

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Martha E. Rudolph, Executive Director

## **WATER QUALITY CONTROL COMMISSION**

<http://www.cdphe.state.co.us/op/wqcc/index.html>

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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 December 31, 2012, for multiple segments in the Classifications and Numeric Standards for Arkansas River Basin, Regulation #32 (5 CCR 1002-32); in the 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 San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34); in the Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35); in the Classifications and Numeric Standards for Rio Grande River Basin, Regulation #36 (5 CCR 1002-36); 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, 4, 5, 6 and 7, respectively. Revisions to Regulation #32 proposed by Paint Brush Hills Metropolitan District, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this Notice as Exhibit 8. Revisions to Regulations #35 and #37 proposed by Tri-State Generation and Transmission Association, Inc., along with proposed Statements of Basis, Specific Statutory Authority and Purpose, are attached to this Notice as Exhibit 9 and 10, respectively. Revisions to Regulation #33 proposed by Seneca Coal Company, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this Notice as Exhibit 11. Revisions to Regulation #38 proposed by Mountain Water and Sanitation District are attached to this Notice as Exhibit 12. 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 12, with expiration dates on or before December 31, 2012, will also be considered.

#### HEARING SCHEDULE:

DATE: Monday, December 13, 2010  
TIME: 10:30 a.m.  
PLACE: Florence Sabin Conference Room  
Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246

#### 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. The Commission requests that all interested persons submit to the Commission Office any available information that may be relevant in considering the noticed proposals.

#### PARTY STATUS/MAILING LIST STATUS:

Participation as a "party" to this hearing or acquisition of "mailing list status," will require compliance with section 21.3(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 28, 2010  
TIME: 5:00 p.m.

A single copy of the party status or mailing list status request may be transmitted as an email attachment to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us), submitted by fax to 303-691-7702, mailed or otherwise conveyed so as to be received in the Commission Office no later than this deadline. PLEASE NOTE that, as indicated below, parties will have the option of distributing materials to other parties electronically, except in instances where a party has requested receiving hard copies of documents. Therefore, **anyone requesting party or mailing list status that wishes to receive hard copies of documents instead of emailed copies should so indicate in the party status/ mailing list status request so that this information can be included on the list distributed by the Commission Office.**

#### PREHEARING STATEMENTS:

**PLEASE NOTE** that for this hearing two separate deadlines for prehearing statements are established: (1) An original and 13 copies of **Proponents' Prehearing Statements** from the **Water Quality Control Division, Paint Brush Hills Metropolitan District, Tri-State Generation and Transmission Association, Inc., Seneca Coal Company and Mountain Water and Sanitation District as proponents of the revisions proposed in Exhibits 1 through 12 attached to this notice**, including written testimony and exhibits providing the basis for the proposals, must be received in the Commission Office no later than **October 5, 2010**; and (2) an original and 13 copies of a **Responsive Prehearing Statement**, including any exhibits, written testimony, and alternative or **anyone seeking party status and intending to respond to the proponents' proposals** must be received in the Commission Office no later than **October 26, 2010**.

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](mailto: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 the Division, in accordance with a list provided by the Commission Office following the party status/ mailing list status deadline. **Alternatively, parties may email documents to those with party status or mailing list status by the specified dates**, except to those that the list distributed by the Commission Office identifies as requesting hard copies.

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 or emailed to all persons requesting party status or mailing list status. It is also posted on the Commission's web site at <http://www.cdphe.state.co.us/op/wqcc/PublicParticipation/HBappC.pdf>. Following the suggestions set forth in this document will enhance the effectiveness of parties' input for this proceeding. **Please note the request that all parties submit two-sided copies of all hearing documents on three-hole punch paper.**

#### MAILING LIST STATUS COMMENTS:

Those requesting mailing list status shall provide written testimony, if any testimony is to be offered for the hearing, by the above deadline for responsive prehearing statements – i.e., **October 26, 2010**. Copies shall be submitted and distributed in the same manner as noted above for prehearing statements.

#### PREHEARING CONFERENCE:

DATE: Wednesday, November 3, 2010  
TIME: 11:00 a.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.** An opportunity may be available to participate in this prehearing conference by telephone. Persons wishing to participate by telephone should notify the Commission Office as early as possible.

REBUTTAL STATEMENTS:

**Written rebuttal statements responding to the prehearing statements due on October 26, 2010 may be submitted by anyone seeking party status or mailing list status.** Any such rebuttal statements must be received in the Commission Office by **December 1, 2010**. An original and 13 copies of written rebuttal statements must be received in the Commission Office by this deadline, and submission of an emailed copy as noted above is strongly encouraged. 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. **Alternatively, parties may email documents to those with party status or mailing list status by this deadline**, except to those that the list distributed by the Commission Office identifies as requesting hard copies. No other written 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 19<sup>th</sup> day of August 2010 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

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Paul D. Frohardt, Administrator

**EXHIBIT 1**  
**WATER QUALITY CONTROL DIVISION**  
(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 7  BASIN: MIDDLE ARKANSAS RIVER  Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
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, Valco Ponds and Fountain Lake.		Aq Life Warm 1 Recreation E Water Supply Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011 CN=0.005 S=0.002	B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=TVS(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)=50.9 Se(ch)=17.4 Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification type (i): NH <sub>3</sub> (ac/ch)=TVS (old) Expiration date of 12/31/2011
4c. Mainstem of Chico Creek, including all tributaries, wetlands, lakes and reservoirs, from the source to the confluence with the Arkansas River.		Aq Life Warm 1 Recreation E Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011	CN=0.005 S=0.002 B=0.75 NO <sub>2</sub> =0.5	As(ac)=340 As(ch)=7.6(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 type (iii): NH <sub>3</sub> (ac/ch)=Existing Quality Expiration date of 12/31/2011
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.	UP	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 <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011 CN=0.005 S=0.002	B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =700	As(ac)=340 As(ch)=0.02(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modifications: type (iii) Se(ch)=8.6. Expiration date of 12/31/2013. <del>NH<sub>3</sub>(ac/ch)=TVS (old)(type i)</del> <del>Expiration date of 12/31/2014</del>

