STATE OF COLORADO

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James B. Martin, Executive Director

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Colorado Department of Public Health and Environment

NOTICE OF PUBLIC RULEMAKING HEARING
BEFORE THE
COLORADO WATER QUALITY CONTROL COMMISSION

SUBJECT:

For consideration of the adoption of revisions to current temporary modifications of water quality standards expiring on or before February 28, 2010, for multiple segments in the Classifications and Numeric Standards for Arkansas River Basin, Regulation #32 (5 CCR 1002-32), Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33); in the Classifications and Numeric Standards for Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and in the Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38). The revisions proposed by the Water Quality Control Division as staff to the Commission, along with proposed Statements of Basis, Specific Statutory Authority, and Purpose, are attached to this Notice as Exhibits 1, 2, 3 and 4, respectively. The revisions proposed by the Cities of Westminster, Northglenn and the City and County of Broomfield (the "Big Dry Creek Cities"), along with a proposed Statement of Basis, Specific Statutory Authority, and Purpose are attached to this Notice as Exhibit 5. In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts.~~ Any alternative proposals related to current temporary modifications identified in Exhibits 1 through 5 will also be considered.

HEARING SCHEDULE:

DATE: Monday, December 10, 2007
TIME: 11:00 a.m.
PLACE: Florence Sabin Conference Room
Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado

PUBLIC PARTICIPATION ENCOURAGED:

The Commission encourages all interested persons to provide their opinions or recommendations regarding the matters to be addressed in this rulemaking hearing, either orally at the hearing or in writing prior to or at the hearing. Although oral testimony from those with party status (see below) and other interested persons will be received at the hearing, the time available for such oral testimony may be limited. Written submissions prior to the hearing are encouraged, so that they can be distributed to the Commission for review prior to the hearing. 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 or mailing list status (see below) generally will not be permitted.

PARTY STATUS/MAILING LIST STATUS:

Participation as a "party" to this hearing or acquisition of "mailing list status," will require compliance with section 21.4(D) of the Procedural Rules, Regulation #21 (5 CCR 1002-21). Mailing list status will allow receipt of all party documents (except individual exhibits more than five pages in length). It is not necessary to acquire party status or mailing list status in order to testify or comment. **For each request for party status or mailing list status, please provide the organization's name, a contact person, mailing address, phone number, fax number and email address if available.** Written party status or mailing list status requests are due in the Commission Office on or before:

DATE: Tuesday, September 25, 2007
TIME: 5:00 p.m.

Party status or mailing list status requests may be submitted by a fax to 303-691-7702 by this deadline, or by email to cdphe.wqcc@state.co.us, provided that the original and three copies are mailed by this same date.

PREHEARING STATEMENTS:

PLEASE NOTE that for this hearing two separate deadlines for prehearing statements are established: (1) An original and 13 copies of an initial prehearing statement from **the Division as proponents of revisions proposed in Exhibits 1 through 4 attached to this notice**, and **the Big Dry Creek Cities as proponents of revisions proposed in Exhibit 5,** including written testimony and exhibits providing the basis for the proposals, must be received in the Commission Office no later than **October 4, 2007**; and (2) An original and 13 copies of a prehearing statement, including any exhibits, written testimony, and alternative proposals of **anyone seeking party status and intending to respond to the Division proposals** must be received in the Commission Office no later than **October 30, 2007**. **Those requesting mailing list status shall provide written testimony, if any testimony is to be offered for the hearing, by this same date.**

For each deadline, the required number of hard copies of documents must be received in the Commission office by the specified deadline. These requirements are not satisfied by electronic transmission of a facsimile copy or copies. However, **parties are also strongly encouraged to email a copy of their written documents to the Commission Office**, so that materials received can be posted on the Commission's web site. (Please email to cdphe.wqcc@state.co.us.) In addition, copies of these documents must be mailed or hand-delivered by the specified dates to all persons requesting party status or mailing list status, and to the Attorney General's Office representatives for the Commission and Division, in accordance with a list provided by the Commission Office following the party status/mailing list status deadline.

Also **note** that the Commission has prepared a document entitled **Information for Parties to Water Quality Control Commission Rulemaking Hearings.** A copy of this document will be mailed to all persons requesting party status or mailing list status. It is also posted on the Commission's web site noted above, under "General Information – Public Participation in Commission Proceedings". Following the suggestions set forth in this document will enhance the effectiveness of parties' input for this proceeding. **Please note the new request that all parties submit their hard copies of all hearing documents on three-hole punch paper.**

PREHEARING CONFERENCE:

DATE: Wednesday, November 7, 2007
TIME: 1:00 p.m.
PLACE: Board Room
Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado

Attendance at the prehearing conference is mandatory for all persons requesting party status.

REBUTTAL STATEMENTS:

Written rebuttal statements responding to the prehearing statements due on October 30, 2007may be submitted. Any such rebuttal statements must be received in the Commission Office by **November 28, 2007**. An original and 13 copies of written rebuttal statements must be received in the Commission Office by this deadline. Please also email a copy to cdphe.wqcc@state.co.us. This requirement is not satisfied by electronic transmission of a facsimile copy or copies. In addition, copies of these documents must be mailed or hand-delivered by that date to all those requesting party status or mailing list status, and to the Attorney General's Office representatives for the Commission and Division. No other documentation, exhibits, or other materials will be accepted following this deadline except for good cause shown.

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.

NOTIFICATION OF POTENTIAL MATERIAL INJURY TO WATER RIGHTS:

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 in the party status request submitted. In order for this potential to be considered fully by the Commission and the other agencies listed in the statute, persons must fully explain the basis for their claim in their prehearing statement which is due in the Commission Office on the date specified above. This explanation should identify and describe the water right(s), and explain how and to what degree the material injury will be incurred.

