplemental Nutrition Assistance Program (SNAP)

### **CCR number**

10 CCR 2506-1

### **Rule title**

10 CCR 2506-1 RULE MANUAL VOLUME 4, SNAP 1 - eff 11/01/2022

### **Effective date**

11/01/2022

## **4.900 ADMINISTRATIVE PROCEDURES**

### **4.901 ADMINISTRATION OF SNAP**

- A. SNAP shall be administered in every county of the state in accordance with the regulations promulgated by the Colorado Department of Human Services and these rules.
- B. SNAP shall be administered by the local offices of social/human services unless the State Department enters into a written agreement with a particular county to have a state-administered program in that county. As a condition for receiving grant-in-aid from the state for PA and welfare activities, each county must bear the proportion of the total administrative and program costs for all assistance payments and social services activities as required by Section 26-1-122, C.R.S.
- C. Local offices of social/human services shall comply with all requirements concerning security and case processing for the automated system.
- D. Counties shall receive approval from the State Department, prior to using any county-developed forms in the administration of SNAP.

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## **4.902 COUNTY ADMINISTRATION REQUIREMENTS**

### **4.902.1 Local SNAP Office**

Local offices shall ensure that adequate locations and hours of operation exist to meet the needs of SNAP clients in their areas. Each location shall have ample availability for parking and shall be accessible to persons with disabilities. Hours of operation shall be sufficient to ensure the timely processing of applications and issuance of EBT cards according to existing guidelines. Counties must establish procedures for the operation of the local office that best serves households within that county. Local offices shall establish procedures to assist households with special needs including, but not limited to: households containing persons who are aged sixty (60) and older or persons with disabilities; households in rural areas with low-income members; households experiencing homelessness; households containing adult members who are not proficient in English; and households containing working persons.

A household must apply for SNAP in its county of residence. A local office that receives an application that belongs to another county may secure the application date, process the application to completion, issue the household an EBT card, and then transfer the case to the correct county once the final eligibility decision is made. If a household is determined eligible for participation, it may request and be designated to receive SNAP from a local office that is more accessible. It is possible for an issuance unit in one local office to determine eligibility, authorize SNAP benefits, and issue EBT cards to an eligible household that resides in another county in Colorado.

Local offices may also transfer certification and/or EBT card issuance duties for those households only receiving SNAP that live closer to the local office in a neighboring county than the county of residence.

#### **4.902.2 Phone Directory Listings**

- A. Each local office telephone number available to the public shall be listed under each of the following two alphabetical listings:
  - 1. SNAP certification and issuance office, street address, phone number. If there are separate certification and issuance offices in the county, they may be listed in this manner: local office (certification only) or (issuance only), street address, phone number.
  - 2. (Name of the county) Department of Human/Social Services, local office (certification only) or (issuance only), street address, phone number.
- B. Each local office shall provide a toll-free number or a number where collect calls will be accepted for households outside the local calling area.
- C. The listings above are not to restrict any other listings that may be provided within the telephone directory, but only to standardize the availability of SNAP to the public.

\*\*\*\*\*

#### **4.902.3 Certification Personnel and Facilities Requirements**

- A. County employees assigned to certify households for participation in SNAP shall be employed in accordance with the current standards for a merit system personnel administration that is guided by a set of six broad merit principles outlined in the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728), as amended. The principles cover recruiting, compensation, training, retention, equal employment opportunity, and guidance on political activity. Only such qualified employees shall interview SNAP households and determine household eligibility or ineligibility and the level of benefits.
- B. Every local office must utilize an appropriate amount of the staff allocated to it and utilize effective and efficient practices in administering SNAP. Facilities must, within available state legislative appropriations and federal and required county matching funds, be of adequate size and layout to assure the privacy necessary to allow workers to conduct confidential interviews and perform other office duties efficiently and effectively. Any persons or organizations who are parties to a strike or lockout shall not be permitted to interview or certify households or to secure verification required of such households. However, such individuals may be used as a source of verification for information provided by applicant households if, under normal circumstances, they could be expected to be the best verification source. An eligibility technician who is the spouse of a striker is not considered party to a strike but shall not certify his or her household.

#### **4.902.31 Bilingual Staff, Interpreter, and Translator Requirements**

- A. Local offices determined by the State Department to have a significant population of Limited English Proficiency (LEP) households shall provide sufficient bilingual staff and/or translators for the timely processing of applications. Local office staff shall be trained and familiar with these procedures.

- B. During those periods when there is a significant influx of seasonal or migrant farmworkers, local offices shall provide sufficient bilingual staff and/or translators for the timely processing of such applicants.
- C. If translators or interpreters are utilized, the local office shall ensure that the translators or interpreters are readily available to assist in pre-screening clients for expedited processing standards and completing the interview and other activities necessary to determine the eligibility of the applicant household. The local office shall not require the client to provide a translator or interpreter, or to in any way imply that an interpreter is required, as a condition for being pre-screened or interviewed by the local office, nor shall the local office postpone or in any way delay the pre-screening process or appointments because of the unavailability of bilingual staff or translators/interpreters.

#### **4.902.32 Restrictions on Staff**

- A. Volunteers or other personnel who do not meet the criteria outlined in Section 4.902.3 may not be allowed to interview or certify households but may be used for pre-screening, assistance in the completion of applications, obtaining verifications to support statements made on the application, and the transportation of clients. In certain situations, volunteers may act as authorized representatives for households unable to come to the local office.
- B. Volunteers may also be used as translators or interpreters when necessary to pre-screen clients and to complete the interview. If volunteers are utilized, the local office shall ensure that volunteers are available, as necessary, for the timely processing of applications. Such volunteers utilized to pre-screen clients or to translate/interpret during the interview shall be educated on confidentiality requirements.
- C. Any persons or organizations who are parties to a strike or lockout shall not be permitted to interview or certify households or to secure verification required of such households. However, such individuals may be used as a source of verification for information provided by households if, under normal circumstances, they could be expected to be the best verification source. An eligibility technician who is the spouse of a striker is not considered party to a strike but shall not certify his or her household.

The facilities of persons or organizations who are parties to a strike or lockout may not be used in the certification process or as a site for certification interviews.

#### **4.902.4 Local Office Case Review Responsibilities**

Local offices shall establish a documented method to review a random sample of current SNAP determinations (certifications, denials, and terminations) to determine the correctness of eligibility determinations accomplished. A record of the cases reviewed must be kept for management evaluation/audit purposes. Local offices must be able to demonstrate to the satisfaction of the State Department that the frequency and scope of the reviews are adequate to ensure the integrity of both the program and clients. Additionally, local offices must demonstrate a consistent process for tracking error trends, correcting case records timely, and providing eligibility technicians an opportunity to improve their program knowledge.

#### **4.902.5 Retention of Case Records**

Each local office shall retain all program records in an orderly fashion for audit and review purposes for no less than three (3) years from the month of origin of each record. In addition:

- A. The local office shall retain fiscal records and accountable documents for three (3) years from the date of fiscal or administrative closure. Fiscal closure means that obligations for or against the federal government have been liquidated. Administrative closure means that the state agency has determined and documented that no further action to liquidate the obligation is appropriate. Fiscal records and accountable documents include, but are not limited to, claims and documentation of lost benefits.
- B. Case records relating to intentional program violation (IPV) disqualifications and related notices to the household shall be retained indefinitely until the local office obtains reliable information that the individual who was disqualified has died or until the information is received from the national disqualified recipient database system that all records associated with a particular individual, including the disqualified client database record, may be permanently removed from the database because of the individual's eightieth (80th) birthday.

#### **4.902.6 Non-Discrimination Complaint Requirements**

Both state and local offices shall ensure that all local office staff responsible for the administration, issuance, review, and eligibility determination of SNAP are knowledgeable about civil rights procedures and are able to assist clients with the filing of civil rights complaints. Local office staff must undergo state-prescribed training on civil rights procedures annually.

### **4.903 STATE ADMINISTRATION RESPONSIBILITIES**

#### **4.903.1 Information Available to the Public**

- A. Federal regulations, federal procedures embodied in Food and Nutrition Service (FNS) notices and policy memos, the SNAP rules, and State Plans of Operation (including specific planning documents such as corrective action plans) shall be available upon request for examination by members of the public during office hours at the State Department. Copies of materials are available to recipient organizations, action centers, and other individuals for a minimal printing charge.
- B. The SNAP rules shall be available for examination upon request at each local office within each county. They are also available online through the Secretary of State's official publication of State Agency rules in the Colorado Code of Regulations, accessible at: <https://www.sos.state.co.us/CCR/Welcome.do>.

#### **4.903.2 Reporting Lawsuits**

FNS regulations require prompt notification from the State Department of any lawsuits involving the administration of SNAP.

As SNAP is administered under the supervision of the State Department, it is mandatory that all legal proceedings involving SNAP be brought to the attention of the State Department immediately for notification to the FNS.

#### **4.903.3 Management Evaluations (ME)**

The State Department is responsible for supervising the administration of SNAP. To ensure compliance with program requirements, the State Department is responsible for conducting ME reviews to measure compliance with the provisions of these rules. The objectives of the ME review system are to:

- A. Provide a systematic method of monitoring and assessing program operations in the counties;
- B. Provide a basis for counties to improve and strengthen program operations by identifying and correcting deficiencies;
- C. Provide a continuous flow of information between the counties, the State Department, and FNS to develop solutions to problems in SNAP policy and procedures; and,
- D. Provide a review of target program areas as identified by USDA, FNS.

#### **4.903.31 Frequency of ME Reviews**

The State Department shall conduct an ME review of all SNAP operations:

- A. At least once annually on each large project area containing more than twenty-five thousand and one (25,001) participating households;
- B. At least once every two (2) years on each medium project area containing five thousand (5,000) to twenty-five thousand (25,000) participating households; and,
- C. At least once every three (3) years on each small project area containing four thousand nine hundred and ninety-nine (4,999) or fewer participating households.

The State Department may conduct ME reviews on an alternative schedule with the written approval of the USDA, FNS. The State Department may also perform reviews of specific local offices or program elements. The USDA, FNS, or the State Department, may identify the need for a special review, or the local office may request a special review.

Reviews will generally include all aspects of program administration in the large project areas. The reviews may be more limited in scope in the medium and small project areas. The USDA, FNS, generally identifies target program areas that it requires for review each fiscal year.

The State Department will complete the ME report for all counties that are reviewed and will be responsible for monitoring the county responses to any findings.

The county shall be responsible for submitting any factual corrections to the ME review within twenty (20) state working days and shall submit a final plan to correct all other cited deficiencies within twenty (20) state working days of receiving the review. The response shall include specific actions, persons responsible for implementation, and the date for completion. When the review identifies ongoing problems in critical areas, the county response shall also include a method for monitoring implementation of the plan and reporting progress to the state department on at least a quarterly basis.



#### **4.903.32 Compliance Action for ME Reviews**

The State Department is the designated entity responsible for ensuring that corrective action is taken at the state and/or county level on the deficiencies found by the ME Reviews.

The state may impose fiscal sanctions on counties that do not make good-faith efforts to address ongoing problems in critical areas. Fiscal sanctions may be imposed in accordance with Section 4.901.1, which requires local offices to operate the program in accordance with state rules.

#### **4.903.4 Quality Assurance (QA) Reviews**

QA reviews are conducted during the annual federal QA review period, which is the twelve (12) month period from October 1 of each calendar year through September 30 of the following calendar year.

- A. QA reviews are federally mandated to provide:
  - 1. A systematic method of measuring the validity of the SNAP caseload;
  - 2. A basis for determining error rates;
  - 3. A timely and continuous flow of information on which to base corrective action at all levels of administration; and,
  - 4. A basis for establishing liability for errors that exceed the federal error rate target and the State's eligibility for an increased share of federal administrative funding and/or federal high-performance bonuses.
- B. Reviews are conducted on:
  - 1. Active cases to determine if the household is eligible and, if eligible, whether the household is receiving the correct SNAP benefits.
  - 2. Negative cases to determine if households that were denied or terminated were, in fact, not eligible to participate in SNAP and that the household received an accurate, timely notice as defined in sections 4.205.2, 4.209.1, and 4.608. The review of a negative case includes:
    - a. A household case record review;
    - b. An error analysis;
    - c. Client notification; and,
    - d. The reporting of review findings.

#### **4.903.41 QA Review Procedures**

- A. Each month a statistically random sample of active and negative cases is selected for QA review. The sampling of both active and negative cases is accomplished through the master file from the automated system.

- B. Case records for the monthly selected sample may be reviewed by QA in the local office, or the local office may be requested to forward the case records to the appropriate state QA office for review prior to the field reviews and verification of eligibility factors. Local offices shall make case records available for review no later than seven (7) business days from the date that the request is received by the local office.
- C. When the local office receives a request for one or more cases for QA review, the following steps shall be taken in preparing the case record:
  - 1. All documents and notes supporting eligibility decisions and/or basis of issuance related to the case and actions taken by the local office that apply to the sample/review month shall be included in the case record.
  - 2. Accomplishment of the objectives of QA depends upon the successful operation of all aspects of the sampling system, including the elimination of bias to prevent bias, the local office shall not take any action that might alter the findings or misrepresent the household's circumstance including, but not limited to:
    - a. Making changes that would affect eligibility and payment;
    - b. Adding or removing documentation/verification from the official case record; or,
    - c. Contacting the household sampled, the QA reviewer, or making collateral contacts to obtain additional information to clarify the household's circumstances, obtain statements or coerce the household into saying or doing anything that might alter the findings or misrepresent the household's circumstances for the review month.
- D. These provisions do not apply to routine case management such as acting on reported changes, completing recertifications, or issuing a notice of expiration.

#### **4.903.42 Refusal to Cooperate with QA Review**

Households selected for review are required to cooperate with federal and state QA review processes.

Households that refuse to cooperate in a QA review shall be declared ineligible for SNAP benefits in this section. The state QA reviewer shall notify the local office of the household's refusal to cooperate in the review process, including everyone who refused, and the local office shall document the refusal to cooperate in the statewide automated system.

- A. Within ten (10) calendar days from the date of receipt of QA's notification of the household's refusal to cooperate, the local office shall take action to disqualify or terminate the entire household from participation in SNAP and each household member who refused to cooperate shall be entered into the automated system to initiate a period of ineligibility. The period of ineligibility is as follows:
  - 1. For refusal to cooperate with a state QA review, the period of ineligibility shall exist for the remainder of the current federal fiscal year plus one hundred twenty-five (125) days and shall expire on February 2 of that federal fiscal year.

2. For refusal to cooperate with a federal QA review, the period of ineligibility shall exist for the remainder of the current federal fiscal year plus nine (9) months and shall expire on June 30 of that federal fiscal year.
- B. If a member or members who refused to cooperate with a QA review leaves the household, the ineligibility period shall follow the household member(s) who refused to cooperate.
- If a household is disqualified or terminated for refusal to cooperate with a QA review, the household may reapply. The household cannot be determined eligible until it cooperates with the QA review and provides verification of all eligibility factors.
- C. If a household that has refused to cooperate with a state QA review reapplies more than one hundred twenty-five (125) days after the end of the annual federal QA review period, or refused to cooperate with a federal review and reapplies more than nine (9) months from the end of the annual federal QA review period, the household shall not be determined ineligible for its refusal to cooperate and is required to provide verification of all eligibility factors before it can be approved for benefits.

#### **4.903.43 QA Findings and Required Responses**

QA shall notify local offices on State-prescribed forms of the review findings for each sampled active and negative case. Brief descriptions of the review findings shall be given with references to applicable rule sections.

- A. When the review findings document no error and/or only other observations have been noted, a response is not required by the local office; however, any observation that affects the payment accuracy must be corrected and a claim or restoration established in accordance with Sections 4.801.2 and 4.702. The report of review findings shall be retained in the case record.
- B. When the review findings document that an error resulted in ineligibility, over-issuance, under-issuance, or an incorrect negative action, the local office shall take action to correct any errors discovered within ten (10) calendar days.
- If the local office disagrees with a review finding then a response should be sent to the State Department for further review.
- C. Upon receiving the local office's response to the QA review findings, the State Department shall review the action taken by the local office and either concur with the QA findings; concur with the local office rebuttal; or concur/disagree with the corrective action taken by the local office.
1. The local office shall be notified of the final QA review findings.
  2. Upon receipt of final notification of the results of the findings, the local office must take corrective action to terminate ineligible households within ten (10) calendar days, restore lost benefits, or establish a claim in accordance with Sections 4.801.2 and 4.702.
- D. Local offices are required by the State Department to report twice a year to the State Department the status of all QA review findings that required case corrections.

#### **4.903.44 Federal QA Reviews**

For purposes of validating the State's QA findings, the FNS Regional Office will conduct a sub-sample re-review of the State QA sample. As part of this re-review process, the Federal Regional Office will conduct case record reviews to the extent necessary to determine the accuracy of state QA findings. The FNS Regional Office may request case records and/or verify any aspects of state QA findings. The local offices shall forward case records in their entirety as outlined in Section 4.903.41 that are selected for FNS regional office review within ten (10) calendar days of the request.

**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: 2022-00346

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

**Supplemental Nutrition Assistance Program (SNAP)**

**on 09/09/2022**

**10 CCR 2506-1**

**RULE MANUAL VOLUME 4, SNAP**

The above-referenced rules were submitted to this office on 09/19/2022 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.

September 29, 2022 11:37:44

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Permanent Rules Adopted**

### **Department**

Department of Human Services

### **Agency**

Adult Protective Services

### **CCR number**

12 CCR 2518-1

### **Rule title**

12 CCR 2518-1 ADULT PROTECTIVE SERVICES 1 - eff 11/01/2022

### **Effective date**

11/01/2022

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.]*

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**30.000 ADULT PROTECTIVE SERVICES**

**30.100 DEFINITIONS**

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.

“Alternative Response” means the pilot program authorized by 26-3.1-103.3, C.R.S., allowing pilot-participant county departments to engage in a dual-track response model for response to allegations of mistreatment and self-neglect against at-risk adults beginning January 4, 2023. The two response options are the traditional response track and the alternative response track.

“Alternative response track” means the response track established as an option for allegations of mistreatment or self-neglect determined by a pilot-participant county department to be low risk. No finding shall be made in the alternative response track.

“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 (18) 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” as used in 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 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), 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, pursuant to 25-48-1-16(2), C.R.S., access to medical aid-in-dying medication in good faith 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

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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.

“Conclusion”, as used in alternative response track investigations, means a determination of whether mistreatment or self-neglect occurred as alleged.

“County Department” means a county department of human/social services.

“Court”, as used in Section 30.960, means the Denver probate court or a state district court that hears petitions for and appoints guardians and/or conservators for at-risk 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” as used in 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)(A), 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)(B), 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”, pursuant to Section 26-3.1-101(4), C.R.S., 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,
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- 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", pursuant to Section 26-3.1-101(5), C.R.S., 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", pursuant to Section 26-3.1-101(5.5), C.R.S., 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.

"Health Insurance Portability and Accountability Act of 1996 (HIPAA)" means the healthcare privacy law and its accompanying regulations found at p.l. 104-191, 110 stat. 1936 (Aug. 21, 1996), 45 C.F.R. parts 160, 162, 164 (2021), which are herein incorporated by reference. No later additions or amendments are incorporated. The public law is available at <https://www.govinfo.gov>. The regulations are available at <https://www.ecfr.gov>. Both the public law and the regulations are also available for public inspection and copying at the Colorado Department of Human Services, Office of Adult, Aging and Disability Services, 1575 Sherman St., Denver, CO 80203, during regular business hours.

"Inconclusive finding", as used in traditional response track investigations, 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 whether mistreatment or self-neglect occurred pursuant to Section 26-3.1-101, C.R.S.. In traditional response track investigations, this includes reaching a finding as determined by a preponderance of the evidence. In alternative response track investigations, a conclusion will be determined.

"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" as used in Section 30.520, means a person who is licensed through the Department of Regulatory Agencies, Division of Professions and Occupations (DORA) for a healthcare profession or healthcare occupation, as defined in DORA's healthcare professions and occupations scope statute, Section 12-30-101, C.R.S.

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“Medical Directive or Order”, pursuant to Section 26-3.1-101(2.3)(C), C.R.S., 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”, as used in traditional response track investigations, 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”, as used in Section 30.960, means a person nominated in a petition filed with the court who may be appointed by the court as a guardian or conservator of an at-risk adult.

“Preponderance of the evidence” means credible evidence that a claim is more likely true than not.

“Protective Services” means services by the state or political subdivisions or agencies thereof in order to prevent the mistreatment or self-neglect of an at-risk adult. Such services include, but are not limited to:

- A. Providing casework services;
  - B. Arranging for, coordinating, delivering where appropriate, and monitoring services, including medical care for physical or mental health needs;
  - C. Protection from mistreatment and self-neglect;
  - D. Assistance with applications for public benefits;
  - E. Referral to community service providers; and,
  - F. Initiation of probate proceedings.
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“Reassessment” means the process of updating the assessment status areas and the case plan, including the status of any services implemented and any new services and/or goals identified since the last assessment.

“RED Team” is an acronym that stands for Review, Evaluate, and Direct. The RED Team is a decision making process that utilizes a structured framework to determine the county department’s response to reports.

“Report” means an oral, electronic, or written report of suspected mistreatment or self-neglect of a suspected at-risk adult, received by the county department.

“Risk” means conditions and/or behaviors that create increased difficulty or impairment to the client’s ability to ensure health, safety, and welfare.

“Safety” means the extent to which a client is free from harm or danger, or to which harm or danger is lessened.

“Self-Determination” means the right to decide for one’s self; the ability or right to make one’s own decisions without interference from others.

“Self-neglect”, pursuant to Section 26-3.1-101(10), C.R.S., means an act or failure to act whereby an at-risk adult substantially endangers his or her health, safety, welfare, or life by not seeking or obtaining services necessary to meet the adult’s essential human needs. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect. Refusal of medical treatment, medications, devices, or procedures by an adult or on behalf of an adult by a duly authorized surrogate medical decision maker or in accordance with a valid medical directive or order, or as described in a palliative plan of care, shall not be deemed self-neglect. Refusal of food and water in the context of a life-limiting illness shall not, by itself, be evidence of self-neglect. “medical directive or order” includes, but is not limited to, a Medical Durable Power of Attorney, a Declaration as to Medical Treatment executed pursuant to Section 15-18-104, C.R.S., a Medical Orders for Scope of Treatment Form executed pursuant to Article 18.7 of Title 15, C.R.S., and a CPR Directive executed pursuant to Article 18.6 of Title 15, C.R.S. 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 self-neglect.

“Severity Level” means the extent of the impact caused to the client as a result of mistreatment.

- A. Minor – Mistreatment occurred that resulted in little to no harm or change to the client’s health, safety, welfare, or finances.
- B. Moderate – Mistreatment occurred that resulted in harm or change to the client’s health, safety, welfare, or finances.
- C. Severe – Mistreatment occurred that resulted in substantial harm or change to the client’s health, safety, welfare, or finances.

“Significant impact” means that the client’s impairment diminishes the client’s health, safety, and/or welfare and intervention is necessary to improve overall safety.

“Staffing a case” means the review of an APS case between the supervisor and caseworker to ensure the appropriateness of the investigation findings, client assessment, case plan, service provision, need for ongoing services, plans to terminate services, documentation, and overall intervention as it relates to APS rules and best practices. Staffing a case may include the county department APS unit, the State Department APS unit, and/or the APS Team in addition to the supervisor and caseworker.

“State Department” means the Colorado Department of Human Services.

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“Substantiated finding”, as used in traditional response track investigations, means that the investigation established by a preponderance of the evidence that mistreatment or self-neglect has occurred.

“Support network” means persons who provide consistent, recurrent, or ongoing care or support to the client, such as family members, doctors, care providers, or guardians.

“Traditional response track” means the response track established for allegations of mistreatment or self-neglect that includes completion of a traditional response track investigation as outlined in Section 30.520. The traditional response track shall be assigned to all allegations that are not determined to be low risk by county departments participating in the Alternative Response pilot program described in 26-3.1-103.3, C.R.S.

“Unable to investigate/not required” means an investigation was not possible because the county department was unable to gather any investigative evidence and exhausted all options and leads by which to conduct an investigation; or the report was screened in and later determined it did not meet APS criteria for investigation, as outlined in Section 30.510.B.

“Undue Influence” means the use of influence to take advantage of an at-risk adult’s vulnerable state of mind, neediness, pain, or emotional distress.

“Unsubstantiated finding”, as used in traditional response track investigations, means the investigation did not establish any evidence that mistreatment or self-neglect has occurred.

### **30.200 ADULT PROTECTIVE SERVICES PROGRAM ADMINISTRATION AND OVERVIEW**

#### **30.220 APS PROGRAM REVIEW AND OVERSIGHT**

- A. Under Section 26-1-111(1)(D), C.R.S., the county departments are supervised by the State Department in providing welfare services and shall be subject to the rules of the Executive Director and the State Board of Human Services, which require the State Department to ensure that the county department complies with requirements provided by statute, State Board of Human Services and Executive Director rules (9 CCR 2501-1), federal laws and regulations, and contract and grant terms. More information about the state and county relationship can be found in Sections 26-1-115 through 26-1-119, C.R.S.
  - B. The county department shall be subject to routine quality control and program monitoring, to minimally include:
    - 1. Targeted review of CAPS documentation;
    - 2. Review and analysis of data reports generated from CAPS;
    - 3. Case review;
    - 4. Targeted program review conducted via phone, email, or survey; and,
    - 5. Onsite program review.
  - C. The focus of the monitoring shall be to identify:
    - 1. Compliance with program statute and rules;
    - 2. Best practices that can be shared with other county departments; and,
    - 3. Training needs.
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- D. The county department may be subject to a performance improvement plan to correct areas of identified non-compliance as stated in the APS Oversight Plan, herein incorporated by reference; no later amendments or editions are incorporated. The APS oversight plan can be found at <https://bit.ly/APS-OP> and is available for public inspection and copying during normal business hours at Adult Protective Services, 1575 Sherman St., Denver, Colorado, 80203.
- E. If the county fails to make improvements required under the performance improvement plan, the county department may be subject to corrective action, and/or sanctions, as authorized by Section 26-1-109(4), C.R.S., 9 CCR 2501-1, and the APS oversight memo in Subsection D, above.

**30.240 APS PRINCIPLES – CONSENT, SELF DETERMINATION, AND LEAST RESTRICTIVE INTERVENTION**

- A. The client's consent is not required for the county department to investigate or assess allegations of mistreatment or self-neglect.
- B. The final decision as to acceptance of protective services shall rest with the client unless the client has been adjudicated incapacitated by the court or as outlined in Section 30.600.
  - 1. It shall not be construed that a person is being mistreated or is self-neglecting for the sole reason that he or she is being furnished or is relying upon treatment or practices in accordance with the tenets and practices of that person's recognized church or religious denomination.
- C. Protective services provided to and other services arranged for the client shall constitute the least restrictive intervention and be those services provided for the shortest duration and to the minimum extent necessary to meet the needs of the client.

**30.250 CONFIDENTIALITY**

- 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.
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- 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) of the reporting party, supports, collaterals, and alleged or substantiated perpetrator that is protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as incorporated by reference in Section 30.100, above, state and/or federal law, 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.
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- 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, as incorporated by reference in Section 30.100, above, 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), C.R.S. to a health oversight agency, as defined in 45 CFR 164.501 incorporated by reference in Section 30.100,<sup>1</sup>, within the Department of Regulatory Agencies or a regulator within such a health oversight agency, as defined in Section 12-20-102(14), C.R.S.
  - 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:

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<sup>1</sup> Section 26-3.1-111(H), C.R.S. refers to a health oversight agency defined in federal regulation at 42 CFR 164.501. This appears to be a typographical error as no such regulation exists. The definition for health oversight agency can be found at 45 CFR 164.501.

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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 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, as incorporated by reference in Section 30.100, above, 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 26-3.1-102 (7)(b), C.R.S. and Section 30.250.B.
  2. 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 in section 26-3.1-102(7)(b), C.R.S., and at Section 30.250.B above. 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.
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- G. Any person who violates any provision of Section 26-3.1-102(7) and/or Subsection 30.250, A through F, is guilty of a civil infraction and, upon conviction thereof, shall be punished by a fine of not more than one 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, as incorporated by reference in Section 30.100, above.
  - 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.

### **30.300 STAFF QUALIFICATIONS, TRAINING, AND DUTIES**

#### **30.330 TRAINING REQUIREMENTS**

- G. All training hours shall be documented in CAPS within fourteen (14) calendar days of the end of each fiscal year.

#### **30.340 STAFF DUTIES AND RESPONSIBILITIES**

- A. The direct supervisor or lead worker shall, at a minimum:
    - 1. Receive reports of mistreatment and self-neglect as outlined in Section 30.400.
    - 2. Evaluate the report, determine the response, and develop a plan for caseworker safety, as outlined in Sections 30.400.
    - 3. Staff open cases of each caseworker monthly to ensure cases meet program requirements related to the provision of protective services.
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4. Review and provide final approval of all findings and conclusions as outlined in Section 30.520.A.8 and 30.525.A.7, and ensure timely notification is made to perpetrators who have substantiated findings made against them in APS cases, as outlined in Section 30.910. Findings made by lead workers shall be reviewed by a supervisor.
5. Review cases to ensure:
  - a. Timely casework;
  - b. Investigation, assessment, and case planning were thorough and complete;
  - c. Case closure, if applicable, was appropriate; and,
  - d. Documentation in CAPS is complete and accurate.
6. Review of cases shall be completed using one of two approved methods:
  - a. Method One: using the case review score card in CAPS, each month review not less than fifteen percent (15%) of each caseworker's cases that were open and/or closed during the month; or,
  - b. Method Two: approve every county APS case at key junctures of the APS casework process utilizing the automated approval process in CAPS, as follows:
    - 1) Upon completion of the initial investigation, assessment, and case plan;
    - 2) Upon completion of a six month reassessment for cases open longer than six months; and,
    - 3) At case closure.
7. Assess APS caseworkers' professional development needs and provide opportunities for training.
8. Respond to APS reports or have a contingency plan to respond within assigned time frames, including emergencies, and to provide protective services when no caseworker is available.

#### **30.400 REPORT RECEIPT AND RESPONSE**

##### **30.420 REPORT CATEGORIZATION**

- A. The county department shall review and evaluate all reports received utilizing the RED Team process and framework or a review by a supervisor or lead worker to determine whether the report should be screened in for investigation or screened out. If RED Team is the selected method, the county shall utilize the RED Team framework in CAPS.
  - B. The county department shall first determine whether the report involves mistreatment or self-neglect of an adult the county department could reasonably conclude was an at-risk adult at the time of the mistreatment, based upon information in the report related to physical, medical, and/or cognitive deficits or diagnoses and/or information in prior APS reports or cases.
  - C. If the report does not involve mistreatment or self-neglect of an at-risk adult the report shall be screened out no later than the third working day after receipt of the report.
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- D. If the report does involve mistreatment or self-neglect of an at-risk adult, the county department shall then make a screening decision based on a determination as to whether the report meets one of the exceptions outlined below:
1. The report shall be screened out and the county department shall not complete an investigation when:
    - a. The alleged incidence was previously investigated and there is no new information in the report that impacts the client's current health, safety, or welfare;
    - b. The only allegation is self-neglect of an adult who has been assessed by APS within the past six months, and, the self-neglect is substantively unchanged from the previous APS case, and the adult has a recent history of refusing services, and there is no reported decline in the adult's abilities and/or change in circumstances;
    - c. There is no information to locate the client and no ability to obtain additional information necessary to proceed with an investigation;
    - d. The only allegation is self-neglect and the county department has confirmed with the reporting party or other professional that the adult has been moved to a stable, long-term and safe placement, the client has sufficient services in place to mitigate risks, or the adult died prior to the county department's screening decision.
  2. The report may be screened out when:
    - a. The mistreatment occurred more than one hundred-eighty (180) days prior to the report; and,
    - b. The county department can reasonably determine that the alleged perpetrator no longer has contact with the client and/or is no longer providing direct care to at-risk adults, pursuant to Section 30.960.A.
    - c. The county department may screen the report in for investigation at the county department's discretion.
  3. Reports not subject to an exception outlined in Section 30.420.D.1 and 2 shall be screened in for investigation and are determined to be a case; except when a new allegation(s) is received and the county department has a current open case, the new report shall be screened out and the new allegation shall be added to and investigated in the current open case.
- E. If the report is screened out, the county department may:
1. Contact the adult to offer services for another program in the county department, such as Medicaid or behavioral health services, and/or provide referral information to the adult for another service agency, or refer the reporting party to another agency or resource.
  2. Inform the reporting party of the decision not to investigate.
- F. The county department shall document the reason the report was screened out.

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**30.430 RESPONSE PRIORITY AND ASSIGNMENT**

- A. The county department shall determine a time frame response to the case based upon the reported level of risk.
  - B. When factors present indicate the client is in clear and immediate danger or urgent and significant risk of harm due to the severity of the mistreatment or self-neglect, or due to the vulnerability or physical frailty of the client, the county department shall:
    - 1. Determine the case to be an emergency;
    - 2. Call 911, if appropriate based on the circumstances of the report; and,
    - 3. For counties participating in the Alternative Response pilot, allegations of mistreatment meeting this emergency criteria shall be assigned to the traditional response track.
    - 4. Make an initial response as soon as possible, but no later than twenty-four (24) hours including non-business days, after the receipt of the report. An initial response shall be:
      - a. An in-person visit with the client; or,
      - b. An attempted in-person visit with the client; or,
      - c. An outreach to another professional who is not alleged to be the perpetrator, who can evaluate the client's immediate safety when conducting an in-person visit would be detrimental to the client and/or unsafe to the client and/or the county department.
    - 5. If the initial response was not an in-person contact with the client and the county department was unable to ascertain the client's safety, the county department shall attempt an in-person client contact each day following the initial attempt at contact, including non-business days.
      - a. A law enforcement welfare check may be substituted for attempts at contact during non-business days. The county department shall follow up on the next working day.
      - b. If the county department has confirmed the client to be unavailable or safe, such as in the intensive care unit (ICU), the reason for delayed response shall be documented.
      - c. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
      - d. Following the third day of unsuccessful attempts at contact, the county department may choose to call, email, text, or send a letter requesting an appointment with the client.
      - e. If attempts at contact remain unsuccessful, the county department shall close the case no later than thirty-five (35) calendar days after the last attempt at contact.
      - f. The county department shall document all attempts to contact the client.
    - 6. If the initial response was not an in-person contact with the client but the county department was able to ascertain safety, it shall make an in-person client contact on the first working day following the report.
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- a. If the county department has confirmed the client to be unavailable, such as in the intensive care unit (ICU), the reason shall be documented.
    - b. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
    - c. Following the third day of unsuccessful attempts at contact, the county department may choose to call, email, text, or send a letter requesting an appointment with the client.
    - d. If attempts at contact remain unsuccessful, the county department shall close the case no later thirty-five (35) calendar days after the last attempt at contact.
    - e. The county department shall document all attempts to contact the client.
  - C. When the report and subsequent supervisory review and/or RED Team process indicate the client is not in immediate danger or urgent risk of harm the county department shall:
    - 1. Determine the case to be a non-emergency.
    - 2. For counties participating in the alternative response pilot, determine a track assignment for each allegation according to the requirements set forth in Section 30.440.
    - 3. Make an initial response no later than three (3) working days beginning the day after the county department's receipt of the report. An initial response shall be:
      - a. An in-person visit with the client; or
        - i. For allegations assigned to the traditional response track, initial in-person visits shall be unannounced and in private whenever possible.
        - ii. For allegations assigned to the alternative response track, initial visits may be scheduled at the discretion of the county.
        - iii. If the initial report has multiple allegations and one or more allegations can be tracked to the alternative response track and one or more allegations must be tracked to the traditional response track, the initial response shall be conducted pursuant to Subsection (i) above
      - b. An attempted in-person visit with the client;
      - c. An outreach to another professional who can evaluate the client's immediate safety when conducting an in-person visit would be detrimental to the client and/or unsafe to the client and/or the county department. For allegations assigned to the traditional response track, the county shall ensure the outreach is made to a professional who is not alleged to be the perpetrator.
    - 4. When the initial response was not an in-person contact with the client or the county department was unable to ascertain the client's safety, the county department shall attempt an in-person client contact every other working day for a minimum of three attempts.
      - a. A law enforcement welfare check may be substituted for one attempt at contact and qualifies as one of the three required attempts at contact.
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- b. If the county department has confirmed the client to be unavailable or safe, the reason for delayed response shall be documented.
    - c. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
    - d. For traditional response track investigations, the county department may attempt to schedule an appointment with the client following the third unsuccessful attempt at contact.
    - e. If attempts at contact remain unsuccessful, the county department shall close the case no later than thirty-five (35) calendar days after the last attempted contact.
    - f. The county department shall document all attempts to contact the client.
  - 5. If the county department was able to ascertain safety,
    - a. The county department shall attempt an in-person client contact within the response time frame or beginning on the first working day after ascertaining safety if safety were ascertained on the last day of the response time frame. Attempts at contact shall continue every other working day for a minimum of three attempts.
    - b. If the county department has confirmed the client to be unavailable, the reason shall be documented.
    - c. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
    - d. Following the third unsuccessful attempt at contact, the county department may choose to call, email, text, or send a letter requesting an appointment with the client.
    - e. If attempts at contact remain unsuccessful, the county department shall close the case no later than thirty-five (35) calendar days after the last attempt at contact.
    - f. The county department shall document all attempts to contact the client.
  - D. Prior to the initial in-person client contact visit, the county department shall determine whether:
    - 1. The visit and investigation should be made in conjunction with law enforcement and/or personnel from other agencies in accordance with the county department's cooperative agreements;
    - 2. The client is in CAPS and/or is otherwise known to the county department;
    - 3. Safety concerns exist, based on historical data and information provided in the report, requiring the caseworker to be accompanied by:
      - a. Law enforcement;
      - b. The supervisor;
      - c. Another case worker; or,
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- d. Emergency, medical, and/or mental health personnel, if known or suspected medical or psychiatric conditions exist.

