

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Karin McGowan  
Interim Executive Director

## WATER QUALITY CONTROL COMMISSION

<http://www.colorado.gov/cdphe/wqcc>

4300 Cherry Creek Dr. South  
Denver, Colorado 80246-1530  
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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, 2015, and new site specific standards that allow for the deletion of current temporary modifications expiring on or before December 31, 2015, for multiple segments in the:

- Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33);
- Classifications and Numeric Standards for San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Classifications and Numeric Standards for Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Classifications and Numeric Standards for Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37);
- Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, 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 a proposed statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibits 1, 2, 3, 4, 5 and 6, respectively.

Revisions to Regulation #36 proposed by Rio Grande Silver, Inc., along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this Notice as Exhibit 7. Revisions to Regulation #38 proposed by the City of Black Hawk and Black Hawk-Central City Sanitation District, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this Notice as Exhibit 8. Revisions to Regulation #38 proposed by Centennial Water & Sanitation District, the City of Littleton, and the City of Englewood, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose are attached to this Notice as Exhibit 9.

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 9, with expiration dates on or before December 31, 2015, will also be considered.

HEARING SCHEDULE:

DATE: Monday, December 9, 2013  
TIME: 10:00 a.m.  
PLACE: Florence Sabin Conference Room  
Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 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 by interested members of the public that do not have party status are encouraged. In order to be distributed to the Commission for review prior to the hearing, such submissions need to be received in the Commission Office or the Colorado Department of Public Health and Environment's (Department's) mail room by November 25, 2013. Written submissions received after this date will be distributed to Commissioners at the hearing. However, **for logistical reasons, the Commission office cannot guarantee that electronic submissions received after 1:00 p.m. Friday, December 6, 2013 will be provided to Commissioners.** Interested persons wishing to submit comments or other documents after that date and time should bring paper copies 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 generally will not be permitted. The Commission requests that all interested persons submit to the Commission any available information that may be relevant in considering the noticed proposals.

PARTY STATUS:

Participation as a "party" to this hearing will require compliance with section 21.3(D) of the Procedural Rules, Regulation #21 (5 CCR 1002-21). It is not necessary to acquire party status in order to testify or comment. **For each request for party status, please provide the organization's name, a contact person, mailing address, phone number, and email address.** Written party status requests are due in the Commission Office on or before:

DATE: Tuesday, September 24, 2013  
TIME: 5:00 p.m.

A single copy of the party 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 Department's mail room no later than this deadline.

ELIMINATION OF MAILING LIST STATUS:

On June 10, 2013, the Water Quality Control Commission approved revisions to the Procedural Rules, Regulation #21 (5 CCR 1002-21), which eliminate mailing list status.

PREHEARING STATEMENTS:

**PLEASE NOTE** that for this hearing two separate deadlines for prehearing statements are established:

- (1) A PDF version of a **Proponent's Prehearing Statement** from:
  - o the **Water Quality Control Division,**
  - o **Rio Grande Silver, Inc.,**
  - o the **City of Black Hawk and Black Hawk-Central City Sanitation District,** and
  - o **Centennial Water and Sanitation District, the City of Littleton and the City of Englewood,**as the proponents of revisions proposed in Exhibit 1 through 9 attached to this notice, including written testimony and exhibits providing the basis for the proposals, must be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) **AND** 14 paper copies of the Proponent's Prehearing Statements must be received in the Department's mail room no later than **October 3, 2013**; and
  
- (2) A PDF version of a **Responsive Prehearing Statement**, including any exhibits, written testimony, and alternative proposals of **anyone seeking party status and intending to respond to the proponent's proposal** must be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) **AND** 14 paper copies must be received in the Department's mail room no later than **October 24, 2013**.

As soon as prehearing statements are posted on the Commission's web site, the Commission office will email a link to the page containing the prehearing statements to proponents, parties and the Attorney General's Office representatives for the Commission and the Division.

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 emailed to all persons requesting party status. It is also posted on the Commission's web site as Appendix C to the [Public Participation Handbook](#). 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.**

REBUTTAL STATEMENTS:

**Written rebuttal statements responding to the prehearing statements due on October 24, 2013 may be submitted by the Division or anyone seeking party status.** Any such rebuttal statements must be received in the Commission Office by **November 25, 2013**. A PDF version of written rebuttal statements must be emailed to [cdphe.wqcc@state.co.us](mailto:cdphe.wqcc@state.co.us) **AND** 14 paper copies must be received in the Department's mail room by this deadline. No other written materials will be accepted following this deadline except for good cause shown.

PREHEARING CONFERENCE:

DATE: Tuesday, November 12, 2013  
TIME: 10:00 a.m.  
PLACE: Sabin Conference Room  
Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80246

**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.

**Any motions regarding the conduct of this rulemaking shall be submitted by Thursday, November 6, 2013, so that they can be considered at the prehearing conference. No motions will be accepted after November 6, 2013, 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 15<sup>th</sup> day of August, 2013 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

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Trisha Oeth, Administrator

**EXHIBIT 1**  
**WATER QUALITY CONTROL DIVISION**

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL COMMISSION**

**5 CCR 1002-33**

**CLASSIFICATIONS AND NUMERIC STANDARDS  
FOR  
UPPER COLORADO RIVER BASIN AND  
NORTH PLATTE RIVER (PLANNING REGION 12)**

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**33.6 TABLES**  
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**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION:12		Desig	Classifications	NUMERIC STANDARDS					TEMPORARY MODIFICATIONS AND QUALIFIERS	
BASIN: <b>Eagle River</b>				PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS ug/l				
Stream Segment Description										
8.	Mainstem of Gore Creek from the confluence with Black Gore Creek to the confluence with the Eagle River.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-I)°C 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	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(ch)=WS Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac)=TVS Zn(ch)=TVS(sc)	<del>Temporary Modification: Temperature=existing quality<sup>2</sup> (Type iii) Expiration date of 12/31/2013</del>  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
9a.	Mainstem of the Eagle River from Gore Creek to a point immediately below the confluence with Rube Creek.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CS-I)°C 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	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(ch)=WS Mn(ac/ch)=TVS Hg(ch)=0.01(tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	<del>Temporary Modification: Temperature=existing quality<sup>2</sup> (Type iii) Expiration date of 12/31/2013.</del>  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