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 4 & 7  BASIN: FOUNTAIN CREEK  Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
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 <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011 CN=0.005 S=0.002	B=0.75 NO <sub>2</sub> =1.0 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =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 <sub>3</sub> (ac/ch)=TVS (old). Expiration date of 12/31/2012.  Type (iii): Cu(ac/ch)=current condition, Expiration date of 12/31/2012
4. All tributaries to Fountain Creek which are not within the boundaries of National Forest or Air Force Academy lands, including all wetlands, lakes and reservoirs, from a point immediately above the confluence with Monument Creek to the confluence with the Arkansas River, except for the specific listings in segments 5, 6 and 7a and 7b.	UP	Aq Life Warm 2 Recreation E Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	CN=0.2 NO <sub>2</sub> =10 NO <sub>3</sub> =100	B=0.75	As(ch)=100(Trec) Be(ch)=100(Trec) Cd(ch)=10(Trec) CrIII(ch)=100(Trec)	CrVI(ch)=100(Trec) Cu(ch)=200(Trec) Pb(ch)=100(Trec)	Ni(ch)=200(Trec) Se(ch)=20(Trec) Zn(ch)=2000(Trec)	Temporary modification type (i): NH <sub>3</sub> (ac/ch)=TVS (old). Expiration date of 12/31/2012.
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 <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011 CN=0.005	B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =329	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 12/31/2012  NH <sub>3</sub> (ac/ch)=TVS (old)(type i) Expiration date of 12/31/2011

\*\*Dissolved Mn point of compliance at Pinello Ranch Clear Well in NW ¼ of SW ¼ of sec. 11, T15S, R66W.

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 4 & 7 BASIN: LOWER ARKANSAS RIVER	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL		INORGANIC mg/l		METALS ug/l		
Stream Segment Description									
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.	UP	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 <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011 CN=0.005 S=0.002	B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =329	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)=2765(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac)=19.1 Se(ch)=14.1 Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: type (i) Se(ac/ch) = existing quality; SO <sub>4</sub> = existing quality. Expiration date of 12/31/2013. <del>NH<sub>3</sub>(ac/ch)=TVS (old)(type i)</del> <del>Expiration date of 12/31/2011.</del>
1b. Mainstem of the Arkansas River from the Colorado Canal headgate to the inlet to John Martin Reservoir.	UP	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 <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011 CN=0.005 S=0.002	B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =902	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)= 1950(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): Se(ch) = "current condition" Expiration date of 12/31/2013  NH <sub>3</sub> (ac/ch)=TVS (old)(type i) Expiration date of 12/31/2011 Water + Fish Standards Apply.
7. Mainstem of the Purgatoire River from Interstate 25 to the confluence with the Arkansas River.		Aq Life Warm 1 Recreation E Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011	CN=0.005 S=0.002 B=0.75 NO <sub>2</sub> =0.5	As(ac)=340 As(ch)=7.6(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 type (iii): Se(ch)=6.4, Expiration date of 12/31/2013. NH <sub>3</sub> (ac/ch)=TVS (old)(type i) Expiration date of 12/31/2011

**WQCD PROPOSED**

**32.46 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND  
PURPOSE DECEMBER 2010 RULEMAKING REGARDING TEMPORARY  
MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE  
JUNE 30, 2011**

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.

Ammonia: Temporary modifications of ammonia standards on nine segments were reviewed.

Deleted: Ammonia temporary modifications were deleted on the following segments because permits had recently been reissued for dischargers on the segments. In these cases, compliance schedules in the permits are adequate to address any necessary treatment plant upgrade issues

Middle Arkansas segment 9  
Lower Arkansas segment 1a

No action: The Commission took no action on the ammonia temporary modifications on the following segments. These will expire 12/31/2011.

Middle Arkansas segments 3, and 4c  
Fountain Creek segments 2a, 4, and 6  
Lower Arkansas segments 1b, and 7

Except for Fountain Creek segments 2a and 4 (which expire 12/31/2012) these temporary modifications will be allowed to expire on 12/31/2011.

Other Parameters: The type iii temporary modifications of the copper standards for Fountain Creek segments 2a and 6 were also reviewed and no action was taken. EPA's guidance on the Biotic Ligand Model (for possible development of site-specific copper standards) has not yet been released. These will be reviewed again in the December 2011 Temporary Modification hearing.



## EXHIBIT 2

### WATER QUALITY CONTROL DIVISION

(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

### STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION:12	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: Yampa River									
Stream Segment Description			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to the confluence with the Yampa River near Hayden.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) <sup>o</sup> C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 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. Fe(ch): "existing quality" (Type iii) Expiration date of 5/31/2011.
13e. Mainstems of Sage Creek and Grassy Creek, including all tributaries and wetlands, from their sources to the confluence with the Yampa River.	UP	Aq Life Warm 2 Recreation N Agriculture	T=TVS(WS-II) <sup>o</sup> C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 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. Fe(ch): "existing quality" (Type iii) Expiration date of 5/31/2011.

## **WQCD PROPOSED**

**33.47 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE**  
**DECEMBER 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS FINAL**  
**ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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. The type iii temporary modifications of the iron standards for Yampa River segments 13d and 13e were reviewed and no action was taken. These will be allowed to expire on 5/31/2011.

## EXHIBIT 3

### WATER QUALITY CONTROL DIVISION

(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

### STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 9  <b>BASIN: SAN JUAN RIVER</b>  Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC  mg/l		METALS  ug/l			
11a. All tributaries to the San Juan River, including wetlands, lakes, and reservoirs, from Fourmile Creek to the Southern Ute Indian Reservation boundary except for the specific listings in Segments 1, 4, 5, 6a, 6b, 9a and 9b.		Aq Life Warm 1 Agriculture Nov. 1 to April 30 Recreation N  May 1 to Oct. 31 Recreation E	D.O. = 5.0 mg/l pH = 6.5-9.0 Nov. 1 to April 30 E.Coli=630/100ml  May 1 to Oct. 31 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10	As(ac)=340 As(ch)=7.6(Trec) Cd(ac)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Fe(ch)=1100. Expiration date of 12/31/12.