**30.440 ALTERNATIVE RESPONSE PILOT**

- A. Beginning January 4, 2023, Section 30.440 only applies to those counties participating in the Alternative Response pilot as described in 26-3.1-103.3.
  - B. Allegations that are determined to be low risk as outlined in these rules shall be assigned to the alternative response track.
  - C. Allegations of self-neglect are considered low risk and shall be assigned to the alternative response track.
  - D. An allegation shall not be considered low risk and shall be assigned to the traditional response track if it contains any of the following:
    - 1. Allegations of a sexual nature including but not limited to: sexual abuse, exploitation of a sexual nature, or harmful acts of a sexual nature.
    - 2. Allegations involving alleged perpetrators who are professional legally appointed guardians; conservators, or representative payees for the client and the allegations relate to the duties for which they are appointed.
    - 3. Allegations involving alleged perpetrators who are employees of employers identified pursuant to 26-3.1-111(7), C.R.S., and the allegations relate to the duties for which they are appointed. this exclusion does not apply if:
      - a. The employee was a relative, spouse, or friend of the client prior to their appointment as a paid provider to the client.
      - b. The employee is a consumer directed care attendant pursuant to Article 10 of Title 25.5.
    - 4. Allegations of abuse as defined in 26-3.1-101(1), C.R.S., that:
      - a. Appear likely to result in a moderate to severe severity level, based on the information available in the report; and/or,
      - b. Involve confinement or restraint that is unreasonable under generally accepted caretaking standards, pursuant to 26-3.1-101(1)(b), C.R.S.
    - 5. Allegations of caretaker neglect as defined in 26-3.1-101(2.3), C.R.S., that:
      - a. Appear likely to result in a moderate to severe severity level, based on the information available in the report; and/or,
      - b. Involve the alleged perpetrator knowingly using harassment, undue influence, or intimidation to create a hostile or fearful environment, pursuant to 26-3.1-101(2.3)(a), C.R.S.
    - 6. Allegations of exploitation as defined in 26-3.1-101(4), C.R.S., that involve:
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- a. The use of 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, pursuant to 26-3.1-101(4)(a), C.R.S.; and/or,
  - b. Forcing, compelling, coercing, or enticing an at-risk adult to perform services for the profit or advantage of another person against the will of an at-risk adult, pursuant to 26-3.1-101(4)(c), C.R.S..
- 7. Allegations of mistreatment meeting emergency criteria as outlined in section 30.430.B
- E. Allegations not meeting criteria set forth in section 30.440.C and D may be considered low risk at the discretion of the county department. Counties may use discretion to determine whether the allegation is low risk based on factors that may include but are not limited to:
  - 1. Present danger to the client and/or other at-risk adults, and/or;
  - 2. Multiple reports involving the client and/or alleged perpetrator resulting in increased concern for the health, safety, or well-being of the client or other at-risk adults, and/or;
  - 3. Unresolved patterns of mistreatment resulting in increased concern for the health, safety, or well-being of the client.
- F. Allegations assigned to the alternative response track require:
  - 1. Completion of an alternative response track investigation as outlined in sections 30.510 and 30.525;
  - 2. Completion of an assessment of safety and risk as outlined in section 30.530; and,
  - 3. Development of a case plan as outlined in section 30.610; and,
  - 4. Provision of services as outlined in section 30.620
- G. The caseworker may, with supervisory approval, change tracks to the traditional response track due to circumstances indicating the situation does not meet low risk criteria as outlined in Section 30.440.D and E.
- H. The caseworker may, with supervisory approval, change tracks to the alternative response track due to circumstances indicating the situation meets low risk criteria as outlined in section 30.440.D and E.

## **30.500 INVESTIGATION AND ASSESSMENT**

### **30.510 INVESTIGATION AND ASSESSMENT OVERVIEW**

- A. Beginning January 4, 2023, provisions in this Section 30.510 apply to investigations and/or assessments regardless of whether they are assigned to the alternative response track or the traditional response track.
  - B. The county department shall conduct a thorough and complete investigation into the allegations, with the following exceptions:
    - 1. If the assessment and/or further investigation confirms that the client is not an at-risk adult, the county department shall close the APS case, as outlined in Section 30.660.
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- a. The client assessment status areas of activities of daily living (ADLS)/ instrumental activities of daily living (IADLS), cognition, behavioral concerns, and medical shall be used as the key determiners of whether an adult is at-risk, by definition.
    - b. The county department may provide the adult referrals to resources or continue to assist the adult through other county department programs.
    - c. The finding for the allegation(s) shall reflect that an investigation was not required.
  2. If the only allegation is self-neglect and the county department is able to determine by confirming with other professionals that the client's health, safety, and welfare is no longer at risk because the client's needs are being met by a safe placement or an appropriate and adequate level of services, the county department shall close the case as outlined in Section 30.660.
  3. If the client has passed away and the only allegation in the case is self-neglect the county department shall stop the investigation and close the case, as outlined in Section 30.660.
  - C. In cases where there is an allegation of mistreatment and the client is deceased the county department shall conduct an investigation.
  - D. The investigation and assessment may be conducted independent of one another or simultaneously, depending on the nature of the allegations.
  - E. If upon initial investigation, the county department determines a different county has jurisdiction, the originating county department shall transfer the case in CAPS. The county department determined to have jurisdiction shall uphold the screening decision and conduct the investigation and assessment, unless:
    1. Additional or new information related to the safety of the adult or alleged mistreatment or self-neglect indicating the case may be closed is gathered by the county department determined to have jurisdiction.
    2. The basis for the decision to close the case shall be documented in CAPS.
  - F. If upon initial investigation, a change in jurisdiction is appropriate, as outlined in Section 30.410.F.5, the ongoing investigation will follow the established agreement.
  - G. For counties participating in the Alternative Response pilot, investigations shall be conducted as follows:
    1. For allegations assigned to the traditional response track, a traditional response track investigation must be completed in accordance with requirements set forth in Section 30.520.
    2. For allegations assigned to the alternative response track, an alternative response track investigation must be completed in accordance with requirements set forth in Section 30.525.
  - H. For counties not participating in the Alternative Response pilot, all investigations must be conducted in accordance with requirements set forth in 30.520.
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- I. 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 completion of the investigation.
  3. If the county is unable to complete the investigation timely for good cause, the cause shall be documented in CAPS.
- J. 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.
  6. 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 30.510.J.

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**30.520 TRADITIONAL RESPONSE TRACK INVESTIGATIONS**

- A. The county department shall conduct an investigation to determine findings related to allegations of mistreatment or, in counties not participating in the Alternative Response pilot, 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 make reasonable efforts to 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:
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- 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. Whether the alleged perpetrator is a licensed healthcare professional, as defined in Section 30.100; and,
    - vi. 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. If it is identified through interviews, collateral contacts, or other investigation that a substantiated perpetrator is a licensed healthcare professional, the county department shall document the license number in CAPS. The county department may ascertain the license number using the methods outlined below:
    - A. Request the license number from the substantiated perpetrator's employer. if the substantiated perpetrator's current or former employer is an agency required to request caps checks, as outlined in Section 30.960, A, and the mistreatment occurred while the substantiated perpetrator was engaged in professional duties, 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), C.R.S., and Section 30.510.J.5; or
    - B. Request the license number from the substantiated perpetrator. if the substantiated perpetrator is a licensed healthcare professional, and the mistreatment occurred while engaged in their professional duties, the substantiated perpetrator is required by section 26-3.1-103(1.4), C.R.S., to provide their DORA license number upon request of the county department; or
    - C. Utilize the DORA online Colorado professional or business license verification system to ascertain the license number.
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- D. If the license number was provided by the substantiated perpetrator or their employer, the county department shall attempt to verify the license number by using the DORA online verification system or another means of verification.
    - E. If the county is unable to obtain the license number using one or more of the methods above, the county must document its attempts to obtain the license number in CAPS to show good cause for the inability to obtain the license number.
  - 7. 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.
    - a. Alternative Response pilot participating counties shall make a traditional or alternative response track assignment as outlined in section 30.440 and complete an investigation in accordance with the applicable traditional response or alternative response track investigation rules.
    - b. Non-pilot participating counties shall complete an investigation in accordance with the rules in this section 30.520.
  - 8. Supervisory review of all findings and approval only when the county department has completed a thorough investigation and the evidence justifies the findings.
  - 9. Notifying law enforcement when criminal activity is suspected.
  - B. Beginning July 1, 2018 all substantiated perpetrators shall be provided notice of the substantiation and their appeal rights, as outlined in section 30.910.
  - 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. Pursuant to Section 26-3.1-111(12), beginning on or before January 1, 2022, the State Department shall provide information to DORA when a licensed healthcare professional is substantiated for mistreatment of an at-risk adult.
    - 1. Notification to DORA shall be made by the State Department within ten (10) calendar days after a substantiated finding.
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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 of the finding 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, of the C.R.S., and must be used for purposes of a regulatory investigation conducted pursuant to Section 12-20-401, C.R.S.

### **30.525 ALTERNATIVE RESPONSE TRACK INVESTIGATIONS**

- A. County departments approved to participate in the Alternative Response pilot shall conduct an investigation to determine conclusions related to allegations of mistreatment and self-neglect that have been determined to be low risk as outlined in section 30.440. 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.
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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 whenever possible.
      - i. The initial visit may be scheduled or unannounced, at the discretion of the county department.
      - 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 make reasonable efforts to 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. 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,
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- f. Staffing records and employee work schedules when investigating in a facility.
- 5. Determining a conclusion related to the allegations.
- 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, make a traditional or alternative response track assignment as outlined in Section 30.440, and complete an investigation in accordance with the applicable traditional response or alternative response track investigation rules.
- 7. Supervisory review of all alternative response track conclusions.
- 8. Notifying law enforcement when criminal activity is suspected.

### **30.600. CASE PLANNING AND IMPLEMENTATION**

#### **30.620 PROVISION OF SERVICES**

- H. If the client relocates to another county and the client continues to need protective services:
    - 1. If either county is participating in the Alternative Response pilot, the original county department must consult with the state department to determine whether a transfer of case is required, based on considerations including, but not limited to, equity to the client, consistency of APS practice, and efficiency of case processes.
    - 2. If neither the original county nor the client's new county of residence are participating in the Alternative Response pilot, the original county department shall transfer the case to the client's new county of residence within five (5) calendar days of learning the move is permanent.
    - 3. When a transfer of case is required, the original county department shall update the case in CAPS prior to completing the transfer, as follows:
      - A. Update the client, perpetrator, reporting party, and collateral contact information;
      - B. Update the investigation, assessment, case plan, and case notes to include all information gathered to date; and,
      - C. Call the receiving county department supervisor to staff the case prior to the transfer.
  - I. When a client permanently relocates to a new county, the case may remain with the former county department only when:
    - 1. The case is within thirty-five (35) calendar days of resolution and the former county department chooses to retain the case; OR,
    - 2. The former county department holds representative payeeship and chooses to retain the case; and/or,
    - 3. The former county department holds guardianship or conservatorship. Either county department may, with the agreement of the receiving county department, petition the court for a transfer of guardianship and/or conservatorship to the receiving county department; and/or,
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4. The jurisdiction assignment has been authorized or required as a result of State consultation as outlined in 30.620.H.1

### **30.660 CASE CLOSURE**

- A. Cases not requiring additional protective services shall be closed within thirty-five (35) calendar days of the last monthly contact with the client.
    1. If the client cannot be located and the county department has sent a letter to the client or is reaching out to others who might know the client's location, the case may remain open until the county department exhausts all attempts to locate the client.
    2. The county department shall document all attempts to locate the client.
  - B. Cases in which the client is relocated to a long-term care facility may remain open for up to thirty-five (35) calendar days in order to ensure the placement is appropriate for the client's needs. The county department may keep the case open past the thirty-five (35) days if there is good cause and the department documents the cause in CAPS.
  - C. Cases in which the county department has been appointed as the client's guardian, conservator, and/or representative payee shall remain open for the duration of the court order or for as long as the county remains as the representative payee. If the client has died, the case shall be closed immediately following completion of any investigative and/or fiduciary responsibilities.
  - D. A decision to close a case shall be made for any or all of the following reasons:
    1. After assessment, the client does not meet the definition of an at-risk adult.
    2. After investigation and assessment there are no identified needs or all of the client's needs were met prior to the report to the county department.
    3. The investigation and/or assessment identified needs but the client is competent to make decisions and refuses services.
    4. If, after completion of the investigation and after repeated and documented efforts, the whereabouts of the client cannot be established or the client refuses contact.
    5. The client no longer needs protective services.
    6. Service goals are completed.
    7. Repeated efforts at service delivery have proven to be ineffective and no additional alternatives exist.
    8. Critical services necessary to improve safety are unavailable in the community or to the client.
    9. The client moved out of the state.
    10. The client has been sentenced to incarceration for longer than thirty (30) calendar days.
    11. The client died. Prior to closing the case, the investigation must be completed as outlined in Sections 30.510, 30.520, and 30.525.
  - E. The county department shall document the case closure, to minimally include:
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1. A final assessment, if applicable, to determine the safety improvement as a result of APS intervention;
2. Update of all case, client, perpetrator, reporting party, and collateral contact information to reflect the most current data and information;
3. Reason for case closure;
4. Whether there is continued perpetrator involvement; and,
5. A narrative to address the overall outcome of APS intervention, to include why safety was or was not increased and why risk was or was not decreased.

### **30.900 NOTICE TO SUBSTANTIATED PERPETRATORS AND STATE LEVEL APPEALS PROCESS**

#### **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
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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
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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. A health oversight agency is defined consistent with the provisions of federal regulations found at 45 CFR 164.501<sup>2</sup> as of 2021, herein incorporated. This rule does not contain any later amendments or editions. The regulation are available at <https://www.ecfr.gov>. This regulation is also available for inspection and copying at the Colorado Department of Human Services, Administrative Review Division, 3550 W. Oxford Ave., Denver CO, 80236, during regular business hours.

Pursuant to section 26-3.1-111(5)(h), C.R.S., a health oversight agency within DORA or a regulator as defined in section 12-20-102(14), C.R.S., may request appeal information from the State Department for the purpose of a regulatory investigation conducted pursuant to section 12-20-401, C.R.S. when making the request to the State Department, a health oversight agency within DORA or regulator must include the information provided to DORA through the notification process outlined in 30.520 D(2), if such notification occurred. If such notification did not occur, a health oversight agency within DORA or regulator must include, at minimum, the following information:

1. The professional's name,

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<sup>2</sup> Section 26-3.1-111(5)(h), C.R.S., refers to a health oversight agency defined in federal regulation at 42 CFR 164.501. This appears to be a typographical error as no such regulation exists. The definition for health oversight agency can be found at 45 CFR 164.501.

2. The name of the mistreated adult, and
  3. The nature of the allegation(s), to include the type and severity of the mistreatment, if known.
- P. After the State Department receives the request from a health oversight agency within DORA or a regulator, the State Department will provide that agency with the appeal summary for the purposes of the regulatory investigation.
- Q. Appeal information provided to a health oversight agency within DORA or a regulator is confidential, not subject to part 2 of article 72 of title 24, C.R.S., and must be used only for purposes of a regulatory investigation conducted pursuant to section 12-20-401.

### **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 a 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), C.R.S., and the Office Of Public Guardianship staff required to undergo a CAPS check pursuant to Section 26-3.1-111(7)(J), C.R.S.
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- 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.
  - D. 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 30.510.J
  - E. Information obtained through a CAPS check by an 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.
  - G. Authorized requestors shall register prior to requesting a CAPS check to allow for verification of the authorized requestor's legal authority to request the check.
    - 1. The authorized requestor is responsible for ensuring the registration information is up to date.
    - 2. There shall be no fee to the authorized requestor to register.
  - H. Using a form developed by the State Department, 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, volunteer, or potential appointee.
    - 2. Knowingly providing inaccurate information on the written authorization form is a class 2-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.
  - I. 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. Until such time as the court closes the
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case or is no longer considering the potential appointee's original petition for appointment, the 30-day time limitation on the CAPS check does not begin to run.

- a. If a potential appointee is nominated for appointment as a guardian or conservator of an at-risk adult in multiple courts, each court must conduct its own CAPS check on said potential appointee to ensure that each court is notified in the event of a subsequent substantiated finding of mistreatment.
    - b. Potential appointees who are professionals, are defined as, "an individual or entity engaged in the business of providing services as guardian or conservator, who is not related to the respondent in a case by blood, law, or marriage. Such professionals usually act as guardian or conservator for two or more individuals". If said professional appointee is nominated for appointment as a guardian or conservator:
      - i. Of an at-risk adult in multiple courts, each court must conduct its own CAPS check on said appointee to ensure each court is notified in the event of a subsequent substantiated finding of mistreatment.
      - ii. For multiple at-risk adults in a single court, that court will only need to conduct one CAPS check on said potential appointee.
  4. 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.
  5. 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 2 misdemeanor, as outlined in Section 26-3.1-111(6)(e.7), C.R.S.
  6. 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.
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- 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 2 misdemeanor, as outlined in Section 26-3.1-111(6)(e.7), C.R.S.
    - 7. 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 2 misdemeanor, as outlined in Section 26-3.1-111(6)(e.3), C.R.S.
  - J. 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 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 CAPS checks.
      - a. The current CAPS check fee shall be posted ON THE CAPS check website.
      - b. The current CAPS check fee may be adjusted with THIRTY (30) days' notice, provided via the CAPS check website.
    - 3. Paid by the authorized requestor at the time of the request.
      - a. If the 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 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. Authorized requestors may choose to request that the employee, volunteer, or potential appointee reimburse the authorized requestor for the cost of the check.
  - K. 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 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.
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1. The State Department shall provide the CAPS check results to the authorized requestor via email, unless receipt of the results via first class mail is requested.
    - 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 employee, 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;
  4. 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), 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 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. 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.

## **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.

Rule 30.220 eff. 06/30/2021.

Rules 30.920 O-30.920 Q emer. rules eff. 12/03/2021.

Rules 30.100, 30.250 B.7.c, 30.250 B.8.b.i, 30.250 B.10-11, 30.520 A.3.d.iv-vi, 30.520 B.5-6, 30.520 D-E, 30.960 B,D-N emer. rules eff. 01/01/2022.

Rules 30.100, 30.250 B.7.c, 30.250 B.8.b.i, 30.250 B.10-11, 30.520 A.3.d.iv-vi, 30.520 B.5-6, 30.520 D-E, 30.920 O-30.920 Q, 30.960 B,D-N eff. 03/02/2022.

## **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.

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**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: 2022-00342

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Adult Protective Services

**on 09/09/2022**

12 CCR 2518-1

**ADULT PROTECTIVE SERVICES**

The above-referenced rules were submitted to this office on 09/19/2022 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.

September 29, 2022 11:33:14

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Emergency Rules Adopted**

### **Department**

Department of Regulatory Agencies

### **Agency**

Division of Insurance

### **CCR number**

3 CCR 702-4 Series 4-2

### **Rule title**

3 CCR 702-4 Series 4-2 LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General) 1 - eff 09/06/2022

### **Effective date**

09/06/2022

### **Expiration date**

01/04/2023

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-4

#### LIFE, ACCIDENT AND HEALTH

#### Emergency Regulation 22-E-17

#### CONCERNING ESTABLISHING A SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS CURRENTLY ENROLLED IN PLANS OFFERED BY BENEFYTT TECHNOLOGIES

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Special Enrollment Period Requirements
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

#### **Section 1 Authority**

This emergency regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108(7)(a), (7)(b)(III), 10-1-109(1), 10-16-105(2)(b), 10-16-105.7(3)(a)(II)(G), 10-16-105.7(3)(b)(II)(F), 10-16-108.5(8), and 10-16-109, C.R.S.

#### **Section 2 Scope and Purpose**

The purpose of this emergency regulation is to establish a special enrollment period (SEP) that allows Colorado residents enrolled in Benefytt Technologies the opportunity to enroll in an individual health benefit plan from September 6, 2022 through November 10, 2022.

The Division of Insurance finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as allowing individuals who choose to terminate their enrollment in Benefytt Technologies the opportunity to enroll in a health benefit plan in order to receive coverage is imperative to preserve the health of residents of Colorado. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

#### **Section 3 Applicability**

This regulation shall apply to all carriers offering individual health benefit plans subject to the insurance laws of Colorado and the requirements of the Patient Protection and Affordable Care Act.

#### **Section 4 Definitions**

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- C. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- D. "Special enrollment period" or "SEP" shall mean, for purposes of this regulation only, a period during which an individual who meets the requirements under Section 5.B. may enroll in a health benefit plan outside the annual open enrollment periods.

## **Section 5 Special Enrollment Period Requirements**

- A. A carrier offering a health benefit plan in this state shall establish a SEP that:
  - 1. Begins on September 6, 2022 and extends through November 10, 2022; and
  - 2. Ensures a coverage effective date on the first day of the month following plan selection.
- B. Application and Verification requirements
  - 1. Only individuals who elect to terminate their Benefytt Technologies coverage are eligible for the SEP established under Section 5.A. To access this SEP, individuals must otherwise be eligible for enrollment in the individual health benefit plan for which they are applying and must not already be enrolled in a health benefit plan.
  - 2. Individuals may apply for the SEP provided under Section 5.A. by contacting Connect for Health Colorado (the Exchange), a producer, an assister, or the carrier directly to determine eligibility and enrollment.
  - 3. To verify eligibility, individuals shall attest that they have a Benefytt Technologies policy effective in 2022. Verbal attestation is sufficient for purposes of determining eligibility for this SEP.

## **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 emergency regulation shall be effective September 6, 2022.

## **Section 9 History**

Emergency regulation effective September 6, 2022.



The purpose of this emergency regulation is to establish a special enrollment period (SEP) that allows Colorado residents enrolled in Benefytt Technologies the opportunity to enroll in an individual health benefit plan from September 6, 2022 through November 10, 2022.

The Division of Insurance finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as allowing individuals who choose to terminate their enrollment in Benefytt Technologies the opportunity to enroll in a health benefit plan in order to receive coverage is imperative to preserve the health of residents of Colorado. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

**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: 2022-00540

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Insurance

**on 09/06/2022**

3 CCR 702-4 Series 4-2

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

The above-referenced rules were submitted to this office on 09/06/2022 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.

September 26, 2022 14:02:41

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## **Emergency Rules Adopted**

**Department**

Department of Regulatory Agencies

**Agency**

Division of Insurance

**CCR number**

3 CCR 702-5

**Rule title**

3 CCR 702-5 PROPERTY AND CASUALTY 1 - eff 09/03/2022

**Effective date**

09/03/2022

**Expiration date**

12/29/2022

# DEPARTMENT OF REGULATORY AGENCIES

## Division of Insurance

### 3 CCR 702-5

#### PROPERTY AND CASUALTY

#### Emergency Regulation 22-E-16

#### CONCERNING TOLLING CERTAIN TIME LIMITS OF POLICYHOLDER BENEFITS IN THE EVENT OF A CATASTROPHIC DISASTER

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Rules
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

#### **Section 1 Authority**

This emergency regulation is being promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-108(7), 10-1-109(1), 10-3-1103, 10-3-1104(1)(h), and 10-3-1110, C.R.S. Further, this emergency regulation is promulgated pursuant to the Federal Emergency Management Agency (FEMA) disaster numbers FM-5423-CO, Colorado Marshall Fire, and DR-4634-CO, Colorado Wildfires and Straight-line Winds, President Biden's Major Disaster Declaration for Colorado issued on January 1, 2022, and Governor Polis' declared state of emergency due to the Boulder County Grass Fires.

#### **Section 2 Scope and Purpose**

The purpose of this emergency regulation is to protect homeowner policyholders who have suffered a loss during a catastrophic disaster, such as the 2020 Colorado East Troublesome Fire and the 2021 Marshall and Middle Fork Fires, from insurers that cause unreasonable delays in claim handling, which may further delay rebuilding property. Such delays may be further exacerbated by labor and material shortages. Further, this regulation identifies specific acts or practices that may constitute unfair claim settlement practices.

On October 14, 2020, the East Troublesome Fire damaged or destroyed more than 500 residential and commercial structures. On December 30, 2021, the Marshall and Middle Fork Fires - the most devastating fires in Colorado history - damaged or destroyed more than 1,000 residential and commercial structures. Given the unprecedented number of homeowners and renters affected by these recent fires, the Division

anticipates that locating temporary residences and the labor and material necessary to rebuild will be difficult and time consuming.

The Division of Insurance ("Division") finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare. This emergency regulation is necessary in part to provide immediate protections for those homeowner's insurance policyholders that were impacted by these fires and are filing related claims to repair or replace damaged structures. Individuals impacted by these fires will likely need an extension of the timelines set forth in homeowner insurance policies to repair or replace lost property given the large volume of damaged or destroyed structures, complicated by potential labor and material shortages caused by the COVID-19 public health emergency. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

### **Section 3      Applicability**

This regulation shall apply to all insurers issuing homeowner insurance policies that have loss claims resulting from the catastrophic disasters in Colorado.

### **Section 4      Definitions**

- A. "Additional living expense coverage" or "ALE" shall have the same meaning as set forth in § 10-4-110.8(3)(a), C.R.S.
- B. "Catastrophic disaster" shall have the same meaning as set forth in § 10-2-103(1), C.R.S.
- C. "Recoverable Depreciation" shall have the same meaning as set forth in § 10-4-110.8(3)(g), C.R.S.

### **Section 5      Rules**

In the event of a catastrophic disaster, an insurer shall waive any waiting periods related to ALE benefits for those policyholders whose residence requires repair or replacement or if the policyholder permanently relocates.

In the event of a catastrophic disaster, an insurer shall act in good faith and shall consider any adverse circumstances beyond the insured's control that may require maintaining and extending policyholder benefits beyond those afforded by the timelines in the underlying insurance policy. In determining whether certain benefits should be extended, insurers shall take into account all circumstances affecting the claim, including, but not limited to, labor and material shortages and other circumstances affecting the claim but not directly caused by the catastrophic disaster. The Division is specifically concerned with ALE benefits and time limits on repair or replacement for recoverable depreciation coverage. If the insured has acted in good faith and with reasonable diligence, the insurers shall also act in good faith to maintain or toll policy time limits where necessary to protect its policyholders.

In the event of a catastrophic disaster, where an insurer causes an unreasonable delay in the settlement of a claim, the insurer shall:

1. Toll the ALE time limits for the duration of the time required to repair or replace the damaged property.
2. Toll the policy time limits for the policyholder to complete the repair or replacement of the damaged part of the property necessary for issuance of the replacement cost value payment.

In the event of a catastrophic disaster, if the insurer has caused delays in providing the initial estimate of damages and/or the actual cash value payment, the insurer shall act in good faith and toll the time period that the policyholder can recover ALE benefits and collect recoverable depreciation by a time period equivalent to the delayed action by the insurer.

In the event of a catastrophic disaster, failure to toll policy time limits for ALE or recoverable depreciation (RCV) benefits beyond policy time period limits, after causing an unreasonable delay in the settlement of a claim, may constitute an unfair settlement claim practice.

## **Section 6 Severability**

If any provision of this regulation or the application of it to any person or circumstance 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 emergency regulation shall become effective September 3, 2022.

## **Section 9 History**

This emergency regulation replaces emergency regulation 22-E-01, which became effective January 7, 2022, in its entirety.

This emergency regulation replaces emergency regulation 22-E-09, which became effective May 6, 2022.

This emergency regulation shall be effective September 3, 2022.

The purpose of this emergency regulation is to protect homeowner policyholders who have suffered a loss during a catastrophic disaster, such as the 2020 Colorado East Troublesome Fire and the 2021 Marshall and Middle Fork Fires, from insurers that cause unreasonable delays in claim handling, which may further delay rebuilding property. Such delays may be further exacerbated by labor and material shortages. Further, this regulation identifies specific acts or practices that may constitute unfair claim settlement practices.

On October 14, 2020, the East Troublesome Fire damaged or destroyed more than 500 residential and commercial structures. On December 30, 2021, the Marshall and Middle Fork Fires - the most devastating fires in Colorado history - damaged or destroyed more than 1,000 residential and commercial structures. Given the unprecedented number of homeowners and renters affected by these recent fires, the Division anticipates that locating temporary residences and the labor and material necessary to rebuild will be difficult and time consuming.

The Division of Insurance ("Division") finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare. This emergency regulation is necessary in part to provide immediate protections for those homeowner's insurance policyholders that were impacted by these fires and are filing related claims to repair or replace damaged structures. Individuals impacted by these fires will likely need an extension of the timelines set forth in homeowner insurance policies to repair or replace lost property given the large volume of damaged or destroyed structures, complicated by potential labor and material shortages caused by the COVID-19 public health emergency. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

**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: 2022-00537

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Insurance

**on 08/31/2022**

3 CCR 702-5

**PROPERTY AND CASUALTY**

The above-referenced rules were submitted to this office on 09/01/2022 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.

September 20, 2022 10:18:33

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



## **Emergency Rules Adopted**

**Department**

Department of Regulatory Agencies

**Agency**

Division of Professions and Occupations - Colorado Podiatry Board

**CCR number**

3 CCR 712-1

**Rule title**

3 CCR 712-1 PODIATRY RULES AND REGULATIONS 1 - eff 09/09/2022

**Effective date**

09/09/2022

**Expiration date**

01/07/2023

## DEPARTMENT OF REGULATORY AGENCIES

### Colorado Podiatry Board

## PODIATRY RULES AND REGULATIONS

### 3 CCR 712-1

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

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#### 1.20 PROVISION OF REPRODUCTIVE HEALTH CARE IN COLORADO

This Rule is promulgated pursuant to Executive Order D 2022 032, and sections 25-6-401 *et seq.*, 12-290-106(1)(a), and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
2. "Assisting in the provision reproductive health care" means aiding, abetting or complicity in the provision of reproductive health care.
3. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
4. "Criminal judgment" means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
5. "Licensee" means as defined in section 12-20-102(10), C.R.S.
6. "Provision of reproductive health care," includes but is not limited to, transportation for reproductive health care, referrals for reproductive health care and related services, funding or assisting with payment of reproductive health care, prescribing, shipping or dispensing medications for reproductive health care in accordance with state and federal law, all options and mental health counseling and treatment related to reproductive health care. The "provision of reproductive health care" also includes all treatment contemplated in the definition of section 25-6-402(4), C.R.S.
7. "Regulator" means as defined in section 12-20-102(14), C.R.S.
8. "Reproductive health care" means as defined in section 25-6-402(4), C.R.S.

B. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on the applicant or licensee's provision of or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice as defined in Colorado law and did not otherwise violate Colorado law.

C. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state

or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- D. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a professional disciplinary action or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

#### **1.21 PROTECTING COLORADO'S WORKFORCE AND EXPANDING LICENSING OPPORTUNITIES**

This Rule is promulgated pursuant to Executive Order D 2022 034, and sections 12-290-106(1)(a) and 12-20-204, C.R.S.

- A. Definitions, for purposes of this Rule, are as follows:
  - 1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
  - 2. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
  - 3. "Criminal judgment" means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
  - 4. "Licensee" means as defined in section 12-20-102(10), C.R.S.
  - 5. "Regulator" means as defined in section 12-20-102(14), C.R.S.
- B. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a professional disciplinary action against the applicant's or licensee's professional licensure in this, or any other state or US territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

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**Editor's Notes**

**History**

Entire rule eff. 01/30/2009.

Entire rule eff. 02/03/2010.

Entire rule emer. rule eff. 07/01/2010.

Entire rule eff. 10/30/2010.

Entire rule eff. 08/14/2019.

Entire rule eff. 07/30/2022.



## **STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES**

On July 6, 2022, Colorado Governor Jared Polis (“Governor”) signed Executive Order D 2022 032, “Directing State Agencies to Protecting Access to Reproductive Health Care in Colorado.”

On July 14, 2022, Colorado Governor Jared Polis (“Governor”) signed Executive Order D 2022 034, “Protecting Colorado’s Workforce and Expanding Licensing Opportunities.”

### Basis

The basis for these rules is Executive Order D 2022 032 and Executive Order D 2022 034.

Through Executive Order D 2022 032, Governor Jared Polis directed all state agencies not to share any information or data, including patient medical records, patient-level data or related billing information, or expend time, money, facilities property, equipment, personnel, or other resources to assist or further any investigation or proceeding initiated in or by another state that seeks to impose criminal or civil liability or professional sanction upon a person for conduct that would be legal in Colorado related to providing, assisting, seeking, or obtaining reproductive health care, unless pursuant to a court order.

Governor Jared Polis also directed the Department of Regulatory Agencies (DORA) to work with all programs and boards of professional licensure operating under its purview to promulgate and issue necessary rules that will ensure that no person shall be subject to a disciplinary action against a professional license or disqualified from professional licensure for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the care as provided is consistent with professional conduct and standards of care within the State of Colorado.

Through Executive Order D 2022 034, Governor Jared Polis directed the Department of Regulatory Agencies to work with all programs and boards of professional licensure operating under its purview to promulgate and issue rules as necessary to ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for any civil or criminal judgment, discipline, or other sanction threatened r imposed under the laws of another state as long as the actions are lawful and consistent with professional conduct and standards of care within the State of Colorado.

### Purpose

The purpose of these emergency rules is to effectuate Executive Order D 2022 032 and Executive Order D 2022 034.

As stated in Executive Order D 2022 032, Colorado is experiencing workforce shortage in many professions, and disqualifying people because they were prosecuted for taking actions in other states that are fully legal under Colorado law would hurt our economy and our State.

Colorado is committed to protecting access to reproductive health care. No one who is lawfully providing, assisting, seeking, or obtaining reproductive health care in Colorado should be subject to legal liability or professional sanctions in Colorado or any other state, nor will Colorado cooperate with criminal or civil investigations for actions that are fully legal in Colorado.

As stated in Executive Order D 2022 034, employers are having difficulty recruiting and retaining qualified employees, many of whom need professional licenses. The exclusion of people from the workforce because of marijuana-related activities that are lawful in Colorado, but illegal in other states, hinders our economy and our State.

### Justification

As set forth in Executive Order D 2022 032, the need exists to immediately protect access to reproductive health care in Colorado by promulgating rules ensuring no licensee, certificant, or registrant shall be subject to disciplinary action against a professional license or disqualified from professional licensure for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the care provided is lawful and consistent with professional conduct and standards of care within the State of Colorado.

As set forth in Executive Order D 2022 034, the Order ensures that all Coloradans are afforded protections and rights under Colorado law.

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing “at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally”; and with less than the twenty days’ notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that “[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest.” Such findings must be made on the record.

The Regulator, as defined in section 12-20-102(14), C.R.S., hereby finds the immediate adoption of these emergency rules is imperatively necessary to comply with Executive Order D 2022 032, to protect access to reproductive health care in Colorado. The adoption of emergency rules is imperatively necessary for the preservation of the public health, safety, and welfare, and cannot wait the several months required for permanent rulemaking and therefore emergency rules are appropriate pursuant to the Administrative Procedure Act.

The Regulator finds, as required by section 24-4-103(4)(b), C.R.S., that the need for the emergency rulemaking exists; the proper constitutional and/or statutory authority exists for the rules; to the extent practicable, the rules are clearly and simply stated so that their meaning will be understood by any required to comply with the rules; the rules do not conflict with other provisions of the law; and any duplication or overlapping of the rules, if any, has been explained.

These temporary/emergency rules take effect September 9, 2022, and remain in effect for up to a maximum of 120 days after adoption of these temporary/emergency rules.

**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: 2022-00544

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Division of Professions and Occupations - Colorado Podiatry Board

**on 09/09/2022**

3 CCR 712-1

**PODIATRY RULES AND REGULATIONS**

The above-referenced rules were submitted to this office on 09/09/2022 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.

September 29, 2022 11:25:58

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General



## **Emergency Rules Adopted**

### **Department**

Department of Regulatory Agencies

### **Agency**

Division of Professions and Occupations - State Board of Examiners of Nursing Home Administrators

### **CCR number**

3 CCR 717-1

### **Rule title**

3 CCR 717-1 RULES AND REGULATIONS FOR NURSING HOME  
ADMINISTRATORS 1 - eff 09/14/2022

### **Effective date**

09/14/2022

### **Expiration date**

01/12/2023

## DEPARTMENT OF REGULATORY AGENCIES

### State Board of Examiners of Nursing Home Administrators

## NURSING HOME ADMINISTRATORS RULES AND REGULATIONS

### 3 CCR 717-1

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

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#### 1.17 Protections for Provision of Reproductive Health Care in Colorado

This Rule is promulgated pursuant to Executive Order D 2022 032, and sections 25-6-401 *et seq.*, 12-265-107(1)(a), and 12-20-204, C.R.S.