REGION:12		Desig	Classifications	NUMERIC STANDARDS					TEMPORARY MODIFICATIONS AND QUALIFIERS	
BASIN: <b>Yampa River</b>				PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description										
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)=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	Upper Sage Creek Fe(ch)=1250 Lower Sage Creek Fe(ch)=1000(Trec) Grassy Creek 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) for Grassy Creek. Expiration date of 12/31/2014.  Break between Upper and Lower Sage Creek is the west border of Section 18, T5N, R87W. See section 33.6(4) for iron assessment locations.

## **WATER QUALITY CONTROL DIVISION PROPOSED**

### **33.52 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 scheduled to expire on or before December 31, 2015, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of 3 standards on 3 segments were reviewed.

Eagle River segments 8 and 9a: The Commission deleted the temporary modifications of the temperature standards. These temporary modifications expire on 12/31/2013.

Grassy Creek, Yampa River segment 13e: Seneca Coal Company proposed extending the temporary modification for iron for Grassy Creek. The Commission considered Seneca's plan to eliminate the need for the temporary modification. Seneca Coal is working to resolve uncertainty and is on schedule to address this segment at the regularly scheduled Basin hearing (June 2014).

**EXHIBIT 2**  
**WATER QUALITY CONTROL DIVISION**

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**WATER QUALITY CONTROL COMMISSION**

**5 CCR 1002-34**  
**REGULATION NO. 34**  
**CLASSIFICATIONS AND NUMERIC STANDARDS**  
**FOR**  
**SAN JUAN AND DOLORES RIVER BASINS**

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**34.6 TABLES**  
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**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 9 <b>BASIN: ANIMAS AND FLORIDA RIVER</b>	Desi g	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
13b. All tributaries to the Animas River from a point immediately below the confluence with Hermosa Creek to the Southern Ute Indian Reservation boundary except for the specific listings in Segments 12d, 13a, 14a and 14b; all tributaries to the Florida River, from a point immediately below the confluence with Mud Creek to the Southern Ute Indian Reservation boundary, except for specific listings in Segment 12d.		Aq Life Cold 2 Recreation E Water Supply Agriculture	T=TVS(CS-I) °C 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>3</sub> =0.05 NO <sub>2</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) 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) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Water + Fish Standards Temporary Modification for Coal Gulch, including all tributaries: NH <sub>3</sub> =current condition. Type A Expiration date 6/30/2044 <sup>15</sup>  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

REGION: 9  BASIN: LA PLATA RIVER, MANCOS RIVER, McELMO CREEK, AND SAN JUAN RIVER IN MONTEZUMA COUNTY AND DOLORES COUNTY	Design	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 and wetlands, from the source to the confluence with McElmo Creek.		Aq Life Warm 1 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)=7.6(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrIII(ch)=100(Trec) 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) Mo(ch)=160(Trec)	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 A) Expiration date 6/30/2044 <u>15</u>
8c. Unnamed tributary to Ritter Draw (confluence at 37.40216,-108.54582).	UP	Aq Life Warm 2 Recreation E Agriculture	T=TVS(WS-III) °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 CrIII(ch)=100(Trec) CrVI(ac/ch)=TVS	Cu(ac/ch)=TVS Fe(ch)=1000(Trec) Mn(ac/ch)=TVS Pb(ac/ch)=TVS Hg(ch)=0.01(tot) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modification: NH <sub>3</sub> =current conditions Type A Expiration date 6/30/2044 <u>15</u> .

## **WATER QUALITY CONTROL DIVISION PROPOSED**

### **34.42 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 scheduled to expire on or before December 31, 2015, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on three segments were reviewed.

Temporary modifications for ammonia on the following segments were reviewed:

Animas and Florida River segment 13b  
La Plata River, Mancos, River, McElmo Creek San Juan River segments 7a and 8c

Temporary modifications were extended for existing discharges to these segments in 2012, based upon evidence that the dischargers could not meet water quality based effluent limits for ammonia. The uncertainty in the standard for each segment may be resolved through a site-specific standard or a discharger specific variance. In this hearing, the expiration dates were extended to 6/30/2015. The Division intends to have proposals ready to resolve the uncertainty with the ammonia standards for the annual Temporary Modifications hearing in December 2014.

**EXHIBIT 3**  
**WATER QUALITY CONTROL DIVISION**

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL COMMISSION**

**5 CCR 1002-35**

**REGULATION NO. 35**  
**CLASSIFICATIONS AND NUMERIC STANDARDS**  
**FOR**

**GUNNISON AND LOWER DOLORES RIVER BASINS**

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**35.6 TABLES**  
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**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 10 BASIN: Upper Gunnison River Basin Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
20. Mainstem of Indian Creek, including all tributaries, from the source to the confluence with Marshall Creek.		Aq Life Cold 1 Recreation E Agriculture	T=TVS(CS-I) °C 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 CrIII(ch)=100(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) Mo(ch)=160(Trec) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) U(ac)= lowest practical level U(ch)= lowest practical level Zn(ac/ch)=TVS	Temporary Modification at sampling site SW-33 (38.399519, -106.308190 WGS84) Type B June-July U(ac)=1515(tot) U(ch)=1349(tot) Aug-May U(ac)=1144(tot) U(ch)=1080(tot) Expiration date June 30, 2015

## **WATER QUALITY CONTROL DIVISION PROPOSED**

### **35.38 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 scheduled to expire on or before December 31, 2015, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on one segment were reviewed.