Dated this 21st day of August 2007 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Paul D. Frohardt

Paul D. Frohardt, Administrator

EXHIBIT 1

REGION: 4 & 7 Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC /l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: **FOUNTAIN CREEK**									
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.		Aq Life Warm 2 Recreation E Water Supply Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH_3(ac/ch)=TVS CL_2(ac)=0.019 CL_2(ch)=0.011 CN=0.005 S=0.002	B=0.75 NO_2=1.0 NO_3=10 Cl=250 SO_4=330	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)= 1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis)**	Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac)=TVS Se(ch)=8 Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: NH_3(ac/ch)=TVS (old). Expiration date of 12/31/2012. Type (iii): Cu(ac/ch)=current condition, Expiration date of 12/31/2009
6. Mainstem of Monument Creek, from the boundary of National Forest lands to the confluence with Fountain Creek.		Aq Life Warm 2 Recreation E Water Supply Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH_3(ac/ch)=TVS CL_2(ac)=0.019 CL_2(ch)=0.011 CN=0.005	B=0.75 NO_2=0.5 NO_3=10 Cl=250 SO_4=WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS) CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1430(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis)	Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: type (iii): Cu(ac/ch)=current condition, Expiration date of 12/31/2009 NH_3(ac/ch)=TVS (old)(type i) Expiration date of 12/31/2011

PROPOSED

32.3x STATEMENT OF BASIN SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2007 RULEMAKING REGARDING TEMPORARY MODIFICATIONS

The provisions of C.R S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications to determine whether the temporary modification should be modified, eliminated or extended.

Because Tri-Lakes Wastewater Treatment Facility and Security Sanitation District are making progress on developing copper translators, the Commission took no action on the temporary modifications for the following segments, leaving their expiration dates unchanged.

Fountain Creek segment 2a, temporary modification for copper
Fountain Creek segment 6, temporary modification for copper

EXHIBIT 2

33.6 TABLES

(1) Introduction

The numeric standards for various parameters in the attached tables were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses.

Numeric standards are not assigned for all parameters listed in the Tables attached to 31.0. 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 the attached tables:

ac	=	acute (1-day)
Ag	=	Silver
Al	=	Aluminum
	. . .	
Zn	=	Zinc

(b) In addition, the following abbreviations are used:

Fe(ch)	=	WS(dis)
Mn(ch)	=	WS(dis)
SO4	=	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)
SO4	=	250 mg/l

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) As used in the "Temporary Modifications and Qualifiers" column of the tables, the term "type i" refers to a temporary modification adopted pursuant to subsection 31.7(3)(a)(i) of the Basic Standards and Methodologies for Surface Water (i.e., "where the standard is not being met because of human-induced conditions deemed correctable within a twenty (20) year period"). The term "type iii" refers to a temporary modification adopted pursuant to subsection 31.7(3)(a)(iii) of the Basic Standards and Methodologies for Surface Water (i.e., "where there is significant uncertainty regarding the appropriate long-term underlying standard").

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Stream Classifications and Water Quality Standards
Regulation No. 33. Upper Colorado Basin

REGION: 12 Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: **Blue River**									
6. Mainstem of the Snake River, including all tributaries and wetlands from the source to Dillon Reservoir, except for specific listings in Segments 7, 8 and 9.	UP	Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.02 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modifications: type iii Cd(ch)=2.3 Cu(ch)=17 no Zn(ac) Zn(ch)=654 Effective until 2/28/09.
BASIN: **Eagle River**									
5a. Mainstem of the Eagle River from a point immediately above the compressor house bridge at Belden to a point immediately above the Highway 24 Bridge near Tigiwon Road.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.02 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ch)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS Mn(ac/ch)=TVS	Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac)=TVS Zn(ch)=106	Seasonal Temporary Modifications type iii effective through 1/1/09. March 1 through April 30 Zn(ac)=472 Zn(ch)=410 May 1 through February 29 Zn(ac)=178 Zn(ch)=166
5b. Mainstem of the Eagle River from a point immediately above the Highway 24 Bridge near Tigiwon Road to a point immediately above the confluence with Martin Creek.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.02 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ch)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS Mn(ac/ch)=TVS	Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac)=TVS Zn(ch)=106	Seasonal Temporary Modifications type iii effective through 1/1/09. March 1 through April 30 Zn(ac)=332 Zn(ch)=310 May 1 through February 29 Zn(ac)=153 Zn(ch)=123
5c. Mainstem of the Eagle River from a point immediately above Martin Creek to a point immediately above the confluence with Gore Creek.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.02 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ch)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS Mn(ac/ch)=TVS	Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac)=TVS Zn(ch)=106	Seasonal Temporary Modifications type iii effective through 1/1/09. March 1 through April 30 Zn(ac)=275 Zn(ch)=257 May 1 through February 29 Zn(ac)=127 Zn(ch)=TVS
7b. M instem of Cross Creek from a point immediately below the Minturn Middle School to the confluence with the Eagle River, except for those waters included in Segment 1.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.02 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Seasonal Temporary Modifications type iii effective through 1/1/09. March 1 through April 30 Zn(ac)=254 Zn(ch)=193 May 1 through February 29 Zn(ac)=120 Zn(ch)=116

Stream Classifications and Water Quality Standards
Regulation No. 33. Upper Colorado Basin

REGION: 12	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
Stream Segment Description			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
BASIN: **Yampa River**									
13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to the confluence with the Yampa River.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05	As(ac)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temporary Modification: Se(ac/ch)=60 based on uncertainty. Effective until 2/28/09~~

PROPOSED

33.3x STATEMENT OF BASIN SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2007 RULEMAKING REGARDING TEMPORARY MODIFICATIONS

The provisions of C.R S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications to determine whether the temporary modification should be modified, eliminated or extended.