A. Definitions, for purposes of this Rule, are as follows:

1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
2. "Assisting in the provision reproductive health care" means aiding, abetting or complicity in the provision of reproductive health care.
3. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
4. "Criminal judgment" means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
5. "Licensee" means as defined in section 12-20-102(10), C.R.S.
6. "Provision of reproductive health care," includes but is not limited to, transportation for reproductive health care, referrals for reproductive health care and related services, funding or assisting with payment of reproductive health care, prescribing, shipping or dispensing medications for reproductive health care in accordance with state and federal law, all options and mental health counseling and treatment related to reproductive health care. The "provision of reproductive health care" also includes all treatment contemplated in the definition of section 25-6-402(4), C.R.S.
7. "Regulator" means as defined in section 12-20-102(14), C.R.S.
8. "Reproductive health care" means as defined in section 25-6-402(4), C.R.S.

B. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on the applicant or licensee's provision of or assistance in the provision of reproductive health care in this state or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice as defined in Colorado law and did not otherwise violate Colorado law.

C. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee arising from the provision of, or assistance in the provision of reproductive health care in this state

or any other state or U.S. territory, so long as the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.

- D. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a professional disciplinary action or any other sanction against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant or licensee's provision of, or assistance in the provision of, reproductive health care and the care provided was consistent with generally accepted standards of practice and did not otherwise violate Colorado law.
- E. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's registration, certificate or license based solely on the licensee's own personal effort to seek or obtain reproductive health care for themselves. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee arising from the individual's own personal receipt of reproductive health care in this state or any other state or U.S. territory.

### **1.18 Protecting Colorado's Workforce and Expanding Licensing Opportunities**

This Rule is promulgated pursuant to Executive Order D 2022 034, and sections 12-265-107(1)(a) and 12-20-204, C.R.S.

- A. Definitions, for purposes of this Rule, are as follows:
  - 1. "Applicant" means as defined in section 12-20-102(2), C.R.S.
  - 2. "Civil judgment" means a final court decision and order resulting from a civil lawsuit.
  - 3. "Criminal judgment" means a guilty verdict, a plea of guilty, a plea of nolo contendere, or a deferred judgment or sentence.
  - 4. "Licensee" means as defined in section 12-20-102(10), C.R.S.
  - 5. "Regulator" means as defined in section 12-20-102(14), C.R.S.
- B. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a civil or criminal judgment against the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana so long as the actions are lawful and consistent with professional conduct and standards of care within Colorado and did not otherwise violate Colorado law.
- C. The regulator shall not deny licensure to an applicant or impose disciplinary action against an individual's license based solely on a professional disciplinary action against the applicant's or licensee's professional licensure in this, or any other state or U.S. territory so long as the professional disciplinary action is based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and did not otherwise violate Colorado law.

...

**History**

Rules 1-6 eff. 07/30/2008.

Rules 1-7 eff. 10/30/2008.

Entire rule eff. 08/30/2009.

Entire rule eff. 03/30/2010.

Entire rule eff. 07/15/2010.

Rule 2.B.1 eff. 07/01/2011.

Entire rule eff. 04/30/2012.

Entire rule eff. 09/01/2012.

Rule III.E.1.a eff. 10/30/2012.

Rules II.A.5.b-c, II.C.2.c.ii, II.C.3, II.E.1, III.C.1, III.D.3 eff. 12/30/2012.

Entire rule eff. 09/14/2013.

Rules 1.3.B.1.e, 1.3.D.1, 1.3.D.4.c eff. 05/15/2020.

Rules 1.1 Q, 1.2 B eff. 01/14/2021.

Entire rule eff. 07/15/2021.

Rule 1.4 2 eff. 11/14/2021.

Rules 1.4 B-C, 1.6, 1.8, 1.9 A.1, 1.9 C.3.b, 1.9 C.5, 1.11 eff. 12/30/2021.



## **STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES**

On July 6, 2022, Colorado Governor Jared Polis (“Governor”) signed Executive Order D 2022 032, “Directing State Agencies to Protecting Access to Reproductive Health Care in Colorado.”

On July 14, 2022, Colorado Governor Jared Polis (“Governor”) signed Executive Order D 2022 034, “Protecting Colorado’s Workforce and Expanding Licensing Opportunities.”

### Basis

The basis for these rules is Executive Order D 2022 032 and Executive Order D 2022 034.

Through Executive Order D 2022 032, Governor Jared Polis directed all state agencies not to share any information or data, including patient medical records, patient-level data or related billing information, or expend time, money, facilities property, equipment, personnel, or other resources to assist or further any investigation or proceeding initiated in or by another state that seeks to impose criminal or civil liability or professional sanction upon a person for conduct that would be legal in Colorado related to providing, assisting, seeking, or obtaining reproductive health care, unless pursuant to a court order.

Governor Jared Polis also directed the Department of Regulatory Agencies (DORA) to work with all programs and boards of professional licensure operating under its purview to promulgate and issue necessary rules that will ensure that no person shall be subject to a disciplinary action against a professional license or disqualified from professional licensure for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the care as provided is consistent with professional conduct and standards of care within the State of Colorado.

Through Executive Order D 2022 034, Governor Jared Polis directed the Department of Regulatory Agencies to work with all programs and boards of professional licensure operating under its purview to promulgate and issue rules as necessary to ensure that no person shall be subject to disciplinary action against a professional license or disqualified from professional licensure for any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state as long as the actions are lawful and consistent with professional conduct and standards of care within the State of Colorado.

### Purpose

The purpose of these emergency rules is to effectuate Executive Order D 2022 032 and Executive Order D 2022 034.

As stated in Executive Order D 2022 032, Colorado is experiencing workforce shortage in many professions, and disqualifying people because they were prosecuted for taking actions in other states that are fully legal under Colorado law would hurt our economy and our State.

Colorado is committed to protecting access to reproductive health care. No one who is lawfully providing, assisting, seeking, or obtaining reproductive health care in Colorado should be subject to legal liability or professional sanctions in Colorado or any other state, nor will Colorado cooperate with criminal or civil investigations for actions that are fully legal in Colorado.

As stated in Executive Order D 2022 034, employers are having difficulty recruiting and retaining qualified employees, many of whom need professional licenses. The exclusion of people from the workforce because of marijuana-related activities that are lawful in Colorado, but illegal in other states, hinders our economy and our State.

### Justification

As set forth in Executive Order D 2022 032, the need exists to immediately protect access to reproductive health care in Colorado by promulgating rules ensuring no licensee, certificant, or registrant shall be subject to disciplinary action against a professional license or disqualified from professional licensure for providing or assisting in the provision of reproductive health care or as a consequence of any civil or criminal judgment, discipline, or other sanction threatened or imposed under the laws of another state so long as the care provided is lawful and consistent with professional conduct and standards of care within the State of Colorado.

As set forth in Executive Order D 2022 034, the Order ensures that all Coloradans are afforded protections and rights under Colorado law.

Pursuant to section 24-4-103(6)(a), C.R.S., a temporary or emergency rule may be adopted without compliance with section 24-4-103(4), C.R.S., which requires the agency to hold a public hearing “at which it shall afford interested persons an opportunity to submit written data, views, or arguments and to present the same orally”; and with less than the twenty days’ notice set forth in section 24-4-103(3), C.R.S., or without notice where circumstances imperatively require, only if the agency finds that “[i]mmediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for preservation of the public health, safety or welfare and compliance with the requirements of this section would be contrary to the public interest.” Such findings must be made on the record.

The Regulator, as defined in section 12-20-102(14), C.R.S., hereby finds the immediate adoption of these emergency rules is imperatively necessary to comply with Executive Order D 2022 032, to protect access to reproductive health care in Colorado. The adoption of emergency rules is imperatively necessary for the preservation of the public health, safety, and welfare, and cannot wait the several months required for permanent rulemaking and therefore emergency rules are appropriate pursuant to the Administrative Procedure Act.

The Regulator finds, as required by section 24-4-103(4)(b), C.R.S., that the need for the emergency rulemaking exists; the proper constitutional and/or statutory authority exists for the rules; to the extent practicable, the rules are clearly and simply stated so that their meaning will be understood by any required to comply with the rules; the rules do not conflict with other provisions of the law; and any duplication or overlapping of the rules, if any, has been explained.

These temporary/emergency rules take effect September 14, 2022, and remain in effect for up to a maximum of 120 days after adoption of these temporary/emergency rules.

Adopted this 14th day of September, 2022.

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

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Karen McGovern, Deputy Division Director of Legal Affairs,  
for Ronne Hines, Director Division of Professions and Occupations

**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: 2022-00551

**Opinion of the Attorney General rendered in connection with the rules adopted by the**  
Division of Professions and Occupations - State Board of Examiners of Nursing Home Administrators

**on 09/14/2022**

**3 CCR 717-1**

**RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS**

The above-referenced rules were submitted to this office on 09/15/2022 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.

September 29, 2022 08:42:28

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General



## **Emergency Rules Adopted**

### **Department**

Department of Human Services

### **Agency**

Income Maintenance (Volume 3)

### **CCR number**

9 CCR 2503-3

### **Rule title**

9 CCR 2503-3 COLORADO REFUGEE SERVICES PROGRAM (CRSP) 1 - eff  
10/03/2022

### **Effective date**

10/03/2022

### **Expiration date**

01/07/2023

## 9 CCR 2503-3

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### 3.321 CRSP ELIGIBLE POPULATIONS

A. A “refugee” means the same as in 8 U.S.C. 1101(a)(42) and accompanying notes to 8 U.S.C. 1101.

\*\*\*\*\*

G. “Afghan humanitarian parolee” refers to Afghan individuals who have been granted humanitarian parole status by the U.S Department of Homeland Security and who qualify for refugee benefits under Pub. L. 117-43, § 2502 (Sept. 30, 2021), no later additions or amendments are incorporated. This public law is available at no cost from [www.uscode.house.gov](http://www.uscode.house.gov). This public law is also available for public inspection and copying at the Colorado Department of Human Services, Colorado Refugee Services Program, 1575 Sherman St., Denver, CO 80203, during regular business hours.

\*\*\*\*\*

I. “Ukrainian humanitarian parolee (UHPs)” refers to citizens or nationals of Ukraine who the Department of Homeland Security (DHS) has paroled into the United States between February 24, 2022, and September 30, 2023, due to urgent humanitarian reasons or for significant public benefit who qualify for refugee benefits under Pub. L. 117-128, § 401 (May 21, 2022), no later additions or amendments are incorporated. This public law is available at no cost from [www.uscode.house.gov](http://www.uscode.house.gov). This public law is also available for public inspection and copying at the Colorado Department of Human Services, Colorado Refugee Services Program, 1575 Sherman St., Denver, CO 80203, during regular business hours.

J. Non-Ukrainian individuals who last habitually resided in Ukraine, who DHS has paroled into the United States between February 24, 2022, and September 30, 2023, due to urgent humanitarian reasons or for significant public benefit.

K. A spouse or child of an individual described in section I) or J) who is paroled into the United States after September 30, 2023.

L. A parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child described in section I) or J) who is paroled into the United States after September 30, 2023.

M. Unaccompanied refugee minors (URMs) are minors identified overseas who are eligible for resettlement in the United States, but do not have a parent or a relative available who is committed to providing for the minor’s long-term care. Upon arrival in the United States, these refugee youth are placed into the URM program and receive refugee foster care services and benefits. Youth who have an immigration status that enables them to become eligible for ORR services (for verification of status for program eligibility, see section 3.330), or who enter the United States with or without family but experience a family breakdown or cannot return home, may also be eligible to participate in the URM program if approved by ORR.

N. An I-551 (“green card”) holder who held one of the previously identified statuses is eligible to apply for both CDHS and CRSP benefits and services.

### 3.330 verification of status for program eligibility

.....

J. United States citizenship and immigration service (USCIS) form I-94 noting humanitarian parole (per INA section 212(d)(5)(a)) or 8 U.S.C § 1182(d)(5)) if paroled into the United States between February 24, 2022, and September 30, 2023, or foreign passport with DHS/CBP admission stamp noting “DT” or a foreign passport with DHS/CBP admission stamp noting Uniting for Ukraine or “U4U” or a foreign passport with DHS/CBP admission stamp noting Ukrainian humanitarian parolee or “UHP” or form I-765 employment authorization document (EAD) receipt notice with code C11 or form I-766 employment authorization document (EAD) with the code C11.

K. Any one of the forms or stamps listed above for UHPs and documentation of last habitual residence in Ukraine.

L. Unaccompanied Refugee Minors (URMs) who meet the definition above will have one of the following statuses: refugee, asylee, Cuban/Haitian entrant, victim of trafficking, Amerasian, Iraqi or Afghani special immigrant visa holder, Special Immigrant Juvenile Status (SIJS), U visa holder, or has legal permanent resident status that previously held one of the statuses mentioned.

If the URM has SIJS status, documentation presented will be one of the following: I-797, notice of action indicating status (i.e., evidence of approved I-360, or evidence of approved I-360 and approved I-485); visa indicating SIJS status with SL class of admission; I-1551 indicating SIJS status with SL class of admission.

If the URM has a U-visa, documentation presented will be one of the following: I-797 notice of action indicating U status; a U-visa; or an I-94 arrival/departure record showing admission in U status. Please note: U-visa holders are not considered “qualified aliens” status for federal public benefits. It does qualify the person to be “lawfully present” for potential state benefits.

M. An I-551 form (“green card”, permanent resident card or resident alien card) with class of admission codes AS-6, AS -7, AS -8, RE-6, RE -7, RE -8, RE -9, CH-6, HA6, HB6, GA6, GA7, GA8, ST6, ST7, ST8, ST0, ST9, SI6, SI7, SI9, SQ6, SQ7, SQ9, AM-1, AM-2, AM-3, AM6, AM-7, or AM 8. The unexpired I-551 stamp may be located in a foreign passport.

If not eligible for the assistance of TANF/Colorado Works, individuals with this immigration status may be eligible for Refugee Cash Assistance (RCA) through the Colorado Refugee Services Program if income and program eligibility criteria are met. Persons must be enrolled in one of the refugee resettlement agencies in order to access RCA.

Individuals admitted to the United States who are classified by USCIS as "Applicants for Asylum" are not eligible for CRSP benefits. Once granted asylum, those individuals are eligible. The exception to this rule is Cuban and Haitian individuals applying for asylum; however, they must produce documents as described above.

CRSP follows the federal guidance on eligible populations, status and documentation in the office of refugee resettlement state letter # 16-01, dated 10/02/2015, located on the federal government web site at:

<https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program>

No later editions or amendments are incorporated. Copies may be reviewed during normal business hours by contacting the Refugee Services Coordinator in the Office of Economic Security, Colorado Refugee Services Program, 1575 Sherman St, Denver, Colorado 80203. If there is an eligibility question, please contact the Colorado Refugee Services Program for assistance.

.....

**Title of Proposed Rule:** Addition of new eligible categories of Ukrainian population groups

**CDHS Tracking #:** 22-08-01-02

Office, Division, & Program:  
Office of Economic Security,  
Employment & Benefits Division,  
Colorado Refugee Services  
Program

Rule Author: Bidur Dahal

Phone: 303-489-5084

E-Mail:  
bidur.dahal@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 2<sup>nd</sup> 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
What date is being requested for this rule to be effective?	10/03/2022
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 09/09/202 2	2nd Board 10/07/202 2	Effective Date 10/03/2022
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**Title of Proposed Rule: Addition of new eligible categories of Ukrainian population groups**

**CDHS Tracking #: 22-08-01-02**

Office, Division, & Program:  
Office of Economic Security,  
Employment & Benefits Division,  
Colorado Refugee Services  
Program

Rule Author: Bidur Dahal

Phone: 303-489-5084

E-Mail:  
bidur.dahal@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 Additional Ukraine Supplemental Appropriations Act, 2022, part of Public Law 117-128, was signed into federal law on May 21, 2022. The Appropriations Act established eligibility for federal benefit programs for Ukrainian Humanitarian Parolees, which are to be treated as refugees for benefits purposes. Pub. L. 117-128, Title IV, § 401(a), (b). The Colorado Refugee Services Program (CRSP) proposes the inclusion of new Office of Refugee Resettlement (ORR) eligible categories of Ukrainian population groups into the state rules, in response to the ongoing resettlement of the Ukrainian population to the State of Colorado. The proposed rule will ensure that the new categories of Ukrainian population groups and the document types, necessary for proof of their status, are clearly reflected in the state rules. Thus, CRSP proposes the addition of the following categories under section 3.321 (CRSP eligible population group):

- 1) Citizens or nationals of Ukraine who the Department of Homeland Security (DHS) has paroled into the United States between February 24, 2022, and September 30, 2023, due to urgent humanitarian reasons or for significant public benefit, known as Ukrainian Humanitarian Parolees (UHPs).
- 2) Non-Ukrainian individuals who last habitually resided in Ukraine, who DHS has paroled into the United States between February 24, 2022, and September 30, 2023, due to urgent humanitarian reasons or for significant public benefit.
- 3) A spouse or child of an individual described in section 1) or 2) who is paroled into the United States after September 30, 2023.
- 4) A parent, legal guardian, or primary caregiver of an unaccompanied refugee minor or an unaccompanied child described in section 1) or 2) who is paroled into the United States after September 30, 2023.

CRSP also proposed the addition of following documents under section 3.330 (verification of status for program eligibility):

- 1) United States Citizenship and Immigration Service (USCIS) Form I-94 noting Humanitarian Parole (per INA section 212(d)(5)(A)) or 8 U.S.C. § 1182(d)(5)) if paroled into the United States between February 24, 2022, and September 30, 2023, or foreign passport with DHS/CBP admission stamp noting "DT" or a foreign passport with DHS/CBP admission stamp noting Uniting for Ukraine or "U4U" or a foreign passport with DHS/CBP admission stamp noting Ukrainian Humanitarian Parolee or "UHP" or form I-765 Employment Authorization Document (EAD) receipt notice with code C11 or form I-766 Employment Authorization Document (EAD) with the code C11.
- 2) Any one of the forms or stamps listed above for UHPs and documentation of last habitual residence in Ukraine.

**Title of Proposed Rule: Addition of new eligible categories of Ukrainian population groups**

**CDHS Tracking #: 22-08-01-02**

Office, Division, & Program:  
Office of Economic Security,  
Employment & Benefits Division,  
Colorado Refugee Services  
Program

Rule Author: Bidur Dahal

Phone: 303-489-5084

E-Mail:  
bidur.dahal@state.co.us

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:**

Ukrainian Humanitarian Parolees were made eligible immediately for benefits and services in the federal Additional Ukraine Supplemental Appropriations Act. Current rules do not allow eligibility for this population and are out of alignment with the new federal law. Thus, ensuring the inclusion of their new categories and verification of status documents in the state rules, will bring uniform knowledge of categories, public benefits eligibility, and support from all parties involved, and allow CRSP to provide services to this population.

**State Board Authority for Rule:**

Code	Description
26-1-107(5)(a)(I), (b), C.R.S. (2021)	State Board to promulgate rules that govern program scope and content for all programs administered and services provided by the state department under Titles 26 and 27 of the C.R.S. CRSP is administered by the state department under section 26-2-138, C.R.S. (2021).
26-1-111(2)(a), C.R.S. (2021)	State department must administer or supervise all forms of public assistance and welfare that are vested in the state department pursuant to law. CRSP is a public assistance and welfare program administered by the state department under section 26-2-138, C.R.S.

**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
26-2-137(1)(b), C.R.S. (2021)	The state department shall promulgate rules for the delivery of emergency services to legal immigrants and non-citizens
26-2-138(3)-(5), C.R.S. (2021)	The state department must adopt rules to provide benefits and services to refugees that are consistent with the INA and Colorado's state plan.
Pub. L. 117-128, Title IV, § 401(a), (b); 8 U.S.C. 1101 note "Benefits for Certain Citizens or	A citizen or national of Ukraine meeting certain criteria shall be eligible for federal public benefits available to refugees, including resettlement assistance and other services managed by CRSP.

**Title of Proposed Rule: Addition of new eligible categories of Ukrainian population groups**

**CDHS Tracking #: 22-08-01-02**

Office, Division, & Program:  
Office of Economic Security,  
Employment & Benefits Division,  
Colorado Refugee Services  
Program

Rule Author: Bidur Dahal

Phone: 303-489-5084

E-Mail:  
bidur.dahal@state.co.us

Nationals of Ukraine”	
8 U.S.C. §§ 1522(a)(2), (6)	Authorizing programs for domestic resettlement and assistance to refugees. The ORR must regularly consult state and local governments and in order for states to receive ORR funding, states must submit a state plan that includes benefits and services offered to refugees, meet standards, and report to ORR the use of funds that the state is responsible for administering

Does the rule incorporate material by reference?

☒

Yes

☐

No

Does this rule repeat language found in statute?

☐

Yes

☒

No

If yes, please explain.

Policy guidance from ORR is incorporated by reference for further guidance.



**Title of Proposed Rule: Addition of new eligible categories of Ukrainian population groups**

**CDHS Tracking #: 22-08-01-02**

Office, Division, & Program:  
Office of Economic Security,  
Employment & Benefits Division,  
Colorado Refugee Services  
Program

Rule Author: Bidur Dahal

Phone: 303-489-5084

E-Mail:  
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## **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?*

Colorado Department of Human Services and individual county human services departments will benefit from this rule change because this change will clarify the categories of the new eligible Ukrainian population groups, and the required documentation to verify their immigration status in order for this population groups to receive public benefits.

Colorado refugee resettlement agencies and other CRSP contactors will benefit by having state rules that match federal program rules regarding program eligibility for Ukrainian humanitarian parole, and eligible non-Ukrainian individuals who last habitually resided in Ukraine. This rule will ensure and confirm the eligibility of public benefits for these new categories of Ukrainian population groups.

### **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 preserve and bring clarity to the CRSP rules that are most essential for the efficient and effective provision of benefits and services, to the new Ukrainian population that are ORR eligible populations. The consequences of this rule would be the benefit to any county worker, supervisor, or director who works with these populations and who are responsible for processing these new case types for public benefits, in the respective counties.

### **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)

The fiscal impact of the change cannot be anticipated at this time as we are unable to predict the number of Ukrainian humanitarian parolees that will be resettled in the State of Colorado. There is no reason to believe that the cost of providing benefits to newly eligible non-citizens will exceed what can be paid for through existing program allocations.

**Title of Proposed Rule: Addition of new eligible categories of Ukrainian population groups**

**CDHS Tracking #: 22-08-01-02**

Office, Division, & Program:  
Office of Economic Security,  
Employment & Benefits Division,  
Colorado Refugee Services  
Program

Rule Author: Bidur Dahal

Phone: 303-489-5084

E-Mail:  
bidur.dahal@state.co.us

County Fiscal Impact

County Fiscal Impact

The fiscal impact of the change cannot be anticipated at this time as we are unable to predict the number of Ukrainian humanitarian parolees that will be resettled in the State of Colorado. There is no reason to believe that the cost of providing benefits to newly eligible non-citizens will exceed what can be paid for through existing program allocations.

Federal Fiscal Impact

There are no federal fiscal impacts with this change.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no other fiscal impacts.

**4. Data Description**

*List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?*

There are no studies or data needed for these new rules.

**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 were no alternatives considered for the revised rule because these rules are required to comply with new federal law and to preserve the health, safety, and welfare of Ukrainian humanitarian parolees that will be resettled in Colorado.

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**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
3.321	Clarity	<p>A. A “refugee” is a person who is outside his/her country of nationality (or habitual residence) who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. A refugee is granted refugee status outside of the United States.</p> <p>G. Afghan individuals that have been granted humanitarian parole status by the U.S. Department of Homeland Security.</p>	<p>A. A “REFUGEE” MEANS THE SAME AS IN 8 U.S.C. 1101(a)(42) AND ACCOMPANYING NOTES TO 8 U.S.C. 1101.</p> <p>G. “AFGHAN HUMANITARIAN PAROLEE” REFERS TO AFGHAN INDIVIDUALS WHO HAVE BEEN GRANTED HUMANITARIAN PAROLE STATUS BY THE U.S. DEPARTMENT OF HOMELAND SECURITY AND WHO QUALIFY FOR REFUGEE BENEFITS UNDER PUB. L. 117-43, § 2502 (SEPT. 30, 2021), NO LATER ADDITIONS OR AMENDMENTS ARE</p>	<p>To ensure definitions provide more clarity of populations groups, eligible for Office of Refugee Resettlement/ CRSP services.</p>	No

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		<p>I. Unaccompanied Refugee Minors (URMs) are minors identified overseas who are eligible for resettlement in the United States, but do not have a parent or a relative available who are committed to providing for the minor's long-term care. Upon arrival in the United States, these refugee youth are placed into the URM program and receive refugee foster care services and benefits. Youth who have an immigration status that enables them to become eligible for ORR services (for verification of status</p>	<p>INCORPORATED. THIS PUBLIC LAW IS AVAILABLE AT NO COST FROM <a href="http://WWW.US-CODE.HOUSE.GOV">WWW.US-CODE.HOUSE.GOV</a>. THIS PUBLIC LAW IS ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN ST., DENVER, CO 80203, DURING REGULAR BUSINESS HOURS.</p> <p>I. UKRAINIAN HUMANITARIAN PAROLEE (UHPS)" REFERS TO CITIZENS OR NATIONALS OF UKRAINE WHO THE DEPARTMENT OF HOMELAND SECURITY (DHS) HAS PAROLED INTO THE UNITED STATES BETWEEN FEBRUARY 24, 2022, AND SEPTEMBER 30, 2023, DUE TO URGENT HUMANITARIAN REASONS OR FOR SIGNIFICANT PUBLIC BENEFIT WHO QUALIFY FOR REFUGEE BENEFITS UNDER PUB. L. 117-128, § 401 (MAY 21, 2022), NO LATER ADDITIONS OR AMENDMENTS ARE INCORPORATED. THIS PUBLIC LAW IS AVAILABLE AT NO COST FROM <a href="http://WWW.USCODE.HOUSE.GOV">WWW.USCODE.HOUSE.GOV</a>. THIS PUBLIC LAW IS ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE</p>	<p>To ensure clarity of the new categories of Ukrainian population groups.</p>	
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		<p>for program eligibility, see section 3.330), who enter the United States with or without family but experience a family breakdown or cannot return home, may also be eligible to participate in the URM program if approved by ORR.</p> <p>J. An I-551 ("green card", permanent resident card, or alien resident card) holder who held one of the previously identified statuses are eligible to apply for both CDHS and CRSP benefits and services.</p>	<p>COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN ST., DENVER, CO 80203, DURING REGULAR BUSINESS HOURS.. <del>Unaccompanied Refugee Minors (URMs) are minors identified overseas who are eligible for resettlement in the United States, but do not have a parent or a relative available who are committed to providing for the minor's long term care. Upon arrival in the United States, these refugee youth are placed into the URM program and receive refugee foster care services and benefits. Youth who have an immigration status that enables them to become eligible for ORR services (for verification of status for program eligibility, see section 3.330), who enter the United States with or without family but experience a family breakdown or cannot return home, may also be eligible to participate in the URM program if approved by ORR.</del></p> <p>J. NON-UKRAINIAN INDIVIDUALS WHO LAST HABITUALLY RESIDED IN UKRAINE, WHO DHS HAS PAROLED INTO THE UNITED STATES BETWEEN FEBRUARY 24, 2022, AND SEPTEMBER 30, 2023, DUE TO URGENT HUMANITARIAN REASONS OR FOR SIGNIFICANT PUBLIC BENEFIT.</p> <p><del>. An I-551 ("green card") holder who held one of the previously identified statuses are eligible to apply for both CDHS and CRSP benefits and</del></p>		
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			<p>services-</p> <p>K. A SPOUSE OR CHILD OF AN INDIVIDUAL DESCRIBED IN SECTION I) OR J) WHO IS PAROLED INTO THE UNITED STATES AFTER SEPTEMBER 30, 2023.</p> <p>L. A PARENT, LEGAL GUARDIAN, OR PRIMARY CAREGIVER OF AN UNACCOMPANIED REFUGEE MINOR OR AN UNACCOMPANIED CHILD DESCRIBED IN SECTION I) OR J) WHO IS PAROLED INTO THE UNITED STATES AFTER SEPTEMBER 30, 2023.</p> <p>M. UNACCOMPANIED REFUGEE MINORS (URMS) ARE MINORS IDENTIFIED OVERSEAS WHO ARE ELIGIBLE FOR RESETTLEMENT IN THE UNITED STATES, BUT DO NOT HAVE A PARENT OR A RELATIVE AVAILABLE WHO ARE COMMITTED TO PROVIDING FOR THE MINOR'S LONG-TERM CARE. UPON ARRIVAL IN THE UNITED STATES, THESE REFUGEE YOUTH ARE PLACED INTO THE URM PROGRAM AND RECEIVE REFUGEE FOSTER CARE SERVICES AND BENEFITS. YOUTH WHO HAVE AN IMMIGRATION STATUS THAT ENABLES THEM TO BECOME ELIGIBLE FOR ORR SERVICES (FOR VERIFICATION OF STATUS FOR PROGRAM ELIGIBILITY, SEE SECTION 3.330), WHO</p>		
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			<p>ENTER THE UNITED STATES WITH OR WITHOUT FAMILY BUT EXPERIENCE A FAMILY BREAKDOWN OR CANNOT RETURN HOME, MAY ALSO BE ELIGIBLE TO PARTICIPATE IN THE URM PROGRAM IF APPROVED BY ORR.</p> <p>N. AN I-551 ("GREEN CARD") HOLDER WHO HELD ONE OF THE PREVIOUSLY IDENTIFIED STATUSES ARE ELIGIBLE TO APPLY FOR BOTH CDHS AND CRSP BENEFITS AND SERVICES.</p>		
3.330	Clarity	<p>J. Unaccompanied Refugee Minors (URMs) who meet the definition above will have one of the following statuses: refugee, asylee, Cuban/Haitian Entrant, victim of trafficking, Amerasian, Iraqi or Afghani special immigrant visa holder, Special Immigrant Juvenile Status (SIJS), U visa holder, or has legal permanent resident status that previously held one of the statuses mentioned. If the URM has SIJS status, documentation presented will be one of the following: I-797, notice of action indicating status (i.e., evidence of approved I-360, or evidence of approved I-360 and approved I-485); visa</p>	<p>J. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (USCIS) FORM I-94 NOTING HUMANITARIAN PAROLE (PER INA SECTION 212(D)(5)(A)) OR 8 U.S.C. § 1182(D) (5)) IF PAROLED INTO THE UNITED STATES BETWEEN FEBRUARY 24, 2022, AND SEPTEMBER 30, 2023, OR FOREIGN PASSPORT WITH DHS/CBP ADMISSION STAMP NOTING "DT" OR A FOREIGN PASSPORT WITH DHS/CBP ADMISSION STAMP NOTING UNITING FOR UKRAINE OR "U4U" OR A FOREIGN PASSPORT WITH DHS/CBP ADMISSION STAMP NOTING UKRAINIAN HUMANITARIAN PAROLEE OR "UHP" OR FORM I-765 EMPLOYMENT AUTHORIZATION DOCUMENT (EAD) RECEIPT NOTICE WITH CODE C11 OR FORM I-766 EMPLOYMENT AUTHORIZATION DOCUMENT (EAD) WITH THE CODE C11.</p>	<p>To ensure the program rule reflects the new document type that constitutes as a proof of status for the above population groups.</p>	No

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		<p>indicating SIJS status with SL class of admission; I-1551 indicating SIJS status with SL class of admission. If the URM has a U-visa, documentation presented will be one of the following: I-797 notice of action indicating U status; a U-visa; or an I-94 arrival/departure record showing admission in Ustatus. Please note: U-visa holders are not considered “qualified aliens” status for federal public benefits. It does qualify the person to be “lawfully present” for potential state benefits.</p> <p>K. An I-551 form (“green card”, permanent resident card or resident alien card) with class of admission codes AS-6, AS-7, AS-8, RE-6, RE-7, RE-8, RE-9, CH-6, HA6, HB6, GA6, GA7, GA8, ST6, ST7, ST8, ST0, ST9, SI6, SI7, SI9, SQ6, SQ7, SQ9, AM-1, AM-2, AM-3, AM6, AM-7, or AM8. The unexpired I-551 stamp may be located in a foreign passport. If not eligible for the assistance of TANF/Colorado Works, individuals with this immigration</p>	<p><del>Unaccompanied Refugee Minors (URMs) who meet the definition above will have one of the following statuses: refugee, asylee, Cuban/Haitian Entrant, victim of trafficking, Amerasian, Iraqi or Afghani special immigrant visa holder, Special Immigrant Juvenile Status (SIJS), U-visa holder, or has legal permanent resident status that previously held one of the statuses mentioned.</del></p> <p><del>If the URM has SIJS status, documentation presented will be one of the following: I-797, notice of action indicating status (i.e., evidence of approved I-360, or evidence of approved I-360 and approved I-485); visa indicating SIJS status with SL class of admission; I-1551 indicating SIJS status with SL class of admission.</del></p> <p><del>If the URM has a U-visa, documentation presented will be one of the following: I-797 notice of action indicating U status; a U-visa; or an I-94 arrival/departure record showing admission in U status. Please note: U-visa holders are not considered “qualified aliens” status for federal public benefits. It does qualify the person to be “lawfully present” for potential state benefits.</del></p> <p>K. ANY ONE OF THE FORMS OR STAMPS LISTED ABOVE FOR UHPS AND DOCUMENTATION OF LAST HABITUAL RESIDENCE IN UKRAINE.</p> <p>. An I-551 form (“green card”, permanent</p>		
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		<p>status may be eligible for Refugee Cash Assistance (RCA) through the Colorado Refugee Services Program if income and program eligibility criteria are met. Persons must be enrolled in one of the refugee resettlement agencies in order to access RCA. Individuals admitted to the United States who are classified by USCIS as “Applicants for Asylum” are not eligible for CRSP benefits. Once granted asylum, those individuals are eligible. The exception to this rule is Cuban and Haitian individuals applying for asylum; however, they must produce documents as described above. For additional federal information regarding CRSP eligible populations, statuses, and documentation, see the Office of Refugee Resettlement State Letter # 16-01, dated 10/1/2015, located on the federal government web site at: <a href="http://www.acf.hhs.gov/programs/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program#process">http://www.acf.hhs.gov/programs/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program#process</a>. No later</p>	<p>resident card or resident alien card) with class of admission codes AS-6, AS-7, AS-8, RE-6, RE-7, RE-8, RE-9, CH-6, HA6, HB6, GA6, GA7, GA8, ST6, ST7, ST8, ST9, SI6, SI7, SI9, SQ6, SQ7, SQ9, AM-1, AM-2, AM-3, AM6, AM-7, or AM-8. The unexpired I-551 stamp may be located in a foreign passport. If not eligible for the assistance of TANF/Colorado Works, individuals with this immigration status may be eligible for Refugee Cash Assistance (RCA) through the Colorado Refugee Services Program if income and program eligibility criteria are met. Persons must be enrolled in one of the refugee resettlement agencies in order to access RCA. Individuals admitted to the United States who are classified by USCIS as “Applicants for Asylum” are not eligible for CRSP benefits. Once granted asylum, those individuals are eligible. The exception to this rule is Cuban and Haitian individuals applying for asylum; however, they must produce documents as described above. For additional federal information regarding CRSP eligible populations, statuses, and documentation, see the Office of Refugee Resettlement State Letter # 16-01, dated 10/1/2015, located on the federal government web site at: <a href="http://www.acf.hhs.gov/programs/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program#process">http://www.acf.hhs.gov/programs/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program#process</a>. No later</p>		
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		<p>editions or amendments are incorporated. Copies may be reviewed during normal business hours by contacting the Refugee Services Coordinator in the Office of Economic Security, Colorado Refugee Services Program, 1120 Lincoln Street, Suite 1007, Denver, Colorado 80203. If there is an eligibility question, please contact the Colorado Refugee Services Program for assistance.</p>	<p><del>orr-refugee-resettlement-program#process. No later editions or amendments are incorporated. Copies may be reviewed during normal business hours by contacting the Refugee Services Coordinator in the Office of Economic Security, Colorado Refugee Services Program, 1120 Lincoln Street, Suite 1007, Denver, Colorado 80203. If there is an eligibility question, please contact the Colorado Refugee Services Program for assistance.</del></p> <p>L. UNACCOMPANIED REFUGEE MINORS (URMS) WHO MEET THE DEFINITION ABOVE WILL HAVE ONE OF THE FOLLOWING STATUSES: REFUGEE, ASYLEE, CUBAN/HAITIAN ENTRANT, VICTIM OF TRAFFICKING, AMERASIAN, IRAQI OR AFGHANI SPECIAL IMMIGRANT VISA HOLDER, SPECIAL IMMIGRANT JUVENILE STATUS (SIJS), U VISA HOLDER, OR HAS LEGAL PERMANENT RESIDENT STATUS THAT PREVIOUSLY HELD ONE OF THE STATUSES MENTIONED. IF THE URM HAS SIJS STATUS, DOCUMENTATION PRESENTED WILL BE ONE OF THE FOLLOWING: I-797, NOTICE OF ACTION INDICATING STATUS (I.E., EVIDENCE OF APPROVED I-360, OR EVIDENCE OF APPROVED I-360 AND APPROVED I-485); VISA INDICATING SIJS STATUS WITH SL CLASS OF ADMISSION; I-1551 INDICATING SIJS STATUS WITH SL</p>		
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			<p>CLASS OF ADMISSION. IF THE URM HAS A U-VISA, DOCUMENTATION PRESENTED WILL BE ONE OF THE FOLLOWING: I-797 NOTICE OF ACTION INDICATING U STATUS; A U-VISA; OR AN I-94 ARRIVAL/DEPARTURE RECORD SHOWING ADMISSION IN U STATUS. PLEASE NOTE: U-VISA HOLDERS ARE NOT CONSIDERED "QUALIFIED ALIENS" STATUS FOR FEDERAL PUBLIC BENEFITS. IT DOES QUALIFY THE PERSON TO BE "LAWFULLY PRESENT" FOR POTENTIAL STATE BENEFITS. M. AN I-551 FORM ("GREEN CARD", PERMANENT RESIDENT CARD OR RESIDENT ALIEN CARD) WITH CLASS OF ADMISSION CODES AS-6, AS-7, AS-8, RE-6, RE-7, RE-8, RE-9, CH-6, HA6, HB6, GA6, GA7, GA8, ST6, ST7, ST8, ST0, ST9, SI6, SI7, SI9, SQ6, SQ7, SQ9, AM-1, AM-2, AM-3, AM6, AM-7, OR AM 8. THE UNEXPIRED I-551 STAMP MAY BE LOCATED IN A FOREIGN PASSPORT. IF NOT ELIGIBLE FOR THE ASSISTANCE OF TANF/COLORADO WORKS, INDIVIDUALS WITH THIS IMMIGRATION STATUS MAY BE ELIGIBLE FOR REFUGEE CASH ASSISTANCE (RCA) THROUGH THE COLORADO REFUGEE SERVICES PROGRAM IF INCOME AND PROGRAM ELIGIBILITY CRITERIA ARE MET. PERSONS</p>		
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			<p>MUST BE ENROLLED IN ONE OF THE REFUGEE RESETTLEMENT AGENCIES IN ORDER TO ACCESS RCA.</p> <p>INDIVIDUALS ADMITTED TO THE UNITED STATES WHO ARE CLASSIFIED BY USCIS AS "APPLICANTS FOR ASYLUM" ARE NOT ELIGIBLE FOR CRSP BENEFITS. ONCE GRANTED ASYLUM, THOSE INDIVIDUALS ARE ELIGIBLE. THE EXCEPTION TO THIS RULE IS CUBAN AND HAITIAN INDIVIDUALS APPLYING FOR ASYLUM; HOWEVER, THEY MUST PRODUCE DOCUMENTS AS DESCRIBED ABOVE.</p> <p>CRSP FOLLOWS THE FEDERAL GUIDANCE ON ELIGIBLE POPULATIONS, STATUS AND DOCUMENTATION IN THE OFFICE OF REFUGEE RESETTLEMENT STATE LETTER # 16-01, DATED 10/02/2015, LOCATED ON THE FEDERAL GOVERNMENT WEB SITE AT: <a href="https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program">HTTPS://WWW.ACF.HHS.GOV/ORR/POLICY-GUIDANCE/STATUS-AND-DOCUMENTATION-REQUIREMENTS-ORR-REFUGEE-RESETTLEMENT-PROGRAM</a></p> <p>NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. COPIES MAY BE REVIEWED DURING NORMAL BUSINESS HOURS BY CONTACTING THE REFUGEE SERVICES COORDINATOR IN THE OFFICE OF ECONOMIC SECURITY, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN ST, DENVER, COLORADO 80203.</p>		
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			IF THERE IS AN ELIGIBILITY QUESTION, PLEASE CONTACT THE COLORADO REFUGEE SERVICES PROGRAM FOR ASSISTANCE.		
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### **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):*

CDHS Employment and Benefits Division Programs

#### **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:*

CDHS Employment and Benefits Division Programs; Food and Energy Assistance Division; Colorado Department of Local Affairs; Colorado Department of Labor and Employment; Colorado Department of Public Health and Environment; Colorado Department of Health Care Policy and Financing; Refugee Resettlement Agencies (Volags): specifically Lutheran Family Services Rocky Mountains, African Community Center, and International Rescue Committee; Colorado Alliance for Refugee Empowerment and Success (CARES) contractors; Counties serving CRSP eligible populations.