No Action: Temporary modifications of the uranium standards on Upper Gunnison segment 20 were reviewed. Homestake Mining Company presented evidence that progress is being made on the plan to resolve uncertainty. They are on schedule to make a water quality standards proposal for consideration by the Commission at the annual Temporary Modifications hearing in December 2014.

**EXHIBIT 4**  
**WATER QUALITY CONTROL DIVISION**

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**WATER QUALITY CONTROL COMMISSION**

**5 CCR 1002-36**

**REGULATION NO. 36**  
**CLASSIFICATIONS AND NUMERIC STANDARDS**  
**FOR**  
**RIO GRANDE BASIN**

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**36.6 TABLES**  
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**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 8 BASIN: Rio Grande	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
4a. Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.		Aq Life Cold 1 Recreation E Water Supply 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=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)=TVS(tr) Cd(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(ch)=WS(dis) Mn(ac/ch)=TVS	Hg(ch)=0.01(Trec) Mo(ch)=160(Trec) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Type B: Cd(ch)=current condition Pb(ch)= current condition Zn(ch)= current condition Expiration Date 12/31/2015

REGION: 8 BASIN: Rio Grande	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
Stream Segment Description									
7. Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.	UP	Aq Life Cold 2 Recreation E 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=126/100ml Chla=150 mg/m <sup>2</sup> C	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =10 NO <sub>3</sub> =100 P=110 ug/l (tot) <sup>C</sup>	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS CrIII(ac/ch)=TVS CrIII(ch)=100(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(Trec) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary Modifications Type B:  West Willow Cd(ac)=163 Cd(ch)=21.2 Cu(ac)=227 Cu(ch)=8.9 Pb(ac)=1014 Pb(ch)=104 Ag(ac)=1.32 Zn(ac)=24000 Zn(ch)=5977  Windy Gulch Cd(ac)=9.1 Cd(ch)=6.3 Cu(ch)=5.8 Zn(ac)=2804 Zn(ch)=1914  Willow Cd(ac)=30.8 Cd(ch)=17.9 Cu(ac)=6.4 Cu(ch)=5.6 Pb(ac)=38.0 Pb(ch)=31.3 Zn(ac)=6763 Zn(ch)=4660  Expiration Date 6/30/2015

## **WATER QUALITY CONTROL DIVISION PROPOSED**

### **36.35 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 scheduled to expire on or before December 31, 2015, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on two segments were reviewed.

No action: The Commission took no action on the temporary modification of metals standards on Rio Grande segment 4a and segment 7. The temporary modifications for standards on these segments will expire 12/31/2015 and 6/30/2015 respectively. Rio Grande Silver and the Division are making progress on their plans to resolve the uncertainty regarding the appropriate underlying standards. These temporary modifications will be reviewed again at the December 2014 annual review unless Rio Grande Silver petitions the Commission for a site-specific standards hearing before that date.

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

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL COMMISSION**

**5 CCR 1002-37**

**REGULATION NO. 37**  
**CLASSIFICATIONS AND NUMERIC STANDARDS**  
**FOR**  
**LOWER COLORADO RIVER BASIN**

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**37.6 TABLES**

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**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION:11 BASIN: Lower Colorado River Stream Segment Description	Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l		METALS ug/l			
4e. Mainstem of Dry Creek including all tributaries and wetlands from the source to immediately above the Last Chance Ditch.	UP	Aq Life Cold 2 Recreation N Agriculture	T=TVS(CS-II) °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 Modifications: Cu(ac/ch)=existing quality Fe(ch)=existing quality(Trec) (Type iii) Expiration 12/31/2015
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: <b>Persigo Wash from the Grand Junction discharge to the confluence with the Colorado River for Dec-Feb:</b> T <sub>(DM)</sub> =18.0 °C T <sub>(MM)</sub> =18.0 °C (Type iii). Expiration date 6/30/2013

## **WATER QUALITY CONTROL DIVISION PROPOSED**

### **37.32 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 scheduled to expire on or before December 31, 2015, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications of standards on two segments were reviewed.

Deleted: The temperature temporary modifications on Lower Colorado segment 13b (Persigo Wash) were deleted since they expired on 6/30/2013.

No Action: Temporary modifications of the copper and iron standards on Lower Colorado segment 4e. Tri-state Generation and Power presented evidence that progress is being made on the plan to resolve uncertainty. They are on schedule to make a water quality standards proposal for consideration by the Commission in the basin-wide hearing in June 2014.

**EXHIBIT 6**  
**WATER QUALITY CONTROL DIVISION**

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**WATER QUALITY CONTROL COMMISSION**

**5 CCR 1002-38**

**REGULATION NO. 38**  
**CLASSIFICATIONS AND NUMERIC STANDARDS**  
**FOR**

**SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN**  
**REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

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**38.6 TABLES**

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**STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS**

REGION: 3 AND 4 BASIN: <b>UPPER SOUTH PLATTE RIVER</b>	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS µg/l				
Stream Segment Description									
14. Mainstem of the South Platte River from the outlet of Chatfield Reservoir to the Burlington Ditch diversion in Denver, Colorado.		Aq Life Warm 1 Recreation E Water Supply Agriculture	T=TVS(WS-I) °C summer=14 Feb-Nov 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(ch)=190(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 modifications: Cu(ac/ch)=TVSx2.7 (Type iii). Applies below the confluence with Marcy Gulch. Expiration date of 12/31/2015. T=current conditions (Type iii). Expiration date of 12/31/2015. <del>Se(ac/ch)=current conditions (Type iii). Expiration date of 12/31/2013.</del>  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
15. Mainstem of the South Platte River from the Burlington Ditch diversion in Denver, Colorado, to a point immediately below the confluence with Big Dry Creek.	UP	Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WS-I) °C D.O.* 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> =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)=400(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	*See attached table for site-specific Dissolved Oxygen and Ammonia standards. **pH=6.0-9.0 from 64 <sup>th</sup> Ave. downstream 2 miles.  Temporary modifications: NH <sub>3</sub> (ac)=TVS(old); NH <sub>3</sub> (ch)=0.10 mg/l (Type i). Expiration date of 12/31/2014.