REGION: 9  BASIN: ANIMAS AND FLORIDA RIVER  Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC		METALS			
				mg/l		ug/l			
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 Maggie Gulch, except for specific listings in Segment 6.	UP	Recreation E Agriculture	D.O. = 3.0 mg/l pH = 5.8-9.0 E.Coli=126/100ml	CN(ac)=0.2 NO <sub>2</sub> (ac)=10 NO <sub>3</sub> (ch)=100	B(ch)=0.75	As(ch)=100(Trec) Be(ch)=100(Trec) Cd(ch)=10(Trec) CrIII(ch)=100(Trec) 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 3a, 4a and 4b.	CrVI(ch)=100(Trec) Cu(ch)=200(Trec) Pb(ch)=100(Trec)	Ni(ch)=200(Trec) Se(ch)=20(Trec) Zn(ch)=2000(Trec)	Temporary modification: existing ambient quality for all metals. Expiration date of 12/31/12.
3a. Mainstem of the Animas River, including wetlands, from a point immediately below the confluence with Maggie Gulch to immediately above the confluence with Cement Creek.		Aq Life Cold 1 Recreation E Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=T VS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75	Al(ac/ch)=750(Trec) As(ac)=340 As(ch)=100(Trec) Cd(ac)=TVS(tr) CrIII(ac/ch)=TVS Cu(ac/ch)=TVS Standards for Cd, Mn and Zn are listed on Table 1.	CrVI(ac/ch)=TVS Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Hg(ch)=0.01(tot)	Se(ac/ch)=TVS Ni(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr)	Aquatic life indicator goal: Brook Trout. Temporary modifications for: Cd(ch)=3.0 Mn(ch)=3203 Zn(ch)=862 Expiration date of 12/31/12.
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.	UP	Sept. 11 to May 14 Recreation N  May 15 to Sept. 10 Recreation E	D.O. = 3.0 mg/l pH = 6.0-9.0 Sept. 11 to May 14 E.Coli=630/100ml  May 15 to Sept. 10 E.Coli=126/100ml			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.			Temporary modification: Existing ambient quality for all metals. Expiration date of 12/31/12.

# STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

Region: 9		Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: ANIMAS AND FLORIDA RIVER				PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS  ug/l				
Stream Segment Description										
3c.	Arrastra Gulch including all lakes, tributaries, and wetlands from the source to the confluence with the Animas River.	UP	Aq Life Cold 2 Recreation E Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05	As(ac)=340 As(ch)=100(Trec) Cd(ac)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modifications: Cu(ch)=6.6 Zn(ch)=184 no Cu, Zn acute. Expiration date of 12/31/12.
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.	UP	Aq Life Cold 2 Recreation E Agriculture	D.O. = 6.0 mg/l D.O.(sp)=7.0 mg/l E.Coli=126/100ml Standards for pH are listed on Table 1.	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75	As(ch)=100(Trec) As(ac)=340 Cu(ac/ch)=TVS Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Standards for Al, Fe and Zn are listed on Table 1.	Se(ac/ch)=TVS Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(tot) Ni(ac/ch)=TVS	Ag(ac)=TVS Ag(ch)=TVS(tr)	Aquatic life indicator goal: Brook Trout Temporary modifications: Al(ch)=2523(Trec) Fe(ch)=4204(Trec) Zn(ch)=730 Cu(ch)=20 Cd(ch)=2.5 pH=5.3 Expiration date of 12/31/12.
4b.	Mainstem of the Animas River, including wetlands, from a point immediately above the confluence with Deer Park Creek to Bakers Bridge.		Aq Life Cold 1 Recreation E Water Supply Agriculture	D.O. = 6.0 mg/l D.O.(sp)=7.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	Al(ac/ch)=TVS As(ch)=0.02(Trec) As(ac)=340 Cd(ac)=TVS(tr) Cd(ch)=TVS 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(ch)=WS(dis) Mn(ac/ch)=TVS Ni(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: Zn(ch)=184 Expiration date of 12/31/12.
7.	Mainstem of Cement Creek, including all tributaries, wetlands, lakes, and reservoirs, from the source to the confluence with the Animas River.	UP	Recreation E Agriculture	D.O. = 3.0 mg/l pH = 3.7-9.0 E.Coli=126/100ml	CN(ac)=0.2 NO <sub>2</sub> (ac)=10 NO <sub>3</sub> (ac)=100	B(ch)=0.75	As(ch)=100(Trec) Be(ch)=100(Trec) Cd(ch)=10(Trec) CrIII(ch)=100(Trec) 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.	CrVI(ch)=100(Trec) Cu(ch)=200(Trec) Pb(ch)=100(Trec)	Ni(ch)=200(Trec) Se(ch)=20(Trec) Zn(ch)=2000(Trec)	Temporary modification: existing ambient quality for all metals. Expiration date of 12/31/12.
8.	Mainstem of Mineral Creek, including wetlands, from the source to a point immediately above the confluence with South Mineral Creek. All tributaries on the east side of this segment of Mineral Creek including wetlands, lakes and reservoirs except for Big Horn Creek. Mainstem of the Middle Fork of Mineral Creek including all tributaries, wetlands, lakes and reservoirs from the source to the confluence with Mineral Creek except for Crystal Lake and its exiting tributary to confluence with Middle Fork of Mineral Creek.	UP	Recreation E Agriculture	D.O. = 3.0 mg/l pH = 4.5 - 9.0 E.Coli=126/100ml	CN(ac)=0.2 NO <sub>2</sub> (ac)=10 NO <sub>3</sub> (ac)=100	B(ch)=0.75	As(ch)=100(Trec) Be(ch)=100(Trec) Cd(ch)=10(Trec) CrIII(ch)=100(Trec) 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.	CrVI(ch)=100(Trec) Cu(ch)=200(Trec) Pb(ch)=100(Trec)	Ni(ch)=200(Trec) Se(ch)=20(Trec) Zn(ch)=2000(Trec)	Temporary modification: existing ambient quality for all metals. Expiration date of 12/31/12.
9.	Mainstem of Mineral Creek, including wetlands, from immediately above the confluence with South Mineral Creek to the confluence with the Animas River.	UP	Aq Life Cold 2 Recreation E Agriculture	D.O. = 6.0 mg/l D.O. (sp)=7.0 mg/l E.Coli=126/100ml Standards for pH are listed on Table 1.	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05	As(ch)=100(Trec) As(ac)=340 Cd(ac/ch)=TVS(tr) CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Zn(ac)=TVS Standards for Al, Cu, Fe and Zn are listed on Table 1.	Cu(ac)=TVS 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)	Temporary modifications: Al(ch)=3544(Trec) Cu(ch)=22 Fe(ch)=5023(Trec) Zn(ac/ch)=340 Expiration date of 12/31/12. Aquatic Life indicator goal: Macroinvertebrates; Brook Trout corridor

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 9  BASIN: LA PLATA RIVER, MANCOS RIVER, McELMO CREEK, AND SAN JUAN RIVER IN MONTEZUMA COUNTY AND DOLORES COUNTY	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
	Stream Segment Description								
7a. Mainstem of McElmo Creek from the source to the Colorado/Utah border, except for the specific listings in Segment 7b. Mainstem of Yellow Jacket Creek, including all tributaries, wetlands, lakes and reservoirs, from the source to the confluence with McElmo Creek.		Aq Life Warm 1 Recreation E Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05	As(ac)=340 As(ch)=7.6(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=2200(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: NH <sub>3</sub> (ac)=old TVS, NH <sub>3</sub> (ch)=0.06(type iii) Expiration date of 12/31/2012.
8a. All tributaries to McElmo Creek, including all wetlands, lakes and reservoirs, from the source to the Colorado/Utah border, except for specific listings in Segments 7a, 8b, 8c and 11.	UP	Aq Life Warm 2 Recreation E Agriculture	D.O. = 5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(c/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=1000(Trec) Mn(ac/ch)=TVS Pb(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: Fe(ch)=1500(trec) expiration date 12/31/2012.