#### **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?

All other state agencies as stated above were contacted and informed.

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No other State Agency is impacted by these rules.

### Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

☐ Yes ☒ No

Name of Sub-PAC Economic Security

Date presented

What issues were raised?

Vote Count

*For*

*Against*

*Abstain*

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

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Office of Economic Security, Employment & Benefits Division, Colorado Refugee Services Program		E-Mail: bidur.dahal@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.*

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### 3.321 CRSP ELIGIBLE POPULATIONS

A. A "REFUGEE" MEANS THE SAME AS IN 8 U.S.C. 1101(a)(42) AND ACCOMPANYING NOTES TO 8 U.S.C. 1101. ~~is a person who is outside his/her country of nationality (or habitual residence) who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. A refugee is granted refugee status outside of the United States.~~

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G. "AFGHAN HUMANITARIAN PAROLEE" REFERS TO AFGHAN INDIVIDUALS WHO HAVE BEEN GRANTED HUMANITARIAN PAROLE STATUS BY THE U.S. DEPARTMENT OF HOMELAND SECURITY AND WHO QUALIFY FOR REFUGEE BENEFITS UNDER PUB. L. 117-43, § 2502 (SEPT. 30, 2021), NO LATER ADDITIONS OR AMENDMENTS ARE INCORPORATED. THIS PUBLIC LAW IS AVAILABLE AT NO COST FROM [WWW.USCODE.HOUSE.GOV](http://WWW.USCODE.HOUSE.GOV). THIS PUBLIC LAW IS ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN ST., DENVER, CO 80203, DURING REGULAR BUSINESS HOURS. ~~Afghan individuals that have been granted humanitarian parole status by the U.S. Department of Homeland Security.~~

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I. "UKRAINIAN HUMANITARIAN PAROLEE (UHPS)" REFERS TO CITIZENS OR NATIONALS OF UKRAINE WHO THE DEPARTMENT OF HOMELAND SECURITY (DHS) HAS PAROLED INTO THE UNITED STATES BETWEEN FEBRUARY 24, 2022, AND SEPTEMBER 30, 2023, DUE TO URGENT HUMANITARIAN REASONS OR FOR SIGNIFICANT PUBLIC BENEFIT WHO QUALIFY FOR REFUGEE BENEFITS UNDER PUB. L. 117-128, § 401 (MAY 21, 2022), NO LATER ADDITIONS OR AMENDMENTS ARE INCORPORATED. THIS PUBLIC LAW IS AVAILABLE AT NO COST FROM [WWW.USCODE.HOUSE.GOV](http://WWW.USCODE.HOUSE.GOV). THIS PUBLIC LAW IS ALSO AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN ST., DENVER, CO 80203, DURING REGULAR BUSINESS HOURS.

. ~~Unaccompanied Refugee Minors (URMs) are minors identified overseas who are eligible for resettlement in the United States, but do not have a parent or a relative available who are committed to providing for the minor's long-term care. Upon arrival in the United States, these refugee youth are placed into the URM program and receive refugee foster care services and benefits. Youth who have an immigration status that enables them to become eligible for ORR services (for verification of status for program eligibility, see section 3.330), who enter the United States with or without family but experience a family breakdown or cannot return home, may also be eligible to participate in the URM program if approved by ORR.~~

J. NON-UKRAINIAN INDIVIDUALS WHO LAST HABITUALLY RESIDED IN UKRAINE, WHO DHS HAS PAROLED INTO THE UNITED STATES BETWEEN FEBRUARY 24, 2022, AND SEPTEMBER 30, 2023, DUE TO URGENT HUMANITARIAN REASONS OR FOR SIGNIFICANT PUBLIC BENEFIT.

. ~~An I-551 ("green card") holder who held one of the previously identified statuses are eligible to apply for both CDHS and CRSP benefits and services.~~



K. A SPOUSE OR CHILD OF AN INDIVIDUAL DESCRIBED IN SECTION I) OR J) WHO IS PAROLED INTO THE UNITED STATES AFTER SEPTEMBER 30, 2023.

L. A PARENT, LEGAL GUARDIAN, OR PRIMARY CAREGIVER OF AN UNACCOMPANIED REFUGEE MINOR OR AN UNACCOMPANIED CHILD DESCRIBED IN SECTION I) OR J) WHO IS PAROLED INTO THE UNITED STATES AFTER SEPTEMBER 30, 2023.

M. UNACCOMPANIED REFUGEE MINORS (URMS) ARE MINORS IDENTIFIED OVERSEAS WHO ARE ELIGIBLE FOR RESETTLEMENT IN THE UNITED STATES, BUT DO NOT HAVE A PARENT OR A RELATIVE AVAILABLE WHO IS COMMITTED TO PROVIDING FOR THE MINOR'S LONG-TERM CARE. UPON ARRIVAL IN THE UNITED STATES, THESE REFUGEE YOUTH ARE PLACED INTO THE URM PROGRAM AND RECEIVE REFUGEE FOSTER CARE SERVICES AND BENEFITS. YOUTH WHO HAVE AN IMMIGRATION STATUS THAT ENABLES THEM TO BECOME ELIGIBLE FOR ORR SERVICES (FOR VERIFICATION OF STATUS FOR PROGRAM ELIGIBILITY, SEE SECTION 3.330), OR WHO ENTER THE UNITED STATES WITH OR WITHOUT FAMILY BUT EXPERIENCE A FAMILY BREAKDOWN OR CANNOT RETURN HOME, MAY ALSO BE ELIGIBLE TO PARTICIPATE IN THE URM PROGRAM IF APPROVED BY ORR.

N. AN I-551 ("GREEN CARD") HOLDER WHO HELD ONE OF THE PREVIOUSLY IDENTIFIED STATUSES IS ELIGIBLE TO APPLY FOR BOTH CDHS AND CRSP BENEFITS AND SERVICES.

### 3.330 VERIFICATION OF STATUS FOR PROGRAM ELIGIBILITY

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J. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (USCIS) FORM I-94 NOTING HUMANITARIAN PAROLE (PER INA SECTION 212(D)(5)(A)) OR 8 U.S.C. § 1182(D)(5)) IF PAROLED INTO THE UNITED STATES BETWEEN FEBRUARY 24, 2022, AND SEPTEMBER 30, 2023, OR FOREIGN PASSPORT WITH DHS/CBP ADMISSION STAMP NOTING "DT" OR A FOREIGN PASSPORT WITH DHS/CBP ADMISSION STAMP NOTING UNITING FOR UKRAINE OR "U4U" OR A FOREIGN PASSPORT WITH DHS/CBP ADMISSION STAMP NOTING UKRAINIAN HUMANITARIAN PAROLEE OR "UHP" OR FORM I-765 EMPLOYMENT AUTHORIZATION DOCUMENT (EAD) RECEIPT NOTICE WITH CODE C11 OR FORM I-766 EMPLOYMENT AUTHORIZATION DOCUMENT (EAD) WITH THE CODE C11. ~~Unaccompanied Refugee Minors (URMs) who meet the definition above will have one of the following statuses: refugee, asylee, Cuban/Haitian Entrant, victim of trafficking, Amerasian, Iraqi or Afghani special immigrant visa holder, Special Immigrant Juvenile Status (SIJS), U-visa holder, or has legal permanent resident status that previously held one of the statuses mentioned.~~

~~If the URM has SIJS status, documentation presented will be one of the following: I-797, notice of action indicating status (i.e., evidence of approved I-360, or evidence of approved I-360 and approved I-485); visa indicating SIJS status with SL class of admission; I-1551 indicating SIJS status with SL class of admission.~~

~~If the URM has a U-visa, documentation presented will be one of the following: I-797 notice of action indicating U status; a U-visa; or an I-94 arrival/departure record showing admission in~~

U status. Please note: U-visa holders are not considered “qualified aliens” status for federal public benefits. It does qualify the person to be “lawfully present” for potential state benefits.

K. ANY ONE OF THE FORMS OR STAMPS LISTED ABOVE FOR UHPS AND DOCUMENTATION OF LAST HABITUAL RESIDENCE IN UKRAINE.

. An I-551 form (“green card”, permanent resident card or resident alien card) with class of admission codes AS-6, AS-7, AS-8, RE-6, RE-7, RE-8, RE-9, CH-6, HA6, HB6, GA6, GA7, GA8, ST6, ST7, ST8, ST0, ST9, SI6, SI7, SI9, SQ6, SQ7, SQ9, AM-1, AM-2, AM-3, AM6, AM-7, or AM 8. The unexpired I-551 stamp may be located in a foreign passport.

If not eligible for the assistance of TANF/Colorado Works, individuals with this immigration status may be eligible for Refugee Cash Assistance (RCA) through the Colorado Refugee Services Program if income and program eligibility criteria are met. Persons must be enrolled in one of the refugee resettlement agencies in order to access RCA.

Individuals admitted to the United States who are classified by USCIS as “Applicants for Asylum” are not eligible for CRSP benefits. Once granted asylum, those individuals are eligible. The exception to this rule is Cuban and Haitian individuals applying for asylum; however, they must produce documents as described above.

For additional federal information regarding CRSP-eligible populations, statuses, and documentation, see the Office of Refugee Resettlement State Letter # 16-01, dated 10/1/2015, located on the federal government web site at:

<http://www.acf.hhs.gov/programs/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program#process>. No later editions or amendments are incorporated.

Copies may be reviewed during normal business hours by contacting the Refugee Services Coordinator in the Office of Economic Security, Colorado Refugee Services Program, 1120 Lincoln Street, Suite 1007, Denver, Colorado 80203. If there is an eligibility question, please contact the Colorado Refugee Services Program for assistance.

L. UNACCOMPANIED REFUGEE MINORS (URMS) WHO MEET THE DEFINITION ABOVE WILL HAVE ONE OF THE FOLLOWING STATUSES: REFUGEE, ASYLEE, CUBAN/HAITIAN ENTRANT, VICTIM OF TRAFFICKING, AMERASIAN, IRAQI OR AFGHANI SPECIAL IMMIGRANT VISA HOLDER, SPECIAL IMMIGRANT JUVENILE STATUS (SIJS), U VISA HOLDER, OR HAS LEGAL PERMANENT RESIDENT STATUS THAT PREVIOUSLY HELD ONE OF THE STATUSES MENTIONED.

IF THE URM HAS SIJS STATUS, DOCUMENTATION PRESENTED WILL BE ONE OF THE FOLLOWING: I-797, NOTICE OF ACTION INDICATING STATUS (I.E., EVIDENCE OF APPROVED I-360, OR EVIDENCE OF APPROVED I-360 AND APPROVED I-485); VISA INDICATING SIJS STATUS WITH SL CLASS OF ADMISSION; I-1551 INDICATING SIJS STATUS WITH SL CLASS OF ADMISSION.

IF THE URM HAS A U-VISA, DOCUMENTATION PRESENTED WILL BE ONE OF THE FOLLOWING: I-797 NOTICE OF ACTION INDICATING U STATUS; A U-VISA; OR AN I-94 ARRIVAL/DEPARTURE RECORD SHOWING ADMISSION IN U STATUS. PLEASE NOTE: U-VISA HOLDERS ARE NOT CONSIDERED “QUALIFIED ALIENS” STATUS FOR FEDERAL PUBLIC BENEFITS. IT DOES QUALIFY THE PERSON TO BE “LAWFULLY PRESENT” FOR POTENTIAL STATE BENEFITS.

M. AN I-551 FORM (“GREEN CARD”, PERMANENT RESIDENT CARD OR RESIDENT ALIEN CARD) WITH CLASS OF ADMISSION CODES AS-6, AS-7, AS-8, RE-6, RE-7, RE-8, RE-9, CH-6, HA6, HB6, GA6, GA7, GA8, ST6, ST7, ST8, ST0, ST9, SI6, SI7, SI9, SQ6, SQ7, SQ9, AM-1, AM-2, AM-3, AM6, AM-7, OR AM 8. THE UNEXPIRED I-551 STAMP MAY BE LOCATED IN A FOREIGN PASSPORT.

IF NOT ELIGIBLE FOR THE ASSISTANCE OF TANF/COLORADO WORKS, INDIVIDUALS WITH THIS IMMIGRATION STATUS MAY BE ELIGIBLE FOR REFUGEE CASH ASSISTANCE (RCA) THROUGH THE COLORADO REFUGEE SERVICES PROGRAM IF INCOME AND PROGRAM ELIGIBILITY CRITERIA ARE MET. PERSONS MUST BE ENROLLED IN ONE OF THE REFUGEE RESETTLEMENT AGENCIES IN ORDER TO ACCESS RCA.

INDIVIDUALS ADMITTED TO THE UNITED STATES WHO ARE CLASSIFIED BY USCIS AS "APPLICANTS FOR ASYLUM" ARE NOT ELIGIBLE FOR CRSP BENEFITS. ONCE GRANTED ASYLUM, THOSE INDIVIDUALS ARE ELIGIBLE. THE EXCEPTION TO THIS RULE IS CUBAN AND HAITIAN INDIVIDUALS APPLYING FOR ASYLUM; HOWEVER, THEY MUST PRODUCE DOCUMENTS AS DESCRIBED ABOVE.

CRSP FOLLOWS THE FEDERAL GUIDANCE ON ELIGIBLE POPULATIONS, STATUS AND DOCUMENTATION IN THE OFFICE OF REFUGEE RESETTLEMENT STATE LETTER # 16-01, DATED 10/02/2015, LOCATED ON THE FEDERAL GOVERNMENT WEB SITE AT: [HTTPS://WWW.ACF.HHS.GOV/ORR/POLICY-GUIDANCE/STATUS-AND-DOCUMENTATION-REQUIREMENTS-ORR-REFUGEE-RESETTLEMENT-PROGRAM](https://www.acf.hhs.gov/orr/policy-guidance/status-and-documentation-requirements-orr-refugee-resettlement-program)

NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. COPIES MAY BE REVIEWED DURING NORMAL BUSINESS HOURS BY CONTACTING THE REFUGEE SERVICES COORDINATOR IN THE OFFICE OF ECONOMIC SECURITY, COLORADO REFUGEE SERVICES PROGRAM, 1575 SHERMAN ST, DENVER, COLORADO 80203. IF THERE IS AN ELIGIBILITY QUESTION, PLEASE CONTACT THE COLORADO REFUGEE SERVICES PROGRAM FOR ASSISTANCE.

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**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: 2022-00567

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

Income Maintenance (Volume 3)

**on 09/09/2022**

9 CCR 2503-3

**COLORADO REFUGEE SERVICES PROGRAM (CRSP)**

The above-referenced rules were submitted to this office on 09/19/2022 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.

September 29, 2022 11:40:28

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 Human Services

### **Agency**

Supplemental Nutrition Assistance Program (SNAP)

### **CCR number**

10 CCR 2506-1

### **Rule title**

10 CCR 2506-1 RULE MANUAL VOLUME 4, SNAP 1 - eff 10/01/2022

### **Effective date**

10/01/2022

### **Expiration date**

01/07/2023

#### 4.000.1 SNAP DEFINITIONS

“Able-Bodied Adult Without Dependents (ABAWD)” means an individual aged eighteen (18) through the age of forty-nine (49) without a physical or mental disability who lives in a SNAP household with no one under the age of eighteen (18).

“Administrative disqualification hearing (ADH)” means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain SNAP benefits.

“Administrative adjudicator” means a person who, pursuant to C.R.S. § 24-4-105, presides over state-level fair hearings and administrative disqualification hearings.

“Adverse action” means any action taken by a local office that causes a household’s SNAP benefits to be reduced, suspended, terminated, or denied.

\*\*\*\*\*

“Basic Utility Allowance (BUA)” means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.

“Bifurcated appeal” means an appeal that involves more than one benefit program area and where the administrative adjudicator determines to divide the appeal so that a SNAP appeal is reviewed separate from the appeal of a different benefit program area appeal.

“Boarder” means an individual residing with others and paying reasonable compensation to others for lodging and meals.

\*\*\*\*\*

“Collateral contact” means a verbal or written confirmation of a household's circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted, or by telephone.

“Colorado Department of Human Services (CDHS)” is defined in section 26-1-105, C.R.S.

“Colorado Electronic Benefit Transfer System (CO/EBTS)” means the electronic system that enables SNAP participants or their authorized representatives to redeem their SNAP benefits at point-of-sale terminals.

“Colorado Unemployment Benefits System (CUBS)” means the electronic system by which Unemployment Insurance Benefits (UIB) are determined by the Colorado Department of Labor and Employment.

“Combined appeal” means an appeal that involves both a SNAP appeal and an appeal concerning any other benefit program area (ex. A SNAP appeal plus a Colorado Works appeal that are filed as one

appeal). Combined appeals may be bifurcated to allow the SNAP portion of the appeal to move on a faster track to comply with federal SNAP timeliness requirements.

“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for persons aged sixty (60) and older, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for persons aged sixty (60) and older at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to persons aged sixty (60) and older or SSI recipients, and their spouses.

“Compromise” means a local office’s decision to reduce the amount of a claim that is owed by a household.

“Countable month” means a month in which an ABAWD received a full SNAP allotment but did not meet work requirements or have an exemption from those requirements.

\*\*\*\*\*

“Fair hearing” or “State-level fair hearing” means a hearing conducted in person or on the telephone by an administrative adjudicator to provide an impartial decision on a household’s appeal of a local office’s decision or action.

“Final agency decision” means a decision issued by the Office of Appeals after reviewing the initial decision issued by an administrative adjudicator.

“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.

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“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food and shelter amounting to one hundred thirty percent (130%) of the federal poverty level (FPL), as defined in section 4.401.1, for the non-citizen’s household size. When a non-citizen is declared indigent, only the amount provided by the sponsor shall be deemed for the non-citizen. A declaration of indigence may last up to twelve (12) months but may be renewed at the end of such a period, if necessary. The local office must notify the U.S. Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.

“Initial decision” means a decision issued by an administrative adjudicator after a state-level fair hearing.

“Initial application” means a household’s first application for assistance or an application for assistance that is received after the household has been off the program for any period following the end of a certification period.

\*\*\*\*\*

“Notice of Overpayment” means a notice sent to a household upon the establishment of a claim against the household for an overpayment of benefits.

“Office of Administrative Courts (OAC)” means the office within the Colorado Department of Personnel and Administration that the Colorado Department of Human Services may designate to hear state-level fair hearings and administrative disqualification hearings as needed and as agreed to by the Office of Administrative Courts.

“Office of Appeals (OOA)” is an office within the Colorado Department of Human Services that issues final agency decisions on behalf of the Colorado Department of Human Services.

“On-the-job training (OJT)” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.

\*\*\*\*\*

“SNAP” means Supplemental Nutrition Assistance Program, formerly known as the Food Assistance program, administered by the state department in Colorado.

“SNAP fair hearings unit” means the unit within the Office of Appeals at the Colorado Department of Human Services that may be designated by the Colorado Department of Human Services to hear SNAP appeals, the SNAP portion of a bifurcated appeal, combined appeals, and administrative disqualification hearings. The SNAP fair hearings unit generally operates under the supervision of the chief adjudicator of the Office of Appeals but acts independently and in a fair and impartial manner concerning the fair hearings process and the issuance of initial decisions.

“Sponsor” means any person(s) who executed an affidavit of support (USCIS form I-864A (March 6, 2018)) or another form deemed legally binding by the Department of Homeland Security on behalf of a non-citizen as a condition of the non-citizen’s date of entry or admission into the United States as a permanent resident. These forms are herein incorporated by reference. This rule does not contain any later amendments or editions. These forms are available at no cost from <https://www.uscis.gov/forms>. These forms are also available for public inspection and copying at the Colorado Department of Human Services, Director of the Employment and Benefits Division, 1575 Sherman Street, Denver, Colorado, 80203, or at any state publications library during regular business hours.

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“State department” means the office/division within the Colorado Department of Human Services that administers SNAP. Currently, this is the Food and Energy Assistance Division within the Office of Economic Security.

“State-level fair hearing” or “Fair hearing” means a review (hearing) requested by a client which is held before an administrative adjudicator to establish whether an adverse action or eligibility determination taken was correct.

“Striker” or “striking member” means an individual who is involved in a strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees.

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“Thrifty food plan” means the diet required to feed a family of four (4) persons, as defined by the FNS, as consisting of a man and a woman twenty (20) through fifty (50) years of age, a child six (6) through eight (8) years of age, and a child nine (9) through eleven (11) years of age, determined in accordance with the U.S. Department of Agriculture. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition.

“Trafficking” means the same as defined in section 26-2-306, C.R.S. and 7 C.F.R. 271.2 (2019), which is incorporated by reference. No later editions or amendments are incorporated. The regulation is available at no cost at the FNS, 3101 Park Center Dr., #906, Alexandria, VA 22302, or at <https://www.ecfr.gov>. This regulation is also available for public inspection and copying at the Food and Energy Assistance Division Director, Colorado Department of Human Services, 1575 Sherman Street, 3rd Floor, Denver, Colorado 80203.

“Unclear information” means information that is not verified, or information that is verified but the local office needs additional information to act on the change.

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#### 4.207.3 Benefit Allotment

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- D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.

Household Size	Maximum Monthly Allotment Effective October 1, 2022
1	\$281
2	\$516
3	\$740
4	\$939
5	\$1,116
6	\$1,339
7	\$1,480
8	\$1,691
Each additional person	+\$211

Household Size	Minimum Monthly Allotment Effective October 1, 2022
1-2	\$23

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#### 4.310.3 General Work Requirement Exemptions

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C. A person physically or mentally unfit for employment;

Examples of being physically or mentally unfit for employment can include but are not limited to:

1. Persons experiencing homelessness, as defined in 4.000.1

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#### 4.401.1 Gross Income Limits

Effective October 1, 2022, 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	\$1,473	\$2,266	\$1,869
2	\$1,984	\$3,072	\$2,518
3	\$2,495	\$3,840	\$3,167
4	\$3,007	\$4,626	\$3,816
5	\$3,518	\$5,412	\$4,465
6	\$4,029	\$6,200	\$5,114
7	\$4,541	\$6,986	\$5,763
8	\$5,052	\$7,772	\$6,412
Each additional person	+\$512	+788	+\$649

#### 4.401.2 Net Income Levels

Effective October 1, 2022, 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	\$1,133
2	\$1,526
3	\$1,920
4	\$2,313
5	\$2,706
6	\$3,100
7	\$3,493
8	\$3,886
Each additional person	+\$394

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#### 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 FNS, 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	1-4	5	6+
Effective October 1, 2022	\$193	\$225	\$258

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#### 4.407.3 Excess Shelter Deduction

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- B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.304.41. Those households containing a person who is aged sixty (60) and older 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, 2022	\$624

- C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, 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, 2022	\$166.81

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#### 4.407.31 Four-Tiered Mandatory Standard Utility Allowance

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- A. Heating and Cooling Utility Allowance (HCUA)

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4. The HCUA standard is as follows:

HCUA Standard	
Effective October 1, 2022	\$531

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B. Basic Utility Allowance (BUA)

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3. The BUA standard is as follows:

BUA Standard	
Effective October 1, 2022	\$338

\*\*\*\*\*

C. One Utility Allowance (OUA)

\*\*\*\*\*

3. The OUA standard is as follows:

OUA Standard	
Effective October 1, 2022	\$64

D. Telephone allowance

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2. The telephone allowance is as follows:

Telephone Standard	
Effective October 1, 2022	\$86

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**4.408 RESOURCE ELIGIBILITY STANDARDS**

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E. The resource limits are as follows:

Effective October 1, 2022, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is four thousand two hundred and fifty dollars (\$4,250). The resource limit for households that do not contain a member who is aged

sixty (60) and older and/or a person with a disability is two thousand seven hundred and fifty dollars (\$2,750).

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#### **4.801.41 Methods of Collection Payment on Claims**

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#### **D. Offset Against Taxpayer's State Income Tax Refund**

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##### **3. Household Objection to Pre-Offset Notice**

The taxpayer is entitled to object to the offset by filing a request for a DRC or state-level hearing within thirty (30) calendar days from the date the state department mails the pre-offset notice to the taxpayer. At the hearing on the offset, the local office or administrative adjudicator shall not consider whether an over-issuance has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:

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#### **E. Federal Treasury Offset Program (TOP)**

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8. The OOA within CDHS will review the proposed offset and issue only a final agency decision. The OOA shall find that the claim is past due and legally enforceable unless the household can provide documentation to show one (1) of the following:
  - a. The claim is not delinquent or was already paid, and the individual provides proof of payment.
  - b. The individual is not the person that is liable for the claim.
  - c. A bankruptcy action prohibits collection of the claim because the automatic stay under Section 362 of the Bankruptcy Code is in effect with respect to the individual or his or her spouse, or that the claim was discharged by a bankruptcy proceeding.
  - d. There is some other reason that the claim is not delinquent or is not legally enforceable.
9. The final agency decision by the OOA regarding the paper review will be issued by means of written findings. No oral argument is permitted. The written findings shall include the following:

- a. If the OOA determines that the claim is past due and legally enforceable:
  - 1. The individual shall be notified that the claim will continue to be referred for the offset; and,
  - 2. The individual is entitled to have the FNS review the OOA's decision. FNS must receive a request to do so within thirty (30) calendar days after the date of the state agency's notice of review decision. A request for FNS review shall include the individual's SSN. The notice shall also provide the address of the regional office including the phrase "Tax Offset Review" in the address.
- b. If the OOA determines that the claim is not past due or legally enforceable, it shall notify the individual and the local office that the claim will not be referred for the offset.
- c. While the OOA or FNS is conducting a review of the debt, the debt is not eligible for referral to TOP.

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#### **4.801.43 Criteria for Terminating Collection Action [Rev. eff. 1/1/16]**

The provisions within this section apply to Agency Error (AE) claims, Inadvertent Household Error (IHE) claims, and intentional program violation (IPV) claims.

- A. A terminated claim is a claim in which all collection activity has ceased. A terminated claim is no longer considered a receivable subject for continued state and federal agency collection and reporting requirements.

Voluntary payments from a household on a terminated claim do not reactivate the claim and cannot be accepted by the local office. A terminated claim cannot be reactivated to pursue collection.

- B. Collection action on a claim shall be terminated only in the following situations:
  - 1. A claim may be determined uncollectible after the collection action has been suspended for three (3) years. Prior to terminating such a claim, the local office may submit the claim for state or federal offset or pursue other collection actions.

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#### **4.802 APPEAL PROCESS**

Any household that is aggrieved by any action of the local office affecting the household's participation in SNAP may appeal by requesting a local-level dispute resolution conference (DRC) and/or a state-level fair hearing.

The right of a household to a DRC and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid, to protect the person against an erroneous action concerning benefits, and to ensure reasonable promptness of local office action. The individual may choose to request a DRC or bypass the DRC and appeal directly to the Colorado Department of Human Services (CDHS) for a state-level fair hearing.

CDHS may deny fair hearings to those households that are disputing a mass change, or the fact that a statewide reduction, cancellation, or suspension was ordered. In such instances, CDHS is not required to hold a fair hearing unless the request is based on the household's belief that the rules were misapplied.

If the household has a combined appeal, the appeal will be bifurcated. The SNAP fair hearings unit will process and hear the SNAP appeal, and the Office of Administrative Courts (OAC) will process and hear the other benefits program appeal(s). The SNAP fair hearings unit will provide the parties with any necessary instructions and/or procedures related to combined appeals.

#### **4.802.1 Time Period for Requesting an Appeal**

- A. A household shall be allowed to request a DRC or state-level fair hearing on the following:
  - 1. Any action by the local office that occurred in the previous ninety (90) calendar days.
  - 2. A loss of benefits that occurred in the previous ninety (90) calendar days. Such SNAP action shall include a denial of a request for restoration of benefits lost more than ninety (90) calendar days, but less than a year prior to the request.
  - 3. At any time during a certification period a household may request a fair hearing to dispute its current level of benefits.
- B. An aggrieved household shall be advised that the use of a DRC is optional, and it shall in no way delay or replace the state-level fair hearing process. If the household does not want a DRC but desires to have the disputed matter considered only at a state-level hearing, this fact should be indicated in the case record. In these cases, the request for an appeal shall be forwarded to the SNAP fair hearings unit.

#### **4.802.2 Continuation of Benefits Pending Final Agency Decision**

\*\*\*\*\*

- D. The certification office shall promptly inform the household in writing if the benefits are reduced or terminated pending the final agency decision. Once benefits are continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the final agency decision unless:
  - 1. The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the local office.
  - 2. The administrative adjudicator makes a preliminary determination, in writing and at the hearing, that the sole issue is one of federal law or regulation and that the household's

claim that the local office improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid.

3. A change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending, and the household fails to request a hearing after the subsequent Notice of Adverse Action.
4. A mass change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending. During the fair hearing period, the local office shall adjust allotments to consider reported changes, information considered verified upon receipt, and mass changes, but not the factors on which the fair hearing is based.

\*\*\*\*\*

#### **4.802.3 Rights During an Appeal**

- A. A household is entitled to the following:
  1. Be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman, or they may represent themselves at the DRC or state-level fair hearing.

\*\*\*\*\*

#### **4.802.5 Local-Level Dispute Resolution Conferences (DRC)**

- A. Before taking action to deny, terminate, reduce, or recover SNAP benefits, the local office shall provide the household an opportunity for a DRC. The individual may choose to bypass the DRC process and appeal directly to the SNAP fair hearings unit for a state-level fair hearing.
- B. If the household requests a DRC, the local office shall arrange one to attempt to resolve the disputed action. The household may be represented by legal counsel or have other persons present to aid the household in the DRC.
- C. Failure of the client to request a DRC within the prior notice period or failure to appear at the time of the scheduled DRC without making a timely request for postponement shall constitute abandonment of the right to a DRC, unless the client can show good cause for their failure to appear. "Good cause" includes, but is not limited to:
  1. Death or incapacity of a client, or a member of his or her immediate family, or the representative;
  2. Any other health or medical condition of an emergency nature; or
  3. Other circumstances beyond the control of the client, and which would prevent a reasonable person from making a timely request for a DRC or postponement of a scheduled DRC.



- D. The local office may consolidate the SNAP DRC with disputes regarding other assistance payments programs, the Colorado Works (CW) Program, or disputes concerning Medicaid eligibility; if the facts are similar and consolidation will facilitate the resolution of all disputes.

#### **4.802.51 Management of Local-Level Dispute Resolution Conference (DRC)**

- A. General Requirements

The DRC shall be conducted on an informal basis. Every effort shall be made to ensure that the household understands the local office's specific reasons for the proposed action and the applicable State Department's rules. The local office shall have available at the DRC all pertinent documents and records in the case file relevant to the specific action in dispute.

- B. Scheduling

1. To the extent possible, the DRC shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the DRC within this period, for whatever reason, the adverse action in dispute shall be delayed until a DRC can be held, unless the household waives continuation of benefits.
2. If a DRC is requested to attempt to resolve a contested denial of expedited service, it shall be scheduled within two (2) working days of the receipt of the request for a DRC unless the household requests that it be held later. Prior notice is not required.
3. The local office shall provide reasonable notice to the household of the scheduled time and location for the DRC, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the DRC process.

- C. Location

The DRC shall be held in the local office where the proposed decision is pending and before a person who was not directly involved in the initial determination of the action in question. The DRC may be conducted either in person or by telephone. If a telephonic conference is requested, it shall be agreed upon by the client. In the event the household does not speak English or is visually or hearing impaired, an interpreter or translator shall be provided by the local office.

- D. County Representatives

The individual who initiated the action in dispute shall not conduct the DRC. The local office who initiated the action in dispute shall attend the DRC and present the factual basis for the disputed action. The person designated to conduct the DRC shall be in a position which, based on knowledge, experience, and training, would enable them to determine if the proposed action is valid.

- E. Joint Dispute Resolution Processes

Two (2) or more local offices may establish a joint DRC process. If two or more counties establish a joint process, the location of the DRC need not be held in the county or agency taking the action, but the DRC location shall be convenient to the client.

**F. Notice of DRC Decision**

1. If the additional information presented in the DRC proves that the adverse action is not warranted, the case record shall be documented, and the Notice of Adverse Action cancelled.
2. At the conclusion of the DRC, the person presiding shall reduce to writing the agreement entered by the parties. Such agreement shall be signed by the parties and/or their representatives and shall be binding upon the parties. A copy of the written decision shall immediately be provided to the client and/or his or her representative. The local office shall also forward a copy of the decision to the State Department, within five (5) working days of the hearing, regardless of whether the client agrees with the outcome.
3. In the event the dispute is not resolved, the person presiding shall prepare a written statement indicating that the dispute was not resolved. The decision shall include:
  - a. A statement explaining the client's right to request a state-level fair hearing;
  - b. The time limit for requesting a state-level hearing; and,
  - c. If appropriate, a statement that the household's previous benefit amount will continue pending a final state decision in accordance with Section 4.802.2, if appealed to the state within the appeal timeframe provided on the original Notice of Action corresponding to the disputed action.

