



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 the molybdenum temporary modification on Blue River Segment 14 in the Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12), Regulation #33 (5 CCR 1002-33). Revisions proposed by Climax Molybdenum Company, 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

Written comments due	07/26/2017 5 pm	Additional information below.
Rulemaking Deliberations	08/7/2017 10:30 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.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.

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.wqcc@state.co.us by 07/26/2017.

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 11th day of April, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Trisha Oeth, Administrator

EXHIBIT 1
CLIMAX MOLYBDENUM COMPANY

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 33 - CLASSIFICATIONS AND NUMERIC STANDARDS FOR UPPER COLORADO RIVER BASIN AND NORTH PLATTE RIVER (PLANNING REGION 12)

5 CCR 1002-33

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33.58 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE AUGUST 7, 2017 RULEMAKING; FINAL ACTION AUGUST 7, 2017; EFFECTIVE DATE SEPTEMBER 30, 2017

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

Blue River Segment 14: Temporary Modification of the chronic molybdenum standard. Climax Molybdenum Company presented evidence that progress has been made on its plan to eliminate the need for a temporary modification and to resolve uncertainty associated with the underlying molybdenum standard of 210 ug/L on Segment 14. A third study sponsored by the International Molybdenum Association (IMOA) on the health effects of molybdenum was completed in late 2016. An abstract and a study report were made available to the Division and other interested stakeholders in early 2017. Because of unanticipated delays associated with the IMOA's finalization of the full study report it was necessary for the Commission to postpone the hearing concerning the molybdenum standards that was scheduled for August 2017. The molybdenum hearing will be held December 12, 2017. The current temporary modification expires December 31, 2017. In view of the above, the Commission extended the temporary modification in Segment 14 to December 31, 2018.

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

5 CCR 1002-33

**REGULATION NO. 33
CLASSIFICATIONS AND NUMERIC STANDARDS
FOR
UPPER COLORAD RIVER BASIN AND
NORTH PLATTE RIVER (PLANNING REGION 12)**

**APPENDIX 33-1
Stream Classifications and Water Quality Standards Tables**

Effective ~~06/30/2017~~ 09/30/2017

REGULATION #33 STREAM CLASSIFICATIONS and WATER QUALITY STANDARDS Blue River Basin

14. Mainstem of Tenmile Creek, including all tributaries and wetlands from a point immediately above the confluence with West Tenmile Creek to Dillon Reservoir, except for the specific listing in Segment 16.

COUCBL14	Classifications	Physical and Biological			Metals (ug/L)		
Designation	Agriculture Aq Life Cold 1 Recreation E Water Supply	DM	MWAT	acute			chronic
Reviewable		CS-I	CS-I	Aluminum	---	---	---
		acute	chronic	Arsenic	340	0.02(T)	---
		D.O. (mg/L)	---	6.0	Beryllium	---	---
Qualifiers:		D.O. (spawning)	---	7.0	Cadmium	TVS(tr)	TVS
Other:		pH	6.5 - 9.0	---	Chromium III	50(T)	TVS
Temporary Modification(s):		chlorophyll a (mg/m ²)	---	150*	Chromium VI	TVS	TVS
Arsenic(chronic) = hybrid		E. Coli (per 100 mL)	---	126	Copper	TVS	TVS
Expiration Date of 12/31/2021		Inorganic (mg/L)			Iron	---	WS
Molybdenum(chronic) = current conditions		acute			Iron	---	1000(T)
Expiration Date of 12/31/ 2017 <u>2018</u>		chronic			Lead	TVS	TVS
*chlorophyll a (mg/m ²)(chronic) = applies only above the facilities listed at 33.5(4).		Ammonia	TVS	TVS	Manganese	TVS	TVS
*Phosphorus(chronic) = applies only above the facilities listed at 33.5(4).		Boron	---	0.75	Manganese	---	WS
		Chloride	---	250	Mercury	---	0.01(t)
		Chlorine	0.019	0.011	Molybdenum	---	210(T)
		Cyanide	0.005	---	Nickel	TVS	TVS
		Nitrate	10	---	Selenium	TVS	TVS
		Nitrite	---	0.05	Silver	TVS	TVS(tr)
		Phosphorus	---	0.11*	Uranium	---	---
		Sulfate	---	WS	Zinc	TVS	TVS
		Sulfide	---	0.002	Zinc	---	TVS(sc)