## **WQCD PROPOSED**

### **34.35 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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.

The type iii temporary modifications of ammonia standards on La Plata segment 7a was reviewed. It will expire on 12/31/2012. It is anticipated that site-specific standards will be considered as part of the basin-wide review in June 2012.

Temporary modifications of metal standards in the Upper Animas Basin (Animas River segments 2, 3a, 3b, 3c, 4a, 4b, 7, 8 and 9). They will expire on 12/31/2012. It is anticipated that the Animas River Stakeholder Group will present a more comprehensive review as part of the basin-wide review in June 2012.

The temporary modification of the iron standard on San Juan segment 11a and La Plata segment 8a was reviewed. They will expire on 12/31/2012. When originally adopted, time was allotted to allow dischargers time to assess potential changes to their discharge permits. It is anticipated that these will be addressed as part of the basin-wide review in June 2012.

# EXHIBIT 4

## WATER QUALITY CONTROL DIVISION

(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

### STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l				
BASIN: Upper Gunnison River Basin										
Stream Segment Description										
8.	Mainstem of the Slate River from a point immediately above the confluence with Coal Creek to the confluence with the East River.	Aq Life Cold 1 Recreation E Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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: Cd(ch)=0.4 Expiration date of 12/31/2012.	
12.	Mainstem of Coal Creek, including all tributaries and wetlands from a point immediately below the Crested Butte Water Supply intake which is above the confluence with the Mount Emmons/Red Lady Basin drainage to the confluence with the Slate River, with the exception of Wildcat Creek.	Aq Life Cold 1 Recreation E Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac)/(ch)=TVS	Temporary Modifications: Cd(ch)=2.3 Zn(ch)= 518 Expiration date of 12/31/2012.	
16.	Mainstem of Ohio Creek, including all tributaries, lakes, reservoirs, and wetlands, from the sources to the confluence with the Gunnison River with the exception of Segment 2.	Aq Life Cold 1 Recreation U Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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)=TVS Zn(ch)=TVS(sc)	Temporary Modification: Zn(ch)= 11.9 Expiration date 12/31/2012.	

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
<b>BASIN: North Fork of the Gunnison River</b>									
<b>Stream Segment Description</b>									
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.		Aq Life Cold 1 Agriculture Oct. 1 to March 31 Recreation N April 1 to Sept. 30 Recreation E	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 Oct. 1 to March 31 E.Coli=630/100ml April 1 to Sept. 30 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary Modification: Se(ch)=5.7 Expiration date 12/31/2012.
5. Mainstems of Hubbard Creek, Terror Creek, Minnesota Creek, and Leroux Creek from their boundary with national forest land 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; mainstem of Roatcap Creek including all tributaries, wetlands, lakes and reservoirs, from its source to its confluence with the North Fork of the Gunnison.		Aq Life Cold 1 Recreation P Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=205/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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: Se(ch)=existing ambient quality Expiration date of 12/31/2012.
6b. Mainstem and all tributaries to Bear Creek, Reynolds Creek, Bell Creek, McDonald Creek, Cottonwood Creek, Love Gulch, Cow Creek, Dever Creek, German Creek, Miller Creek, Stevens Gulch, Big Gulch, Stingley Gulch and Alum Gulch including lakes, reservoirs, and wetlands which are not on national forest lands from their source to the North Fork of the Gunnison River.	UP	Aq Life Warm 2 Recreation P Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=205/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> (ac)=10 Cl(ch)=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVSCrII I(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) 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 Zn(ac/ch)=TVS	Temporary Modifications: Fe(ch)(Trec)=existing ambient quality Se(ch)=existing ambient quality Expiration date of 12/31/2012. Water+Fish Standards



## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l				
<b>BASIN: Uncompahgre River</b>										
Stream Segment Description										
3a. Mainstem of the Uncompahgre River from a point immediately above the confluence with Red Mountain Creek to the Highway 90 bridge at Montrose.		Aq Life Cold 1 Recreation E Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=WS(dis) Fe(ch)=1500(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: Cd(ch)=1.1 Fe(Trec)=1673 Expiration date of 12/31/2012.	
4b. Mainstem of the Uncompahgre River from La Salle Road to Confluence Park.	UP	Aq Life Warm 2 Recreation N Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=2250(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 Zn(ac/ch)=TVS	Temporary Modifications: Se(ch)=20 Expiration date of 12/31/2012.	
12. All tributaries to the Uncompahgre River, including all wetlands, lakes and reservoirs, from the South Canal near Uncompahgre to the confluence with the Gunnison River, except for specific listings in Segments 13, 14, 15a and 15b.	UP	Aq Life Warm 2 Recreation N Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=1200 (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)=existing ambient quality. Expiration date of 12/31/2012.	

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l				
BASIN: Lower Gunnison River										
Stream Segment Description										
2. Mainstem of the Gunnison River from a point immediately above the confluence with the Uncompahgre River to the confluence with the Colorado River.		Aq Life Warm 1 Recreation E Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =480	As(ac)=340 As(ch)=0.02(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: Se(ch)=8.4 Expiration date of 12/31/2012.	
4a. All tributaries to the Gunnison River, including all wetlands which are not on national forest lands, from the outlet of Crystal Reservoir to the confluence with the Colorado River, except for specific listings in the North Fork and Uncompahgre River subbasins and in Segments 3, 4b, 4c, 5 through 10, 12 and 13.	UP	Aq Life Warm 2 Recreation N Water Supply Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS Cd(ac/ch)=TVS 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(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 Zn(ac/ch)=TVS	Temporary Modifications: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.02 (type i) Expiration date of 12/31/2011 Se(ch)=existing ambient quality. Expiration date of 12/31/2012.	
7. Mainstem of Surface Creek from the point of diversion of water supply to confluence with Tongue Creek; including mainstem of Ward Creek, from the boundary of national forest lands to the confluence with Tongue Creek; mainstem of Tongue Creek from the source to the confluence with the Gunnison River; mainstem of Youngs Creek from the boundary of national forest lands to the confluence with Kiser Creek; mainstem of Kiser Creek from the boundary of national forest lands to the confluence with Youngs Creek.		Aq Life Cold 2 Recreation P Agriculture	D.O. = 6.0 mg/l S.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=205/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250	As(ac)=340 As(ch)=7.6(Trec) Cd(ac)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Fish Ingestion Temporary modifications: Se(ch)= 9.3 Fe(ch)(Trec)= 2650 Expiration date of 12/31/2012.	