									Cu(ac/ch)=TVSx2.3 (Type iii). Expiration date of 12/31/2015. T=current conditions (Type iii). Expiration date of 12/31/2015.
16g. Marcy Gulch, including all wetlands from the source to the confluence with the South Platte.	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: Cu (ac/ch) = TVSx2.4 below the Centennial Wastewater Treatment Facility outfall. (Type iii). Expiration date of 12/31/2015.  T=current conditions (Type iii). Expiration date of 12/31/2015.  Se(ac/ch) = current conditions (Type iii). Expiration Date of 12/31/2015
16i. Mainstem of Sand Creek from the confluence with Toll Gate Creek 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	Upper:* Se(ch)=38.2 Se(ac)=45.1 Lower:* Se(ch)=9.0 Se(ac)=TVS  Ag(ac/ch)=TVS Zn(ac/ch)=TVS	* See section 38.6(4)(f) for selenium assessment locations  Temporary Modifications: Cu (ac/ch) = TVSx2.6 below the Sand Creek Water Reuse Facility outfall. (Type iii). Expiration date of 12/31/2015.  Hg(ch)=current condition, Expiration date of 6/30/2017

<b>BASIN: BEAR CREEK</b>									
1c. Bear Creek Reservoir.		Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS(CLL) °C April-Dec T <sub>(WAT)</sub> =23.3°C D.O.=6.0 mg/l D.O.(sp)=7.0 mg/l pH=6.5-9.0 E. Coli=126/100ml Mean chlorophyll = 10 µg/l and mean total phosphorus = 32 µg/l measured through collection of samples that are representative of the mixed layer during summer months (July, August, September) and with an exceedance frequency of once in five years.	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)=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: Chlorophyll and total phosphorus equal to existing conditions (Type iii). Expiration date of 12/31/2015.  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

<b>BASIN: CLEAR CREEK</b>									
2a. Mainstem of Clear Creek, including all tributaries and wetlands, from the I-70 bridge above Silver Plume to a point just above the confluence with West Fork Clear Creek, except for specific listings in Segments 3a and 3b.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C 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 SO <sub>4</sub> =WS Cl=250	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)	Temporary modifications: Zn(ch)=353 µg/l (dis), Zn(ac)=586 µg/l (dis), (Type i) Cd(ch)=1.54(dis) (type iii) Expiration date of 7/01/2015.  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
2c. Mainstem of Clear Creek, including all tributaries and wetlands, from a point just below the confluence with Mill Creek to a point just above the Argo Tunnel discharge, except for specific listings in Segments 9a, 9b, and 10.	9/30/00 Baseline does not	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C 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 SO <sub>4</sub> =WS Cl=250	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS (tr) Cd(ch)=TVS CrIII(ac)=50(Trec)	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)	Temporary modifications: Cu(ch)=11.4 µg/l (dis), (Type iii) Expiration date of 7/01/2015.

	apply						CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Zn(ac)= 0.978e <sup>(0.8537[ln(hardness)]+1.9467)</sup> Zn(ch)= 0.986e <sup>(0.8537[ln(hardness)]+1.8032)</sup> Zn(ac)= 0.978e <sup>(0.8537[ln(hardness)]+1.9467)</sup> Zn(ch)= 0.986e <sup>(0.8537[ln(hardness)]+1.8032)</sup>	Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
9a. Mainstem of the Fall River, including all tributaries and wetlands, from the source to the confluence with Clear Creek.	9/30/00 Baseline does not apply	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C 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	As(ac)=340 As(ch)=0.02(Trec) Cd(ac)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Cu(ch)=9.6 µg/l (dis), (type iii) Expiration date of 7/01/2015.
11. Mainstem of Clear Creek from a point just above the Argo Tunnel discharge to the Farmers Highline Canal diversion in Golden, Colorado.	UP	Aq Life Cold 1 Recreation E Water Supply Agriculture	T=TVS (CS-I)°C 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	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrVI(ac/ch)=TVS Cu(ch)=17	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot)  Zn(ac)= 0.978e <sup>(0.8537[ln(hardness)]+1.9467)</sup> Zn(ch)= 0.986e <sup>(0.8537[ln(hardness)]+1.8032)</sup>	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr)	Temporary modification: Cd(ch)=1.42 µg/l (dis), (type iii) Expiration date of 7/01/2015.  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21
13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.	UP	Aq Life Cold 2 Recreation E Agriculture	T=TVS (CS-I)°C 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)=50(Trec) CrVI(ac/ch)=TVS	Cu(ch)=64 Fe(ch)=5400(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ch)=740	Temporary modifications: Cd(ch)=4.7 µg/l (dis), Mn(ch)=3841 µg/l (dis), Zn(ch)=1582 µg/l (dis), Fe(ch)=7941 (Trec), T=current condition (type iii) Expiration date of 7/01/2015.
14a. Mainstem of Clear Creek from the Farmers Highline Canal diversion in Golden, Colorado to the Denver Water conduit #16 crossing.	UP	Aq Life Warm 2 Recreation N Water Supply 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)=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) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac)=TVS Mn(ch)=244 Hg(ch)=0.01(tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx 1.57*	Temporary modifications: Cu(ac/ch)=TVSx3.66*, T=current condition (type iii) Expiration date of 12/31/2015.
14b. Mainstem of Clear Creek from the Denver Water conduit #16 crossing to a point just below Youngfield Street in Wheat Ridge, Colorado.	UP	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) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac)=TVS Mn(ch)=244 Hg(ch)=0.01(tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx 1.57*	Temporary modifications: Cu(ac/ch)=TVSx3.66*, T=current condition (type iii) Expiration date of 12/31/2015.
15. Mainstem of Clear Creek from Youngfield Street in Wheat Ridge, Colorado, to the confluence with the South Platte 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> =0.5 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(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVSx 1.57*	Aquatic life warm 1 goal qualifier.  Temporary Modifications: Cu(ac/ch)=TVSx3.66*, T=current condition (Type iii) Expiration date of 12/31/2015.  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

\* TVS x (times) the FWER (final water effect ratio) = site-specific standard or value of temporary modification.