\*\*\*\*\*

**4.802.61 MANAGEMENT OF STATE-LEVEL HEARINGS**

**A. Scheduling**

1. The SNAP fair hearings unit at the Colorado Department of Human Services (CDHS) or the Office of Administrative Courts (OAC), if so designated by CDHS, shall arrange the time, date, and place of the state-level fair hearing so that the hearing is accessible to the household. At least ten (10) calendar days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. The household, however, may request less advanced notice to expedite the scheduling of the hearing. The notice shall:
  - a. Advise the household or its representative of the name, address, and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing.
  - b. Specify that the household's hearing request will be dismissed if the household or its representative fails to appear for the hearing without good cause.

- c. Include a copy of the information outlining CDHS' state-level fair hearing procedures.
  - d. Explain that the household may examine the case file prior to the hearing.
2. Hearing requests for households that plan to move from the area, such as migrant farm workers, shall be processed faster than others, if necessary, to enable them to receive a decision and any appropriate restoration of benefits before they leave the area.
3. The administrative adjudicator shall complete the hearing no more than twenty-five (25) calendar days from when the SNAP fair hearings unit received the notice of appeal. The household may request and is entitled to receive a postponement (also referred to as a continuance) of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the final agency decision may be extended for as many days as the hearing is postponed. A county may not request and is not entitled to receive a postponement.
4. The administrative adjudicator may respond to a series of individual requests for hearings by conducting a single group hearing related to SNAP appeals. The snap fair hearings unit may consolidate only SNAP related cases where individual issues of fact are not disputed and where related issues of state and/or federal law, regulation, or policy are the sole issues being raised. In all group hearings, the regulations governing individual hearings shall be followed. Each individual household shall be permitted to present its own case or have its case presented by a representative.

**B. Hearings Conducted by Phone**

The hearing may be conducted by telephone using conference call techniques or by video conference unless one of the parties objects to either of these methods. If a hearing is held by telephone using conference call techniques or by video conference, the rules of procedure (including a recording of the hearing) shall be the same as a face-to-face hearing.

**C. Attendance**

The hearing shall be attended by a representative of the local office and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The administrative adjudicator shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

**D. Administrative Adjudicator**

The administrative adjudicator shall:

1. Administer all oaths or affirmations as required by the State;
2. Ensure all relevant issues are considered;

3. Request, receive, and make part of the record all evidence determined necessary to decide the issues being raised;
4. Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;
5. Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the local office;
6. Provide a hearing record and prepare and file an initial hearing decision with the Office of Appeals (OOA) which shall serve each party with a copy of the initial decision.

#### **4.802.62 Hearing Denials or Dismissals**

- A. CDHS shall not deny or dismiss a request for a hearing unless:
  1. The request is not received within the time period specified in Section 4.802.1.
  2. The request is withdrawn in writing by the household or its representative; or,
  3. The household or its representative fails, without good cause, to appear at the scheduled hearing.
- B. The administrative adjudicator shall not enter a default against any party for failure to file a written answer to the notice of hearing but shall base the initial decision upon the evidence presented at the hearing.
- C. When the administrative adjudicator dismisses an appeal for reasons other than failure to appear, the decision of the administrative adjudicator shall be an initial decision, which shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.
- D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the administrative adjudicator of 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 an order of dismissal shall be entered by the administrative adjudicator and served upon the parties by the Office of Appeals (OOA). The order of dismissal for failure to appear shall not be implemented pending review by the OOA and entry of a final agency decision.

The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the administrative adjudicator the reason for his or her failure to appear. If the administrative adjudicator, then finds that there was acceptable good cause for the appellant not appearing, the administrative adjudicator shall vacate the order dismissing the appeal and reschedule another hearing date.

If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the OOA. The OOA shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the

interested division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, terminate benefits, recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.

If the appellant submits a letter seeking to show good cause and the administrative adjudicator finds that the stated facts do not constitute good cause, the administrative adjudicator shall enter an initial decision confirming the dismissal.

#### **4.802.63 State-Level Hearing Decisions**

- A. Decisions of the administrative adjudicator shall not run counter to Federal law, State Department rule, or state statute, and shall be based on the hearing record.

The exclusive record for an initial decision by the administrative adjudicator shall constitute the verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceedings. This record shall be retained in accordance with normal retention periods. This record shall also be available to the household or its representative at any reasonable time for copying and inspection.

- B. Following the conclusion of the state hearing, the administrative adjudicator shall promptly prepare and issue an initial decision and file it with the OOA.

- C. Initial Decision

1. The administrative adjudicator shall render an initial decision within ten (10) calendar days of the hearing date. However, if the head of the household or the household's representative requests a delay in the proceedings, the time limit for action on the decision may be extended for as many days as the hearing is delayed, up to thirty (30) calendar days.
2. The initial decision shall make an initial determination whether the county or the Colorado Department of Human Services (CDHS) or its agent acted in accordance with, and/or properly interpreted, the rules of the State Department. The administrative adjudicator may determine whether statutes were properly interpreted and applied only when no implementing state rules exist. The administrative adjudicator has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules.
3. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.
4. The Office of Appeals shall promptly serve the initial decision upon each party by first class mail and shall transmit a copy of the decision to the divisions of the State Department that administer the program(s) pertinent to the appeal.

5. The initial decision by the administrative adjudicator shall summarize the facts of the case, specify the reasons for the initial decision, and identify the supporting evidence and the pertinent rules.
6. The Office of Appeals at CDHS, as the designee of the Executive Director, shall review the initial decision of the administrative adjudicator and shall enter a final agency decision affirming, modifying, or reversing the initial decision. The Office of Appeals may issue an order of remand upon receipt of the initial decision and identification of an issue that warrants a remand before the initial decision is sent to the parties. Additionally, the Office of Appeals may issue an order of remand at the time of the substantive review of an initial decision for final agency decision. An order of remand is not a final agency decision that is subject to judicial review. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final agency decision. While review of the initial decision is pending before the Office of Appeals, the record on review, including any transcript or audio file of testimony filed with the Office of Appeals, shall be available for examination by any party at the Office of Appeals during regular business hours and by appointment only.

D. Exceptions to the Initial Decision

1. Any party seeking a final agency decision that reverses, modifies, or remands the initial decision of the administrative adjudicator must file a written notice of intent to file exceptions to the decision with the OOA within five (5) calendar days - plus three (3) calendar days for mailing - from the date the initial decision is mailed to the parties. If the party has filed such a notice of intent, the party will have fifteen (15) calendar days, plus three (3) calendar days for mailing from the date the initial decision is mailed to the parties to file its written exceptions with the OOA. Exceptions shall state specific grounds for reversal, modification, or remand of the initial decision. Exceptions that fail to state specific grounds for reversal, modification, or remand of the initial decision shall be considered as only arguments of general dissatisfaction.
2. If any party asserts that the administrative adjudicator findings of fact are not supported by the weight of the evidence, the OOA will request the SNAP fair hearings unit provide an audio recording of the hearing to the OOA. If the local office asserts that the administrative adjudicator's findings of fact are not supported by the weight of the evidence, the local office shall provide a hearing transcript to the OOA on or before the deadline for the filing of exceptions. If the local office's yearly budget is not sufficient to pay the cost of a hearing transcript, the local office may request that the OOA review an audio recording of the hearing in lieu of a hearing transcript. Such requests must be mailed or emailed to the OOA at least five (5) calendar days before the deadline for the filing of exceptions. Additionally, the letter must indicate the insufficiency of the local office's budget to pay for a hearing transcript and the letter must be signed by the county department's director. The OOA shall issue an order regarding the request, and if granted, the OOA shall request the audio recording from the SNAP fair hearings unit. If the division(s) of the State Department responsible for administering the program(s) relevant to the appeal assert(s) that the administrative adjudicator's findings of fact are not supported by the weight of the evidence, it shall simultaneously with, or prior to the

filing of exceptions, file a hearing transcript with the OOA on or before the deadline for filing exceptions.

3. Considering the federal timeliness requirements for SNAP cases, a party may not request an extension of time to file exceptions unless a party is able to show good cause as to why an extension of time should be granted. The determination of good cause is within the sole discretion of the OOA. When an extension of time is granted by the OOA, the extension shall not be for more than five (5) calendar days after the original exceptions filing deadline. Local offices or the State Department will need to immediately review initial decisions to assess any need to request an audio recording from the SNAP fair hearings unit to receive the audio recording and expedite the transcription of the audio recording through whatever transcription service it chooses. Any party requesting transcription services shall be fully responsible for the cost of such.
4. If the exceptions do not challenge the findings of fact, but instead assert only that the administrative adjudicator improperly interpreted or applied state rules or relevant statutes, no transcript review or audio recording review is required.
5. The OOA shall serve a copy of the exceptions on each party by first class mail and by electronic mail if the party has consented to receiving communications by electronic mail. Each party shall be limited to ten (10) calendar days from the date exceptions are mailed to the parties in which to file a written response to such exceptions. The OOA shall not permit oral argument.
6. The OOA shall not consider evidence that was not part of the record before the administrative adjudicator. However, the case may be remanded to the administrative adjudicator for rehearing if a party establishes in its exceptions that material evidence has been discovered that the party could not with reasonable diligence have produced at the hearing.
7. The division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. The Division's exceptions shall be filed in compliance with the requirements of section 4.802.63, D, 1 and 2, above. Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting a review of the initial decision upon the State Department's own motion.

E. Final Agency Decisions

1. The OOA shall enter a final agency decision resolving the appeal within sixty (60) calendar days after the request for appeal was received by the SNAP fair hearings unit.
2. In the absence of exceptions filed by any party or by a division of the State Department, or when exceptions are filed, the OOA shall review the initial decision and may review the hearing file of the administrative adjudicator and/or the taped testimony of witnesses before entering a final agency decision. Review by the OOA shall determine whether the initial decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law

support the decision. If a party or Division of the State Department objects to the final agency decision entered upon review by the OOA, the party or Division may seek reconsideration.

3. The OOA shall mail copies of the final agency decision to all parties by first class mail.
4. For purposes of requesting judicial review, the effective date of the final agency decision shall be the third (3rd) day after the date the decision is mailed to the parties, even if the third day falls on Saturday, Sunday, or a legal holiday. The parties shall be advised of this in the final agency decision.

F. Motion for Reconsideration of a Final Agency Decision

1. A motion for reconsideration of a final agency decision may be granted by the OOA for the following reasons:
  - a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period; or,
  - b. Upon a showing that the final agency decision is based upon a clear or plain error of fact or law. An error of law means failure by the OOA to follow a rule, statute, or court decision that controls the outcome of the appeal.
2. No motion for reconsideration shall be granted unless it is filed in writing with the OOA within fifteen (15) calendar days of the date that the final agency decision is mailed to the parties. The motion shall state specific grounds for reconsideration of the agency decision.
3. The OOA shall mail a copy of the motion for reconsideration to each party of record and to the appropriate Division of the State Department.

G. Acting on Decisions

1. Initial decisions shall not be implemented pending review by the OOA and entry of a final agency decision.
2. The State Department or local office shall initiate action to comply with the final agency decision within three (3) working days after the effective date. The acting department/office shall comply with the decision, even if reconsideration is requested, unless the effective date of the agency decision is postponed by order of the OOA or a reviewing court.
3. If it is ruled that the household had its SNAP benefits wrongfully delayed, denied, or terminated, the local office shall provide retroactive benefits. If it is decided that benefits were over-issued before and during the pendency of the determination of final agency action, a claim for over-issued benefits will be prepared.
4. Final agency decisions which result in an increase in household benefits shall be reflected in the benefit allotment within ten (10) days of the receipt of the decision,



even if the local office is obligated to provide a supplementary allotment or otherwise provide the household with the opportunity to obtain the allotment outside of the normal cycle. However, the local office may take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within sixty (60) days from the household's request for the hearing.

5. Final agency decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the decision unless the decision is stayed by the OOA upon a showing of irreparable harm.

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#### **4.803.43 Notifying a Household of an IPV Administrative Disqualification Hearing [Rev. eff. 1/1/16]**

- A. The administrative adjudicator shall provide written notice to the household member suspected of intentional program violation at least thirty (30) calendar days in advance of the date an administrative disqualification hearing initiated by the local office has been scheduled.

**Title of Proposed Rule:** FFY23 SNAP COLA and Office of Appeals Update

**CDHS Tracking #:** 22-08-01-01

Office, Division, & Program: Rule Author: Andrea Poole, SNAP Phone: 303-829-7245  
Office Of Economic Security, Program Initiatives Supervisor  
Food and Energy Assistance  
Division, SNAP

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 2<sup>nd</sup> Review

☐ Second Board Reading  
/ Adoption

**This package contains the following types of rules:** *(check all that apply)*

Number

21 Amended Rules

0 New Rules

0 Repealed Rules

0 Reviewed Rules

What month is being requested for this rule to first go before the State Board?	September 2022
---	----------------

What date is being requested for this rule to be effective?	October 2022
---	--------------

Is this date legislatively required?	No
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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 <u>September 2022</u>	2nd Board <u>October 2022</u>	Effective Date <u>October 2022</u>
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## **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 Service 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 COLA changes in this regulation package are required to become effective 10/01/2022. Additionally, recent legislative changes have moved the Office of Appeals operation under the Colorado Department of Human Services (CDHS), requiring updates to regulations to reflect the administrative change.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

- |  |   |
|--|---|
| <input checked="checked" type="checkbox"/> | to comply with state/federal law and/or       |
| <input type="checkbox"/>                   | 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 09, 2022 and are mandated to be implemented at the beginning of FFY23 (October 1, 2022). It is imperative to incorporate these rules to comply with federal SNAP regulations that must be effective October 1, 2022. Noncompliance with federal SNAP regulations as of October 1, 2022 conflicts with public interest.

### **State Board Authority for Rule:**

Code	Description
26-1-107(5)(b), C.R.S. (2021)	State Board to promulgate rules for programs administered by the Department under Titles 26 and 27. SNAP is administered by the Department under article 2 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
26-1-111(2)(a), C.R.S. (2021)	The State Department shall administer and supervise all forms of public assistance, including food assistance, under the rules adopted by the state board.
26-2-104(2)(a), (b), C.R.S. (2021)	The State Department shall establish an electronic benefits transfer (EBT) service for the delivery of food assistance payments and shall promulgate rules for the EBT service.

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26-2-106(1), C.R.S. (2021)	The State Department shall administer public assistance and determine eligibility for public assistance pursuant to its rules.
26-2-301, C.R.S (2021)	Designates the Colorado Department of Human Services as the single responsible agency to administer the Food Assistance Program in the State of Colorado.

Does the rule incorporate material by reference?

☐

Yes

☒

No

Does this rule repeat language found in statute?

☐

Yes

☒

No

If yes, please explain.

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## **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?*

Changes to COLA amounts will benefit all SNAP applicants and participants as well as county SNAP administration and staff. The state SNAP team and Office of Appeals will benefit by having rules clearly outlined for the new administrative process.

### **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. The state SNAP team and Office of Appeals will have no additional impact with these rule changes as it aligns with mandated changes in administration.

### **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?*

**Title of Proposed Rule:** FFY23 SNAP COLA and Office of Appeals Update

**CDHS Tracking #:** 22-08-01-01

Office, Division, & Program: Rule Author: Andrea Poole, SNAP Phone: 303-829-7245  
Office Of Economic Security, Program Initiatives Supervisor  
Food and Energy Assistance  
Division, SNAP

E-Mail:  
andrea.poole@state.co.us

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.

#### **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 partners to be incorporated into regulation prior to implementation and the OOA's move was legislatively determined, there are no available alternatives that exist to incorporate these program changes statewide.

## 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>		
4.000.1	Missing or incorrect definitions	<p><b>4.000.1 SNAP DEFINITIONS</b></p> <p>“Able-Bodied Adult Without Dependents (ABAWD)” means an individual between the ages of eighteen (18) and fifty (50) without a physical or mental disability, who is not pregnant, and who lives in a SNAP household with no one under the age of eighteen (18).</p> <p>“Administrative disqualification hearing (ADH)” means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain SNAP benefits.</p> <p>“Administrative law judge (ALJ)” means the person that presides over fair hearings and administrative disqualification hearings at the state level.</p> <p>“Adverse action” means any action taken by a local office that causes a household’s SNAP benefits to be reduced, suspended, terminated, or denied.</p> <p>*****</p> <p>“Basic Utility Allowance (BUA)” means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.</p> <p>“Boarder” means an individual residing with others and paying reasonable compensation to others for lodging and meals.</p> <p>*****</p> <p>“Collateral contact” means a verbal or written confirmation of a household’s circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted, or by telephone.</p> <p>“Colorado Electronic Benefit Transfer System (CO/EBTS)”</p>	<p><b>4.000.1 SNAP DEFINITIONS</b></p> <p>“Able-Bodied Adult Without Dependents (ABAWD)” means an individual aged eighteen (18) through the age of forty-nine (49) without a physical or mental disability who lives in a SNAP household with no one under the age of eighteen (18).</p> <p>“Administrative disqualification hearing (ADH)” means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain SNAP benefits.</p> <p>“Administrative law judge (ALJ)” means a person that may preside over state-level fair hearings and administrative disqualification hearings.</p> <p>“Administrative adjudicator” means a person who, pursuant to C.R.S. § 24-4-105, presides over state-level fair hearings and administrative disqualification hearings.</p> <p>“Adverse action” means any action taken by a local office that causes a household’s SNAP benefits to be reduced, suspended, terminated, or denied.</p> <p>*****</p> <p>“Basic Utility Allowance (BUA)” means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.</p> <p>“Bifurcated appeal” means an appeal that involves more than one benefit program area and where the administrative adjudicator</p>	Added or corrected definitions	

		<p>means the electronic system that enables SNAP participants or their authorized representatives to redeem their SNAP benefits at point-of-sale terminals.</p> <p>“Colorado Unemployment Benefits System (CUBS)” means the electronic system by which Unemployment Insurance Benefits (UIB) are determined by the Colorado Department of Labor and Employment.</p> <p>“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for persons aged sixty (60) and older, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for persons aged sixty (60) and older at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to persons aged sixty (60) and older or SSI recipients, and their spouses.</p> <p>“Compromise” means the decision to reduce the amount of a claim that is owed by a household.</p> <p>“Countable month” means a month in which an ABAWD received a full SNAP allotment but did not meet work requirements or have an exemption from those requirements.</p> <p>*****</p> <p>“Fair hearing” means a hearing conducted in person or on the telephone by the Office of Administrative Courts to provide an impartial decision on a household’s appeal of a local office’s decision or action.</p> <p>“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.</p> <p>*****</p> <p>“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food and shelter amounting to one hundred thirty percent (130%) of the federal poverty level (FPL), as defined in section 4.401.1, for the non-citizen’s</p>	<p>determines to divide the appeal so that a SNAP appeal is reviewed separate from the appeal of a different benefit program area appeal.</p> <p>“Boarder” means an individual residing with others and paying reasonable compensation to others for lodging and meals.</p> <p>*****</p> <p>“Collateral contact” means a verbal or written confirmation of a household’s circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted, or by telephone.</p> <p>“Colorado Department Of Human Services (CDHS)” means the same as defined in section 26-1-105, C.R.S., which is incorporated by reference. No later editions or amendments are incorporated. This regulation is available for public inspection and copying at The Food and Energy Assistance Division Director, Colorado Department of Human Services, 1575 Sherman Street, 3rd Floor, Denver, Colorado 80203.</p> <p>“Colorado Electronic Benefit Transfer System (CO/EBTS)” means the electronic system that enables SNAP participants or their authorized representatives to redeem their SNAP benefits at point-of-sale terminals.</p> <p>“Colorado Unemployment Benefits System (CUBS)” means the electronic system by which Unemployment Insurance Benefits (UIB) are determined by the Colorado Department of Labor and Employment.</p> <p>“Combined appeal” means an appeal that involves both a SNAP appeal and an appeal concerning any other benefit program area (ex. A SNAP appeal plus a Colorado Works appeal that are filed as one appeal). Combined appeals may be bifurcated to allow the SNAP portion of the appeal to move on a faster track to comply with federal SNAP timeliness requirements.</p>		
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	<p>household size. When a non-citizen is declared indigent, only the amount provided by the sponsor shall be deemed to the non-citizen. A declaration of indigence may last up to twelve (12) months but may be renewed at the end of such a period, if necessary. The local office must notify the U.S. Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.</p> <p>“Initial application” means a household’s first application for assistance or an application for assistance that is received after the household has been off the program for any period following the end of a certification period.</p> <p>*****</p> <p>“Notice of Overpayment” means a notice sent to a household upon the establishment of a claim against the household for an overpayment of benefits.</p> <p>“On-the-job training (OJT)” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.</p> <p>*****</p> <p>“SNAP” means Supplemental Nutrition Assistance Program, formerly known as the Food Assistance program, administered by the state department in Colorado.</p> <p>“Sponsor” means any person(s) who executed an affidavit of support (USCIS form I-864A (March 6, 2018)) or another form deemed legally binding by the Department of Homeland Security on behalf of a non-citizen as a condition of the non-citizen’s date of entry or admission into the United States as a permanent resident. These forms are herein incorporated by reference. This rule does not contain any later amendments or editions. These forms are available at no cost from <a href="https://www.uscis.gov/forms">https://www.uscis.gov/forms</a>. These forms are also available for public inspection and copying at the Colorado Department of Human Services, Director of the Employment and Benefits Division, 1575 Sherman Street, Denver, Colorado, 80203, or at any state publications library during regular business hours.</p> <p>*****</p>	<p>“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for persons aged sixty (60) and older, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for persons aged sixty (60) and older at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to persons aged sixty (60) and older or SSI recipients, and their spouses.</p> <p>“Compromise” means a local office’s decision to reduce the amount of a claim that is owed by a household.</p> <p>“Countable month” means a month in which an ABAWD received a full SNAP allotment but did not meet work requirements or have an exemption from those requirements.</p> <p>*****</p> <p>“Fair hearing” or “State-level fair hearing” means a hearing conducted in person or on the telephone by an administrative adjudicator to provide an impartial decision on a household’s appeal of a local office’s decision or action.</p> <p>“Final agency decision” means a decision issued by the Office of Appeals after reviewing the initial decision issued by an administrative adjudicator.</p> <p>“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.</p> <p>*****</p> <p>“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food</p>	
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	<p>“State department” means the office/division within the Colorado Department of Human Services that administers SNAP. Currently, this is the Food and Energy Assistance Division within the Office of Economic Security.</p> <p>“State-level fair hearing” means a review requested by a client which is held before an ALJ to establish whether an adverse action or eligibility determination taken was correct.</p> <p>“Striker” or “striking member” means an individual who is involved in a strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees.</p> <p>*****</p> <p>“Thrifty food plan” means the diet required to feed a family of four (4) persons, as defined by the FNS, as consisting of a man and a woman twenty (20) through fifty (50) years of age, a child six (6) through eight (8) years of age, and a child nine (9) through eleven (11) years of age, determined in accordance with the U.S. Department of Agriculture. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition.</p> <p>“Trafficking in food stamps” means the same as defined in section 26-2-306, C.R.S. and 7 C.F.R. 271.2 (2019), which is incorporated by reference. No later editions or amendments are incorporated. The regulation is available at no cost at the FNS, 3101 Park Center Dr., #906, Alexandria, VA 22302, or at <a href="https://www.ecfr.gov">https://www.ecfr.gov</a>. This regulation is also available for public inspection and copying at the Food and Energy Assistance Division Director, Colorado Department of Human Services, 1575 Sherman Street, 3rd Floor, Denver, Colorado 80203.</p> <p>“Unclear information” unclear information is information that is not verified, or information that is verified but the local office needs additional information to act on the change.</p> <p>*****</p>	<p>and shelter amounting to one hundred thirty percent (130%) of the federal poverty level (FPL), as defined in section 4.401.1, for the non-citizen’s household size. When a non-citizen is declared indigent, only the amount provided by the sponsor shall be deemed for the non-citizen. A declaration of indigence may last up to twelve (12) months but may be renewed at the end of such a period, if necessary. The local office must notify the U.S. Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.</p> <p>“Initial decision” means a decision issued by an administrative adjudicator after a state-level fair hearing.</p> <p>“Initial application” means a household’s first application for assistance or an application for assistance that is received after the household has been off the program for any period following the end of a certification period.</p> <p>*****</p> <p>“Notice of Overpayment” means a notice sent to a household upon the establishment of a claim against the household for an overpayment of benefits.</p> <p>“Office of Administrative Courts (OAC)” means the office within The Colorado Department of Personnel and Administration that The Colorado Department of Human Services may designate to hear state-level fair hearings as needed and as agreed to by The Office of Administrative Courts.</p> <p>“Office of Appeals (OOA)” is an office within The Colorado Department of Human Services that issues final agency decisions on behalf of The Colorado Department of Human Services.</p> <p>“On-the-job training (OJT)” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.</p> <p>*****</p>	
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			<p>“SNAP” means Supplemental Nutrition Assistance Program, formerly known as the Food Assistance program, administered by the state department in Colorado.</p> <p>“SNAP fair hearings unit” means the unit within the Office of Appeals at the Colorado Department of Human Services that may be designated by the Colorado Department of Human Services to hear SNAP appeals, the SNAP portion of a bifurcated appeal, combined appeals, and administrative disqualification hearings. The SNAP fair hearings unit generally operates under the supervision of the chief adjudicator of the Office of Appeals but acts independently and in a fair and impartial manner concerning the fair hearings process and the issuance of initial decisions.</p> <p>“Sponsor” means any person(s) who executed an affidavit of support (USCIS form I-864A (March 6, 2018)) or another form deemed legally binding by the Department of Homeland Security on behalf of a non-citizen as a condition of the non-citizen’s date of entry or admission into the United States as a permanent resident. These forms are herein incorporated by reference. This rule does not contain any later amendments or editions. These forms are available at no cost from <a href="https://www.uscis.gov/forms">https://www.uscis.gov/forms</a>. These forms are also available for public inspection and copying at the Colorado Department of Human Services, Director of the Employment and Benefits Division, 1575 Sherman Street, Denver, Colorado, 80203, or at any state publications library during regular business hours.</p> <p>*****</p> <p>“State department” means the office/division within the Colorado Department of Human Services that administers SNAP. Currently, this is the Food and Energy Assistance Division within the Office of Economic Security.</p> <p>“State-level fair hearing” or “Fair hearing” means a review (hearing) requested by a</p>		
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4.207.3(	Outdated	<b>4.207.3 Benefit Allotment</b>	<b>4.207.3 Benefit Allotment</b>	Updated information	

D)	information	<p>*****</p> <p>D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.</p> <table><tr><th>Household Size</th><th>Maximum Monthly Allotment Effective October 1, 2021</th></tr><tr><td>1</td><td>\$250</td></tr><tr><td>2</td><td>\$459</td></tr><tr><td>3</td><td>\$658</td></tr><tr><td>4</td><td>\$835</td></tr><tr><td>5</td><td>\$992</td></tr><tr><td>6</td><td>\$1,190</td></tr><tr><td>7</td><td>\$1,316</td></tr><tr><td>8</td><td>\$1,504</td></tr><tr><td>Each additional person</td><td>+\$188</td></tr></table> <table><tr><th>Household Size</th><th>Minimum Monthly Allotment Effective October 1, 2021</th></tr><tr><td>1-2</td><td>\$20</td></tr></table> <p>*****</p>	Household Size	Maximum Monthly Allotment Effective October 1, 2021	1	\$250	2	\$459	3	\$658	4	\$835	5	\$992	6	\$1,190	7	\$1,316	8	\$1,504	Each additional person	+\$188	Household Size	Minimum Monthly Allotment Effective October 1, 2021	1-2	\$20	<p>*****</p> <p>D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.</p> <table><tr><th>Household Id Size</th><th>Maximum Monthly Allotment Effective October 1, 2022</th></tr><tr><td>1</td><td>\$281</td></tr><tr><td>2</td><td>\$516</td></tr><tr><td>3</td><td>\$740</td></tr><tr><td>4</td><td>\$939</td></tr><tr><td>5</td><td>\$1,116</td></tr><tr><td>6</td><td>\$1,339</td></tr><tr><td>7</td><td>\$1,480</td></tr><tr><td>8</td><td>\$1,691</td></tr><tr><td>Each additional person</td><td>+\$211</td></tr></table> <table><tr><th>Household Id Size</th><th>Minimum Monthly Allotment Effective October 1, 2022</th></tr><tr><td>1-2</td><td>\$23</td></tr></table> <p>*****</p>	Household Id Size	Maximum Monthly Allotment Effective October 1, 2022	1	\$281	2	\$516	3	\$740	4	\$939	5	\$1,116	6	\$1,339	7	\$1,480	8	\$1,691	Each additional person	+\$211	Household Id Size	Minimum Monthly Allotment Effective October 1, 2022	1-2	\$23		
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4.310.3(C)	Incorrect citation	<p><b>4.310.3 General Work Requirement Exemptions</b></p> <p>*****</p> <p>C. A person physically or mentally unfit for employment;</p> <p>Examples of being physically or mentally unfit for employment can include but are not limited to:</p> <p>1. Persons experiencing homelessness defined in 4.100</p> <p>*****</p>	<p><b>4.310.3 General Work Requirement Exemptions</b></p> <p>*****</p> <p>C. A person physically or mentally unfit for employment;</p> <p>Examples of being physically or mentally unfit for employment can include but are not limited to:</p> <p>1. Persons experiencing homelessness, as defined in 4.000.1</p> <p>*****</p>	Corrected citation																																																	
4.401.1	Outdated information	<p><b>4.401.1 Gross Income Limits</b></p> <p>Effective October 1, 2021, the gross income level for one</p>	<p><b>4.401.1 Gross Income Limits</b></p> <p>Effective October 1, 2022, the gross income</p>	Updated information																																																	

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	\$1,396	\$2,148	\$1,771
2	\$1,888	\$2,904	\$2,396
3	\$2,379	\$3,660	\$3,020
4	\$2,871	\$4,418	\$3,644
5	\$3,363	\$5,174	\$4,268
6	\$3,855	\$5,930	\$4,893
7	\$4,347	\$6,688	\$5,517
8	\$4,839	\$7,444	\$6,141
Each additional person	+\$492	+\$758	+\$625

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	\$1,473	\$2,266	\$1,869
2	\$1,984	\$3,072	\$2,518
3	\$2,495	\$3,840	\$3,167
4	\$3,007	\$4,626	\$3,816
5	\$3,518	\$45,412	\$4,465
6	\$4,029	\$6,200	\$5,114
7	\$4,541	\$6,986	\$5,763
8	\$5,052	\$7,772	\$6,412
Each additional person	+\$512	+788	+\$649

**4.401.2 Net Income Levels**  
Effective October 1, 2021, 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	\$1,074
2	\$1,452
3	\$1,830
4	\$2,209
5	\$2,587
6	\$2,965
7	\$3,344

**4.401.2 Net Income Levels**  
Effective October 1, 2022, the net income level of one hundred percent (100%) of the federal poverty level for the corresponding household size is as follows:

Updated information

		<div>*****</div> <table><tr><td>8</td><td>\$3,722</td></tr><tr><td>Each additional person</td><td>+\$379</td></tr></table>	8	\$3,722	Each additional person	+\$379	<table><tr><th>Household Size</th><th>100% Net Income Level</th></tr><tr><td>1</td><td>\$1,133</td></tr><tr><td>2</td><td>\$1,526</td></tr><tr><td>3</td><td>\$1,920</td></tr><tr><td>4</td><td>\$2,313</td></tr><tr><td>5</td><td>\$2,706</td></tr><tr><td>6</td><td>\$3,100</td></tr><tr><td>7</td><td>\$3,493</td></tr><tr><td>8</td><td>\$3,886</td></tr><tr><td>Each additional person</td><td>+\$394</td></tr></table> <div>*****</div>	Household Size	100% Net Income Level	1	\$1,133	2	\$1,526	3	\$1,920	4	\$2,313	5	\$2,706	6	\$3,100	7	\$3,493	8	\$3,886	Each additional person	+\$394					
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4.407.1	Outdated information	<div>4.407.1 Standard Deduction</div> <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 FNS, 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, 2021</td><td>\$177</td><td>\$184</td><td>\$215</td><td>\$246</td></tr></table> <div>*****</div>	Standard Deduction Amount					Household Size	1-3	4	5	6+	Effective October 1, 2021	\$177	\$184	\$215	\$246	<div>4.407.1 Standard Deduction</div> <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 FNS, 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="4">Standard Deduction Amount</th></tr><tr><th>Household Size</th><th>1-4</th><th>5</th><th>6+</th></tr><tr><td>Effective October 1, 2022</td><td>\$193</td><td>\$225</td><td>\$258</td></tr></table> <div>*****</div>	Standard Deduction Amount				Household Size	1-4	5	6+	Effective October 1, 2022	\$193	\$225	\$258	Updated information	
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Effective October 1, 2022	\$193	\$225	\$258																													
4.407.3	Outdated information	<div>4.407.3 Excess Shelter Deduction</div> <div>*****</div> <p>A. A shelter deduction cap, as specified below, applies to households that do not contain A person who is aged sixty (60) and older or a person with a disability as defined in Section 4.304.41. Those households</p>	<div>4.407.3 Excess Shelter Deduction</div> <div>*****</div> <p>B. A shelter deduction cap, as specified below, applies to households that do not contain a person who is aged sixty (60) and older or a person with a disability as defined in Section 4.304.41. Those households</p>	Updated information																												

		<p>containing a person who is aged sixty (60) and older 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.</p> <table><tr><th colspan="2">Shelter Deduction Cap</th></tr><tr><td>Effective October 1, 2021</td><td>\$597</td></tr></table> <p>C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.</p> <p>The FNS, 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:</p> <table><tr><th colspan="2">Homeless Shelter Deduction</th></tr><tr><td>Effective October 1, 2021</td><td>\$159.73</td></tr></table> <p>*****</p>	Shelter Deduction Cap		Effective October 1, 2021	\$597	Homeless Shelter Deduction		Effective October 1, 2021	\$159.73	<p>containing a person who is aged sixty (60) and older 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.</p> <table><tr><th colspan="2">Shelter Deduction Cap</th></tr><tr><td>Effective October 1, 2022</td><td>\$624</td></tr></table> <p>C. Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.</p> <p>The FNS, 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:</p> <table><tr><th colspan="2">Homeless Shelter Deduction</th></tr><tr><td>Effective October 1, 2022</td><td>\$166.81</td></tr></table> <p>*****</p>	Shelter Deduction Cap		Effective October 1, 2022	\$624	Homeless Shelter Deduction		Effective October 1, 2022	\$166.81	
Shelter Deduction Cap																				
Effective October 1, 2021	\$597																			
Homeless Shelter Deduction																				
Effective October 1, 2021	\$159.73																			
Shelter Deduction Cap																				
Effective October 1, 2022	\$624																			
Homeless Shelter Deduction																				
Effective October 1, 2022	\$166.81																			
4.407.31	Outdated information	<p><b>4.407.31 Four-Tiered Mandatory Standard Utility Allowance</b></p> <p>*****</p> <p>A. Heating and Cooling Utility Allowance (HCUA)</p> <p>*****</p> <p>4. The HCUA standard is as follows:</p> <table><tr><th colspan="2">HCUA Standard</th></tr><tr><td>Effective October 1, 2021</td><td>\$493</td></tr></table> <p>*****</p> <p>B. Basic Utility Allowance (BUA)</p> <p>*****</p> <p>3. The BUA standard is as follows:</p> <table><tr><th colspan="2">BUA Standard</th></tr><tr><td>Effective October 1, 2021</td><td>\$314</td></tr></table>	HCUA Standard		Effective October 1, 2021	\$493	BUA Standard		Effective October 1, 2021	\$314	<p><b>4.407.31 Four-Tiered Mandatory Standard Utility Allowance</b></p> <p>*****</p> <p>A. Heating and Cooling Utility Allowance (HCUA)</p> <p>*****</p> <p>4. The HCUA standard is as follows:</p> <table><tr><th colspan="2">HCUA Standard</th></tr><tr><td>Effective October 1, 2022</td><td>\$531</td></tr></table> <p>*****</p> <p>B. Basic Utility Allowance (BUA)</p>	HCUA Standard		Effective October 1, 2022	\$531	Updated information				
HCUA Standard																				
Effective October 1, 2021	\$493																			
BUA Standard																				
Effective October 1, 2021	\$314																			
HCUA Standard																				
Effective October 1, 2022	\$531																			



		<p>*****</p> <p>C. One Utility Allowance (OUA)</p> <p>*****</p> <p>3. The OUA standard is as follows:</p> <table><tr><th colspan="2">OUA Standard</th></tr><tr><td>Effective October 1, 2021</td><td>\$59</td></tr></table> <p>*****</p> <p>D. Telephone Allowance</p> <p>*****</p> <p>2. The telephone allowance is as follows:</p> <table><tr><th colspan="2">Telephone Standard</th></tr><tr><td>Effective October 1, 2021</td><td>\$80</td></tr></table>	OUA Standard		Effective October 1, 2021	\$59	Telephone Standard		Effective October 1, 2021	\$80	<p>*****</p> <p>3. The BUA standard is as follows:</p> <table><tr><th colspan="2">BUA Standard</th></tr><tr><td>Effective October 1, 2022</td><td>\$338</td></tr></table> <p>*****</p> <p>C. One Utility Allowance (OUA)</p> <p>*****</p> <p>3. The OUA standard is as follows:</p> <table><tr><th colspan="2">OUA Standard</th></tr><tr><td>Effective October 1, 2022</td><td>\$64</td></tr></table> <p>D. Telephone allowance</p> <p>*****</p> <p>2. The telephone allowance is as follows:</p> <table><tr><th colspan="2">Telephone Standard</th></tr><tr><td>Effective October 1, 2022</td><td>\$86</td></tr></table> <p>*****</p>	BUA Standard		Effective October 1, 2022	\$338	OUA Standard		Effective October 1, 2022	\$64	Telephone Standard		Effective October 1, 2022	\$86		
OUA Standard																									
Effective October 1, 2021	\$59																								
Telephone Standard																									
Effective October 1, 2021	\$80																								
BUA Standard																									
Effective October 1, 2022	\$338																								
OUA Standard																									
Effective October 1, 2022	\$64																								
Telephone Standard																									
Effective October 1, 2022	\$86																								
4.408(E)	Outdated information	<p><b>4.408 Resource Eligibility Standards</b></p> <p>*****</p> <p>E. The resource limits are as follows:</p> <p>Effective October 1, 2021, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is three thousand seven hundred and fifty dollars (\$3,750). The resource limit for households that do not contain a member who is aged sixty (60) and older and/or a person with a disability is two thousand five hundred dollars (\$2,500).</p> <p>*****</p>	<p><b>4.408 RESOURCE ELIGIBILITY STANDARDS</b></p> <p>*****</p> <p>E. The resource limits are as follows:</p> <p>Effective October 1, 2022, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is four thousand two hundred and fifty dollars (\$4,250). The resource limit for households that do not contain a member who is aged sixty (60) and older and/or a person with a disability is two thousand seven hundred and fifty dollars (\$2,750).</p> <p>*****</p>	Updated information																					
4.801.41	Incorrect language; non-standardized acronyms	<p><b>4.801.41 Methods of Collection Payment on Claims</b></p> <p>*****</p>	<p><b>4.801.41 Methods of Collection Payment on Claims</b></p>	Corrected language; standardized acronyms																					

D. Offset Against Taxpayer's State Income Tax Refund

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3. Household Objection to Pre-Offset Notice

The taxpayer is entitled to object to the offset by filing a request for a local-level conference or state-level hearing within thirty (30) calendar days from the date that the state department mails its pre-offset notice to the taxpayer. At the hearing on the offset, the local office or Administrative Law Judge (ALJ) shall not consider whether an over-issuance has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:

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E. Federal Treasury Offset Program (TOP)

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8. The OOA within CDHS will review the proposed offset. The OOA shall find that the claim is past due and legally enforceable unless the household can provide documentation to show any one (1) of the following:

- a. The claim is not delinquent or was already paid, and the individual provides proof of payment.
- b. The individual is not the person that is liable for the claim.
- c. A bankruptcy action prohibits collection of the claim because the automatic stay under Section 362 of the Bankruptcy Code is in effect with respect to the individual or his or her spouse, or that the claim was discharged by a bankruptcy proceeding.
- d. There is some other reason that the claim is not delinquent or is not legally enforceable.