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l				
BASIN: San Miguel River										
Stream Segment Description										
2. All tributaries including all lakes (including Trout Lake), reservoirs, and wetlands to the San Miguel River from its sources to a point immediately below the confluence of Leopard Creek with the exceptions listed in Segments 1, 6a, 6b, 7a, 7b and 8.		Aq Life Cold 1 Recreation E Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)= 0.02(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)=TVS Zn(ch)=TVS(sc)	Temporary Modification: Cd(ch) = 0.6 Expiration Date 12/31/2012.	
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 South Fork San Miguel River.		Aq Life Cold 1 Recreation E Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 As(ch)= 7.6(Trec) Cd(ac)=TVS(tr) Cd(ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ch)=TVS	Fe(ch)=1000(Trec) Pb(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)=190	Temporary Modifications: Cd(ch) = 0.7 Zn(ch)= 198 Expiration date of 12/31/2012.	
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.		Aq Life Cold 2 Recreation E Water Supply Agriculture	D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)= 0.02(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	Water+Fish Standards Temporary Modification: Temperature below the Tri-State mixing zone 26.3°C MWAT June-Sept. Expiration date of 12/31/2012	
5. Mainstem of San Miguel River from a point immediately below the confluence of Naturita Creek to its confluence with the Dolores River.		Aq Life Warm 1 Recreation E Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 As(ch)= 7.6(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 U(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modification: NH <sub>3</sub> (ac/ch)=TVS(old) Expiration date of 12/31/2011.	

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 10	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
BASIN: Lower Dolores River									
Stream Segment Description									
2.	Mainstem of the Dolores River from the Little Gypsum Valley Bridge at the San Miguel/Montrose County line, to the Colorado/Utah border.	Aq Life Warm 1 Recreation E Agriculture	D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 As(ch)= 7.6(Trec) Cd(ac/ch)=TVS CrIII(ac)=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)=TVS Ag(ch)=TVS U(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modification: NH <sub>3</sub> (ac/ch)=TVS(old) expiration date of 12/31/2011.

## **WQCD PROPOSED**

### **35.32 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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.

The type i temporary modifications of ammonia standards on 3 segments were reviewed. The Commission deleted the temporary modification on Lower Dolores segment 2 as it is no longer needed. The Commission took no action on Lower Gunnison segment 4a and San Miguel segment 5. The temporary modifications will expire on 12/31/2011.

Temporary modifications of the metals standards were reviewed. They will expire on 12/31/2012. When originally adopted, time was allotted to allow dischargers time to assess potential changes to their discharge permits. It is anticipated that these will be addressed as part of the basin-wide review in June 2012:

- Upper Gunnison segments 8, 12, and 16
- North Fork Gunnison segments 3, 5, and 6b
- Uncompahgre segments 3a, 4b and 12
- Lower Gunnison segments 2, 4a and 7
- San Miguel segments 2, 3b, 4b, and 5

The Commission took no action on the temporary modification of the temperature standard for San Miguel segment 4b. It will expire on 12/31/2012. It is anticipated that this will be addressed as part of the basin-wide review in June 2012.

**EXHIBIT 5**  
**WATER QUALITY CONTROL DIVISION**

(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 8	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
BASIN: Closed Basin-San Luis Valley									
Stream Segment Description									
3. All tributaries to the Closed Basin except for segment 2, segments 4 to 13b.	UP	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 <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005 S=0.002	B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =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)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary Modification type I: NH <sub>3</sub> (ac/ch)=TVS(old) Expiration date of 12/31/2011.

## **WQCD PROPOSED**

**36.30 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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.

The type i temporary modification of ammonia standard on Closed Basin segment 3 was reviewed. The Commission took no action on this temporary modification, it will expire on 12/31/2011.

## EXHIBIT 6

### WATER QUALITY CONTROL DIVISION

(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

### STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION:11		Desig	Classifications	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: Lower Yampa River/Green River				PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS ug/l					
Stream Segment Description											
2.	Mainstem of the Yampa River from a point immediately below the confluence with Elkhead Creek to the confluence with the Green River.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O. = 5.0 mg/l pH = 6.5-9.0 E. Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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)=TVS Zn(ch)=TVS(sc)	<del>Temporary modification: NH<sub>3</sub>(ac)=TVS(old) NH<sub>3</sub>(ch)=0.06 (Type I) - Expiration date of 12/31/2011.</del>	

## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION:11		Desig	Classifications	NUMERIC STANDARDS					TEMPORARY MODIFICATIONS AND QUALIFIERS	
BASIN: Lower Colorado River				PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description										
2a. Mainstem of the Colorado River from immediately below the confluence with Rifle Creek to immediately above the confluence of Rapid Creek.			Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2014.
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.			Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.
4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to the confluence with the Colorado River.			Aq Life Cold 2 Recreation N Agriculture	T=TVS(CS-II) °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=5.0 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	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)=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: T=existing quality Cu(ac/ch)=existing quality Fe(ch)=existing quality(Trec) (Type iii) Expiration May 31, 2011
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.		UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.  Persigo Wash from the Grand Junction discharge to the confluence with the Colorado River for Dec-Feb: T <sub>(DM)</sub> =18.0 °C T <sub>(MMWT)</sub> =18.0 °C (Type iii). Expiration date 12/31/2011
13d. Coal Canyon Creek downgradient of the Government Highline Canal.			Aq Life Warm 2 Recreation P Agriculture	T=TVS(WS-II) °C D.O. = 5.0 mg/l pH = 6.5-9.0 E. Coli=205/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=5.0 NO <sub>2</sub> =10 NO <sub>3</sub> =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS Cu(ac)=0.96e <sup>(0.9801 ln(hard)-1.4747)</sup> Cu(ch)=0.96e <sup>(0.5897 ln(hard))-0.3193</sup>	Fe(ch)=1000 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)=existing quality (Type iii). Expiration date 5/31/2011.