<b>BASIN: BOULDER CREEK</b>									
8. All tributaries to South Boulder Creek, including all wetlands from South Boulder Road to the	UP	Aq Life Warm 2 Recreation E	T=TVS(WS-II) °C D.O.=5.0 mg/l	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ac)=0.019	S=0.002 B=0.75	As(ac)=340 As(ch)=100(Trec)	Fe(ch)=WS(dis) Fe(ch)=1000(Trec)	Se(ac/ch)=TVS Ag(ac/ch)=TVS	Temporary modifications: Se(ch)=12.2 µg/l (dis).

confluence with Boulder Creek and all tributaries to Coal Creek, including all wetlands from Highway 93 to the confluence with Boulder Creek.		Agriculture	pH=6.5-9.0 E.Coli=126/100ml	Cl <sub>2</sub> (ch)=0.011 CN=0.005	NO <sub>2</sub> =0.5 NO <sub>3</sub> =100 Cl=250 SO <sub>4</sub> =250	) Cd(ac/ch)=TVS CrIII(ac)=50(Trec ) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Zn(ac/ch)=TVS	(Type iii). Expiration date of 12/31/2015.
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.  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.

<b>BASIN: ST. VRAIN CREEK</b>									
2b. Mainstem of St. Vrain Creek, including all tributaries and wetlands, from the eastern boundary of Roosevelt National Forest to Hygiene Road.		Aq Life Cold 1 Recreation E Water Supply 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=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)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modification: Cu(ch)=6.0 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
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.

<b>BASIN: MIDDLE SOUTH PLATTE RIVER</b>									
1a. Mainstem of the South Platte River from a point immediately below the confluence with Big Dry Creek to the confluence with St. Vrain Creek.	UP	Aq Life Warm 2 Recreation E Water Supply Agriculture	T=TVS(WS-II) °C D.O.* 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)=TVSx2.2	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	*See attached table for site-specific Dissolved Oxygen and Ammonia standards. Temporary modifications: Se(ch)=6.9 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 12/31/2014.
4. Barr Lake and Milton Reservoir.	UP	Aq Life Warm 2 Recreation E Water Supply 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> =10 Cl=250 SO <sub>4</sub> =WS	As(ac)=340 As(ch)=0.02(Trec) Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS	Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Mn(ch)=WS(dis) Hg(ch)=0.01(Tot) Ni(ac/ch)=TVS	Se(ac/ch)=TVS Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Fish Ingestion Standards Temporary modification: pH= existing quality (Type iii). Expiration date of 12/31/2015.

<b>BASIN: BIG THOMPSON RIVER</b>									
2. Mainstem of the Big Thompson River, including all tributaries and wetlands from the boundary of Rocky Mountain National Park to the Home Supply Canal diversion, except for the specific listing in Segment 7; mainstem of Black Canyon Creek and Glacier Creek below Estes Park water treatment plant.		Aq Life Cold 1 Recreation E Water Supply 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=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)=TVS(tr) Cd(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)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS	Temporary modifications: D.O., E. coli, NH <sub>3</sub> , NO <sub>3</sub> , B, Cd, Cu, Pb, Hg, Ni, Se, Ag, Zn = current condition. Wapiti Meadow wetlands at the toe of Lake Estes Dam (Type iii). Expiration date of 12/31/2015. Cu(ch)=2.5 µg/l (dis). (Type iii). Mainstem. Expiration date of 12/31/2015.  Temporary modification: As(ch)=hybrid

									Expiration date of 12/31/21
4b. Mainstem of the Big Thompson from the Greeley-Loveland Canal diversion to County Road 11H.		Aq Life Warm 2 Agriculture  5/1 – 10/15 Recreation E  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=126/100ml  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)=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	Fish Ingestion Standards Temporary modification: Se(ch)=5.5µg/l (dis). (type iii) Expiration date of 12/31/2015.
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.
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.

<b>BASIN: CACHE LA POUFRE RIVER</b>									
11. Mainstem of the Cache La Poudre River from Shields Street in Ft. Collins to a point immediately above the confluence with Boxelder Creek.		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)=5.4 µg/l (dis). (Type iii). Expiration date of 12/31/2015.
13b. Mainstem of Boxelder Creek from its source to the confluence with the Cache La Poudre River.		Aq Life Warm 2  5/15-9/15 Recreation P  9/16-5/14 Recreation N  Agriculture	T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0  5/15-9/15 E.Coli=205/100ml  9/16-5/14 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)=13.0 µg/l (dis). (Type iii). Expiration date of 12/31/2015.

<b>BASIN: LOWER SOUTH PLATTE RIVER</b>									
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 modification Se(ch)=12.3 µg/l (dis). (Type iii). Expiration date of 12/31/2015.

## **WATER QUALITY CONTROL DIVISION PROPOSED**

### **38.88 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 scheduled to expire on or before December 31, 2015, to determine whether the temporary modification should be modified, eliminated or extended. Temporary modifications standards on twenty-six segments were reviewed.

Deleted: The temporary modification of the selenium standard on Upper South Platte segment 14 was deleted from the table because it expires 12/31/2013.

No action: The Commission took no action on the temporary modifications on the following segments. These temporary modifications will be reviewed again at the annual temporary modification hearing in December 2014.

- Site-specific compliance with ammonia criteria: Temporary modifications of the ammonia standards for Upper South Platte segment 15 and Middle South Platte segment 1a were granted to allow time for compliance with revised ammonia standards. Metro Wastewater Reclamation District presented evidence that they are on schedule to make water quality improvements and that the temporary modification will no longer be needed after December 2014.
- Biotic ligand model-based copper temporary modifications: The SP CURE and interested dischargers presented evidence that progress is being made on the plan to develop a biotic ligand model-based site specific standards. They are on schedule to make water quality standards proposals for consideration by the Commission in the basin-wide hearing in June 2015.