9. The decision by the OOA regarding the review will be issued by means of written findings. The written findings shall include the following:

- a. If the OOA determines that the claim is past due and legally enforceable:
  1. The individual shall be notified that the claim will continue to be referred for the offset; and,

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D. Offset Against Taxpayer's State Income Tax Refund

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3. Household Objection to Pre-Offset Notice

The taxpayer is entitled to object to the offset by filing a request for a DRC or state-level hearing within thirty (30) calendar days from the date the state department mails the pre-offset notice to the taxpayer. At the hearing on the offset, the local office or administrative adjudicator shall not consider whether an over-issuance has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:

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E. Federal Treasury Offset Program (TOP)

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8. An OOA adjudicator within CDHS will review the proposed offset and issue only a final agency decision. The OOA shall find that the claim is past due and legally enforceable unless the household can provide documentation to show one (1) of the following:

- a. The claim is not delinquent or was already paid, and the individual provides proof of payment.
- b. The individual is not the person that is liable for the claim.
- c. A bankruptcy action prohibits collection of the claim because the automatic stay under Section 362 of the Bankruptcy Code is in effect with respect to the individual or his or her spouse, or that the claim was discharged by a bankruptcy proceeding.

d. There is some other reason that the claim is not delinquent or is not legally

		<p>2. The individual is entitled to have the FNS review the OOA's decision. FNS must receive a request to do so within thirty (30) calendar days after the date of the state agency's notice of review decision. A request for FNS review shall include the individual's SSN. The notice shall also provide the address of the regional office including the phrase "Tax Offset Review" in the address.</p> <p>b. If the OOA determines that the claim is not past due or legally enforceable, it shall notify the individual and the local office that the claim will not be referred for the offset.</p> <p>c. While the OOA or FNS is conducting a review of the debt, the debt is not eligible for referral to TOP.</p> <p>*****</p>	<p>enforceable.</p> <p>9. The final agency decision by the OOA regarding the paper review will be issued by means of written findings. No oral argument is permitted. The written findings shall include the following:</p> <p>a. If the OOA determines that the claim is past due and legally enforceable:</p> <p>1. The individual shall be notified that the claim will continue to be referred for the offset; and,</p> <p>2. The individual is entitled to have the FNS review the OOA's decision. FNS must receive a request to do so within thirty (30) calendar days after the date of the state agency's notice of review decision. A request for FNS review shall include the individual's SSN. The notice shall also provide the address of the regional office including the phrase "Tax Offset Review" in the address.</p> <p>b. If the OOA determines that the claim is not past due or legally enforceable, it shall notify the individual and the local office that the claim will not be referred for the offset.</p> <p>c. While the OOA or FNS is conducting a review of the debt, the debt is not eligible for referral to TOP.</p> <p>*****</p>		
4.801.43	Incorrect language	<p><b>4.801.43 Criteria for Terminating Collection Action [Rev. eff. 1/1/16]</b></p> <p>The provisions within this section apply to Agency Error (AE) claims, Inadvertent Household Error (IHE) claims, and intentional Program violation (IPV) claims.</p> <p>A. A terminated claim is a claim in which all collection activity has ceased. A terminated claim is no longer considered a receivable subject for continued state and federal agency</p>	<p><b>4.801.43 Criteria for Terminating Collection Action [Rev. eff. 1/1/16]</b></p> <p>The provisions within this section apply to Agency Error (AE) claims, Inadvertent Household Error (IHE) claims, and intentional Program violation (IPV) claims.</p> <p>A. A terminated claim is a claim in which all collection activity has ceased. A terminated</p>	Corrected language	

		<p>collection and reporting requirements, unless otherwise stated.</p> <p>Voluntary payments from a household on a terminated claim do not reactivate the claim but shall be accepted by the local office, but it does not reactivate the claim. A terminated claim shall not be reactivated to pursue collection.</p> <p>B. Collection action on a claim shall be terminated only in the following situations:</p> <p>1. A claim may be determined uncollectible after collection action has been suspended for three (3) years. Prior to terminating such a claim, the local office may submit the claim for state or federal offset or pursue other collection actions. A terminated claim may be reactivated to offset restoration of lost benefits.</p> <p>*****</p>	<p>claim is no longer considered a receivable subject for continued state and federal agency collection and reporting requirements unless otherwise stated.</p> <p>Voluntary payments from a household on a terminated claim do not reactivate the claim. A terminated claim cannot be reactivated to pursue collection.</p> <p>B. Collection action on a claim shall be terminated only in the following situations:</p> <p>1. A claim may be determined uncollectible after the collection action has been suspended for three (3) years. Prior to terminating such a claim, the local office may submit the claim for state or federal offset or pursue other collection actions. A terminated claim can only be reactivated to offset restoration of lost benefits.</p> <p>*****</p>		
4.802	Missing language; non-standardized language	<p><b>4.802 APPEAL PROCESS</b></p> <p>Any household that is aggrieved by any action of the local office affecting the household's participation in the Program may appeal by requesting a local-level dispute resolution conference and/or a state-level fair hearing.</p> <p>The right of a household to a local-level dispute resolution conference and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid; to protect the person against an erroneous action concerning benefits; and to ensure reasonable promptness of local office action. The individual may choose to request a local-level dispute resolution conference or bypass the dispute resolution process and appeal directly to the Colorado Department of Personnel and Administration, Office of Administrative Courts (OAC), for a state-level fair hearing.</p> <p>The Office of Administrative Courts may deny fair hearings to those households that are disputing a mass change, or the fact that a statewide reduction, cancellation, or suspension was ordered. In such instances, the OAC is not required to hold a fair hearing unless the request is based on the household's belief that the rules were misapplied.</p>	<p><b>4.802 APPEAL PROCESS</b></p> <p>Any household that is aggrieved by any action of the local office affecting the household's participation in SNAP may appeal by requesting a local-level dispute resolution conference (DRC) and/or a state-level fair hearing.</p> <p>The right of a household to a DRC and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid, to protect the person against an erroneous action concerning benefits, and to ensure reasonable promptness of local office action. The individual may choose to request a DRC or bypass the DRC and appeal directly to the Colorado Department of Human Services (CDHS) for a state-level fair hearing. CDHS may deny fair hearings to those households that are disputing a mass change, or the fact that a statewide reduction, cancellation, or suspension was ordered. In such instances, CDHS is not required to hold a fair hearing unless the request is based on</p>	Added language; standardized language	

			<p>the household's belief that the rules were misapplied.</p> <p>If the household has a combined appeal, the appeal will be bifurcated. The SNAP fair hearings unit will process and hear the SNAP appeal, and the Office of Administrative Courts (OAC) will process and hear the other benefits program appeal(s). The SNAP fair hearings unit will provide the parties with any necessary instructions and/or procedures related to combined appeals.</p>		
4.802.1	Incorrect language	<p><b>4.802.1 Time Period for Requesting an Appeal</b></p> <p>A. A household shall be allowed to request a local-level dispute resolution conference or state-level fair hearing on the following:</p> <ol style="list-style-type: none"> <li>1. Any action by the local office that occurred in the previous ninety (90) calendar days.</li> <li>2. A loss of benefits that occurred in the previous ninety (90) calendar days. Such SNAP action shall include a denial of a request for restoration of benefits lost more than ninety (90) calendar days, but less than a year prior to the request.</li> <li>3. At any time during a certification period a household may request a fair hearing to dispute its current level of benefits.</li> </ol> <p>B. An aggrieved household shall be advised that the use of a local-level dispute resolution conference is optional, and it shall in no way delay or replace the state-level fair hearing process. If the household does not want a local-level dispute resolution conference but desires to have the disputed matter considered only at a state-level hearing, this fact should be indicated in the case record. In these cases the request for an appeal shall be forwarded to the Office of Administrative Courts.</p>	<p><b>4.802.1 Time Period for Requesting an Appeal</b></p> <p>A. A household shall be allowed to request a DRC or state-level fair hearing on the following:</p> <ol style="list-style-type: none"> <li>1. Any action by the local office that occurred in the previous ninety (90) calendar days.</li> <li>2. A loss of benefits that occurred in the previous ninety (90) calendar days. Such SNAP action shall include a denial of a request for restoration of benefits lost more than ninety (90) calendar days, but less than a year prior to the request.</li> <li>3. At any time during a certification period a household may request a fair hearing to dispute its current level of benefits.</li> </ol> <p>B. An aggrieved household shall be advised that the use of a DRC is optional, and it shall in no way delay or replace the state-level fair hearing process. If the household does not want a DRC but desires to have the disputed matter considered only at a state-level hearing, this fact should be indicated in the case record. In these cases, the request for an appeal shall be forwarded to the SNAP fair hearings unit.</p>	Corrected language	
4.802.2(D)	Incorrect language	<p><b>4.802.2 Continuation of Benefits Pending Final Agency Decision</b></p>	<p><b>4.802.2 Continuation of Benefits Pending Final Agency Decision</b></p>	Corrected language	

		<p>*****</p> <p>D. The certification office shall promptly inform the household in writing if the benefits are reduced or terminated pending the final agency decision. Once benefits are continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the final agency decision unless:</p> <ol style="list-style-type: none"> <li>1. The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the local office.</li> <li>2. The Administrative Law Judge (ALJ) makes a preliminary determination, in writing and at the hearing, that the sole issue is one of federal law or regulation and that the household's claim that the local office improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid.</li> <li>3. A change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending and the household fails to request a hearing after the subsequent Notice of Adverse Action.</li> <li>4. A mass change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending. During the fair hearing period, the local office shall adjust allotments to take into account reported changes, information considered verified upon receipt, and mass changes, but not the factors on which the fair hearing is based.</li> </ol> <p>*****</p>	<p>*****</p> <p>D. The certification office shall promptly inform the household in writing if the benefits are reduced or terminated pending the final agency decision. Once benefits are continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the final agency decision unless:</p> <ol style="list-style-type: none"> <li>1. The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the local office.</li> <li>2. The administrative adjudicator makes a preliminary determination, in writing and at the hearing, that the sole issue is one of federal law or regulation and that the household's claim that the local office improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid.</li> <li>3. A change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending, and the household fails to request a hearing after the subsequent Notice of Adverse Action.</li> <li>4. A mass change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending. During the fair hearing period, the local office shall adjust allotments to consider reported changes, information considered verified upon receipt, and mass changes, but not the factors on which the fair hearing is based.</li> </ol> <p>*****</p>		
4.802.3	Incorrect language	<p><b>4.802.3 Rights During an Appeal</b></p> <p>A. A household is entitled to the following:</p> <ol style="list-style-type: none"> <li>1. Be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman, or</li> </ol>	<p><b>4.802.3 Rights During an Appeal</b></p> <p>A. A household is entitled to the following:</p> <ol style="list-style-type: none"> <li>1. Be represented by an authorized representative, such as legal counsel,</li> </ol>	Corrected language	

		<p>they may represent themselves at the conference.</p> <p>*****</p>	<p>relative, friend, or other spokesman, or they may represent themselves at the DRC or state-level fair hearing.</p> <p>*****</p>		
4.802.5(A)	Incorrect language; non-standardized acronyms	<p><b>4.802.5 Local-Level Dispute Resolution Conferences (DRC)</b></p> <p>A. Before taking action to deny, terminate, reduce, or recover SNAP benefits, the local office shall provide the household an opportunity for a DRC. The individual may choose to bypass the dispute resolution process and appeal directly to the Office of Administrative Courts for a state-level fair hearing.</p> <p>B. If the household requests a DRC, the local office shall arrange such a conference to attempt to resolve the disputed action. The participant household may be represented by legal counsel or have other persons present to aid the household in the DRC.</p> <p>C. Failure of the client to request a DRC within the prior notice period or failure to appear at the time of the scheduled DRC without making a timely request for postponement shall constitute abandonment of the right to a conference, unless the applicant/participant can show good cause for his/her failure to appear. "Good cause" includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Death or incapacity of a client, or a member of his or her immediate family, or the representative;</li> <li>2. Any other health or medical condition of an emergency nature; or</li> <li>3. Other circumstances beyond the control of the client, and which would prevent a reasonable person from making a timely request for a conference or postponement of a scheduled conference.</li> </ol> <p>D. The local office may consolidate the SNAP conference with disputes regarding other assistance payments programs, the Colorado Works (CW) Program, or disputes concerning Medicaid eligibility, if the facts are similar and consolidation will facilitate resolution of all disputes.</p>	<p><b>4.802.5 Local-Level Dispute Resolution Conferences (DRC)</b></p> <p>A. Before taking action to deny, terminate, reduce, or recover SNAP benefits, the local office shall provide the household an opportunity for a DRC. The individual may choose to bypass the DRC process and appeal directly to the SNAP fair hearings unit for a state-level fair hearing.</p> <p>B. If the household requests a DRC, the local office shall arrange one to attempt to resolve the disputed action. The household may be represented by legal counsel or have other persons present to aid the household in the DRC.</p> <p>C. Failure of the client to request a DRC within the prior notice period or failure to appear at the time of the scheduled DRC without making a timely request for postponement shall constitute abandonment of the right to a DRC, unless the client can show good cause for their failure to appear. "Good cause" includes, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Death or incapacity of a client, or a member of his or her immediate family, or the representative;</li> <li>2. Any other health or medical condition of an emergency nature; or</li> <li>3. Other circumstances beyond the control of the client, and which would prevent a reasonable person from making a timely request for a DRC or postponement of a scheduled DRC.</li> </ol> <p>D. The local office may consolidate the SNAP DRC with disputes regarding other assistance payments programs, the Colorado Works (CW) Program, or disputes</p>	Corrected language; standardized acronyms	

			concerning Medicaid eligibility, if the facts are similar and consolidation will facilitate the resolution of all disputes.		
4.805.51	Incorrect language; non-standardized acronyms	<p><b>4.802.51 Management of Local-Level Dispute Resolution Conference (DRC)</b></p> <p>A. General Requirements</p> <p>The local-level dispute resolution conference shall be conducted on an informal basis. Every effort shall be made to ensure that the applicant or participant household understands the local office's specific reasons for the proposed action and the applicable state department's rules. The local office shall have available at the conference all pertinent documents and records in the case file relevant to the specific action in dispute.</p> <p>B. Scheduling a Conference</p> <ol style="list-style-type: none"> <li>1. To the extent possible, the local-level dispute resolution conference shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the conference within this period, for whatever reason, the adverse action in dispute shall be delayed until a conference can be held, unless the household waives continuation of benefits.</li> <li>2. If a conference is requested to attempt to resolve a contested denial of expedited service, it shall be scheduled within two (2) working days of the receipt of the request for a conference unless the household requests that the conference be held later. Prior notice is not required.</li> <li>3. The local office shall provide reasonable notice to the household of the scheduled time and location for the conference, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the dispute resolution process.</li> </ol> <p>C. Location</p> <p>The local dispute resolution conference shall be held in the local office where the proposed decision is pending and before a person who was not directly involved in the initial determination of the action in question. The local-level conference may be conducted either in person or by</p>	<p><b>4.802.51 Management of Local-Level Dispute Resolution Conference (DRC)</b></p> <p>A. General Requirements</p> <p>The DRC shall be conducted on an informal basis. Every effort shall be made to ensure that the household understands the local office's specific reasons for the proposed action and the applicable State Department's rules. The local office shall have available at the DRC all pertinent documents and records in the case file relevant to the specific action in dispute.</p> <p>B. Scheduling</p> <ol style="list-style-type: none"> <li>1. To the extent possible, the DRC shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the DRC within this period, for whatever reason, the adverse action in dispute shall be delayed until a DRC can be held, unless the household waives continuation of benefits.</li> <li>2. If a DRC is requested to attempt to resolve a contested denial of expedited service, it shall be scheduled within two (2) working days of the receipt of the request for a DRC unless the household requests that it be held later. Prior notice is not required.</li> <li>3. The local office shall provide reasonable notice to the household of the scheduled time and location for the DRC, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the DRC process.</li> </ol> <p>C. Location</p> <p>The DRC shall be held in the local office</p>	Corrected language; standardized acronyms	



		<p>telephone. If a telephonic conference is requested, it shall be agreed upon by the client. In the event the household does not speak English or is visually or hearing impaired, an interpreter or translator shall be provided by the local office.</p> <p>D. County Representatives</p> <p>The individual who initiated the action in dispute shall not conduct the DRC. The county, agency caseworker, or other person who initiated the action in dispute shall attend the DRC and present the factual basis for the disputed action. The person designated to conduct the DRC shall be in a position which, based on knowledge, experience, and training, would enable him or her to determine if the proposed action is valid.</p> <p>E. Joint Dispute Resolution Processes</p> <p>Two (2) or more local offices may establish a joint DRC process. If two or more counties establish a joint process, the location of the DRC need not be held in the county or agency taking the action, but the DRC location shall be convenient to the client.</p> <p>F. Notice of DRC Decision</p> <ol style="list-style-type: none"> <li>1. If the additional information presented in the DRC proves that the adverse action is not warranted, the case record shall be documented, and the Notice of Adverse Action cancelled.</li> <li>2. At the conclusion of the DRC, the person presiding shall reduce to writing the agreement entered by the parties. Such agreement shall be signed by the parties and/or their representatives and shall be binding upon the parties. A copy of the written decision shall immediately be provided to the client and/or his or her representative. The local office shall also forward a copy of the decision to the state department, within five (5) working days of the hearing, regardless of whether the client was in agreement with the outcome.</li> <li>3. In the event the dispute is not resolved, the person presiding shall prepare a written statement indicating that the dispute was not resolved. The decision shall include: <ol style="list-style-type: none"> <li>a. A statement explaining the applicant or participant's</li> </ol> </li> </ol>	<p>where the proposed decision is pending and before a person who was not directly involved in the initial determination of the action in question. The DRC may be conducted either in person or by telephone. If a telephonic conference is requested, it shall be agreed upon by the client. In the event the household does not speak English or is visually or hearing impaired, an interpreter or translator shall be provided by the local office.</p> <p>D. County Representatives</p> <p>The individual who initiated the action in dispute shall not conduct the DRC. The individual who initiated the action in dispute shall attend the DRC and present the factual basis for the disputed action. The person designated to conduct the DRC shall be in a position which, based on knowledge, experience, and training, would enable them to determine if the proposed action is valid.</p> <p>E. Joint Dispute Resolution Processes</p> <p>Two (2) or more local offices may establish a joint DRC process. If two or more counties establish a joint process, the location of the DRC need not be held in the county or agency taking the action, but the DRC location shall be convenient to the client.</p> <p>F. Notice of DRC Decision</p> <ol style="list-style-type: none"> <li>1. If the additional information presented in the DRC proves that the adverse action is not warranted, the case record shall be documented, and the Notice of Adverse Action cancelled.</li> <li>2. At the conclusion of the DRC, the person presiding shall reduce to writing the agreement entered by the parties. Such agreement shall be signed by the parties and/or their representatives and shall be binding upon the parties. A copy of the</li> </ol>		
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		<p>right to request a state-level fair hearing;</p> <p>b. The time limit for requesting a state-level hearing; and,</p> <p>c. If appropriate, a statement that the household's previous benefit amount will continue pending a final state decision in accordance with Section 4.802.2, if appealed to the state within ten (10) calendar days from the date of the conference decision.</p> <p>*****</p>	<p>written decision shall immediately be provided to the client and/or his or her representative. The local office shall also forward a copy of the decision to the State Department, within five (5) working days of the hearing, regardless of whether the client agrees with the outcome.</p> <p>3. In the event the dispute is not resolved, the person presiding shall prepare a written statement indicating that the dispute was not resolved. The decision shall include:</p> <p>a. A statement explaining the client's right to request a state-level fair hearing;</p> <p>b. The time limit for requesting a state-level hearing; and,</p> <p>c. If appropriate, a statement that the household's previous benefit amount will continue pending a final state decision in accordance with Section 4.802.2, if appealed to the state within the appeal timeframe provided on the original Notice of Action coresponding to the disputed action.</p> <p>*****</p>		
4.802.61	Incorrect language; non-standardized acronyms	<p><b>4.802.61 MANAGEMENT OF STATE-LEVEL HEARINGS</b></p> <p>A. Scheduling</p> <p>1. The Office of Administrative Courts shall arrange the time, date, and place of the state-level hearing so that the hearing is accessible to the household. At least ten (10) calendar days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. The household, however, may request less advanced notice to expedite the scheduling of the hearing. The notice shall:</p> <p>a. Advise the household or its representative of the name, address, and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing.</p>	<p><b>4.802.61 MANAGEMENT OF STATE-LEVEL HEARINGS</b></p> <p>A. Scheduling</p> <p>1. The SNAP fair hearings unit at the Colorado Department of Human Services (CDHS) or the Office of Administrative Courts (OAC), if so designated by CDHS, shall arrange the time, date, and place of the state-level fair hearing so that the hearing is accessible to the household. At least ten (10) calendar days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. The household, however, may request less advanced notice to expedite the</p>	Corrected language; standardized acronyms	

		<p>b. Specify that the household's hearing request will be dismissed if the household or its representative fails to appear for the hearing without good cause.</p> <p>c. Include a copy of the information outlining the state agency's fair hearing procedures.</p> <p>d. Explain that the household may examine the case file prior to the hearing.</p> <p>2. Hearing requests for households that plan to move from the area, such as migrant farm workers, shall be processed faster than others, if necessary, to enable them to receive a decision and any appropriate restoration of benefits before they leave the area.</p> <p>3. The Office of Administrative Courts shall complete the hearing no more than twenty-five (25) calendar days from when the Office of Administrative Courts received the notice of appeal. The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the final agency decision may be extended for as many days as the hearing is postponed. A county may not request and is not entitled to receive a postponement</p> <p>4. The Administrative Law Judge may respond to a series of individual requests for hearings by conducting a single group hearing. The Office of Administrative Courts may consolidate only cases where individual issues of fact are not disputed and where related issues of state and/or federal law, regulation, or policy are the sole issues being raised. In all group hearings, the regulations governing individual hearings shall be followed. Each individual household shall be permitted to present its own case or have its case presented by a representative.</p> <p>B. Hearings Conducted by Phone</p> <p>The hearing may be conducted by telephone using conference call techniques unless one of the parties objects to this method. If a hearing is held by telephone using conference call techniques, the rules of procedure (including a recording of the hearing) shall be the same as a face-to-face hearing.</p> <p>C. Attendance</p>	<p>scheduling of the hearing. The notice shall:</p> <p>a. Advise the household or its representative of the name, address, and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing.</p> <p>b. Specify that the household's hearing request will be dismissed if the household or its representative fails to appear for the hearing without good cause.</p> <p>c. Include a copy of the information outlining CDHS' state-level fair hearing procedures.</p> <p>d. Explain that the household may examine the case file prior to the hearing.</p> <p>2. Hearing requests for households that plan to move from the area, such as migrant farm workers, shall be processed faster than others, if necessary, to enable them to receive a decision and any appropriate restoration of benefits before they leave the area.</p> <p>3. The administrative adjudicator shall complete the hearing no more than twenty-five (25) calendar days from when the SNAP fair hearings unit received the notice of appeal. The household may request and is entitled to receive a postponement (also referred to as a continuance) of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the final agency decision may be extended for as many days as the hearing is postponed. A county may not request and is not entitled to receive a postponement.</p> <p>4. The administrative adjudicator may respond to a series of individual requests</p>		
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			<p>record all evidence determined necessary to decide the issues being raised;</p> <p>4. Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;</p> <p>5. Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the local office;</p> <p>6. Provide a hearing record and prepare and file an initial hearing decision with the Office of Appeals (OOA) which shall serve each party with a copy of the initial decision.</p>		
4.802.62	Incorrect language; non-standardized acronyms	<p><b>4.802.62 Hearing Denials or Dismissals</b></p> <p>A. The Office of Administrative Courts (OAC) shall not deny or dismiss a request for a hearing unless:</p> <ol style="list-style-type: none"> <li>1. The request is not received within the time period specified in Section 4.802.1.</li> <li>2. The request is withdrawn in writing by the household or its representative; or,</li> <li>3. The household or its representative fails, without good cause, to appear at the scheduled hearing.</li> </ol> <p>B. The ALJ shall not enter a default against any party for failure to file a written answer to the notice of hearing, but shall base the initial decision upon the evidence presented at the hearing.</p> <p>C. When the Administrative Law Judge dismisses an appeal for reasons other than failure to appear, the decision of the Administrative Law Judge (ALJ) shall be an initial decision, which shall not be implemented pending review by the Office of Appeals and entry of an agency decision.</p> <p>D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the ALJ of acceptable good cause for inability to appear at the hearing at the time,</p>	<p><b>4.802.62 Hearing Denials or Dismissals</b></p> <p>A. CDHS shall not deny or dismiss a request for a hearing unless:</p> <ol style="list-style-type: none"> <li>1. The request is not received within the time period specified in Section 4.802.1.</li> <li>2. The request is withdrawn in writing by the household or its representative; or,</li> <li>3. The household or its representative fails, without good cause, to appear at the scheduled hearing.</li> </ol> <p>B. The administrative adjudicator shall not enter a default against any party for failure to file a written answer to the notice of hearing but shall base the initial decision upon the evidence presented at the hearing.</p> <p>C. When the administrative adjudicator dismisses an appeal for reasons other than failure to appear, the decision of the administrative adjudicator shall be an initial decision, which shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.</p>	Corrected language; standardized acronyms	

		<p>date and place specified in the notice of hearing, then the appeal shall be considered abandoned, and an order of dismissal shall be entered by the ALJ and served upon the parties by the OAC. The order of dismissal for failure to appear shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.</p> <p>The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the Administrative Law Judge the reason for his or her failure to appear. If the ALJ then finds that there was acceptable good cause for the appellant not appearing, the ALJ shall vacate the order dismissing the appeal and reschedule another hearing date.</p> <p>If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the Office of Appeals of the State Department. The Office of Appeals shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the interested Division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, to terminate benefits, to recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.</p> <p>If the appellant submits a letter seeking to show good cause and the Administrative Law Judge finds that the stated facts do not constitute good cause, he/she shall enter an initial decision confirming the dismissal.</p>	<p>D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the administrative adjudicator 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 an order of dismissal shall be entered by the administrative adjudicator and served upon the parties by the Office of Appeals (OOA). The order of dismissal for failure to appear shall not be implemented pending review by the OOA and entry of a final agency decision.</p> <p>The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the administrative adjudicator the reason for his or her failure to appear. If the administrative adjudicator then finds that there was acceptable good cause for the appellant not appearing, the administrative adjudicator shall vacate the order dismissing the appeal and reschedule another hearing date.</p> <p>If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the OOA. The OOA shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the interested division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, terminate benefits, recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.</p> <p>If the appellant submits a letter seeking to show good cause and the administrative</p>	
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			adjudicator finds that the stated facts do not constitute good cause, the administrative adjudicator shall enter an initial decision confirming the dismissal.		
4.802.63	Incorrect language; missing regulation	<p><b>4.802.63 State-Level Hearing Decisions</b></p> <p>A. Decisions of the Administrative Law Judge (ALJ) shall not run counter to Federal law, State Department rule, or state statute, and shall be based on the hearing record.</p> <p>The exclusive record for an initial decision by the ALJ shall constitute the verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceedings. This record shall be retained in accordance with normal retention periods. This record shall also be available to the household or its representative at any reasonable time for copying and inspection.</p> <p>B. Following the conclusion of the state hearing, the Administrative Law Judge (ALJ) shall promptly prepare and issue an initial decision and file it with the Colorado Department of Human Services, Office of Appeals.</p> <p>C. Initial Decision</p> <ol style="list-style-type: none"> <li>1. The Office of Administrative Courts shall render an initial decision within ten (10) calendar days of the hearing date. However, if the head of the household or his representative requests a delay in the proceedings, the time limit for action on the decision may be extended for as many days as the hearing is delayed, up to thirty (30) calendar days.</li> <li>2. The initial decision shall make an initial determination whether the county or State Department or its agent acted in accordance with, and/or properly interpreted, the rules of the State Department. The Administrative Law Judge may determine whether statutes were properly interpreted and applied only when no implementing State rules exist. The Administrative Law Judge has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules.</li> <li>3. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency</li> </ol>	<p><b>4.802.63 State-Level Hearing Decisions</b></p> <p>A. Decisions of the administrative adjudicator shall not run counter to Federal law, State Department rule, or state statute, and shall be based on the hearing record.</p> <p>The exclusive record for an initial decision by the administrative adjudicator shall constitute the verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceedings. This record shall be retained in accordance with normal retention periods. This record shall also be available to the household or its representative at any reasonable time for copying and inspection.</p> <p>B. Following the conclusion of the state hearing, the administrative adjudicator shall promptly prepare and issue an initial decision and file it with the OOA.</p> <p>C. Initial Decision</p> <ol style="list-style-type: none"> <li>1. The administrative adjudicator shall render an initial decision within ten (10) calendar days of the hearing date. However, if the head of the household or the household's representative requests a delay in the proceedings, the time limit for action on the decision may be extended for as many days as the hearing is delayed, up to thirty (30) calendar days.</li> <li>2. The initial decision shall make an initial determination whether the county or the Colorado Department of Human Services (CDHS) or its agent acted in accordance with, and/or properly interpreted, the rules of the State Department. The</li> </ol>	Corrected language; added regulation	