## **WQCD PROPOSED**

### **37.27 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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.

The type i temporary modifications of ammonia standards on four segments were reviewed. The Commission deleted the temporary modification on Lower Yampa segment 2 and Lower Colorado segment 2a, as they are no longer needed. The Commission took no action on Lower Colorado segments 2b and 13b. The temporary modifications will expire on 12/31/2011.

The Commission took no action on the temporary modification of the temperature standard for Lower Colorado segment 13b or the selenium temporary modification for Lower Colorado 13d. They will expire on 12/31/2011.

The Commission took no action on the temporary modifications of the temperature, copper and iron standards for Lower Colorado segment 4e. They will expire on and 5/31/2011.

## EXHIBIT 7

### WATER QUALITY CONTROL DIVISION

(Proposal reflects revisions from July 2010 temporary modifications rulemaking hearing)

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: UPPER SOUTH PLATTE RIVER  Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS µg/l			
5c. Mainstem of Gooseberry Gulch and all tributaries from source to Sunset Trail.		Aq Life Cold 2 Recreation U Water Supply Agriculture	T=TVS(CS-II) °C D.O.=6.0 mg/l pH=6.5-9.0 E. Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 S <sub>04</sub> =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)=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: NH <sub>3</sub> (ac/ch)=Existing Quality(Type iii). Expiration date of 12/31/2011.
10a. 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.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-I) °C D.O.= 5.0 mg/l pH= 6.5-9.0 E. Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 S <sub>04</sub> =WS	As(ac)=340 As(ch)=0.02(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 modifications: Cu (ac/ch) = TVSx2.4 on East Plum Creek and Plum Creek below the Plum Creek Wastewater Authority Discharge. (Type iii). Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.06 mg/l (Type i). Expiration date of 12/31/2011.
11b. All tributaries to the West Plum Creek system, including all wetlands, which are not on national forest lands, except for specific listings in Segments 9 and 12.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E. Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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: NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.06 mg/l (Type i). Expiration date of 12/31/2011.
16a. Mainstem of Sand Creek from the confluence of Murphy and Coal Creek in Arapahoe County to the confluence with the South Platte River.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E. Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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)= current condition (Type iii) Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.10 mg/l (Type i). Expiration date of 12/31/2011.  Cu (ac/ch) = TVSx2.6 below the Sand Creek Water Reuse Facility outfall. (Type iii). Expiration date of 12/31/2015.

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: <b>CHERRY CREEK</b>  Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC  mg/l	METALS  µg/l				
4. 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.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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: NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.10 mg/l (Type i). Expiration date of 12/31/2011.

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: <b>BIG DRY CREEK</b>  Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS	
			PHYSICAL and BIOLOGICAL	INORGANIC	METALS					
				mg/l	µg/l					
1. Mainstem of Big Dry Creek, including all tributaries and wetlands, from the source to the confluence with the South Platte River, except for specific listing in Segments 4a, 4b, 5 and 6.	UP	Aq Life Warm 2 Recreation P Agriculture	T=TVS(WS-I)°C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=205/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =4.5	As(ac)=340 As(ch)=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 Ag(ac/ch)=TVS Zn(ac/ch)=TVS 4/1 thru 10/31: Se(ch)=7.4* Se(ac)=TVS* 11/1 thru 3/31: Se(ch)=15* Se(ac)=19.1*	Temporary modifications: NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.10 mg/l (Type i). Expiration date of 12/31/2011. *Refer to Section 38.6(4)(d).	
3. Great Western Reservoir.	UP	Aq Life Warm 2 Recreation N Water Supply Agriculture	T=TVS(WL)°C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =2.7	As(ac)= 340 As(ch)=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	See attached Table 2 for additional standards for segment 3. Temporary modification: NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.10 mg/l (Type i). Expiration date of 12/31/2011.	

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: <b>BOULDER CREEK</b>	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS	
			PHYSICAL and BIOLOGICAL	INORGANIC	METALS					
	Stream Segment Description			mg/l	µg/l					
7b. Mainstem of Coal Creek from Highway 36 to the confluence with Boulder Creek.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (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 E Water Supply Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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 modifications: Cu (ac/ch)=Current Condition. Type (iii). Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (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.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(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 modifications: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.	

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: <b>ST. VRAIN CREEK</b>	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS	
			PHYSICAL and BIOLOGICAL	INORGANIC	METALS					
	Stream Segment Description			mg/l	µg/l					
3. Mainstem of St. Vrain Creek from Hygiene Road to the confluence with the South Platte River		Aq Life Warm 1 Recreation E Agriculture	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 As(ch)=7.6(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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.	
6. 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.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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). (Type iii). Expiration date of 12/31/2015 NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.10 (Type i). Expiration date of 12/31/2011.	

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: MIDDLE SOUTH PLATTE RIVER  Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS	
			PHYSICAL and BIOLOGICAL	INORGANIC  mg/l	METALS  µg/l					
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 specific listings in the subbasins of the South Platte River, and in Segments 3b, 5a, 5b, 5c, and 6.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 As(ch)=7.6(Trec) Cd(ac/ch)=TVS CrI(l)(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 Standards Temporary modifications: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.10 (Type i). Expiration date of 12/31/2011.	

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4  BASIN: <b>BIG THOMPSON RIVER</b>  Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS	
			PHYSICAL and BIOLOGICAL	INORGANIC	METALS					
				mg/l	µg/l					
5. Mainstem of The Big Thompson River from I-25 to the confluence with the South Platte River.		Aq Life Warm 2 Agriculture  5/1 – 10/15 Recreation P  10/16 – 4/30 Recreation N	T=TVS(WS-I) °C D.O. = 5.0 mg/l pH = 6.5-9.0  5/1 – 10/15 E.Coli=205/100ml  10/16 – 4/30 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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)=5.7 µg/l (dis). (Type iii). Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.10 (Type i). Expiration date of 12/31/2011.	
9. Mainstem of the Little Thompson River from the Culver Ditch diversion to the confluence with the Big Thompson River.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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)=13.1 µg/l (dis). (Type iii). Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.10 (Type i). Expiration date of 12/31/2011.	

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4		DESIG	CLASSIFICATIONS	NUMERIC STANDARDS					TEMPORARY MODIFICATIONS AND QUALIFIERS	
BASIN: <b>CACHE LA POUDE RIVER</b>				PHYSICAL and BIOLOGICAL	INORGANIC	METALS				
Stream Segment Description					mg/l	µg/l				
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.		Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =2.7 NO <sub>3</sub> =100	As(ac)=340 As(ch)=7.6(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 Standards  Temporary modifications: Se(ch)=7.1 µg/l (dis). (Type iii). Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.10 (Type i). Expiration date of 12/31/2011.
13a.	All tributaries to the Cache La Poudre River, including all wetlands, from the Monroe Gravity Canal/North Poudre Supply canal diversion to the confluence with the South Platte River, except for specific listings in Segments 6, 7, 8, 13b and 13c.	UP	Aq Life Warm 2 Recreation E Agriculture Water Supply	T=TVS(WS-I) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS CrIII(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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.
22.	Fossil Creek Reservoir.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WL) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.