Language was added to subsection 38.6(2) to explain the terms “type i” and “type iii” temporary modifications.

The following segment’s temporary modification was inadvertently left in the table after last year’s hearing. It was deleted in this hearing.

Yampa River Segment13d, temporary modification for selenium.

Parties are working to resolve uncertainty and are on schedule to address these segments at the regularly scheduled basin-wide rulemaking (June 2008), The Commission added "type iii", but took no action on the expiration date for the following segments.

Blue River segment 6: temporary modification for cadmium, copper and zinc
Eagle River segment 5a: seasonal temporary modification for zinc
Eagle River segment 5b: seasonal temporary modification for zinc
Eagle River segment 5c: seasonal temporary modification for zinc
Eagle River segment 7b: seasonal temporary modification for zinc

Stream Classifications and Water Quality Standards
Regulation No. 37. Lower Colorado Basin

EXHIBIT 3

37.6 TABLES

(1) Introduction

The numeric standards for various parameters in the attached tables were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses.

Numeric standards are not assigned for all parameters listed in the Tables attached to 31.0. 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 the attached tables:

ac	=	acute (1-day)
Ag	=	Silver
Al	=	Aluminum
	. . .	
Zn	=	Zinc

(b) In addition, the following abbreviations are used:

Fe(ch)	=	WS(dis)
Mn(ch)	=	WS(dis)
SO4	=	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)
SO4	=	250 mg/l

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) As used in the "Temporary Modifications and Qualifiers" column of the tables, the term "type i" refers to a temporary modification adopted pursuant to subsection 31.7(3)(a)(i) of the Basic Standards and Methodologies for Surface Water (i.e., "where the standard is not being met because of human-induced conditions deemed correctable within a twenty (20) year period"). The term "type iii" refers to a temporary modification adopted pursuant to subsection 31.7(3)(a)(iii) of the Basic Standards and Methodologies for Surface Water (i.e., "where there is significant uncertainty regarding the appropriate long-term underlying standard").

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Stream Classifications and Water Quality Standards
Regulation No. 37. Lower Colorado Basin

REGION: 11 Stream Segment Description	)esig	Classifications	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: **Lower Yampa River / Green River**									
3b. Mainstems of Johnson Gulch, Pyeatt Gulch, Ute Gulch, Castor Gulch, No Name Gulch, Flume Gulch, Buzzard Gulch, Coyote Gulch, Deal Gulch, Horse Gulch (BOTH), Elk Gulch, Ben Morgan Creek, Boxelder Gulch, Collom Gulch, Hale Gulch and Jubb Creek, including all tributaries from their sources to their mouths.	UP	Aq Life Warm 2 Recreation 1b Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 F.Coli=325/100ml E. Coli=205/100ml	CN(ac)=0.2 NO_2(ac)=10 NO_3(ac)=100	B(ch)=5	As(ch)=200(Trec) Cd(ch)=50(Trec) CrIII(ch)=1000(tot) CrVI(ch)=1000(tot) Cu(ch)=500(Trec)	Pb(ch)=100(Trec)	Se(ch)=50(Trec) Zn(ch)=25,000(Trec)	~~Temp modification:~~ ~~Se(ac/ch)=existing quality for Johnson Gulch from the confluence of Johnson Gulch and Pyeatt Gulch to the confluence with the Yampa River based on uncertainty.~~ Goal Qualifier: Se(ac/ch)=TVS for Johnson Gulch from the confluence of Johnson Gulch and Pyeatt Gulch to the confluence with the Yampa River. Expiration date of 2/28/09.
3c. Mainstem of Milk Creek, including all tributaries, wetlands, lakes and reservoirs, from Thornburgh (County Rd 15) to the confluence with the Yampa River except for the specific listings in Segment 3b and 3e.		Aq Life Warm 1 Recreation 1b Water Supply Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 F.Coli=325/100ml E. Coli=205/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temp modifications for inorganics and metals: existing ambient quality. Expiration date of 2/28/09~~.
3e. Mainstem of Good Spring Creek above Wilson Reservoir and Wilson Creek and their tributaries except for Jubb Creek.	UP	Aq Life Warm 2 Recreation 1b Water Supply Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 F.Coli=325100ml E. Coli=205/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temp modifications for inorganics and metals: existing ambient quality. Expiration date of 2/28/09.~~
16. Mainstem of the Little Snake River from a point immediately above the confluence with Powder Wash to the confluence with the Yampa River.		Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1100(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temporary modification:~~ ~~F.Coli=275/100ml~~ ~~Expiration date of 2/28/09.~~
BASIN: **White River**									
9b. Mainstems of Flag Creek and Sulphur Creek, including all tributaries and wetlands, from their source to their confluences with the White River.	UP	Aq Life Cold 2 6/1 to 8/31 Recreation 1a 9/1 to 5/31Recreation 2 Water Supply Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 6/1 to 8/31 F.Coli=200/100ml E.Coli-126/100ml 9/1 to 5/31 F.Coli=2000/100ml E.Coli=630/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	~~Temporary modification: Se(ch)=existing ambient qualityExpiration date of 2/28/09~~.
13b. Mainstem of Yellow Creek, including all tributaries, from the source to the confluence with the White River.	UP	Aq Life Warm 2 Recreation 2 Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 F.Coli=2000/100ml E.Coli=630/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=5 NO_2=10 NO_3=100	As(ac/ch)=TVS Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications for all numeric standards = current conditions. <u>type iii</u> Expiration date of 2/28/09.