Upper South Platte segments 14, 15, 16g, and 16i  
Clear Creek segments 14a, 14b and 15  
Boulder Creek segment 9

- Other temporary modifications: The following temporary modifications were reviewed and the Commission took no action. They will be reviewed again at the annual Temporary Modifications hearing in December 2014, and again at the basin-wide hearing in June 2015.

Upper South Platte segment 14 temperature  
Upper South Platte segment 15 temperature  
Upper South Platte segment 16g selenium, temperature  
Bear Creek segment 1c chlorophyll a and phosphorus  
Clear Creek segment 2a cadmium and zinc

Clear Creek segment 2c copper  
Clear Creek segment 9a copper  
Clear Creek segment 11 cadmium  
Clear Creek segment 13b cadmium, iron, manganese, temperature, zinc  
Clear Creek segment 14a temperature  
Clear Creek segment 14b temperature  
Clear Creek segment 15 temperature  
Boulder Creek segment 8 selenium  
St Vrain Creek segment 2b copper  
St Vrain Creek segment 6 selenium  
Middle South Platte segment 1a selenium  
Middle South Platte segment 4 pH  
Big Thompson River segment 2 (Wapiti Meadows) DO, E coli, ammonia, nitrate,  
boron, cadmium, copper, lead, mercury, nickel, selenium, silver, and zinc  
Big Thompson River segment 4b selenium  
Big Thompson River segment 5 selenium  
Big Thompson River segment 9 selenium  
Cache La Poudre River segment 11 selenium  
Cache La Poudre River segment 13b selenium  
Lower South Platte segment 1 selenium

## EXHIBIT 7 RIO GRANDE SILVER, INC.

### 36.6(4) STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 8		Desig	Classifications	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
BASIN: Rio Grande				PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS ug/l				
Stream Segment Description										
4a.	Mainstem of the Rio Grande from a point immediately above the confluence with Willow Creek to a point immediately above the confluence with the South Fork Rio Grande.		Aq Life Cold 1 Recreation E Water Supply 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=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)=TVS( <del>tr</del> ) <u>xx</u> Cd(ch)=TVS <u>xx</u> 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 <u>xx</u> Mn(ch)=WS(dis) Mn(ac/ch)=TVS	Hg(ch)=0.01(Trec) Mo(ch)=160(Trec) Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ac/ch)=TVS <u>xx</u>	Temporary Modifications: Type-B <del>Cd(ch)=current condition</del> <del>Pb(ch)=current condition</del> <del>Zn(ch)=current condition</del> Expiration Date of 6/30/2015  Temporary modification: As(ch)=hybrid Expiration date of 12/31/21.
7.	Mainstem of West Willow Creek from the Park Regent Mine dump to the confluence with East Willow Creek. Mainstem of Willow Creek, including all tributaries from the confluence of East and West Willow Creeks, to the confluence with the Rio Grande.	UP	Aq Life Cold 2 Recreation E 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=126/100ml Chla=150 mg/m <sup>2</sup> C	NH <sub>3</sub> (ac/ch)=TVS Cl <sub>2</sub> (ch)=0.011 CN=0.005	S=0.002 B=0.75 NO <sub>2</sub> =10 NO <sub>3</sub> =100 P=110 ug/l (tot) <sup>c</sup>	As(ac)=340 As(ch)=100(Trec) Cd(ac/ch)=TVS <u>xx</u> Cd(ac/ch)=TVS <u>xx</u> CrIII(ac/ch)=TVS CrIII(ch)=100(Trec) CrVI(ac/ch)=TVS Cu(ac/ch)=TVS <u>xx</u>	Fe(ch)=1000(Trec) Pb(ac/ch)=TVS <u>xx</u> Mn(ac/ch)=TVS <u>xx</u> Hg(ch)=0.01(Trec) Mo(ch)=160(Trec)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Windy Gulch & Mainstem Willow Ag(ac/ch)=TVS West Willow Ag(ac/ch)=TVS <u>xx</u> Zn(ac/ch)=TVS <u>xx</u>	Temporary Modifications Type-B:  West Willow <del>Cd(ac)=163</del> <del>Cd(ch)=21.2</del> <del>Cu(ac)=227</del> <del>Cu(ch)=8.9</del> <del>Pb(ac)=4014</del> <del>Pb(ch)=404</del> <del>Ag(ac)=4.32</del> <del>Zn(ac)=24000</del> <del>Zn(ch)=5977</del>  Windy Gulch <del>Cd(ac)=9.4</del> <del>Cd(ch)=6.3</del> <del>Cu(ch)=5.8</del> <del>Zn(ac)=2804</del> <del>Zn(ch)=1914</del>  Willow <del>Cd(ac)=30.8</del> <del>Cd(ch)=17.9</del> <del>Cu(ac)=6.4</del> <del>Cu(ch)=5.6</del> <del>Pb(ac)=38.0</del> <del>Pb(ch)=31.3</del> <del>Zn(ac)=6763</del> <del>Zn(ch)=4660</del>  Expiration Date 6/30/2015

## **RIO GRANDE SILVER, INC** **PROPOSED**

### **36.35 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING; FINAL ACTION JANUARY 13, 2014 EFFECTIVE DATE JUNE 30, 2014**