## REGULATION #38 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4 BASIN: LOWER SOUTH PLATTE RIVER	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC  mg/l		METALS  µg/l			
Stream Segment Description									
1. Mainstem of the South Platte River from the Weld/Morgan County line to the Colorado/Nebraska border.		Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02- 10(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	Temporary modifications: Se(ch)=12.3 µg/l (dis). (Type iii). Expiration date of 12/31/2015. NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.10 (Type i). Expiration date of 12/31/2011.
2b. All tributaries to the South Platte River, including all 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 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, except for the portion of Beaver Creek from its source to the Fort Morgan Canal.	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.5 NO <sub>3</sub> =100	As(ac)=340 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: NH <sub>3</sub> (ac)=TVS(old) NH <sub>3</sub> (ch)=0.06 (Type i). Expiration date of 12/31/2011.

## **WQCD PROPOSED**

### **38.78 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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.

Temporary modifications of ammonia standards on 20 segments were reviewed.

Deleted: Ammonia temporary modifications were deleted on the following segments because permits had recently been reissued for dischargers on the segments. In these cases, compliance schedules in the permits are adequate to address any necessary treatment plant upgrade issues

Big Dry Creek segments 1 and 4

No action: The Commission took no action on the ammonia temporary modifications on the following segments. These temporary modifications will be allowed to expire on 12/31/2011.

Upper So Platte segments 5c, 10a, 11b, and 16a  
Cherry Creek segment 4  
Boulder Creek segment 7b, 9, and 10  
St Vrain segment 3, and 6  
Middle So Platte segment 3a  
Big Thompson segment 5 and 9  
Cache la Poudre segment 12, 13a, and 22  
Lower So Platte segment 1 and 2b.



**EXHIBIT 8 – Regulation #32**  
**PAINT BRUSH HILLS METROPOLITAN DISTRICT**

**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 7	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: MIDDLE ARKANSAS RIVER			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
• • • • •									
4c. Mainstem of Chico Creek, including all tributaries, wetlands, lakes and reservoirs, from the source to the confluence with the Arkansas River.		Aq Life Warm 1 Recreation E Agriculture	D.O. = 5.0 mg/l pH = 6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS CL <sub>2</sub> (ac)=0.019 CL <sub>2</sub> (ch)=0.011	CN=0.005 S=0.002 B=0.75 NO <sub>2</sub> =0.5	As(ac)=340 As(ch)=7.6(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 type (iii): NH <sub>3</sub> (ac/ch)=Existing Quality Expiration date of 12/31/2013
• • • • •									

## **PBHMD PROPOSED**

**32.46 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 13, 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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**

Paint Brush Hills Metropolitan District provided to the Commission the preliminary results of the Use Attainability Analysis on portions of Middle Arkansas Segment 4c, which supports possible resegmentation to separate some or all of Black Squirrel Creek and its tributaries from Segment 4c. A site-specific ammonia standard is also in development for the new segment. Paint Brush Hills Metropolitan District plans to propose this possible resegmentation of Segment 4c and a site-specific ammonia standard for the new segment during the Arkansas River Basin hearing, which the Commission previously decided to delay until June 2013, to accommodate an issue-specific rulemaking for nutrient criteria in June 2011. To allow Paint Brush Hills Metropolitan District to facilitate wastewater treatment improvement planning and decision-making through coordination of the ammonia and nutrient standards, the Commission has decided the expiration date of the ammonia acute and chronic standards temporary modification on Middle Arkansas Segment 4c that is currently scheduled to expire on 12/31/2011 is extended to 12/31/2013. This will be reviewed again in Temporary Modification hearings prior to the June 2013 basin-wide hearing.

The Commission would like to emphasize that its intent and expectation is that the issues that necessitated adoption of this temporary modification should be resolved as soon as possible and in a manner that takes full advantage of the opportunities provided by the December reviews of temporary modifications. The Commission recognizes that it is important to resolve uncertainty regarding the underlying standards so that temporary modifications can be eliminated and any needed pollution controls can be put in place in a timely manner.

**EXHIBIT 9 – Regulation #35**  
**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.**

**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 10	Desig	Classifications	NUMERIC STANDARDS							TEMPORARY MODIFICATIONS AND QUALIFIERS
<b>BASIN: San Miguel River</b>			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l				
Stream Segment Description										
• • • •										
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.		Aq Life Cold <u>Warm</u> 2 Recreation E Water Supply Agriculture	<u>T=TVS(WS-II) °C</u> D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)= 0.02(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	Water+Fish Standards <del>Temporary Modification:</del> <del>Temperature below the Tri-State</del> <del>mixing zone 26.3°C MWAT June-</del> <del>Sept.</del> <del>Expiration date of 12/31/2012.</del>	
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## **TRI-STATE PROPOSED**

**35.32 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 13, 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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 considered the findings of a report titled "Aquatic Ecological Effects of the Nucla Station Discharge, San Miguel River" and concluded that the Tri-State Nucla Station is not negatively impacting the aquatic communities in Segment 4b of the San Miguel River. Further, this three year study showed that Aquatic Life Warm 2 is the appropriate aquatic life use classification and Warm Stream Tier II is the appropriate temperature standard for Segment 4b of the San Miguel River. The Commission accordingly deleted the existing temporary modification of 26.3°C MWAT, June - September for temperature below the Tri-State mixing zone.