Stream Classifications and Water Quality Standards
Regulation No. 37. Lower Colorado Basin

REGION: 11 Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: **Lower Colorado River**									
4a. All tributaries, including wetlands, to the Colorado River from the confluence with the Roaring Fork River to a point immediately below the confluence with Parachute Creek except for the the specific listings in Segments 4b, 5, 6, 7, 8, 9, 10, 11a - h, and 12		Aq Life Cold 2 Recreation 2 Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=2000/100ml E.Coli=630/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temporary modification:~~ ~~Se=existing ambient quality~~ ~~Expiration date of 2/28/09.~~
13b. All tributaries to the Colorado River, including wetlands, from the Government Highline Canal Diversion to a point immediately below Salt Creek, downgradient from the Government Highline Canal, the Orchard Mesa Canal No. 2, Orchard Mesa Drain, Stub Ditch and the northeast Colorado National Monument boundary, except for specific listings in Segment 13c.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.= 5.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS	Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=existing ambient quality ~~based on uncertainty.~~ Persigo Wash from Grand Junction discharge to confluence with the Colorado River; and Little Salt Wash from Fruita discharge to confluence with the Colorado River for D.O., F. Coli., NH_3, Cd, Cu, Ag, Ni, B, Hg, NO_2 = existing quality. type iii Expiration date of 2/28/09. NH_3(ac/ch) = TVS(old) (Type i) Expiration date of 12.31.2011
13c. Walker Wildlife Area Ponds.		Aq Life Warm 1 Recreation 1a Agriculture	D.O.= 5.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS	Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temporary modifications:~~ ~~Se(ch)=existing ambient quality, based on uncertainty.~~ ~~Expiration date of 2/28/09.~~

PROPOSED

37.2x STATEMENT OF BASIN SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2007 RULEMAKING REGARDING TEMPORARY MODIFICATIONS

The provisions of C.R S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications to determine whether the temporary modification should be modified, eliminated or extended.

Language was added to subsection 37.6(2) to explain the terms “type i” and “type iii” temporary modifications.

Because parties are working to resolve uncertainty and are on schedule to address these segments at the regularly scheduled basin-wide rulemaking (June 2008), the Commission the Commission either added "type iii" or made the reference consistent, but took no action on the temporary modifications for the following segments, leaving their expiration dates unchanged.

> White River segment 13b: (temporary modifications of all numeric standards). Shell presented evidence that they are making progress on their study of appropriate underlying standards and will make a proposal for the 2008 rulemaking hearing.
>
> Lower Colorado segment 13b: (temporary modifications for selenium, dissolved oxygen, fecal coliform, ammonia, cadmium, copper, silver, nickel, boron, mercury and nitrite). The cities of Grand Junction and Fruita and Mesa County presented evidence that they are making progress on their study of appropriate underlying standards and will make a proposal for the 2008 rulemaking hearing.

The following segment’s temporary modification was inadvertently left in the table after last year’s hearing. It was deleted in this hearing.

Lower Yampa segment 3b: temporary modification for selenium.
Lower Yampa segment 3c: temporary modification for inorganics and metals
Lower Yampa segment 3e: temporary modification for inorganics and metals
Lower Yampa segment 16: temporary modification for fecal coliform
White River segment 9b: temporary modification for selenium.
Lower Colorado segment 4a: temporary modification for selenium.
Lower Colorado segment 13c: temporary modification for selenium.

Stream Classifications and Water Quality Standards
Regulation No. 38. South Platte Basin

EXHIBIT 4

38.6 TABLES

(1) Introduction

The numeric standards for various parameters in the attached tables were assigned by the Commission after a careful analysis of the data presented on actual stream conditions and on actual and potential water uses.

Numeric standards are not assigned for all parameters listed in the Tables attached to 31.0. 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 the attached tables:

ac	=	acute (1-day)
Ag	=	Silver
Al	=	Aluminum
	. . .	
Zn	=	Zinc

(b) In addition, the following abbreviations are used:

Fe(ch)	=	WS(dis)
Mn(ch)	=	WS(dis)
SO4	=	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)
SO4	=	250 mg/l

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) As used in the "Temporary Modifications and Qualifiers" column of the tables, the term "type i" refers to a temporary modification adopted pursuant to subsection 31.7(3)(a)(i) of the Basic Standards and Methodologies for Surface Water (i.e., "where the standard is not being met because of human-induced conditions deemed correctable within a twenty (20) year period"). The term "type iii" refers to a temporary modification adopted pursuant to subsection 31.7(3)(a)(iii) of the Basic Standards and Methodologies for Surface Water (i.e., "where there is significant uncertainty regarding the appropriate long-term underlying standard").

. . .

Stream Classifications and Water Quality Standards
Regulation No. 38. South Platte Basin

