



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 Site-Specific Water Quality Classifications and Standards for Ground Water, Regulation #42 (5 CCR 1002-42). Revisions proposed by the Hazardous Materials and Waste Management Division, 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	11/01/2017 5 pm	Additional information below.
Rulemaking Deliberations	11/13/2017 9:10 am	El Paso County Centennial Hall Auditorium 200 South Cascade Ave. Colorado Springs, CO 80903

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.wqcc@state.co.us by 11/01/2017.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b) and (2); 25-8-203; and 25-8-204; 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 September, 2017 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Trisha Oeth, Administrator

EXHIBIT 1
HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 42 - SITE-SPECIFIC WATER QUALITY CLASSIFICATIONS AND STANDARDS
FOR GROUND WATER

5 CCR 1002-42

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(54) **FORMER LOWRY AIR FORCE BASE, CITY AND COUNTY OF DENVER AND CITY OF
AURORA, ARAPAHOE COUNTY, COLORADO**

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DESCRIPTION - FIGURE 54B
FTZ Plume (North)

A part of the Southeast Quarter of Section 10, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver, State of Colorado, more particularly described as follows:

Commencing at the East Quarter Corner of said Section 10;
thence South 87°25'19" West a distance of 1374.75 feet to a point ~~50,000~~50.00 feet west of the east line of the Northwest Quarter of said Southeast Quarter of Section 10 and the **Point of Beginning**;

Thence South 00°06'26" West, parallel with and 50.00 west of said east line, a distance of 300.00 feet;
thence North 89°53'34" West a distance of 275.00 feet;
thence North 00°06'26" East a distance of 300.00 feet;

thence South 89°53'34" East a distance of 275.00 feet to the **Point of Beginning**.

Containing 82,500 square feet or 1.894 acres, more or less.

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**42.36 STATEMENT OF BASIS SPECIFIC STATUTORY AUTHORITY AND PURPOSE: NOVEMBER
13, 2017 RULEMAKING; EFFECTIVE DATE DECEMBER 31, 2017**

The provisions of sections 25-8-202(1)(a), (b) and (2); 25-8-203; and 25-8-204; C.R.S., provide the specific statutory authority for adoption. The Commission also adopted, in compliance with section 24-4-103(4) the following statement of basis and purpose.

BASIS AND PURPOSE

In today's action, the Commission updated the written legal description for the FTZ North Plume which was originally adopted by the Commission for the Former Lowry Air Force Base, City and County of Denver and City of Aurora, Arapahoe County, Colorado. The previous legal description for the FTZ North

Plume, effective on July 14, 2014, included, in error, a distance of 50,000 feet west of the east line of the Northwest Quarter of said Southeast Quarter of Section 10 and the Point of Beginning. The correct legal description is for a distance of 50.00 feet west of the east line of the Northwest Quarter of said Southeast Quarter of Section 10 and the Point of Beginning. This change was necessary to accurately identify the correct boundaries in which Regulation 42 applies.