**EXHIBIT 10 – Regulation #37**  
**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.**

**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 11									
BASIN: Lower Colorado River	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
• • • •									
4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to the confluence with the Colorado River to immediately above the Last Chance Ditch.	UP	Aq Life Gold Warm 2 Recreation N Agriculture	T=TVS(CS-III)(WS-III) °C D.O.=65.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.014 CN(ac)=0.0050.2	S=0.002 B=5.0 NO <sub>2</sub> =0.05 10 NO <sub>3</sub> =100	As(ac)=340200(Trec) As(ch)=0.02-10(Trec) Cd(ac/ch)=TVS50(Trec) CrIII(acch)=50(Trec) 1000(tot) CrVI(ac/ch)=TVS 1000(tot) Cu(ac/ch)=TVS500(Trec)	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS100(Trec) Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS 50(Trec) Ag(ac/ch)=TVS Zn(ac/ch)=TVS 25,000(Trec)	Temporary Modifications: T=existing quality Cu(ac/ch)=existing quality Fe(ch)=existing quality(Trec) (Type-iii) Expiration May 31, 2014.
4f. Mainstem of Dry Creek including all tributaries and wetlands from a point immediately below the Last Chance Ditch to the confluence with the Colorado River.		Aq Life Warm 2 Recreation N Agriculture	T=TVS(WS-III) °C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=5.0 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	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)=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	
• • • •									

## **TRI-STATE PROPOSED**

**37.27 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 13, 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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 considered the findings of a Use Attainability Analysis for Dry Creek and an Unnamed Tributary near Rifle, Garfield County, Colorado (UAA) and concluded that existing Segment 4e should be resegmented into two segments. Segment 4e which includes the mainstem of Dry Creek, including all tributaries and wetlands from the source to immediately above the Last Chance Ditch, was found to be ephemeral and effluent dependent and was, therefore, designated Use Protected. The UAA showed that Segment 4e does not support fish and supports very limited macroinvertebrates. It was, therefore, classified as Aquatic Life Warm Class 2 and assigned Warm Stream III Tier temperature standards. The remaining water quality standards were based on protection of the agriculture use (livestock watering). The existing temporary modification for temperature, copper and iron were deleted. New Segment 4f includes the mainstem of Dry Creek, including all tributaries and wetlands from the source to immediately below the Last Chance Ditch. This short segment of Dry Creek receives flow at times from the Last Chance Ditch and supports limited warm water biota. Therefore, it was classified as Aquatic Life Warm 2 and assigned Warm Stream Tier III temperature standards. The designation, classifications and numeric standards are otherwise the same as the previous Segment 4e. The existing temporary modifications for temperature, copper and iron were deleted.

## EXHIBIT 11 – Regulation #33 SENECA COAL COMPANY

### STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 12		Desig	Classifications	NUMERIC STANDARDS					TEMPORARY MODIFICATIONS AND QUALIFIERS	
BASIN: Yampa River				PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS ug/l				
Stream Segment Description										
• • • •										
13d. Mainstem of Dry Creek, including all tributaries and wetlands, from the source to the confluence with the Yampa River near Hayden.		UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-II)*C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=126/100ml	NH <sub>3</sub> (ac/ch)=T VS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=4000 <u>1660</u> (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	<del>Temporary modification.</del> <del>Fe(ch): "existing quality"</del> <del>(Type iii) Expiration date of</del> <del>5/31/2011.</del>
13e. Mainstems of Sage Creek and Grassy Creek, including all tributaries and wetlands, from their sources to the confluence with the Yampa River.		UP	Aq Life Warm 2 Recreation N Agriculture	T=TVS(WS-II)*C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=630/100ml	NH <sub>3</sub> (ac/ch)=T VS Cl <sub>2</sub> (ac)=0.019 Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =0.05 NO <sub>3</sub> =100	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=4000*(Tre c) 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	<del>Temporary modification.</del> <del>Fe(ch): "existing quality"</del> <del>(Type iii) Expiration date of</del> <del>5/31/2011. *-Fe(ch) (Trec)= 1200</del> <del>(Sage Creek); Fe(ch) (Trec)= 1300</del> <del>(Grassy Creek)</del>
• • • •										

## **SENECA PROPOSED**

### **33.47 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 13, 2010 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 10, 2011; EFFECTIVE DATE JUNE 30, 2011**

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 previously determined that iron temporary modifications were warranted for Segment 13d and Segment 13e based on uncertainty. The uncertainty was whether the high ambient levels of iron in these segments are caused by natural or irreversible man-induced causes. To address this uncertainty, a comprehensive data review was performed based on the supporting documentation provided by Seneca Coal Company. Based on this analysis, the Commission adopted new ambient-based iron standards for these segments using the 50<sup>th</sup> percentile of pre-mining water quality data.

#### **Segment 13d– Dry Creek – new chronic iron ambient-based standards**

The chronic ambient-based standard for Dry Creek was calculated considering pre-mining data collected by Seneca Coal Company from three available sites in the segment (WSH7, WSHF1, and WSD5). The Commission removed the temporary modification for iron for Segment 13d and adopted a new ambient-based chronic standard for iron for Segment 13d as follows:  $Fe(ch) = 1660 (Trec)$

#### **Segment 13e– Sage Creek and Grassy Creek – new chronic iron ambient-based standards**

Given the presence of two individual creeks in Segment 13e, with different water quality characteristics, the Commission determined that two different chronic iron ambient-based standards were appropriate for this segment. The chronic iron ambient-based standard for Sage Creek was calculated at 1200 µg/L, combining available data for one site (YSS2) collected by Seneca Coal Company and USGS for the same site under pre-mining conditions. The chronic iron value for Grassy Creek was determined considering sampling site YSGF5, which had the most consistent data available for pre-mining conditions. The chronic iron ambient-based standard based on the values from Site YSGF5 is 1300 µg/L. The Commission removed the temporary modification for iron for Segment 13e and adopted new ambient-based standards as follows:

$Fe(ch) (Trec) = 1200$  (Sage Creek)

$Fe(ch) (Trec) = 1300$  (Grassy Creek)

The Sage Creek standard is applicable to Site YSS2, which is immediately downstream of Seneca Outfalls 012, 013 and 014. As there is no pre-mining Grassy Creek data available for Site SSG2 (which is below Seneca Outfalls 002, 003 and 011) the standard presented is derived from pre-mining data from the furthest upstream site on Grassy Creek, YSGF5, and shall apply to all of Grassy Creek.



**EXHIBIT 12 – Regulation #38**  
**MOUNTAIN WATER AND SANITATION DISTRICT**  
**PROPOSAL**

The temporary modification for ammonia for Upper South Platte segment 5c on Gooseberry Gulch is set to expire December 31, 2011. Mountain Water and Sanitation District (MWSD) is conducting studies as a follow up to the materials provided in the last South Platte Basin hearing. As a result of that hearing, Gooseberry Gulch was split into two segments – segment 5c, comprising upper Gooseberry Gulch from the source to Sunset Trail; and segment 5d, comprising lower Gooseberry Gulch downstream of Sunset Trail to the confluence with Elk Creek. In this rulemaking, MWSD proposes that the Commission consider appropriate site-specific ammonia standards for segment 5c or consider extending the current temporary modification. MWSD's specific proposal for revisions, if any, will be submitted with its proponent's prehearing statement.