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 adopted site-specific water quality standards for acute and chronic cadmium, lead, and zinc in Segments 4a (mainstream of the Rio Grande River) and 7 (all portions, including Willow Creek, West Willow Creek, and Windy Gulch), as well as for acute and chronic copper and manganese in all of Segment 7 and acute and chronic silver in Segment 7 (West Willow Creek). Ambient standards are adopted where natural or irreversible man-induced conditions result in exceedances of table value standards. At the June 2013 Rio Grande Basin hearing, the Commission adopted temporary modifications of "current condition" for cadmium, lead and zinc in Segment 4a proposed by Rio Grande Silver, Inc. and numeric temporary modifications proposed by the Division for acute and chronic cadmium, copper, lead and zinc and acute silver in Segment 7 (West Willow Creek); acute and chronic cadmium and zinc and chronic copper in Segment 7 (Windy Gulch); and acute and chronic cadmium, copper, lead and zinc in Segment 7 (Willow Creek). Rio Grande Silver submitted a plan in the Rio Grande Basin hearing to resolve the uncertainty regarding the extent to which existing quality is the result of natural or irreversible man-induced sources associated with the Nelson Tunnel Superfund site as well as other sources. Rio Grande Silver submitted a Use Attainability Analysis in this hearing that identified the natural, reversible and irreversible man-induced sources of metals in Willow Creek, West Willow Creek and Windy Gulch (Segment 7) and the mainstream of the Rio Grande River (Segment 4a). In determining whether metals sources were irreversible, the Commission considered the degree to which the metals are subject to treatment, as well as the availability, practicality and technical and economic feasibility of treatment techniques.

**EXHIBIT 8**  
**BLACK HAWK/CENTRAL CITY SANITATION DISTRICT AND CITY OF BLACK HAWK**

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**  
**WATER QUALITY CONTROL COMMISSION**  
**5 CCR 1002-38**  
**REGULATION NO. 38**  
**CLASSIFICATIONS AND NUMERIC STANDARDS**  
**FOR**  
**SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN**  
**REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN**

....  
**38.6 TABLES**  
 ....

REGION: 3 AND 4 BASIN: <b>CLEAR CREEK</b> Stream Segment Description	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l	METALS				
					µg/l				
13b. Mainstem of North Clear Creek including all tributaries and wetlands from a point just below the confluence with Chase Gulch to the confluence with Clear Creek, except for the specific listings in Segment 13a.	UP	Aq Life Cold 2 Recreation E Agriculture	T=TVS (CS-I)°C 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)=50(Trec) CrVI(ac/ch)=TVS	Cu(ch)=64 Fe(ch)=5400(Trec) Pb(ac/ch)=TVS Mn(ac/ch)=TVS Hg(ch)=0.01(Tot)	Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS(tr) Zn(ch)=740	Temporary modifications: Cd(ch)=4.7 µg/l (dis), <u>Expiration date of 12/31/2020</u> <u>Based on 31.7(3)(a)(ii)(A) and</u> <u>31.7(3)(a)(ii)(B)</u>  Mn(ch)=3841 µg/l (dis), Zn(ch)=1582 µg/l (dis), Fe(ch)=7941 (Trec), T=current condition (type iii ) Expiration date of 7/01/2015.

## **BLACK HAWK/CENTRAL CITY SANITATION DISTRICT AND CITY OF BLACK HAWK PROPOSED**

### **38.88 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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**

Modified:

Black Hawk/Central City Sanitation District and the City of Black Hawk proposed extending the temporary modification for cadmium in Clear Creek Segment 13b.

The extension of the temporary modification is based on continued uncertainty regarding the water quality standard necessary to protect current and/or future uses and continued uncertainty regarding the extent to which existing quality is the result of natural or irreversible human-induced conditions.

Additional Superfund cleanup work is planned as part of OU4, including the construction of a new mine wastewater treatment plant to treat discharges from the National Tunnel, Gregory Gulch and Gregory Incline. Additional cleanup is also planned for the Quartz Hill mine tailings pile, including re-grading and capping. These efforts are not expected to be completed until 2016 or later, and are expected to result in significant water quality improvements within Clear Creek, Segment 13b. The treatment plant is initially planned to collect and treat surface and adit discharge waters. If these efforts do not result in meeting the selected OU4 Remediation Goals (RGs), which include metals, expansion of the treatment plant operations will be evaluated to include collection and treatment of mine-impacted groundwater. The extension of the temporary modification provides time for the additional OU4 treatment measures to be implemented and water quality data documenting actual improvements to be collected.

The BHCCSD has a predicted water quality-based effluent limit compliance problem for cadmium, as evidenced by a compliance schedule that was included in its CDPS permit, which became effective July 1, 2012, to meet the more stringent cadmium standard that was adopted during the 2009 South Platte Basin Rulemaking Hearing.

An appropriate plan to resolve uncertainty continues to be in place, and the Commission extended the expiration date of the temporary modification for dissolved cadmium on Clear Creek Segment 13b to December 31, 2020, reflecting the expected effective date of the June 2020 Regulation No. 38 South Platte Basin Rulemaking Hearing. The temporary modifications will be reviewed in the 2018 and 2019 temporary modifications rulemaking hearings and can be revisited in those proceedings.

## EXHIBIT 9

### CENTENNIAL WATER & SANITATION DISTRICT, CITY OF LITTLETON, CITY OF ENGLEWOOD

#### COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WATER QUALITY CONTROL COMMISSION

5 CCR 1002-38

#### REGULATION NO. 38 CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN, SMOKY HILL RIVER BASIN

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#### 38.6 TABLES

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#### (4) Assessment Criteria

The following criteria shall be used when assessing whether a specified waterbody is in attainment of the specified standard.

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#### (g) Upper South Platte Segment 16g: Selenium assessment.