REGION: 3 Stream Segment Description	DESI	CLASSIFICATIONS	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: **Upper South Platte River**									
4. Mainstem of the North Fork of the South Platte River, including all tributaries, lakes, reservoirs and wetlands from the source to the confluence with the South Platte River, except for specific listings in Segments 1b, 5a, 5b, and 5c.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.= 6.0 mg/l D.O.(sp)=7.0 mg/l pH = 6.5-9.0 F.Coli-200/100ml E. Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	~~Temporary modifications: Hall Valley to confluence with Geneva Creek: Cu(ch)=26 µg/l (dis), Zn(ch)=26 µg/l (dis). Expiration date of 2/28/10~~.
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 lakes, reservoirs and wetlands from source to confluence with the North Fork of the South Platte River.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E. Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011	CN=0.005 S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	~~Temporary modifications: Geneva Creek Zn(ch)=82 µg/l. Expiration date of 2/28/10.~~
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.	UP	Aq Life Warm 2 Recreation 1a Water Supply Agriculture	D.O.* pH = 6.5-9.0** F.Coli=200/100ml E. Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=1.0 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS*2.3 Fe(ch)=WS(dis)	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=400(dis) Mn(ac/ch)=TVS Hg(ac)=2.4(dis) Hg(ch)=0.4(dis)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	*See attached table for site-specific Dissolved Oxygen and Ammonia standards. **pH=6.0-9.0 from 64th Ave. downstream 2 miles. Temporary modifications: ~~F. Coli=existing quality; E.Coli=existing quality. Expiration date of 2/28/10.~~ NH_3(ac/ch)=TVS(old) (Type i). Expiration date of 12/31/2014.
16a. Mainstem of Sand Creek from the confluence of Murphy and Coal Creek in Arapahoe County to the confluence with the South Platte River	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E. Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS*	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac)=TVS Se(ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)= 19.3 µg/l Se(ac)=no acute standard. type iii Expiration date of 2/28/10. NH_3(ac/ch)=TVS(old)(Type i). Expiration date of 12/31/2011. *Cu (ac/ch) = TVS *2.6 below the Sand Creek Water Reuse Facility outfall.
16c. All tributaries to the South Platte River, including all lakes, reservoirs and wetlands, from the outlet of Chatfield Reservoir, to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16a, 16b, 16d, 16e, 16f, 16g, 17a, 17b, and 17c.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E. Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Fish Ingestion Organics Temporary modification: East & West Toll Gate Creeks, Toll Gate Creek Se(ch)=18µg/l(dis) type iii expiration date of 2/28/10.
BASIN: **Clear Creek**									
2. Mainstem of Clear Creek, including all tributaries, lakes, reservoirs and wetlands, from the I-70 bridge above Silver Plume to the Argo Tunnel discharge, except for specific listings in Segments 3 through 10.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli-=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 SO_4=WS NO_3=10 Cl=250	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS	Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac)=TVS Zn(ch)=200	Temporary modifications: Cu(ch)=8.1 µg/l (dis), Mn(ch)=106 µg/l (dis), Zn(ch)=257 µg/l (dis), ~~based on uncertainty.~~ type iii Expiration date of 2/28/10.
3a. Mainstem of South Clear Creek, including all tributaries, lakes, reservoirs and wetlands, from the source to the confluence with Clear Creek, except for the specific listing in 3b and 19.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis)	Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Zn(ch)=100 µg/l (dis). type iii Expiration date of 2/28/10.
3b. Mainstem of Leavenworth Creek from source to confluence with South Clear Creek.		Aq Life Cold 2 Recreation 1a	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l	NH_3(ac/ch)=TVS Cl_2(ac)=0.019	S=0.002 B=0.75	As(ac)=50(Trec) Cd(ac)=TVS(tr)	Fe(ch)=WS(dis) Fe(ch)=1000(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS	Temporary modifications: Pb(ch)=l.7 µg/l (dis);

Stream Classifications and Water Quality Standards
Regulation No. 38. South Platte Basin

REGION: 3 Stream Segment Description	DESI	CLASSIFICATIONS	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
		Water Supply Agriculture	pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	Cl_2(ch)=0.011 CN=0.005	NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Zn(ch)=220 µg/l (dis). type iii Expiration date of 2/28/10.
6. All tributaries to West Clear Creek, including all lakes, reservoirs and wetlands, from the source to the confluence with Clear Creek, except for specific listings in Segments 7 and 8.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Zn(ch)=38 µg/l (dis). type iii Expiration date of 2/28/10.
9a. Mainstem to the Fall River, including all tributaries, lakes, reservoirs and wetlands, from the source to the confluence with Clear Creek.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Cu(ch)=11 µg/l (dis), ~~based on uncertainty.~~ type iii Expiration date of 2/28/10.
9b. Mainstem of Trail Creek, including all tributaries, lakes, reservoirs, and wetlands from the source to the confluence with Clear Creek.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli-=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 SO_4=WS NO_3=10 Cl=250	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS Se(ac/ch)=TVS	Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac)=TVS Zn(ch)=200	Temporary modifications: Cd(ch)=4.6 µg/l, Cu(ch)=148 ug/l, Pb(ch)=7.6 µg/l l, Mn(ch)=548, Zn(ch)=1068 µg/l., ~~based on uncertainty.~~ type iii Expiration date of 2/28/10.
11. Mainstem of Clear Creek from the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.	UP	Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ch)=17	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ch)=300	Temporary modification: Zn(ch)=339 µg/l (dis), ~~based on uncertainty.~~ type iii Expiration date of 2/28/10.
13b. Mainstem of North Clear Creek including all tributaries, lakes, reservoirs and wetlands from the source to the confluence with Clear Creek, except for the specific listings in segment 13a.	UP	Aq Life Cold 2 Recreation 1a Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05	As(ac)=100(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS	Cu(ch)=64 Fe(ch)=5400(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ch)=740	Temporary modifications: Cd(ch)=6.0 µg/l (dis), Mn(ch)=5,293 µg/l (dis), Zn(ch)=1,864 µg/l (dis), ~~based on uncertainty.~~ type iii Expiration date of 2/28/10
15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte River.	UP	Aq Life Warm 1 Recreation 1a Water Supply Agriculture	D.O.=5.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVSx3.66*	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx1.57*	Aquatic life warm 1 goal qualifier. ~~Temporary modification:~~ ~~E.Coli=261/100 ml.~~ ~~Expiration date of 2/28/10.~~
BASIN: **Big Dry Creek**									
1. Mainstem of Big Dry Creek, including all tributaries, lakes, reservoirs and wetlands, from the source to the confluence with the South Platte River, except for specific listing in Segment 2, 3, 4a, 4b, 5 and 6.	UP	Aq Life Warm 2 Recreation 1b Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=325/100ml E.Coli=205/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=4.5	As(ac)=100(Trec) Be(ch)=100 Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: ~~F.Coli=380/100ml~~ ~~E.Coli=401/100ml~~ ~~Se(ch)=11µg/l (dis).~~ ~~Expiration date of 2/28/10.~~ NH_3(ac/ch) = TVS(old) (Type i) Expiration date of 12/31/2011
5. Mainstems of North and South Walnut Creek, including all tributarie, lakes, reservoirs and wetlands, from their sources to the outlets of ponds A-4 and B-5, on Walnut Creek, and Pond C-2 on Woman Creek. All three ponds are located on Rocky Flats property.	UP	Aq Life Warm 2 Recreation 2 Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=2000/100ml E.Coli=630/100ml	Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5 NO_3=10	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS Be(ch)=4	See attached Tables 2 and 3 for additional standards and temporary modifications for seg 5. Goal qualifier for all use classifications, expires 12/31/09.
*Narrative standard for Segment 2, Big Dry Creek, Standley Lake. 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. Implementation of this narrative standard shall only be by Best Management Practices and controls implemented on a voluntary basis.									
BASIN: **Boulder Creek**									
2. Mainstem of Boulder Creek, including all tributaries, lakes, reservoirs and wetlands, from the boundary of the Indian Peaks Wilderness Area to a point		Aq Life Cold 1 Recreation 1a Water Supply	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0	NH_3(ac)=TVS NH_3(ch)=0.02 Cl_2(ac)=0.019	S=0.002 B=0.75 NO_2=0.05	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS	~~Temporary modification:~~ ~~E.coli=150/100ml in lower portion below Broadway Street in Boulder. Expiration~~