		<p>decision affirming those provisions.</p> <p>4. The Office of Appeals shall promptly serve the initial decision upon each party by first class mail and shall transmit a copy of the decision to the Divisions of the State Department that administer the program(s) pertinent to the appeal.</p> <p>5. The initial decision by the ALJ shall summarize the facts of the case, specify the reasons for the initial decision, and identify the supporting evidence and the pertinent rule.</p> <p>6. The Office of Appeals of the State Department, as the designee of the Executive Director, shall review the initial decision of the Administrative Law Judge and shall enter a final agency decision affirming, modifying, or reversing the initial decision. The Office of Appeals may issue an order of remand upon receipt of the initial decision and identification of an issue that warrants a remand before the initial decision is sent to the parties.</p> <p>Additionally, the Office of Appeals may issue an order of remand at the time of the substantive review of an initial decision for final agency decision. An order of remand is not a final agency decision that is subject to judicial review. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final agency decision. While review of the initial decision is pending before the Office of Appeals, the record on review, including any transcript or tape of testimony filed with the Office of Appeals, shall be available for examination by any party at the Office of Appeals during regular business hours.</p> <p>D. Exceptions to the Initial Decision</p> <p>1. Any party seeking a final agency decision which reverses, modifies or remands the initial decision of the administrative law judge must file a written notice of intent to file exceptions to the decision with the office of appeals within five (5) calendar days - plus three (3) calendar days for mailing - from the date the initial decision is mailed to the parties. If the party has filed such a notice of intent, the party will have fifteen (15) calendar days, plus three (3) calendar days for mailing from the date the initial decision is mailed to the parties to file its written exceptions with the office of appeals. Exceptions shall state specific grounds for reversal, modification or</p>	<p>administrative adjudicator may determine whether statutes were properly interpreted and applied only when no implementing state rules exist. The administrative adjudicator has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules.</p> <p>3. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.</p> <p>4. The Office of Appeals shall promptly serve the initial decision upon each party by first class mail and shall transmit a copy of the decision to the divisions of the State Department that administer the program(s) pertinent to the appeal.</p> <p>5. The initial decision by the administrative adjudicator shall summarize the facts of the case, specify the reasons for the initial decision, and identify the supporting evidence and the pertinent rules.</p> <p>6. The Office of Appeals at CDHS, as the designee of the Executive Director, shall review the initial decision of the administrative adjudicator and shall enter a final agency decision affirming, modifying, or reversing the initial decision. The Office of Appeals may issue an order of remand upon receipt of the initial decision and identification of an issue that warrants a remand before the initial decision is sent to the parties. Additionally, the Office of Appeals may issue an order of remand at the time of the substantive review of an initial decision for final agency decision. An order of remand is not a final agency decision that is subject to judicial review. The initial decision shall not be implemented pending review by the Office of Appeals and entry of a final</p>		
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		<p>remand of the initial decision.</p> <p>2. If the party asserts that the Administrative Law Judge's findings of fact are not supported by the weight of the evidence, the party shall simultaneously with or prior to the filing of exceptions request the Office of Administrative Courts to cause a transcript of all or a portion of the hearing to be prepared and filed with the Office of Appeals. The exceptions shall state that a transcript has been requested, if applicable. Within five (5) calendar days of the request for transcript, the party requesting it shall advance the cost to the transcriber designated by the Office of Administrative Courts unless the transcriber waives the prior payment.</p> <p>A party who is unable because of indigence to pay the cost of a transcript may file a written request, which need not be sworn, with the Office of Appeals for permission to submit a copy of the hearing tape instead of the transcript. If submission of a tape is permitted, the party filing exceptions shall promptly request a copy of the tape from the Office of Administrative Courts, if the hearing was held at or by the Office of Administrative Courts, or from the department, if the hearing was held at or by the department, and deliver it to the Office of Appeals. Payment in advance shall be required for the preparation of a copy of the tape.</p> <p>3. If the exceptions do not challenge the findings of fact, but instead assert only that the Administrative Law Judge improperly interpreted or applied State rules or relevant statutes, the party filing exceptions is not required to provide a transcript or tape to the Office of Appeals.</p> <p>4. The Office of Appeals shall serve a copy of the exceptions on each party by first class mail and by electronic mail if the party has consented to receiving communications by electronic mail. Each party shall be limited to ten (10) calendar days from the date exceptions are mailed to the parties in which to file a written response to such exceptions. The Office of Appeals shall not permit oral argument.</p> <p>5. The Office of Appeals shall not consider evidence that was not part of the record before the Administrative Law Judge. However, the case may be remanded to the Administrative Law Judge for rehearing if a party establishes in its exceptions that material evidence has been discovered which the party could not with</p>	<p>agency decision. While review of the initial decision is pending before the Office of Appeals, the record on review, including any transcript or tape of testimony filed with the Office of Appeals, shall be available for examination by any party at the Office of Appeals during regular business hours.</p> <p>D. Exceptions to the Initial Decision</p> <p>1. Any party seeking a final agency decision that reverses, modifies, or remands the initial decision of the administrative adjudicator must file a written notice of intent to file exceptions to the decision with the OOA within five (5) calendar days - plus three (3) calendar days for mailing - from the date the initial decision is mailed to the parties. If the party has filed such a notice of intent, the party will have fifteen (15) calendar days, plus three (3) calendar days for mailing from the date the initial decision is mailed to the parties to file its written exceptions with the OOA. Exceptions shall state specific grounds for reversal, modification, or remand of the initial decision. Exceptions that fail to state specific grounds for reversal, modification, or remand of the initial decision shall be considered as only arguments of general dissatisfaction.</p> <p>2. If any party asserts that the administrative adjudicator findings of fact are not supported by the weight of the evidence, the OOA will request the SNAP fair hearings unit provide an audio recording of the hearing to the OOA. If the local office asserts that the administrative adjudicator's findings of fact are not supported by the weight of the evidence, the local office shall provide a hearing transcript to the OOA on or before the deadline for the filing of exceptions. If the local office's yearly budget is not sufficient to pay the cost of a hearing transcript, the local office may</p>		
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		<p>reasonable diligence have produced at the hearing.</p> <p>6. The Division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. The Division's exceptions shall be filed in compliance with the requirements of section 4.802.63, D, 1, above. Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting review of the initial decision upon the State Department's own motion.</p> <p>E. Final Agency Decisions</p> <p>1. The Office of Appeals shall enter a final agency decision resolving the appeal within sixty (60) calendar days after the hearing was requested.</p> <p>2. In the absence of exceptions filed by any party or by a Division of the State Department, the Office of Appeals shall review the initial decision and may review the hearing file of the Administrative Law Judge and/or the taped testimony of witnesses before entering a final agency decision. Review by the Office of Appeals shall determine whether the decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law support the decision. If a party or Division of the State Department objects to the final agency decision entered upon review by the Office of Appeals, the party or Division may seek reconsideration.</p> <p>3. The Office of Appeals shall mail copies of the final agency decision to all parties by first class mail.</p> <p>4. For purposes of requesting judicial review, the effective date of the final agency decision shall be the third (3rd) day after the date the decision is mailed to the parties, even if the third day falls on Saturday, Sunday, or a legal holiday. The parties shall be advised of this in the agency decision.</p> <p>F. Motion for Reconsideration of a Final Agency Decision</p> <p>1. A motion for reconsideration of a final agency decision may be granted by the Office of Appeals for the following reasons:</p>	<p>request that the OOA review an audio recording of the hearing in lieu of a hearing transcript. Such requests must be mailed or emailed to the OOA at least five (5) calendar days before the deadline for the filing of exceptions. Additionally, the letter must indicate the insufficiency of the local office's budget to pay for a hearing transcript and the letter must be signed by the county department's director. The OOA shall issue an order regarding the request, and if granted, the OOA shall request the audio recording from the SNAP fair hearings unit. If the division(s) of the State Department responsible for administering the program(s) relevant to the appeal assert(s) that the administrative adjudicator's findings of fact are not supported by the weight of the evidence, it shall simultaneously with, or prior to the filing of exceptions, file a hearing transcript with the OOA on or before the deadline for filing exceptions.</p> <p>3. Considering the federal timeliness requirements for SNAP cases, a party may not request an extension of time to file exceptions unless a party is able to show sufficient good cause as to why an extension of time should be granted. The determination of good cause is within the sole discretion of the OOA. When an extension of time is granted by the OOA, the extension shall not be for more than five (5) calendar days after the original exceptions filing deadline. Local offices or the State Department will need to immediately review initial decisions to assess any need to request an audio recording from the SNAP fair hearings unit to receive the audio recording and expedite the transcription of the audio recording through whatever transcription service it chooses. Any party requesting transcription services shall be fully responsible for the cost of such.</p> <p>4. If the exceptions do not challenge the</p>		
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		<p>a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period; or,</p> <p>b. Upon a showing that the final agency decision is based upon a clear or plain error of fact or law. An error of law means failure by the Office of Appeals to follow a rule, statute, or court decision that controls the outcome of the appeal.</p> <p>2. No motion for reconsideration shall be granted unless it is filed in writing with the Office of Appeals within fifteen (15) calendar days of the date that the final agency decision is mailed to the parties. The motion shall state specific grounds for reconsideration of the agency decision.</p> <p>3. The Office of Appeals shall mail a copy of the motion for reconsideration to each party of record and to the appropriate Division of the State Department.</p> <p>G. Acting on Decisions</p> <p>1. Initial decisions shall not be implemented pending review by the Office of Appeals and entry of a final agency decision.</p> <p>2. The state department or local office shall initiate action to comply with the final agency decision within three (3) working days after the effective date. The acting department/office shall comply with the decision, even if reconsideration is requested, unless the effective date of the agency decision is postponed by order of the Office of Appeals or a reviewing court.</p> <p>3. If it is ruled that the household had its SNAP benefits wrongfully delayed, denied, or terminated, the local office shall provide retroactive benefits. If it is decided that benefits were over-issued before and during the pendency of the determination of final agency action, a claim for over-issued benefits will be prepared.</p> <p>4. Final agency decisions which result in an increase in household benefits shall be reflected in the benefit allotment within ten (10) days of the receipt of the decision, even if the local office is obligated to provide a supplementary allotment or otherwise provide the household with the opportunity to obtain the allotment outside of the normal cycle. However, the local office may</p>	<p>findings of fact, but instead assert only that the administrative adjudicator improperly interpreted or applied state rules or relevant statutes, no transcript review or audio recording review is required.</p> <p>5. The OOA shall serve a copy of the exceptions on each party by first class mail and by electronic mail if the party has consented to receiving communications by electronic mail. Each party shall be limited to ten (10) calendar days from the date exceptions are mailed to the parties in which to file a written response to such exceptions. The OOA shall not permit oral argument.</p> <p>6. The OOA shall not consider evidence that was not part of the record before the administrative adjudicator. However, the case may be remanded to the administrative adjudicator for rehearing if a party establishes in its exceptions that material evidence has been discovered that the party could not with reasonable diligence have produced at the hearing.</p> <p>7. The division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. The Division's exceptions shall be filed in compliance with the requirements of section 4.802.63, D, 1 and 2, above. Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting a review of the initial decision upon the State Department's own motion.</p> <p>E. Final Agency Decisions</p> <p>1. The OOA shall enter a final agency decision resolving the appeal within sixty (60) calendar days after the request for</p>		
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		<p>take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within sixty (60) days from the household's request for the hearing.</p> <p>5. Final agency decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the decision, unless the decision is stayed by the Office of Appeals upon a showing of irreparable harm.</p>	<p>appeal was received by the SNAP fair hearings unit.</p> <p>2. In the absence of exceptions filed by any party or by a division of the State Department, or when exceptions are filed, the OOA shall review the initial decision and may review the hearing file of the administrative adjudicator and/or the taped testimony of witnesses before entering a final agency decision. Review by the OOA shall determine whether the initial decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law support the decision. If a party or Division of the State Department objects to the final agency decision entered upon review by the OOA, the party or Division may seek reconsideration.</p> <p>3. The OOA shall mail copies of the final agency decision to all parties by first class mail.</p> <p>4. For purposes of requesting judicial review, the effective date of the final agency decision shall be the third (3rd) day after the date the decision is mailed to the parties, even if the third day falls on Saturday, Sunday, or a legal holiday. The parties shall be advised of this in the final agency decision.</p> <p>F. Motion for Reconsideration of a Final Agency Decision</p> <p>1. A motion for reconsideration of a final agency decision may be granted by the OOA for the following reasons:</p> <p>a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period; or,</p> <p>b. Upon a showing that the final agency decision is based upon a clear or plain</p>		
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			<p>error of fact or law. An error of law means failure by the OOA to follow a rule, statute, or court decision that controls the outcome of the appeal.</p> <p>2. No motion for reconsideration shall be granted unless it is filed in writing with the OOA within fifteen (15) calendar days of the date that the final agency decision is mailed to the parties. The motion shall state specific grounds for reconsideration of the agency decision.</p> <p>3. The OOA shall mail a copy of the motion for reconsideration to each party of record and to the appropriate Division of the State Department.</p> <p>G. Acting on Decisions</p> <p>1. Initial decisions shall not be implemented pending review by the OOA and entry of a final agency decision.</p> <p>2. The State Department or local office shall initiate action to comply with the final agency decision within three (3) working days after the effective date. The acting department/office shall comply with the decision, even if reconsideration is requested, unless the effective date of the agency decision is postponed by order of the OOA or a reviewing court.</p> <p>3. If it is ruled that the household had its SNAP benefits wrongfully delayed, denied, or terminated, the local office shall provide retroactive benefits. If it is decided that benefits were over-issued before and during the pendency of the determination of final agency action, a claim for over-issued benefits will be prepared.</p> <p>4. Final agency decisions which result in an increase in household benefits shall be reflected in the benefit allotment within ten (10) days of the receipt of the decision, even if the local office is obligated to provide a supplementary</p>		
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			<p>allotment or otherwise provide the household with the opportunity to obtain the allotment outside of the normal cycle. However, the local office may take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within sixty (60) days from the household's request for the hearing.</p> <p>5. Final agency decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the decision unless the decision is stayed by the OOA upon a showing of irreparable harm.</p>		
4.803.43(A)	Incorrect language	<p><b>4.803.43 Notifying a Household of an IPV Administrative Disqualification Hearing [Rev. eff. 1/1/16]</b></p> <p>A. The Administrative Law Judge or local-level hearing officer shall provide written notice to the household member suspected of intentional program violation at least thirty (30) calendar days in advance of the date an administrative disqualification hearing initiated by the local office has been scheduled.</p>	<p><b>4.803.43 Notifying a Household of an IPV Administrative Disqualification Hearing [Rev. eff. 1/1/16]</b></p> <p>A. The administrative adjudicator shall provide written notice to the household member suspected of intentional program violation at least thirty (30) calendar days in advance of the date an administrative disqualification hearing initiated by the local office has been scheduled.</p>	Corrected language	

## 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):

Office of Appeals, Office of Economic Security (OES) 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:

Office of Economic Security (OES) PAC

### 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	Economic Security Sub-PAC		
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.

#### 4.000.1 SNAP DEFINITIONS

"Able-Bodied Adult Without Dependents (ABAWD)" means an individual ~~between the ages of~~ AGED eighteen (18) ~~and THROUGH THE AGE OF FORTY-NINE (49) fifty (50)~~ without a physical or mental disability, ~~who is not pregnant, and~~ who lives in a SNAP household with no one under the age of eighteen (18).

"Administrative disqualification hearing (ADH)" means a disqualification hearing against an individual accused of wrongfully obtaining or attempting to obtain SNAP benefits.

"Administrative law judge (ALJ)" means ~~A the~~ person that MAY presides over STATE-LEVEL fair hearings and administrative disqualification hearings ~~at the state level~~.

**"ADMINISTRATIVE ADJUDICATOR" MEANS A PERSON WHO, PURSUANT TO C.R.S. § 24-4-105, PRESIDES OVER STATE-LEVEL FAIR HEARINGS AND ADMINISTRATIVE DISQUALIFICATION HEARINGS.**

"Adverse action" means any action taken by a local office that causes a household's SNAP benefits to be reduced, suspended, terminated, or denied.

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"Basic Utility Allowance (BUA)" means a fixed deduction applied to a household that does not pay for heating or cooling and incurs at least two (2) non-heating or non-cooling utility costs, such as electricity, water, sewer, trash, cooking fuel, or telephone.

**"BIFURCATED APPEAL" MEANS AN APPEAL THAT INVOLVES MORE THAN ONE BENEFIT PROGRAM AREA AND WHERE THE ADMINISTRATIVE ADJUDICATOR DETERMINES TO DIVIDE THE APPEAL SO THAT A SNAP APPEAL IS REVIEWED SEPARATE FROM THE APPEAL OF A DIFFERENT BENEFIT PROGRAM AREA APPEAL.**

"Boarder" means an individual residing with others and paying reasonable compensation to others for lodging and meals.

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"Collateral contact" means a verbal or written confirmation of a household's circumstances by a person outside the household who has first-hand knowledge of the information, made either in person, electronically submitted, or by telephone.

**"COLORADO DEPARTMENT OF HUMAN SERVICES (CDHS)" MEANS THE SAME AS DEFINED IN SECTION 26-1-105, C.R.S., WHICH IS INCORPORATED BY REFERENCE. NO LATER EDITIONS OR AMENDMENTS ARE INCORPORATED. THIS REGULATION IS AVAILABLE FOR PUBLIC INSPECTION AND COPYING AT THE FOOD AND ENERGY ASSISTANCE DIVISION DIRECTOR, COLORADO DEPARTMENT OF HUMAN SERVICES, 1575 SHERMAN STREET, 3RD FLOOR, DENVER, COLORADO 80203.**

"Colorado Electronic Benefit Transfer System (CO/EBTS)" means the electronic system that enables SNAP participants or their authorized representatives to redeem their SNAP benefits at point-of-sale terminals.

"Colorado Unemployment Benefits System (CUBS)" means the electronic system by which Unemployment Insurance Benefits (UIB) are determined by the Colorado Department of Labor and Employment.

**"COMBINED APPEAL" MEANS AN APPEAL THAT INVOLVES BOTH A SNAP APPEAL AND AN APPEAL CONCERNING ANY OTHER BENEFIT PROGRAM AREA (EX. A SNAP APPEAL PLUS A COLORADO WORKS APPEAL THAT ARE FILED AS ONE APPEAL). COMBINED APPEALS MAY BE BIFURCATED TO ALLOW THE SNAP PORTION OF THE APPEAL TO MOVE ON A FASTER TRACK TO COMPLY WITH FEDERAL SNAP TIMELINESS REQUIREMENTS.**



“Communal dining facility” means an establishment approved by FNS that prepares and serves meals for persons aged sixty (60) and older, or for Supplemental Security Income (SSI) recipients, and their spouses. This also includes federally subsidized housing for persons aged sixty (60) and older at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concessional prices to persons aged sixty (60) and older or SSI recipients, and their spouses.

“Compromise” means ~~the~~ **A LOCAL OFFICE’S** decision to reduce the amount of a claim that is owed by a household.

“Countable month” means a month in which an ABAWD received a full SNAP allotment but did not meet work requirements or have an exemption from those requirements.

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“Fair hearing” **OR “STATE-LEVEL FAIR HEARING”** means a hearing conducted in person or on the telephone by ~~the AN ADMINISTRATIVE ADJUDICATOR Office of Administrative Courts~~ to provide an impartial decision on a household’s appeal of a local office’s decision or action.

**“FINAL AGENCY DECISION” MEANS A DECISION ISSUED BY THE OFFICE OF APPEALS AFTER REVIEWING THE INITIAL DECISION ISSUED BY AN ADMINISTRATIVE ADJUDICATOR.**

“Financial criteria” means the set of rules governing gross and net income and resource standards and the proper methods for computing a household’s income and resources.

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“Indigent non-citizen” means a sponsored non-citizen who, after considering all income and contributions provided by the sponsor and other sources in conjunction with the non-citizen’s own income, is unable to obtain food and shelter amounting to one hundred thirty percent (130%) of the federal poverty level (FPL), as defined in section 4.401.1, for the non-citizen’s household size. When a non-citizen is declared indigent, only the amount provided by the sponsor shall be deemed **FOR** ~~to~~ the non-citizen. A declaration of indigence may last up to twelve (12) months but may be renewed at the end of such a period, if necessary. The local office must notify the U.S. Attorney General of each indigence determination, including the name of the sponsor and the sponsored non-citizen.

**“INITIAL DECISION” MEANS A DECISION ISSUED BY AN ADMINISTRATIVE ADJUDICATOR AFTER A STATE-LEVEL FAIR HEARING.**

“Initial application” means a household’s first application for assistance or an application for assistance that is received after the household has been off the program for any period following the end of a certification period.

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“Notice of Overpayment” means a notice sent to a household upon the establishment of a claim against the household for an overpayment of benefits.

**“OFFICE OF ADMINISTRATIVE COURTS (OAC)” MEANS THE OFFICE WITHIN THE COLORADO DEPARTMENT OF PERSONNEL AND ADMINISTRATION THAT THE COLORADO DEPARTMENT OF HUMAN SERVICES MAY DESIGNATE TO HEAR STATE-LEVEL FAIR HEARINGS AS NEEDED AND AS AGREED TO BY THE OFFICE OF ADMINISTRATIVE COURTS.**

“OFFICE OF APPEALS (OOA)” IS AN OFFICE WITHIN THE COLORADO DEPARTMENT OF HUMAN SERVICES THAT ISSUES FINAL AGENCY DECISIONS ON BEHALF OF THE COLORADO DEPARTMENT OF HUMAN SERVICES.

“On-the-job training (OJT)” means training provided to an employee after he or she is hired. Such training is designed for individuals who do not have the necessary work experience required for the job.  
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“SNAP” means Supplemental Nutrition Assistance Program, formerly known as the Food Assistance program, administered by the state department in Colorado.

“SNAP FAIR HEARINGS UNIT” MEANS THE UNIT WITHIN THE OFFICE OF APPEALS AT THE COLORADO DEPARTMENT OF HUMAN SERVICES THAT MAY BE DESIGNATED BY THE COLORADO DEPARTMENT OF HUMAN SERVICES TO HEAR SNAP APPEALS, THE SNAP PORTION OF A BIFURCATED APPEAL, COMBINED APPEALS, AND ADMINISTRATIVE DISQUALIFICATION HEARINGS. THE SNAP FAIR HEARINGS UNIT GENERALLY OPERATES UNDER THE SUPERVISION OF THE CHIEF ADJUDICATOR OF THE OFFICE OF APPEALS BUT ACTS INDEPENDENTLY AND IN A FAIR AND IMPARTIAL MANNER CONCERNING THE FAIR HEARINGS PROCESS AND THE ISSUANCE OF INITIAL DECISIONS.

“Sponsor” means any person(s) who executed an affidavit of support (USCIS form I-864A (March 6, 2018)) or another form deemed legally binding by the Department of Homeland Security on behalf of a non-citizen as a condition of the non-citizen’s date of entry or admission into the United States as a permanent resident. These forms are herein incorporated by reference. This rule does not contain any later amendments or editions. These forms are available at no cost from <https://www.uscis.gov/forms>. These forms are also available for public inspection and copying at the Colorado Department of Human Services, Director of the Employment and Benefits Division, 1575 Sherman Street, Denver, Colorado, 80203, or at any state publications library during regular business hours.

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“State Department” means the office/division within the Colorado Department of Human Services that administers SNAP. Currently, this is the Food and Energy Assistance Division within the Office of Economic Security.

“State-level fair hearing” OR “FAIR HEARING” means a review (HEARING) requested by a client which is held before an ADMINISTRATIVE ADJUDICATOR ~~ALJ~~ to establish whether an adverse action or eligibility determination taken was correct.

“Striker” or “striking member” means an individual who is involved in a strike or other concerted stoppage of work by employees, including a stoppage by reason of the expiration of a collective bargaining agreement and any concerted slowdown or other concerted interruption of operations by employees.

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“Thrifty food plan” means the diet required to feed a family of four (4) persons, as defined by the FNS, as consisting of a man and a woman twenty (20) through fifty (50) years of age, a child six (6) through eight (8) years of age, and a child nine (9) through eleven (11) years of age, determined in accordance with the U.S. Department of Agriculture. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition.

“Trafficking ~~in food stamps~~” means the same as defined in section 26-2-306, C.R.S. and 7 C.F.R. 271.2 (2019), which is incorporated by reference. No later editions or amendments are incorporated. The regulation is available at no cost at the FNS, 3101 Park Center Dr., #906, Alexandria, VA 22302, or at <https://www.ecfr.gov>. This regulation is also available for public inspection and copying at the Food and Energy Assistance Division Director, Colorado Department of Human Services, 1575 Sherman Street, 3rd Floor, Denver, Colorado 80203.

“Unclear information” unclear information is information that is not verified, or information that is verified but the local office needs additional information to act on the change.

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#### 4.207.3 Benefit Allotment

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- D. The SNAP maximum and minimum monthly benefit allotment tables will be adjusted as announced by the USDA, FNS.

Household Size	Maximum Monthly Allotment Effective October 1, <del>2021</del> 2022
1	\$ <del>250</del> 281
2	\$ <del>459</del> 516
3	\$ <del>658</del> 740
4	\$ <del>835</del> 939
5	\$ <del>992</del> 1,116
6	\$ <del>1,190</del> 1,339
7	\$ <del>1,316</del> 1,480
8	\$ <del>1,504</del> 1,691
Each additional person	+\$ <del>188</del> 211

Household Size	Minimum Monthly Allotment Effective October 1, <del>2021</del> 2022
1-2	\$ <del>20</del> 23

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#### 4.310.3 General Work Requirement Exemptions

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- C. A person physically or mentally unfit for employment;  
Examples of being physically or mentally unfit for employment can include but are not limited to:
1. Persons experiencing homelessness, ~~AS~~ defined in ~~4.000.1400~~

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#### 4.401.1 Gross Income Limits

Effective October 1, ~~2021~~2022, 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	\$ <del>1,396</del> 1,473	\$ <del>2,148</del> 2,266	\$ <del>1,771</del> 1,869
2	\$ <del>1,888</del> 1,984	\$ <del>2,904</del> 3,072	\$ <del>2,396</del> 2,518
3	\$ <del>2,379</del> 2,495	\$ <del>3,660</del> 3,840	\$ <del>3,020</del> 3,167
4	\$ <del>2,871</del> 3,007	\$ <del>4,418</del> 4,626	\$ <del>3,644</del> 3,816

5	\$ <del>3,363</del> 3,518	\$ <del>5,174</del> 5,412	\$ <del>4,268</del> 4,465
6	\$ <del>3,855</del> 4,029	\$ <del>5,930</del> 6,200	\$ <del>4,893</del> 5,114
7	\$ <del>4,347</del> 4,541	\$ <del>6,688</del> 6,986	\$ <del>5,517</del> 5,763
8	\$ <del>4,839</del> 5,052	\$ <del>7,444</del> 7,772	\$ <del>6,141</del> 6,412
Each additional person	+\$ <del>492</del> 512	\$ <del>758</del> 788	+\$ <del>625</del> 649

#### 4.401.2 Net Income Levels

Effective October 1, ~~2021~~2022, 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	\$ <del>1,074</del> 1,133
2	\$ <del>1,452</del> 1,526
3	\$ <del>1,830</del> 1,920
4	\$ <del>2,209</del> 2,313
5	\$ <del>2,587</del> 2,706
6	\$ <del>2,965</del> 3,100
7	\$ <del>3,344</del> 3,493
8	\$ <del>3,722</del> 3,886
Each additional person	+\$ <del>379</del> 394

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#### 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 FNS, 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- <del>34</del>	45	56+	6+
Effective October 1, 202 <del>1</del>	\$ <del>177</del> 193	\$ <del>184</del> 225	\$ <del>215</del> 258	\$ <del>246</del>

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#### 4.407.3 Excess Shelter Deduction

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- AB.** A shelter deduction cap, as specified below, applies to households that do not contain **AA** person who is aged sixty (60) and older or a person with a disability as defined in Section 4.304.41. Those households containing a person who is aged sixty (60) and older 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, 202 <del>1</del>	\$ <del>597</del> 624

- C.** Households in which all individuals are experiencing homelessness and are not receiving free shelter throughout the calendar month shall be entitled to use a standard estimate of shelter expenses.

The FNS, 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, 202 <del>4</del>	\$ <del>159.73</del> 166.81

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#### 4.407.31 Four-Tiered Mandatory Standard Utility Allowance

\*\*\*\*\*

##### A. Heating and Cooling Utility Allowance (HCUA)

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4. The HCUA standard is as follows:

HCUA Standard	
Effective October 1, 202 <del>1</del> 2022	\$493531

\*\*\*\*\*

##### B. Basic Utility Allowance (BUA)

\*\*\*\*\*

3. The BUA standard is as follows:

BUA Standard	
Effective October 1, 202 <del>1</del> 2022	\$314338

\*\*\*\*\*

##### C. One Utility Allowance (OUA)

\*\*\*\*\*

3. The OUA standard is as follows:

OUA Standard	
Effective October 1, 202 <del>1</del> 2022	\$5964

##### D. Telephone allowance

\*\*\*\*\*

2. The telephone allowance is as follows:

Telephone Standard	
Effective October 1, 202 <del>1</del> 2022	\$8086

\*\*\*\*\*

#### 4.408 RESOURCE ELIGIBILITY STANDARDS

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##### E. The resource limits are as follows:

Effective October 1, 202~~4~~, the resource limit for households that do contain a member who is aged sixty (60) and older and/or a person with a disability is ~~FOUR~~three thousand ~~TWO~~seven hundred and fifty dollars (\$~~3,750~~4,250). The resource limit for households that do not contain a member who is aged sixty (60) and older and/or a person with a disability is two thousand ~~SEVEN~~five hundred ~~AND FIFTY~~ dollars (\$~~2,500~~2,750).

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#### 4.801.41 Methods of Collection Payment on Claims

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##### D. Offset Against Taxpayer's State Income Tax Refund

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3. Household Objection to Pre-Offset Notice

The taxpayer is entitled to object to the offset by filing a request for a ~~DRC local level conference~~ or state-level hearing within thirty (30) calendar days from the date ~~that~~ the state department mails ~~its~~ **THE** pre-offset notice to the taxpayer. At the hearing on the offset, the local office or **ADMINISTRATIVE ADJUDICATOR** ~~Administrative Law Judge (ALJ)~~ shall not consider whether an over-issuance has occurred, but may consider, if raised by the taxpayer in his or her request for a hearing, whether:

\*\*\*\*\*

E. Federal Treasury Offset Program (TOP)

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8. ~~The~~ **AN OOA ADJUDICATOR** within CDHS will review the proposed offset **AND ISSUE ONLY A FINAL AGENCY DECISION**. The OOA shall find that the claim is past due and legally enforceable unless the household can provide documentation to show ~~any~~ one (1) of the following:

- a. The claim is not delinquent or was already paid, and the individual provides proof of payment.
- b. The individual is not the person that is liable for the claim.
- c. A bankruptcy action prohibits collection of the claim because the automatic stay under Section 362 of the Bankruptcy Code is in effect with respect to the individual or his or her spouse, or that the claim was discharged by a bankruptcy proceeding.
- d. There is some other reason that the claim is not delinquent or is not legally enforceable.

9. The **FINAL AGENCY** decision by the ~~OOA~~ regarding the **PAPER** review will be issued by means of written findings. **NO ORAL ARGUMENT IS PERMITTED**. The written findings shall include the following:

- a. If the OOA determines that the claim is past due and legally enforceable:
  1. The individual shall be notified that the claim will continue to be referred for the offset; and,
  2. The individual is entitled to have the FNS review the OOA's decision. FNS must receive a request to do so within thirty (30) calendar days after the date of the state agency's notice of review decision. A request for FNS review shall include the individual's SSN. The notice shall also provide the address of the regional office including the phrase "Tax Offset Review" in the address.
- b. If the OOA determines that the claim is not past due or legally enforceable, it shall notify the individual and the local office that the claim will not be referred for the offset.
- c. While the OOA or FNS is conducting a review of the debt, the debt is not eligible for referral to TOP.

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#### 4.801.43 Criteria for Terminating Collection Action [Rev. eff. 1/1/16]

The provisions within this section apply to Agency Error (AE) claims, Inadvertent Household Error (IHE) claims, and intentional Program violation (IPV) claims.

- A. A terminated claim is a claim in which all collection activity has ceased. A terminated claim is no longer considered a receivable subject for continued state and federal agency collection and reporting requirements; unless otherwise stated.

Voluntary payments from a household on a terminated claim do not reactivate the claim. ~~but shall be accepted by the local office, but it does not reactivate the claim.~~ A terminated claim ~~shall~~ CANnot be reactivated to pursue collection.

- B. Collection action on a claim shall be terminated only in the following situations:

1. A claim may be determined uncollectible after ~~THE~~ collection action has been suspended for three (3) years. Prior to terminating such a claim, the local office may submit the claim for state or federal offset or pursue other collection actions. A terminated claim ~~may~~CAN ONLY be reactivated to offset restoration of lost benefits.

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#### 4.802 APPEAL PROCESS

Any household that is aggrieved by any action of the local office affecting the household's participation in ~~SNAPthe Program~~ may appeal by requesting a local-level dispute resolution conference (DRC) and/or a state-level fair hearing.

The right of a household to a ~~DRClocal-level-dispute-resolution-conference~~ and state-level hearing is primarily to ensure that a proposed eligibility determination or action is valid; to protect the person against an erroneous action concerning benefits; and to ensure reasonable promptness of local office action. The individual may choose to request a ~~DRClocal-level-dispute-resolution-conference~~ or bypass the ~~DRCdispute-resolution-process~~ and appeal directly to the Colorado Department of ~~HUMAN SERVICES (CDHS) Personnel and Administration, Office of Administrative Courts (OAC)~~, for a state-level fair hearing.

~~CDHSThe of Administrative Courts~~ may deny fair hearings to those households that are disputing a mass change, or the fact that a statewide reduction, cancellation, or suspension was ordered. In such instances, ~~CDHSThe OAC~~ is not required to hold a fair hearing unless the request is based on the household's belief that the rules were misapplied.

IF THE HOUSEHOLD HAS A COMBINED APPEAL, THE APPEAL WILL BE BIFURCATED. THE SNAP FAIR HEARINGS UNIT WILL PROCESS AND HEAR THE SNAP APPEAL, AND THE OFFICE OF ADMINISTRATIVE COURTS (OAC) WILL PROCESS AND HEAR THE OTHER BENEFITS PROGRAM APPEAL(S). THE SNAP FAIR HEARINGS UNIT WILL PROVIDE THE PARTIES WITH ANY NECESSARY INSTRUCTIONS AND/OR PROCEDURES RELATED TO COMBINED APPEALS.

##### 4.802.1 Time Period for Requesting an Appeal

- A. A household shall be allowed to request a ~~DRClocal-level dispute resolution conference~~ or state-level fair hearing on the following:
1. Any action by the local office that occurred in the previous ninety (90) calendar days.
  2. A loss of benefits that occurred in the previous ninety (90) calendar days. Such SNAP action shall include a denial of a request for restoration of benefits lost more than ninety (90) calendar days, but less than a year prior to the request.
  3. At any time during a certification period a household may request a fair hearing to dispute its current level of benefits.
- B. An aggrieved household shall be advised that the use of a ~~DRClocal-level dispute resolution conference~~ is optional, and it shall in no way delay or replace the state-level fair hearing process. If the household does not want a ~~DRClocal-level dispute resolution conference~~ but desires to have the disputed matter considered only at a state-level hearing, this fact should be indicated in the case record. In these cases, the request for an appeal shall be forwarded to the ~~SNAP FAIR HEARINGS UNIT~~~~Office of Administrative Courts~~.

#### 4.802.2 Continuation of Benefits Pending Final Agency Decision

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- D. The certification office shall promptly inform the household in writing if the benefits are reduced or terminated pending the final agency decision. Once benefits are continued or reinstated, benefits shall not be reduced or terminated prior to the receipt of the final agency decision unless:
1. The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the local office.
  2. The ~~ADMINISTRATIVE ADJUDICATOR~~~~Administrative Law Judge (ALJ)~~ makes a preliminary determination, in writing and at the hearing, that the sole issue is one of federal law or regulation and that the household's claim that the local office improperly computed the benefits or misinterpreted or misapplied such law or regulation is invalid.
  3. A change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending, and the household fails to request a hearing after the subsequent Notice of Adverse Action.
  4. A mass change affecting the household's eligibility or basis of issuance occurs while the final agency decision is pending. During the fair hearing period, the local office shall adjust allotments to ~~CONSIDER~~~~take into account~~ reported changes, information considered verified upon receipt, and mass changes, but not the factors on which the fair hearing is based.

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#### 4.802.3 Rights During an Appeal



A. A household is entitled to the following:

1. Be represented by an authorized representative, such as legal counsel, relative, friend, or other spokesman, or they may represent themselves at the ~~DRCconference~~ OR STATE-LEVEL FAIR HEARING.

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#### 4.802.5 Local-Level Dispute Resolution Conferences (DRC)

- A. Before taking action to deny, terminate, reduce, or recover SNAP benefits, the local office shall provide the household an opportunity for a DRC. The individual may choose to bypass the ~~DRCdispute-resolution~~ process and appeal directly to the ~~Office of Administrative Courts~~SNAP FAIR HEARINGS UNIT for a state-level fair hearing.
- B. If the household requests a DRC, the local office shall arrange ~~ONEsuch a conference~~ to attempt to resolve the disputed action. The ~~participant~~ household may be represented by legal counsel or have other persons present to aid the household in the DRC.
- C. Failure of the client to request a DRC within the prior notice period or failure to appear at the time of the scheduled DRC without making a timely request for postponement shall constitute abandonment of the right to a ~~DRCconference~~, unless the ~~CLIENTapplicant/participant~~ can show good cause for ~~THEIRhis/her~~ failure to appear. "Good cause" includes, but is not limited to:
1. Death or incapacity of a client, or a member of his or her immediate family, or the representative;
  2. Any other health or medical condition of an emergency nature; or
  3. Other circumstances beyond the control of the client, and which would prevent a reasonable person from making a timely request for a ~~DRCconference~~ or postponement of a scheduled ~~DRCconference~~.
- D. The local office may consolidate the SNAP ~~DRCconference~~ with disputes regarding other assistance payments programs, the Colorado Works (CW) Program, or disputes concerning Medicaid eligibility; if the facts are similar and consolidation will facilitate ~~THE~~ resolution of all disputes.

#### 4.802.51 Management of Local-Level Dispute Resolution Conference (DRC)

A. General Requirements

The ~~DRClocal-level-dispute-resolution-conference~~ shall be conducted on an informal basis. Every effort shall be made to ensure that the ~~applicant-or-participant~~ household understands the local office's specific reasons for the proposed action and the applicable ~~Sstate D~~department's rules. The local office shall have available at the ~~DRCconference~~ all pertinent documents and records in the case file relevant to the specific action in dispute.

B. Scheduling ~~aConference~~

1. To the extent possible, the ~~DRClocal-level dispute resolution conference~~ shall be scheduled and conducted within the prior notice period. If the local office cannot conduct the ~~DRCconference~~ within this period, for whatever reason, the adverse action in dispute shall be delayed until a ~~DRCconference~~ can be held, unless the household waives continuation of benefits.
2. If a ~~DRCconference~~ is requested to attempt to resolve a contested denial of expedited service, it shall be scheduled within two (2) working days of the receipt of the request for a ~~DRCconference~~ unless the household requests that ~~ITthe conference~~ be held later. Prior notice is not required.
3. The local office shall provide reasonable notice to the household of the scheduled time and location for the ~~DRCconference~~, or the time of the scheduled telephone conference. Notice shall be in writing; however, verbal notice may be given to facilitate the ~~DRCdispute resolution~~ process.

C. Location

The ~~DRClocal dispute resolution conference~~ shall be held in the local office where the proposed decision is pending and before a person who was not directly involved in the initial determination of the action in question. The ~~DRClocal-level conference~~ may be conducted either in person or by telephone. If a telephonic conference is requested, it shall be agreed upon by the client. In the event the household does not speak English or is visually or hearing impaired, an interpreter or translator shall be provided by the local office.

D. County Representatives

The individual who initiated the action in dispute shall not conduct the DRC. The ~~INDIVIDUALcounty, agency caseworker, or other person~~ who initiated the action in dispute shall attend the DRC and present the factual basis for the disputed action. The person designated to conduct the DRC shall be in a position which, based on knowledge, experience, and training, would enable ~~THEMhim or her~~ to determine if the proposed action is valid.

E. Joint Dispute Resolution Processes

Two (2) or more local offices may establish a joint DRC process. If two or more counties establish a joint process, the location of the DRC need not be held in the county or agency taking the action, but the DRC location shall be convenient to the client.

F. Notice of DRC Decision

1. If the additional information presented in the DRC proves that the adverse action is not warranted, the case record shall be documented, and the Notice of Adverse Action cancelled.
2. At the conclusion of the DRC, the person presiding shall reduce to writing the agreement entered by the parties. Such agreement shall be signed by the parties and/or their representatives and shall be binding upon the parties. A copy of the written decision shall immediately be provided to the client and/or his or her representative. The local office shall also forward a copy of the decision to the ~~Sstate D~~epartment, within five (5)

working days of the hearing, regardless of whether the client ~~AGREES~~~~was in agreement~~ with the outcome.

3. In the event the dispute is not resolved, the person presiding shall prepare a written statement indicating that the dispute was not resolved. The decision shall include:
  - a. A statement explaining the ~~CLIENT'S~~~~Applicant or participant's~~ right to request a state-level fair hearing;
  - b. The time limit for requesting a state-level hearing; and,
  - c. If appropriate, a statement that the household's previous benefit amount will continue pending a final state decision in accordance with Section 4.802.2, if appealed to the state within ~~THE APPEAL TIMEFRAME PROVIDED ON THE ORIGINAL NOTICE OF ACTION COORESPONDING TO THE DISPUTED ACTION~~~~ten (10) calendar days from the date of the conference decision.~~

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#### 4.802.61 MANAGEMENT OF STATE-LEVEL HEARINGS

##### A. Scheduling

1. The ~~SNAP FAIR HEARINGS UNIT AT THE COLORADO DEPARTMENT OF HUMAN SERVICES (CDHS) OR THE OFFICE OF ADMINISTRATIVE COURTS (OAC), IF SO DESIGNATED BY CDHS,~~~~Office of Administrative Courts~~ shall arrange the time, date, and place of the state-level ~~FAIR~~ hearing so that the hearing is accessible to the household. At least ten (10) calendar days prior to the hearing, advance written notice shall be provided to all parties involved to permit adequate preparation of the case. The household, however, may request less advanced notice to expedite the scheduling of the hearing. The notice shall:
  - a. Advise the household or its representative of the name, address, and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing.
  - b. Specify that the household's hearing request will be dismissed if the household or its representative fails to appear for the hearing without good cause.
  - c. Include a copy of the information outlining ~~CDHS' STATE-LEVEL~~~~the state agency's~~ fair hearing procedures.
  - d. Explain that the household may examine the case file prior to the hearing.
2. Hearing requests for households that plan to move from the area, such as migrant farm workers, shall be processed faster than others, if necessary, to enable them to receive a decision and any appropriate restoration of benefits before they leave the area.
3. The ~~ADMINISTRATIVE ADJUDICATOR~~~~Office of Administrative Courts~~ shall complete the hearing no more than twenty-five (25) calendar days from when the ~~SNAP FAIR HEARINGS UNIT~~~~Office of Administrative Courts~~ received the notice of appeal. The household may request and is entitled to receive a postponement (~~ALSO REFERRED TO~~

~~AS A CONTINUANCE~~) of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the final agency decision may be extended for as many days as the hearing is postponed. A county may not request and is not entitled to receive a postponement.

