



COLORADO

Water Quality
Control Commission

Department of Public Health & Environment

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

SUBJECT:

For consideration of the adoption of revisions to reformat the tables in the Classifications and Numeric Standards for:

- Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Upper Colorado River Basin and North Platte River, Regulation #33 (5 CCR 1002-33);
- San Juan River and Dolores River Basins, Regulation #34 (5 CCR 1002-34);
- Gunnison and Lower Dolores River Basins, Regulation #35 (5 CCR 1002-35);
- Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Lower Colorado River Basin, Regulation #37 (5 CCR 1002-37); and
- South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin, Regulation #38 (5 CCR 1002-38).

The revisions to Regulations #32 through #38 proposed by the Water Quality Control Division, along with proposed Statement of Basis, Specific Statutory Authority and Purpose language are attached to this notice as Exhibits 1 through 7. In these attachments, the new tables are NOT marked-up as they will completely replace the existing tables. However, in the text portion of the regulations, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Neither the new tables nor the proposed changes to the text portion of the regulations are intended to change the substance of any designations, use classifications or existing standards. While corrections to the tables and the proposed changes to the text portion of the regulations in order to accurately reflect the existing standards will be considered, proposals to modify the substance of these provisions and tables will not be considered. For example, in the event that upon reviewing the new tables it is discovered that an existing standard in the old tables was not correct, a proposal to change that standard in the new tables will not be considered in this hearing, because that would be a substantive change. Such a proposal will need to be made in a separate rulemaking hearing.

During the commission's consideration of whether to approve this notice of rulemaking, the commission determined that there is not a likelihood of significant controversy during the rulemaking process. Therefore, the commission has chosen to pursue an alternative rulemaking process consistent with section 24-4-103(4)(a) C.R.S.; and section 21.3(C)(5) of the Procedural Rules.

It is the goal of the commission to complete this rulemaking without oral testimony.

PARTY STATUS:

Pursuant to section 21.3(D) of the commission's Procedural Rules, there shall be no party status for this rulemaking proceeding.

SCHEDULE OF IMPORTANT DATES:

Proponent's prehearing statement due	12/1/2015 5:00 p.m.	Additional submittal information below
Responsive prehearing statements due	12/15/2015 5:00 p.m.	Additional submittal information below
Rebuttal statements	12/28/2015 5:00 p.m.	Additional submittal information below
Rulemaking Deliberations	01/11/2016 9:45 a.m.	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

At this time and place, the commission will conduct its deliberations, based on the written comments and evidence submitted.

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, and may be emailed to cdphe.wqcc@state.co.us, provided via an FTP site, CD or flash drive, or otherwise conveyed to the commission office so as to be received no later than the specified date. All written comments will be available to the public on the commission's web site.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(i) and 25-8-401(2) C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 10th day of November 2015 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Trisha Oeth, Administrator