



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 section 21.17(D)(2) of the Procedural Rules, Regulation #21 (5 CCR 1002-21). Revisions to Regulation #21 proposed by the Attorney General’s Office, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

In these attachments, proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~. Any alternative proposals related to the subject of this hearing will also be considered.

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.

SCHEDULE OF IMPORTANT DATES

Proponent’s initial comments due	01/25/2017 5 pm	Additional information below.
Responsive comments due	02/22/2017 5 pm	Additional information below.
Rulemaking Deliberations	03/13/2017 9:00 am	Florence Sabin Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246

HEARING SUBMITTALS:

For this hearing, the commission will receive all submittals electronically. Submittals must be provided as PDF documents, except for raw data exhibits which may be provided as Excel workbooks. Submittals may be emailed to cdphe.wgcc@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.

PARTY STATUS:

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

WRITTEN COMMENTS:

The commission encourages input from interested members of the public. Written comments should be emailed to cdphe.wgcc@state.co.us by 02/22/2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(b); 25-8-204; and 25-8-402, C.R.S., provide the specific statutory authority for consideration of the regulatory amendments proposed by this notice. Should the commission adopt the regulatory language as proposed in this notice or alternative amendments, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 13th day of December, 2016 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Trisha Oeth, Administrator

EXHIBIT 1
ATTORNEY GENERAL'S OFFICE

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 21 - PROCEDURAL RULES

5 CCR 1002-21

....

21.17 Potential Conflicts of Interest

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D. Apparent Conflict of Interest

....

- 2) If a Commission member chooses to participate in a proceeding following disclosure of an apparent conflict of interest, the Commissioner ~~shall~~ may also ~~make the disclosure in writing~~ give notice to the Secretary of State pursuant to section 24-18-110, C.R.S., listing the amount of any financial interest, the purpose and duration of any services rendered, and the compensation received for the services or such other information as is necessary to describe the Commissioner's interest.

....

21.41 Statement of Basis, Specific Statutory Authority and Purpose (March 13, 2017 Rulemaking, Effective April 30, 2017)

The provisions of sections 25-8-202 and 401, C.R.S., provide the specific statutory authority for adoption of these regulatory requirements. The commission also adopted the following statement of basis and purpose.

Basis and Purpose

The commission heard testimony from the Attorney General's Office that, under Colorado Revised Statutes §24-18-110, it is not mandatory for a commissioner to send written disclosures to the Secretary of State regarding apparent conflicts of interest, but rather that it is optional for individual commissioners. Therefore, the commission revised section 21.17(D)(2) to reflect that disclosure of an apparent conflict of interest to the Secretary of State is optional.