Determinations of attainment of the chronic and acute selenium standards will be based on the 85<sup>th</sup> and 95<sup>th</sup> percentile, respectively of all available data from the segment. The selenium assessment locations are:

- L42: Marcy Gulch upstream of Broadway
- L41: Marcy Gulch at Foothills Park
- L40: Marcy Gulch upstream of Highlands Ranch Parkway
- L39: Marcy Gulch at drop structure downstream of Marcy Park
- L38: Marcy Gulch upstream of the pond at Town Center Drive
- L37: Marcy Gulch downstream of Town Center Drive
- L29: Marcy Gulch upstream of Santa Fe Drive, immediately upstream of the Centennial Water & Sanitation District WWTF

- L36: Marcy Gulch approximately 170m upstream of the confluence with the South Platte River

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## STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS

REGION: 3 AND 4 BASIN: UPPER SOUTH PLATTE RIVER	DESIG	CLASSIFICATIONS	NUMERIC STANDARDS						TEMPORARY MODIFICATIONS AND QUALIFIERS
			PHYSICAL and BIOLOGICAL	INORGANIC mg/l			METALS µg/l		
Stream Segment Description									
16c. All tributaries to the South Platte River, including all wetlands, from the outlet of Chatfield Reservoir, to a point immediately below the confluence with Big Dry Creek, except for specific listings in the subbasins of the South Platte River, and in Segments 16a, 16d, 16e, 16f, 16g, and 16h, <u>16i, 16j, 16k, and 16l.</u>	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	
16g. Marcy Gulch, including all wetlands from the source to the confluence with the South Platte.	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 <del>27.0/22.0</del> Ag(ac/ch)=TVS Zn(ac/ch)=TVS	Temporary modifications: Cu (ac/ch) = TVSx2.4 below the Centennial Wastewater Treatment Facility outfall. (Type iii). Expiration date of 12/31/2015.  T=current conditions (Type iii). Expiration date of 12/31/2015.  Se(ac/ch) = current conditions (Type iii). Expiration Date of 12/31/2015 Se assessment locations and criteria at 38.5(4)
<u>16j. Lee Gulch, including all wetlands from the source to the confluence with the South Platte.</u>	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/10.0 Ag(ac/ch)=TVS Zn(ac/ch)=TVS	
<u>16j. Little's Creek, including all wetlands from the source to the confluence with the South Platte.</u>	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/6.0 Ag(ac/ch)=TVS Zn(ac/ch)=TVS	
<u>16k. Big Dry Creek (Douglas and Arapahoe Counties), including all wetlands from the source to the confluence with the South Platte.</u>	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)=26.0/23.0 Ag(ac/ch)=TVS Zn(ac/ch)=TVS	

<u>161 Little Dry Creek, including all wetlands from the source to the confluence with the South Platte.</u>	<u>UP</u>	<u>Aq Life Warm 2</u> <u>Recreation E</u> <u>Agriculture</u>	<u>T=TVS(WS-II) °C</u> <u>D.O.=5.0 mg/l</u> <u>pH=6.5-9.0</u> <u>E. Coli=126/100ml</u>	<u>NH<sub>3</sub>(ac/ch)=TVS</u> <u>Cl<sub>2</sub>(ac)=0.019</u> <u>Cl<sub>2</sub>(ch)=0.011</u> <u>CN=0.005</u>	<u>S=0.002</u> <u>B=0.75</u> <u>NO<sub>2</sub>=0.5</u> <u>NO<sub>3</sub>=100</u>	<u>As(ac)=340</u> <u>As(ch)=100 (Trec)</u> <u>Cd(ac/ch)=TVS</u> <u>CrIII(ac/ch)=TVS</u> <u>CrVI(ac/ch)=TVS</u> <u>Cu(ac/ch)=TVS</u>	<u>Fe(ch)=1000(Trec)</u> <u>Pb(ac/ch)=TVS</u> <u>Mn(ac/ch)=TVS</u> <u>Hg(ch)=0.01(Tot)</u> <u>Ni(ac/ch)=TVS</u>	<u>Se(ac/ch)=TVS/11.0</u> <u>Ag(ac/ch)=TVS</u> <u>Zn(ac/ch)=TVS</u>	
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**CENTENNIAL WATER & SANITATION DISTRICT, CITY OF LITTLETON,  
CITY OF ENGLEWOOD PROPOSED**

**38.88 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE DECEMBER 9, 2013 RULEMAKING REGARDING TEMPORARY MODIFICATIONS; FINAL ACTION JANUARY 13, 2014; EFFECTIVE DATE JUNE 30, 2014**

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 site-specific ambient-based selenium standards for Upper South Platte Segment 16g (Marcy Gulch) and similar nearby tributaries to South Platte River Segment 14. Evidence submitted by Centennial Water & Sanitation District showed that selenium loading to Segment 16g results from natural sources and is not exacerbated by point source discharges or reversible anthropogenic factors. The evidence demonstrated that the naturally elevated selenium concentrations are not impairing aquatic life, which is limited by low flows and numerous physical barriers. Therefore, for Segment 16g the Commission adopted site-specific ambient-based, human-induced/uncorrectable chronic and acute dissolved selenium standards. The chronic (22.0 µg/L) is based on the 85<sup>th</sup> percentile of all available data from the segment. The acute (27.0 µg/L) is based on the 95<sup>th</sup> percentile of all available data from the segment. Because of the wide spatial and temporal variability of selenium concentrations in the segment, the Commission defined assessment methods at Reg. 38.5(4) in order to ensure that future assessment is consistent with the methods used to derive the standards.

The Commission removed the temporary modification for selenium of “current conditions” that had previously been in place for Segment 16g.

The Commission also re-segmented Upper South Platte Segment 16c (All tributaries to the South Platte River from Chatfield Reservoir to Big Dry Creek), to facilitate the adoption of site-specific ambient-based selenium standards for several tributaries to the South Platte River near Marcy Gulch. The evidence demonstrated that each of the tributaries have natural or irreversible human-induced elevated selenium concentrations that result from regional geology similar to that found in Marcy Gulch and Toll Gate Creek drainages. None of the tributaries have point source discharges contributing to selenium concentrations. The Commission defined the following new segments with site-specific ambient-based selenium standards:

Segment	Description	Acute Se standard	Chronic Se standard
16i	Lee Gulch	TVS	10.0
16j	Little’s Creek	TVS	6.0
16k	Big Dry Creek (Douglas and Arapahoe Counties)	26.0	23.0
16l	Little Dry Creek	TVS	11.0