4. The ~~ADMINISTRATIVE ADJUDICATOR~~~~Administrative Law Judge~~ may respond to a series of individual requests for hearings by conducting a single group hearing ~~RELATED TO SNAP APPEALS~~. The ~~SNAP FAIR HEARINGS UNIT~~~~Office of Administrative Courts~~ may consolidate only ~~SNAP RELATED~~ cases where individual issues of fact are not disputed and where related issues of state and/or federal law, regulation, or policy are the sole issues being raised. In all group hearings, the regulations governing individual hearings shall be followed. Each individual household shall be permitted to present its own case or have its case presented by a representative.

B. Hearings Conducted by Phone

The hearing may be conducted by telephone using conference call techniques ~~OR BY VIDEO CONFERENCE~~ unless one of the parties objects to ~~EITHER OF~~~~this~~ ~~THESE~~ methods. If a hearing is held by telephone using conference call techniques ~~OR BY VIDEO CONFERENCE~~, the rules of procedure (including a recording of the hearing) shall be the same as a face-to-face hearing.

C. Attendance

The hearing shall be attended by a representative of the local office and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The ~~ADMINISTRATIVE ADJUDICATOR~~~~ALJ~~ shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

D. ~~Hearing Official~~~~ADMINISTRATIVE ADJUDICATOR~~

~~The Administrative Law Judge (ALJ) is an impartial state-level official who is also the hearing official with the authority to render an initial administrative decision in a hearing.~~ The ~~ADMINISTRATIVE ADJUDICATOR~~~~ALJ~~ shall:

1. Administer all oaths or affirmations as required by the State;
2. Ensure all relevant issues are considered;
3. Request, receive, and make part of the record all evidence determined necessary to decide the issues being raised;
4. Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;
5. Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the local office;
6. Provide a hearing record; and prepare and file an initial hearing decision with the ~~OFFICE OF APPEALS (OOA)~~~~Colorado Department of Human Services~~ which shall serve each party with a copy of the initial decision.

#### 4.802.62 Hearing Denials or Dismissals

- A. ~~The Office of Administrative Courts (OAC)~~CDHS shall not deny or dismiss a request for a hearing unless:
1. The request is not received within the time period specified in Section 4.802.1.
  2. The request is withdrawn in writing by the household or its representative; or,
  3. The household or its representative fails, without good cause, to appear at the scheduled hearing.
- B. The ~~ADMINISTRATIVE ADJUDICATOR~~ shall not enter a default against any party for failure to file a written answer to the notice of hearing; but shall base the initial decision upon the evidence presented at the hearing.
- C. When the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge dismisses an appeal for reasons other than failure to appear, the decision of the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge (~~ALJ~~) shall be an initial decision, which shall not be implemented pending review by the Office of Appeals and entry of an ~~an~~ FINAL agency decision.
- D. When an appellant fails to appear at a duly scheduled hearing, having been given proper notice, and without having given timely advance notice to the ~~ADMINISTRATIVE ADJUDICATOR~~ 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 an order of dismissal shall be entered by the ~~ADMINISTRATIVE ADJUDICATOR~~ and served upon the parties by the ~~OFFICE OF APPEALS (OAC)~~OAG. The order of dismissal for failure to appear shall not be implemented pending review by the ~~OOA~~Office of Appeals and entry of a final agency decision.

The appellant, however, shall be afforded a period of ten (10) calendar days from the date the order of dismissal was mailed, during which the appellant may explain in a letter to the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge the reason for his or her failure to appear. If the ~~ADMINISTRATIVE ADJUDICATOR~~ then finds that there was acceptable good cause for the appellant not appearing, the ~~ADMINISTRATIVE ADJUDICATOR~~ shall vacate the order dismissing the appeal and reschedule another hearing date.

If the appellant does not submit a letter seeking to show good cause within a period of ten (10) calendar days, the order of dismissal shall be filed with the ~~OOA~~Office of Appeals of the State Department. The ~~OOA~~Office of Appeals shall confirm the dismissal of the appeal by an agency decision, which shall be served upon the parties and the interested ~~DB~~Division of the State Department. Within three (3) working days after the effective date of the decision, the local office shall implement necessary actions to provide benefits in the correct amount, ~~to~~ terminate benefits, ~~to~~ recover benefits incorrectly paid, and/or other appropriate actions in accordance with the rules.

If the appellant submits a letter seeking to show good cause and the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge finds that the stated facts do not constitute good cause, ~~he/she~~ THE ~~ADMINISTRATIVE ADJUDICATOR~~ shall enter an initial decision confirming the dismissal.

#### 4.802.63 State-Level Hearing Decisions

- A. Decisions of the ~~Administrative ADJUDICATOR~~~~Law Judge (ALJ)~~ shall not run counter to Federal law, State Department rule, or state statute, and shall be based on the hearing record.

The exclusive record for an initial decision by the ~~ADMINISTRATIVE ADJUDICATOR~~~~ALJ~~ shall constitute the verbatim transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceedings. This record shall be retained in accordance with normal retention periods. This record shall also be available to the household or its representative at any reasonable time for copying and inspection.

- B. Following the conclusion of the state hearing, the ~~Administrative ADJUDICATOR~~~~Law Judge (ALJ)~~ shall promptly prepare and issue an initial decision and file it with the ~~OOA~~~~Colorado Department of Human Services, Office of Appeals.~~

C. Initial Decision

1. The ~~ADMINISTRATIVE ADJUDICATOR~~~~Office of Administrative Courts~~ shall render an initial decision within ten (10) calendar days of the hearing date. However, if the head of the household or ~~THE HOUSEHOLD'S~~~~his~~ representative requests a delay in the proceedings, the time limit for action on the decision may be extended for as many days as the hearing is delayed, up to thirty (30) calendar days.
2. The initial decision shall make an initial determination whether the county or ~~THE COLORADO DEPARTMENT OF HUMAN SERVICES (CDHS)~~~~State Department~~ or its agent acted in accordance with, and/or properly interpreted, the rules of the State Department. The ~~Administrative ADJUDICATOR~~~~Law Judge~~ may determine whether statutes were properly interpreted and applied only when no implementing State rules exist. The ~~ADMINISTRATIVE ADJUDICATOR~~~~Administrative Law Judge~~ has no jurisdiction or authority to determine issues of constitutionality or legality of departmental rules.
3. The initial decision shall advise the household that failure to file exceptions to provisions of the initial decision will waive the right to seek judicial review of a final agency decision affirming those provisions.
4. The Office of Appeals shall promptly serve the initial decision upon each party by first class mail and shall transmit a copy of the decision to the ~~D~~~~ivisions~~ of the State Department that administer the program(s) pertinent to the appeal.
5. The initial decision by the ~~ADMINISTRATIVE ADJUDICATOR~~~~ALJ~~ shall summarize the facts of the case, specify the reasons for the initial decision, and identify the supporting evidence and the pertinent rule~~S~~.
6. The Office of Appeals ~~AT CDHS~~~~of the State Department~~, as the designee of the Executive Director, shall review the initial decision of the ~~Administrative ADJUDICATOR~~~~Law Judge~~ and shall enter a final agency decision affirming, modifying, or reversing the initial decision. The Office of Appeals may issue an order of remand upon receipt of the initial decision and identification of an issue that warrants a remand before the initial decision is sent to the parties. Additionally, the Office of Appeals may issue an order of remand at the time of the substantive review of an initial decision for final agency decision. An order of remand is not a final agency decision that is subject to judicial review. The initial decision shall not be implemented pending review by the Office of Appeals and entry of

a final agency decision. While review of the initial decision is pending before the Office of Appeals, the record on review, including any transcript or tape of testimony filed with the Office of Appeals, shall be available for examination by any party at the Office of Appeals during regular business hours.

D. Exceptions to the Initial Decision

1. Any party seeking a final agency decision ~~which~~ THAT reverses, modifies, or remands the initial decision of the ADMINISTRATIVE ADJUDICATOR ~~administrative law judge~~ must file a written notice of intent to file exceptions to the decision with the OOA ~~office of appeals~~ within five (5) calendar days - plus three (3) calendar days for mailing - from the date the initial decision is mailed to the parties. If the party has filed such a notice of intent, the party will have fifteen (15) calendar days, plus three (3) calendar days for mailing from the date the initial decision is mailed to the parties to file its written exceptions with the OOA ~~office of appeals~~. Exceptions shall state specific grounds for reversal, modification, or remand of the initial decision. **EXCEPTIONS THAT FAIL TO STATE SPECIFIC GROUNDS FOR REVERSAL, MODIFICATION, OR REMAND OF THE INITIAL DECISION SHALL BE CONSIDERED AS ONLY ARGUMENTS OF GENERAL DISSATISFACTION.**
2. If ~~ANY~~ the party asserts that the ~~A~~Administrative ADJUDICATOR ~~Law Judge's~~ findings of fact are not supported by the weight of the evidence, the OOA **WILL REQUEST** ~~party shall simultaneously with or prior to the filing of exceptions request~~ the SNAP FAIR HEARINGS UNIT ~~Office of Administrative Courts to cause a transcript of all or a portion of the hearing to be prepared and filed with~~ PROVIDE AN AUDIO RECORDING OF THE HEARING TO the OOA ~~Office of Appeals~~. ~~The exceptions shall state that a transcript has been requested, if applicable. Within five (5) calendar days of the request for transcript, the party requesting it shall advance the cost to the transcriber designated by the Office of Administrative Courts unless the transcriber waives the prior payment. IF THE LOCAL OFFICE ASSERTS THAT THE ADMINISTRATIVE ADJUDICATOR'S FINDINGS OF FACT ARE NOT SUPPORTED BY THE WEIGHT OF THE EVIDENCE, THE LOCAL OFFICE SHALL PROVIDE A HEARING TRANSCRIPT TO THE OOA ON OR BEFORE THE DEADLINE FOR THE FILING OF EXCEPTIONS. IF THE LOCAL OFFICE'S YEARLY BUDGET IS NOT SUFFICIENT TO PAY THE COST OF A HEARING TRANSCRIPT, THE LOCAL OFFICE MAY REQUEST THAT THE OOA REVIEW AN AUDIO RECORDING OF THE HEARING IN LIEU OF A HEARING TRANSCRIPT. SUCH REQUESTS MUST BE MAILED OR EMAILED TO THE OOA AT LEAST FIVE (5) CALENDAR DAYS BEFORE THE DEADLINE FOR THE FILING OF EXCEPTIONS. ADDITIONALLY, THE LETTER MUST INDICATE THE INSUFFICIENCY OF THE LOCAL OFFICE'S BUDGET TO PAY FOR A HEARING TRANSCRIPT AND THE LETTER MUST BE SIGNED BY THE COUNTY DEPARTMENT'S DIRECTOR. THE OOA SHALL ISSUE AN ORDER REGARDING THE REQUEST, AND IF GRANTED, THE OOA SHALL REQUEST THE AUDIO RECORDING FROM THE SNAP FAIR HEARINGS UNIT. IF THE DIVISION(S) OF THE STATE DEPARTMENT RESPONSIBLE FOR ADMINISTERING THE PROGRAM(S) RELEVANT TO THE APPEAL ASSERT(S) THAT THE ADMINISTRATIVE ADJUDICATOR'S FINDINGS OF FACT ARE NOT SUPPORTED BY THE WEIGHT OF THE EVIDENCE, IT SHALL SIMULTANEOUSLY WITH, OR PRIOR TO THE FILING OF EXCEPTIONS, FILE A HEARING TRANSCRIPT WITH THE OOA ON OR BEFORE THE DEADLINE FOR FILING EXCEPTIONS.~~

~~A party who is unable because of indigence to pay the cost of a transcript may file a written request, which need not be sworn, with the Office of Appeals for permission to submit a copy of the hearing tape instead of the transcript. If submission of a tape is~~



~~permitted, the party filing exceptions shall promptly request a copy of the tape from the Office of Administrative Courts, if the hearing was held at or by the Office of Administrative Courts, or from the department, if the hearing was held at or by the department, and deliver it to the Office of Appeals. Payment in advance shall be required for the preparation of a copy of the tape.~~

3. CONSIDERING THE FEDERAL TIMELINESS REQUIREMENTS FOR SNAP CASES, A PARTY MAY NOT REQUEST AN EXTENSION OF TIME TO FILE EXCEPTIONS UNLESS A PARTY IS ABLE TO SHOW SUFFICIENT GOOD CAUSE AS TO WHY AN EXTENSION OF TIME SHOULD BE GRANTED. THE DETERMINATION OF GOOD CAUSE IS WITHIN THE SOLE DISCRETION OF THE OOA. WHEN AN EXTENSION OF TIME IS GRANTED BY THE OOA, THE EXTENSION SHALL NOT BE FOR MORE THAN FIVE (5) CALENDAR DAYS AFTER THE ORIGINAL EXCEPTIONS FILING DEADLINE. LOCAL OFFICES OR THE STATE DEPARTMENT WILL NEED TO IMMEDIATELY REVIEW INITIAL DECISIONS TO ASSESS ANY NEED TO REQUEST AN AUDIO RECORDING FROM THE SNAP FAIR HEARINGS UNIT TO RECEIVE THE AUDIO RECORDING AND EXPEDITE THE TRANSCRIPTION OF THE AUDIO RECORDING THROUGH WHATEVER TRANSCRIPTION SERVICE IT CHOOSES. ANY PARTY REQUESTING TRANSCRIPTION SERVICES SHALL BE FULLY RESPONSIBLE FOR THE COST OF SUCH.
43. If the exceptions do not challenge the findings of fact, but instead assert only that the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge improperly interpreted or applied ~~SS~~State rules or relevant statutes, **NO TRANSCRIPT REVIEW OR AUDIO RECORDING REVIEW IS REQUIRED** ~~the party filing exceptions is not required to provide a transcript or tape to the Office of Appeals.~~
54. The ~~OOA~~Office of Appeals shall serve a copy of the exceptions on each party by first class mail and by electronic mail if the party has consented to receiving communications by electronic mail. Each party shall be limited to ten (10) calendar days from the date exceptions are mailed to the parties in which to file a written response to such exceptions. The ~~OOA~~Office of Appeals shall not permit oral argument.
65. The ~~OOA~~Office of Appeals shall not consider evidence that was not part of the record before the ~~ADMINISTRATIVE ADJUDICATOR~~Administrative Law Judge. However, the case may be remanded to the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge for rehearing if a party establishes in its exceptions that material evidence has been discovered ~~which~~THAT the party could not with reasonable diligence have produced at the hearing.
76. The ~~DB~~Division(s) of the State Department responsible for administering the program(s) relevant to the appeal may file exceptions to the initial decision, or respond to exceptions filed by a party, even though the Division has not previously appeared as a party to the appeal. The Division's exceptions shall be filed in compliance with the requirements of section 4.802.63, D, 1 **AND 2**, above. Exceptions filed by a Division that did not appear as a party at the hearing shall be treated as requesting **A** review of the initial decision upon the State Department's own motion.

E. Final Agency Decisions

1. The ~~OOA~~Office of Appeals shall enter a final agency decision resolving the appeal within sixty (60) calendar days after the **REQUEST FOR APPEAL WAS RECEIVED BY THE SNAP FAIR HEARINGS UNIT** ~~hearing was requested.~~



2. In the absence of exceptions filed by any party or by a Division of the State Department, ~~OR WHEN EXCEPTIONS ARE FILED~~, the ~~OOAOffice-of-Appeals~~ shall review the initial decision and may review the hearing file of the ~~AA~~Administrative ~~ADJUDICATOR~~Law Judge and/or the taped testimony of witnesses before entering a final agency decision. Review by the ~~OOAOffice-of-Appeals~~ shall determine whether the INITIAL decision properly interprets and applies the rules of the State Department or relevant statutes and whether the findings of fact and conclusions of law support the decision. If a party or Division of the State Department objects to the final agency decision entered upon review by the ~~OOAOffice-of-Appeals~~, the party or Division may seek reconsideration.
3. The ~~OOAOffice-of-Appeals~~ shall mail copies of the final agency decision to all parties by first class mail.
4. For purposes of requesting judicial review, the effective date of the final agency decision shall be the third (3rd) day after the date the decision is mailed to the parties, even if the third day falls on Saturday, Sunday, or a legal holiday. The parties shall be advised of this in the FINAL agency decision.

F. Motion for Reconsideration of a Final Agency Decision

1. A motion for reconsideration of a final agency decision may be granted by the ~~OOAOffice-of-Appeals~~ for the following reasons:
  - a. Upon a showing of good cause for failure to file exceptions to the initial decision within the fifteen (15) calendar day period; or,
  - b. Upon a showing that the final agency decision is based upon a clear or plain error of fact or law. An error of law means failure by the ~~OOAOffice-of-Appeals~~ to follow a rule, statute, or court decision that controls the outcome of the appeal.
2. No motion for reconsideration shall be granted unless it is filed in writing with the ~~OOAOffice-of-Appeals~~ within fifteen (15) calendar days of the date that the final agency decision is mailed to the parties. The motion shall state specific grounds for reconsideration of the agency decision.
3. The ~~OOAOffice-of-Appeals~~ shall mail a copy of the motion for reconsideration to each party of record and to the appropriate Division of the State Department.

G. Acting on Decisions

1. Initial decisions shall not be implemented pending review by the ~~OOAOffice-of-Appeals~~ and entry of a final agency decision.
2. The ~~S~~state ~~D~~epartment or local office shall initiate action to comply with the final agency decision within three (3) working days after the effective date. The acting department/office shall comply with the decision, even if reconsideration is requested, unless the effective date of the agency decision is postponed by order of the ~~OOAOffice-of-Appeals~~ or a reviewing court.
3. If it is ruled that the household had its SNAP benefits wrongfully delayed, denied, or terminated, the local office shall provide retroactive benefits. If it is decided that

benefits were over-issued before and during the pendency of the determination of final agency action, a claim for over-issued benefits will be prepared.

4. Final agency decisions which result in an increase in household benefits shall be reflected in the benefit allotment within ten (10) days of the receipt of the decision, even if the local office is obligated to provide a supplementary allotment or otherwise provide the household with the opportunity to obtain the allotment outside of the normal cycle. However, the local office may take longer than ten (10) days if it elects to make the decision effective in the household's normal issuance cycle, provided that the issuance will occur within sixty (60) days from the household's request for the hearing.
5. Final agency decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the decision unless the decision is stayed by the ~~OOA~~Office of Appeals upon a showing of irreparable harm.

\*\*\*\*\*

#### **4.803.43 Notifying a Household of an IPV Administrative Disqualification Hearing [Rev. eff. 1/1/16]**

- A. The ~~ADMINISTRATIVE ADJUDICATOR~~Administrative Law Judge or local level hearing officer shall provide written notice to the household member suspected of intentional program violation at least thirty (30) calendar days in advance of the date an administrative disqualification hearing initiated by the local office has been scheduled.

\*\*\*\*\*

**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: 2022-00568

**Opinion of the Attorney General rendered in connection with the rules adopted by the**

**Supplemental Nutrition Assistance Program (SNAP)**

**on 09/09/2022**

**10 CCR 2506-1**

**RULE MANUAL VOLUME 4, SNAP**

The above-referenced rules were submitted to this office on 09/19/2022 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.

September 29, 2022 11:42:30

**Philip J. Weiser**  
Attorney General  
by Eric R. Olson  
Solicitor General

## Terminated Rulemaking

**Department**

Department of Revenue

**Agency**

Division of Motor Vehicles

**CCR number**

1 CCR 204-30

**Tracking number**

2022-00446

**Termination date**

09/30/2022

**Reason for termination**

Published with the incorrect hearing date, rescheduled to 10/31 at the suggestion of the AG's office.

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-31

**Tracking number**

2022-00374

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-32

**Tracking number**

2022-00375

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-33

**Tracking number**

2022-00376

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April.

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-34

**Tracking number**

2022-00377

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April



## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-35

**Tracking number**

2022-00378

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-36

**Tracking number**

2022-00379

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-37

**Tracking number**

2022-00380

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-38

**Tracking number**

2022-00381

**Termination date**

09/29/2022

**Reason for termination**

Hearing moved to April

## Terminated Rulemaking

**Department**

Department of Public Health and Environment

**Agency**

Water Quality Control Commission (1002 Series)

**CCR number**

5 CCR 1002-85

**Tracking number**

2022-00373

**Termination date**

09/29/2022

**Reason for termination**

Was moved to April.

## **Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices**

**Filed on** 09/27/2022

### **Department**

Department of Public Health and Environment

### **Agency**

Water Quality Control Commission (1002 Series)



## COLORADO

### Water Quality Control Commission

Department of Public Health & Environment

#### NOTICE OF PUBLIC ADMINISTRATIVE ACTION HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

##### SUBJECT:

At the date, time and location listed below, the Water Quality Control Commission will hold a public Administrative Action Hearing to consider approval of the 2022 update to the water quality management plan (section 208 plan) for the North Front Range Water Quality Planning Association. The proposed plan is available at the following link.

<https://nfrwqpa.colorado.gov/208-areawide-water-quality-management-plan>

##### SCHEDULE OF IMPORTANT DATES:

Written comments due	November 16, 2022	Additional submittal information below
<b>Public Administrative Action Hearing</b>	<b>December 12, 2022 9:00 a.m.</b>	Remote <a href="#">Via Zoom</a>  Or  <b>Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246</b>

##### PROCEDURAL MATTERS:

The commission encourages input from interested persons, either in writing prior to the hearing or orally at the hearing. Interested persons should provide their opinions or recommendations regarding the proposed plan.

The commission will receive all written submittals electronically. Submittals must be provided as PDF documents and may be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us), provided via an FTP site, or otherwise conveyed to the commission office so as to be received no later than the due date. Written comments will be available to the public on the commission's web site.

##### AUTHORITY FOR PUBLIC HEARING:

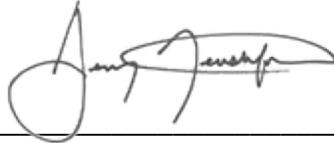
The provisions of 25-8-202(1)(g),(h), (i), (o) and (2) C.R.S. and Section 21.5 B of the "Procedural Rules", Regulation #21 (5 CCR 1002-21) provide the authority for this hearing.

PARTY STATUS:

This is not a rulemaking hearing; therefore, party status provisions of 25-8-101 et. seq., and 24-4-101 et. seq., C.R.S. do not apply. Party status requests shall not be considered by the commission.

Dated this 23<sup>th</sup> day of September 2022 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

A handwritten signature in black ink, appearing to read 'Jeremy Neustifter', is written over a horizontal line.

Jeremy Neustifter, Administrator



## **Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices**

**Filed on** 10/07/2022

### **Department**

Department of Health Care Policy and Financing

### **Agency**

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



**COLORADO**

Department of Health Care  
Policy & Financing

## **PUBLIC NOTICE**

**October 10, 2022**

### **Pharmacy Alternative Payment Model Supporting Uptake of the Prescriber Tool (Updated from Public Notice Published January 10, 2022)**

The Department of Health Care Policy and Financing (Department) intends to submit a State Plan Amendment to the Centers for Medicare and Medicaid Services (CMS) to establish an alternative payment model to incentivize use of the Department's Prescriber Tool, effective July 1, 2023. This tool was launched on June 1, 2021 and is intended to facilitate easier, more reliable prescribing practices and to reduce the prescribing of non-benefit compliant drugs when not determined by a member's physician to be medically necessary. This tool will aid in the reduction of rejected claims for medications, reducing the administrative burden on providers as well as reducing the burden on members from having delays in accessing medications. Members will not experience any changes to their benefits or enrollment as a result of this program.

The annual aggregate decrease in pharmacy expenditures (including state funds and federal funds) is \$0 in FFY 2022 and \$150,841 in FFY 2023.

### **General Information**

A link to this notice will be posted on the [Department's website](#) starting on October 10, 2022. Written comments may be addressed to:

Director, Health Programs Office  
Colorado Department of Health Care Policy and Financing  
1570 Grant Street  
Denver, CO 80203

### **County Contact Information**

Copies of the proposed changes are available for public review at the following county locations:

County Name	Official Name	Physical Address	Mailing Address
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Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.  
[www.colorado.gov/hcpf](http://www.colorado.gov/hcpf)



Adams	Adams County Human Services Department	11860 Pecos Street Westminster, CO 80234	Same as physical
Alamosa	Alamosa County Department of Human Services	8900 C Independence Way, Alamosa, CO 81101	PO Box 1310, Alamosa, CO 81101
Arapahoe	Arapahoe County Human Services	14980 E. Alameda Dr., Aurora, CO 80012	14980 E. Alameda Dr., Aurora, CO 80012
Arapahoe	Satellite Office	1690 W. Littleton Blvd., Littleton, CO 80120	
Archuleta	Archuleta County Human Services	551 Hot Springs Blvd., Pagosa Springs, CO 81147	PO Box 240, Pagosa Springs, CO 81147
Baca	Baca County Department of Social Services	772 Colorado St. Ste #1, Springfield, CO 81073	Same as physical
Bent	Bent County Social Services	138 6th Street, Las Animas, CO 81054	Same as physical
Boulder	Boulder County Department of Housing & Human Services	3400 Broadway, Boulder, CO 80304	PO Box 471, Boulder, CO 80306
Broomfield	Broomfield Health and Human Services	100 Spader Way, Broomfield, CO 80020	Same as physical
Chaffee	Chaffee County Department of Human Services	448 E. 1st St, Ste 166, Salida, CO 81201	PO Box 1007, Salida, CO 81201
Cheyenne	Cheyenne County Department of Human Services	560 W. 6 N, Cheyenne Wells, CO 80810	PO Box 146, Cheyenne Wells, CO 80810
Conejos	Conejos County Department of Social Services	12989 Cty. Rd. G.6, Conejos, CO 81129	PO Box 68, Conejos, CO 81129
Costilla	Costilla County Department of Social Services	233 Main St, San Luis, CO 81152	Same as physical
Crowley	Crowley County Department of Human Services	631 Main Street Ste 100, Ordway, CO 81063	Same as physical
Custer	Custer County Department of Human Services	205 S. 6th St., Westcliffe, CO 81252	PO Box 929 Westcliffe, CO 81252
Delta	Delta County Department of Human Services	560 Dodge St, Delta, CO 81416	Same as physical
Denver	Denver Department of Human Services	1200 Federal Blvd, Denver, CO 80204	Same as physical
Dolores	Dolores County Department of Social Services	409 Main Street, Dove Creek, CO 81324	PO Box 485 Dove Creek, CO 81324



Douglas	Douglas County Department of Human Services	4400 Castleton Court, Castle Rock, CO 80109	Same as physical
Eagle	Eagle County Department of Human Services	551 Broadway, Eagle, CO 81631	PO Box 660, Eagle, CO 81631
El Paso	El Paso County Department of Human Services	1675 W. Garden of the Gods Road, Colorado Springs, CO 80907	Same as physical
Elbert	Elbert County Health and Human Services	75 Ute. Ave, Kiowa, CO 80117	PO Box 924, Kiowa, CO 80117
Fremont	Fremont County Department of Human Services	172 Justice Center Road, Canon City, CO 81212	Same as physical
Garfield	Garfield County Department of Human Services	195 W. 14th St., Rifle, CO 81650	Same as physical
Gilpin	Gilpin County Department of Human Services	2960 Dory Hill Rd. Ste 100, Black Hawk, CO 80422	Same as physical
Grand	Grand County Department of Social Services	620 Hemlock St., Hot Sulphur Springs, CO 80451	PO Box 204, Hot Sulphur Springs, CO 80451
Huerfano	Huerfano County Department of Social Services	121 W. 6th St., Walsenburg, CO 81089	Same as physical
Jackson	Grand County Department of Social Services	620 Hemlock St., Hot Sulphur Springs, CO 80451	PO Box 204, Hot Sulphur Springs, CO 80451
Jefferson	Jefferson County Human Services	900 Jefferson County Parkway, Golden, CO 80401	Same as physical
Kiowa	Kiowa County Department of Social Services	1307 Maine St., Eads, CO 81036	PO Box 187, Eads, CO 81036-0187
Kit Carson	Kit Carson County Department of Human Services	252 S. 14th St., Burlington, CO 80807	PO Box 70, Burlington, CO 80807
La Plata	La Plata County Department of Human Services	10 Burnett Court 1st Floor, Durango, CO 81301	Same as physical
Lake	Lake County Department of Human Services	112 W. 5th St. Leadville, CO 80461	PO Box 884 Leadville, CO 80461
Larimer	Larimer County	1501 Blue Spruce Drive	Same as physical
Las Animas	Las Animas County Department of Human Services	204 S. Chestnut St., Trinidad, CO 81082	Same as physical



Lincoln	Lincoln County Department of Human Services	103 3rd Ave, Hugo, CO 80821	PO Box 37, Hugo, CO 80821
Logan	Logan County Department of Human Services	508 S. 10th Ave, STE B, Sterling, CO 80751	Same as physical
Mesa	Mesa County Department of Human Services	510 29 1/2 Rd, Grand Junction, CO 81504	PO Box 20000, Grand Junction, CO 81502
Mineral	Rio Grande/Mineral County Department of Social Services	1015 6th St, Del Norte, CO 81132	Same as physical
Moffat	Moffat County Department of Social Services	595 Breeze St., Craig, CO 81625	Same as physical
Montezuma	Montezuma County Department of Social Services	109 W. Main St. Room 2013, Cortez, CO 81321	Same as physical
Montrose	Montrose County Health & Human Services	1845 S. Townsend Ave., Montrose, CO 81401	PO Box 216, Montrose, CO 81402-216
Morgan	Morgan County Department of Human Services	800 E. Beaver Ave., Fort Morgan, CO 80701	PO Box 220, Fort Morgan, CO 80701
Otero	Otero County Department of Human Services	215 Raton Ave, La Junta, CO 81050	PO Box 494, La Junta, CO 81050
Ouray	Ouray DSS	177 Sherman St., Unit 104, Ridgway, CO 81432	PO Box 530 Ridgway, CO 81432
Phillips	Phillips County Department of Social Services	127 E Denver St., Holyoke, CO, 80734	Same as physical
Pitkin	Pitkin County Department of Health and Human Services	0405 Castle Creek Rd., Suite 104, Aspen, CO 81611	Same as physical
Pueblo	Pueblo County Department of Social Services	201 W. 8th St, Pueblo, CO 81003	320 W. 10th St, Pueblo, CO 81003
Rio Blanco	Rio Blanco County Department of Health and Human Services	345 Market St., Meeker, CO 81641	Same as physical
Routt	Routt County Department of Human Services	135 6th St., Steamboat Springs, CO 80477	PO Box 772790, Steamboat Springs, CO 80477
Saguache	Saguache County Department of Social Services	605 Christy Ave, Saguache, CO 81149	PO Box 215, Saguache, CO 81149
San Miguel	San Miguel DSS	333 W. Colorado Ave, Telluride, CO 81435 (San Miguel);	PO Box 96 Telluride, CO 81435



Sedgwick	Sedgwick County Human Services	118 W. 3rd St., Julesburg, CO 80737	PO Box 27, Julesburg, CO 80737
Washington	Washington County DHS	126 W. 5th St., Akron, CO 80720	PO Box 395, Akron, CO 80720
Yuma	Yuma County Department of Human Services	340 S. Birch, Wray, CO 80758	Same as physical



## Calendar of Hearings

Hearing Date/Time	Agency	Location
11/03/2022 10:00 AM	Taxation Division	Virtual Hearing See Comments
11/01/2022 10:00 AM	Taxation Division	Virtual Hearing See Comments
11/03/2022 10:00 AM	Taxation Division	Virtual Hearing See Comments
11/03/2022 11:00 AM	Division of Motor Vehicles	Virtual
10/31/2022 01:00 PM	Division of Motor Vehicles	Virtual
11/10/2022 09:00 AM	Colorado State Board of Education	1500 E. 128th Ave., Thornton, CO 80241 or Webinar
11/17/2022 01:00 PM	Division of Public School Capital Construction Assistance	Virtual
11/17/2022 08:00 AM	Colorado Parks and Wildlife (405 Series, Parks)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/17/2022 08:00 AM	Colorado Parks and Wildlife (405 Series, Parks)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/17/2022 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/17/2022 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/17/2022 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/17/2022 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/17/2022 08:00 AM	Colorado Parks and Wildlife (406 Series, Wildlife)	Gateway Canyons Resort at 43200 CO-141, Gateway, CO 81522
11/01/2022 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
11/01/2022 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
11/01/2022 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
11/01/2022 11:00 AM	Division of Insurance	Webinar or 1560 Broadway, STE 850, Denver CO 80202
11/03/2022 01:15 PM	Division of Professions and Occupations - Colorado Dental Board	Webinar Only: <a href="https://us06web.zoom.us/webinar/register/WN_rHVOseh6RwOiOEoA1-AHaA">https://us06web.zoom.us/webinar/register/WN_rHVOseh6RwOiOEoA1-AHaA</a>
11/02/2022 09:15 AM	Passenger Tramway Safety Board	Webinar Only: <a href="https://us06web.zoom.us/webinar/register/WN_saj0XoNvT1tbxGReyHWiQ">https://us06web.zoom.us/webinar/register/WN_saj0XoNvT1tbxGReyHWiQ</a>
11/10/2022 09:00 AM	Public Utilities Commission	By video conference using Zoom at a link in the calendar of events on the Commissions website, available at: <a href="https://puc.colorado.gov/">https://puc.colorado.gov/</a>
11/03/2022 09:00 AM	Division of Real Estate	1560 Broadway, Suite 925, Denver CO 80202 (Virtual Hearing Only)
11/04/2022 09:30 AM	Division of Professions and Occupations - State Board of Licensed Professional Counselor Examiners	Webinar Only: <a href="https://us06web.zoom.us/webinar/register/WN_p5IThZrgQZyUiQDRtJXsmQ">https://us06web.zoom.us/webinar/register/WN_p5IThZrgQZyUiQDRtJXsmQ</a>
02/01/2023 10:00 AM	Attorney General-Consumer Protection Section	Office of The Attorney General, Colorado Department of Law, Ralph L. Carr Judicial Building, 1300 Broadway, Room 1D Denver, CO 80203, and via Zoom
04/10/2023 09:00 AM	Water Quality Control Commission (1002 Series)	4300 Cherry Creek Drive South, Denver, CO 80246 or <a href="https://us02web.zoom.us/meeting/register/tZluf-mpqzoqHNPKL5ssu6SgREc6bAGaLjMi#/registration">https://us02web.zoom.us/meeting/register/tZluf-mpqzoqHNPKL5ssu6SgREc6bAGaLjMi#/registration</a>
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12/12/2022 09:00 AM	Water Quality Control Commission (1002 Series)	4300 Cherry Creek Drive South, Denver, CO 80246 or <a href="https://us02web.zoom.us/meeting/register/tZApfu-orDopG9MEDfeTVmWffxaxuaTV_GXj#/registration">https://us02web.zoom.us/meeting/register/tZApfu-orDopG9MEDfeTVmWffxaxuaTV_GXj#/registration</a>

## Calendar of Hearings

Hearing Date/Time	Agency	Location
04/10/2023 09:00 AM	Water Quality Control Commission (1002 Series)	4300 Cherry Creek Drive South, Denver, CO 80246 or <a href="https://us02web.zoom.us/j/84451234567">https://us02web.zoom.us/j/84451234567</a>
11/01/2022 03:00 PM	Division of Labor Standards and Statistics (Includes 1103 Series)	633 17th Street, 12th Floor, Denver, CO 80202
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11/01/2022 03:00 PM	Division of Labor Standards and Statistics (Includes 1103 Series)	633 17th Street, 12th Floor, Denver, CO 80202
11/01/2022 05:00 PM	Division of Family and Medical Leave Insurance	virtual over zoom
11/01/2022 05:00 PM	Division of Family and Medical Leave Insurance	virtual over zoom
11/01/2022 05:00 PM	Division of Family and Medical Leave Insurance	virtual over zoom
11/03/2022 11:30 AM	Division of Fire Prevention and Control	Virtual via Zoom
11/18/2022 09:00 AM	Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)	1570 Grant St, Hibiscus, Denver, CO 80203
11/04/2022 08:30 AM	Social Services Rules (Volume 7; Child Welfare, Child Care Facilities)	1575 Sherman Street, Denver, CO 80203