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REGION: 3 Stream Segment Description	DESI	CLASSIFICATIONS	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
immediately above the confluence with South Boulder Creek, except for the specific listings in Segment 3 and 12.		Agriculture	F.Coli=200/100ml E.Coli=126/100ml	Cl_2(ch)=0.011 CN=0.005	NO_3=10 Cl=250 SO_4=WS	CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	~~date of 2/28/~~10.
7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modification: ~~E-Coli=525/100ml.~~ ~~Expiration date of 2/28/10.~~ NH_3(ac/ch) = TVS(old) (Type i) Expiration date of 12/31/2011
9. Mainstem of Boulder Creek from a point immediately above the confluence with South Boulder Creek to the confluence with Coal Creek.		Aq Life Warm 1 Recreation 1a Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS Fe(ch)=WS(dis)	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modification: type (iii) Cu (ac/ch)=Current Condition Expiration date of 12/31/2009. NH_3(ac/ch) = TVS(old) (Type i) Expiration date of 12/31/2011
10. Mainstem of Boulder Creek from the confluence with Coal Creek to the confluence with St. Vrain Creek.	UP	Aq Life Warm 1 Recreation 1a Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modification: ~~E-Coli=214/100ml.~~ ~~Expiration date of 2/28/10.~~ NH_3(ac/ch) = TVS(old) (Type i) Expiration date of 12/31/2011
BASIN: **St. Vrain Creek**									
4b. Mainstem of James Creek, including all tributaries, lakes, reservoirs and wetlands, from the source to the confluence with Left Hand Creek.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	~~Temporary modifications:~~ ~~Cu(ch)=27.2µg/l (dis)~~ ~~Pb(ch)=2.2µg/l (dis).~~ ~~Expiration date of 2/28/10.~~
6. All tributaries to St. Vrain Creek, including lakes, reservoirs and 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 and 5.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100 Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Se(ch)=6.6µg/l (dis).<u>type iii</u> Expiration date of 2/28/10. NH_3(ac/ch)=TVS(old) (Type i). Expiration date of 12/31/2011.
BASIN: **Middle South Platte River**									
1b. Mainstem of the South Platte River from a point immediately below the confluence with St. Vrain Creek to the Weld/Morgan County Line.	UP	Aq Life Warm 2 Recreation 1a Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Fish Ingestion Organics ~~Temporary modification:~~ ~~NH_3(ch)=0.12 mg/l below confluence with Cache La Poudre River.~~ ~~Expiration date of 2/28/10~~.
5a. Mainstems of Lone Tree Creek, Crow Creek and Box Elder Creek from their sources to their confluences with the South Platte River, except for specific listings in Segment 5b.	UP	Aq Life Warm 2 Recreation 2 Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=2000/100ml E.Coli=630/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temporary modification: Lone Tree Creek~~ ~~NH_3(ch)=0.26 mg/l.~~ ~~Expiration date of 2/28/~~10.
BASIN: **Big Thompson River**									
2. Mainstem of the Big Thompson River, including all tributaries, lakes, reservoirs, and wetlands from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion, except for the specific listing in Segment 7; mainstem of Black Canyon Creek and Glacier Creek below Estes Park water treatment plant.		Aq Life Cold 1 Recreation 1a Water Supply Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.05 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modifications: D.O., *E. coli*, NH_3, NO_3, B, Cd, Cu, Pb, Hg, Ni, Se, Ag, Zn = existing quality. Wapiti Meadow wetlands at the toe of Lake Estes Dam <u>type iii</u> Expiration date of 12/31/2009
4b. Mainstem of the Big Thompson from the Greeley-Loveland Canal diversion to County Road 11H.	UP	Aq Life Warm 2 Agriculture 5/1 – 10/15	D.O. = 5.0 mg/l pH = 6.5-9.0 5/1 – 10/15	NH_3(ac/ch)=TVS Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Se(ac/ch)-TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Fish Ingestion Organics Temporary modification: Se(ch)=5.5µg/l (dis)

REGION: 3 Stream Segment Description	DESI	CLASSIFICATIONS	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
		Recreation 1a 10/16 – 4/30 Recreation 2	F.Coli=200/100ml E.Coli=126/100ml 10/16 – 4/30 F.Coli=2000/100ml E.Coli=630/100ml			Cu(ac/ch)=TVS	Ni(ac/ch)=TVS		type iii. Expiration date of 2/28/10.
5 Mainstem of The Big Thompson River from I-25 to the confluence with the South Platte River.	UP	Aq Life Warm 2 Agriculture 5/1 – 10/15 Recreation 1b 10/16 – 4/30 Recreation 2	D.O. = 5.0 mg/l pH = 6.5-9.0 5/1 – 10/15 F.Coli=325/100ml E.Coli=205/100ml 10/16 – 4/30 F.Coli=2000/100ml E.Coli=630/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	~~Temporary modifications:~~ ~~Se(ch)=8.~~ ~~Expiration date of 2/28/10.~~
9. Mainstem of the Little Thompson River from the Culver Ditch diversion to the confluence with the Big Thompson River.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: ~~E.Coli=504/100ml~~ ~~Se(ch)=12µg/l (dis).~~ ~~Expiration date of 2/28/10.~~ NH_3(ac/ch)=TVS(old) (Type i). Expiration date of 12/31/2011.
10. All tributaries to the Little Thompson River, including all lakes, reservoirs and wetlands, from the Culver ditch diversion to the Big Thompson River, except for specific listings in Segments 11 and 13.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100mg E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modification: ~~Se(ch)=7µg/l (dis).~~ ~~Expiration date of 2/28/10.~~ NH_3(ac/ch)=TVS(old) (Type i). Expiration date of 12/31/2011.
BASIN: **Cache La Poudre River**									
11. Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to a point immediately above the confluence with Boxelder Creek.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=2.7	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Nitrite as a 30 day average. Fish Ingestion Organics Temporary modification: type (iii) Cu (ac/ch)=Current Condition Expiration date of 12/31/2009
12. Mainstem of the Cache La Poudre River from a point immediately above the confluence with Boxelder Creek to the confluence with the South Platte River.	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=2.7	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Nitrite as a 30 day average. Fish Ingestion Organics Temporary modification: type (iii) Cu (ac/ch)=Current Condition Expiration date of 12/31/2009 ~~Temporary modification:~~ ~~E.Coli=146/100ml in lower portion below Eaton Draw in Greeley.~~ ~~Expiration date of 2/28/10.~~
BASIN: **Lower South Platte River**									
1. Mainstem of the South Platte River from the Weld/Morgan County line to the Colorado/Nebraska border.	UP	Aq Life Warm 2 Recreation 1a Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5 NO_3=10 Cl=250 SO_4=WS	As(ac)=50(Trec Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: ~~Se(ch)=6.3µg/l (dis)~~ ~~NO_3(ch)=24.2 mg/l.~~ ~~Expiration date of 2/28/10.~~ NH_3(ac/ch)=TVS(old) (Type i). Expiration date of 12/31/2011.
2b. All tributaries to the South Platte River, including all lakes, reservoirs and wetlands, north of the South Platte River and below 4,500 feet in elevation in Morgan County, north of the South Platte River in Washington County, north of the South Platte River	UP	Aq Life Warm 2 Recreation 1a Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=200/100ml E.Coli=126/100ml	NH_3(ac)=TVS NH_3(ch)=0.06 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=0.5	As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: ~~Springdale Creek~~ ~~Se(ch)=9.1 µg/l (dis)~~ ~~Beaver Creek~~ ~~Se(ch)=7.0µg/l (dis).~~

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REGION: 3 Stream Segment Description	DESI	CLASSIFICATIONS	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY MODIFICATIONS AND QUALIFIERS
and below 4,200 feet in elevation in Logan County, north of the South Platte River and below 3,700 feet in elevation in Sedgwick County, and the mainstems of Beaver Creek, Bijou Creek and Kiowa Creek from their sources to the confluence with the South Platte River.									~~E.Coli=425/100ml. Expiration date of 2/28/10.~~ NH_3(ac/ch)=TVS(old) (Type i). Expiration date of 12/31/2011.

Table 3
Temporary Modifications (type i)
Big Dry Creek, Segment 5

Effective until December 31, 2009 for the Walnut Creek portions of segment 5:

Parameter	mg/l
Nitrate	100
Nitrite	4.5

Effective until December 31, 2009 for all of segment 5:

Parameter	mg/l
Benzene	0.005
Carbon tetrachloride	0.005
1,2-Dichloroethane	0.005
1,1-Dichloroethene	0.007
Tetrachloroethylene	0.005
Trichloroethylene	0.005

All other organic and radiologic parameters are covered by the Basic Standards

PROPOSED

38.xx STATEMENT OF BASIN SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2007 RULEMAKING REGARDING TEMPORARY MODIFICATIONS

The provisions of C.R S. 25-8-202(1)(a), (b) and (2); 25-8-203; 25-8-204; and 25-8-402; provide the specific statutory authority for adoption of these regulatory amendments. The Commission also adopted in compliance with 24-4-103(4) C.R.S. the following statement of basis and purpose.

BASIS AND PURPOSE

Pursuant to the requirements in the Basic Standards (at 31.7(3)), the Commission reviewed the status of temporary modifications to determine whether the temporary modification should be modified, eliminated or extended.

Language was added to subsection 38.6(2) to explain the terms “type i” and “type iii” temporary modifications.

In three general cases, the Commission decided to delete temporary modifications, thereby allowing the underlying standards to go into effect::

a. Segments with no known permitted dischargers:
- Upper So. Platte segment 5b, Geneva Creek, temporary modification for zinc.
- Lower So. Platte segment 2b, temporary modifications for selenium and E coli.

b. Segments with permitted dischargers where the dischargers are not expected to discharge the parameters of concern at levels that exceed the standard:
- Upper So. Platte segment 4, temporary modification for copper and zinc
- Upper So. Platte segment 15, temporary modifications for fecal coliform and E. coli.
- Clear Creek segment 15, temporary modifications for E. coli.
- Big Dry Creek segment 1, temporary modifications for fecal coliform and E. coli.
- Boulder Creek segment 2, temporary modifications for E. coli
- Boulder Creek segment 7b, temporary modifications for E. coli
- Boulder Creek segment 10, temporary modifications for E. coli
- Big Thompson segment 5, temporary modifications for selenium
- Big Thompson segment 9, temporary modifications for selenium and E coli.
- Big Thompson segment 10, temporary modifications for selenium
- St. Vrain segment 4b, temporary modifications for copper and lead
- Cache La Poudre segment 12, temporary modifications for E. coli
- Lower So. Platte segment 1, temporary modifications for selenium

c. Segments where there may be permitted dischargers but for which no questions have been raised about the appropriateness of the standard. In these cases, instream levels exceed the previous ammonia TVS or the existing nitrate standard:
- Middle So. Platte segment 1b, temporary modification for ammonia
- Middle So. Platte segment 5b, temporary modification for ammonia
- Lower So. Platte segment 1, temporary modification for nitrate.

Temporary modifications provide time for sand and gravel dischargers to work with the Division to determine the most appropriate way to make progress towards resolving non-attainment of underlying selenium standards. The Commission added "type iii", but took no action on the expiration date for the following segments.

- St Vrain segment 6, temporary modification for selenium
- Big Thompson segment 4b, temporary modification for selenium

Because parties are working to resolve uncertainty and are on schedule to address these segments at the regularly scheduled basin-wide rulemaking (June 2009), the Commission either added "Type iii" or made the reference consistent, but took no action on the expiration date for the temporary modifications for the following segments:

Upper So Platte segments 16a and 16c: (temporary modifications for selenium). The Selenium Stakeholders presented evidence that they are making progress on their study of selenium sources and appropriate underlying standards and will make a proposal for the 2009 rulemaking hearing.

Clear Creek segments 2, 3a, 3b, 6, 9a, 9b, 11, 13b: (temporary modifications for zinc, lead, copper, manganese, and cadmium - not all segments have all metals). The Upper Clear Creek Watershed Association presented evidence that they are making progress on their study of appropriate underlying standards and will make a proposal for the 2009 rulemaking hearing.

Big Dry Creek segment 5: (temporary modifications for nitrate, nitrite, benzene, carbon tetrachloride, 1,2-dichloroethanen, 1,1-dichloroethene, tetrachloroethylene, and trichloroethylene). The temporary modification was identified as a “type i” temporary modification. The Department of Energy submitted evidence that progress is continuing and that the temporary modifications are necessary because of the Clean Up agreement.

Boulder Creek, segment 9, Cache La Poudre segments 11 and 12: (temporary modification for copper). The City of Boulder (Boulder Creek) and the City of Fort Collins (Cache La Poudre) submitted evidence that they are making progress on their translator studies.

EXHIBIT 5

BIG DRY CREEK CITIES

38.6 Tables

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REGION: 3 BASIN: BIG DRY CREEK Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			TEMPORARY
1. Mainstem of Big Dry Creek, including all tributaries, lakes, reservoirs and wetlands, from the source to the confluence with the South Platte River, except for specific listing in Segment 2, 3, 4a, 4b, 5 and 6.	UP	Aq Life Warm 2 Recreation 1b Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 F.Coli=325/100ml E.Coli=205/100ml	NH_3(ac)=TVS NH_3(ch)=0.10 Cl_2(ac)=0.019 Cl_2(ch)=0.011 CN=0.005	S=0.002 B=0.75 NO_2=4.5	As(ac)=100(Trec) Be(ch)=100 Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS ~~Se(ac/ch)=TVS~~ Se(ac)=17µg/l (dis) Se(ch)=11µg/l (dis) Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: F.Coli=380/100ml E.Coli=401/100ml ~~Se(ch)=11µg/l (dis)~~. Expiration date of 2/28/10.

PROPOSED

38.xx STATEMENT OF BASIN SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2007 RULEMAKING REGARDING TEMPORARY MODIFICATIONS

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 Cities of Westminster and Northglenn and the City and County of Broomfield, (the "Big Dry Creek Cities"), requested the adoption of a site-specific ambient quality based standard for selenium applicable to Big Dry Creek Segment 1. The Commission agrees that the natural or irreversible human-induced ambient water quality levels for selenium in Big Dry Creek Segment 1 exceed the relevant table value standard and the proposed ambient quality based standard is adequate to protect classified uses. The Commission adopts an ambient quality based site-specific standard for selenium applicable to Big Dry Creek Segment 1 at 11 ug/L chronic (dis) and 17 ug/L acute (dis). This calculation is based on the 85% (chronic) and the 95% (acute) of the ambient selenium data collected upstream of the flow contributions to Big Dry Creek provided by the wastewater treatment plant discharges. The Commission also removes the temporary modification currently in place for selenium in Big Dry Creek Segment 1.