



# COLORADO

Water Quality  
Control Commission

Department of Public Health & Environment

## NOTICE OF WRITTEN-COMMENT-ONLY PUBLIC RULEMAKING HEARING BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION

### SUBJECT:

For consideration of adoption of revisions to Regulation #11, Colorado Primary Drinking Water Regulations (5 CCR 1002-11). Revisions proposed by the Water Quality Control Division, along with a proposed Statement of Basis, Specific Statutory Authority and Purpose, are attached to this notices as Exhibit 1.

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

### SCHEDULE OF IMPORTANT DATES

Written Comments Due	11/1/2023	Additional information below
Rulemaking Deliberations	11/13/2023 9:00 am	Remote via <a href="#">Zoom</a>  Or  Sabin Cleere 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](mailto:cdphe.wqcc@state.co.us), provided via an FTP site, 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.C.5 and 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](mailto:cdphe.wqcc@state.co.us) by 5:00 pm on 11/1/2023.

SPECIFIC STATUTORY AUTHORITY:

The provisions of section 25-8-202(1) 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 29<sup>th</sup> day of September, 2023 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION



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Jojo La, Administrator

## Water Quality Control Commission

### REGULATION NO. 11 - COLORADO PRIMARY DRINKING WATER REGULATIONS

#### 5 CCR 1002-11

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

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#### 11.1 AUTHORITY AND PURPOSE

##### 11.1(1) Authority

The Water Quality Control Commission has promulgated the *Colorado Primary Drinking Water Regulations* pursuant to sections 24-4-104, 24-4-105, 25-1.5-101, 25-1.5 Part 2, 25-1-109, 25-1-114, 25-1-114.1, and 25-8-202, Colorado Revised Statutes.

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#### 11.2 GENERAL REQUIREMENTS

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##### 11.2(6) Materials Incorporated by Reference

###### (a) Date of Incorporation

(i) Throughout these regulations, requirements promulgated by the U.S. Environmental Protection Agency have been adopted and incorporated by reference. The federal references cited herein include only those versions that were in effect as of ~~April 8, 2018~~November 13, 2023, and not later amendments to the incorporated material.

(ii) All other materials incorporated by reference in the Colorado Primary Drinking Water Regulations include only those versions cited and not later amendments to incorporated material.

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#### 11.63 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: October 10, rulemaking; Final Action <INSERT DATE>; Effective Date <INSERT DATE>

The Water Quality Control Commission revised the following section in this rulemaking hearing: Section 11.2(6) - Materials Incorporated by Reference. The provisions of the Colorado Revised Statutes (CRS), sections 25-1.5-202, and 25-8-202(1), CRS, provide specific statutory authority for adoption of these regulatory amendments. The Commission also adopted, in compliance with section 24-4-103(4), CRS, the following statement of basis and purpose.

#### BASIS AND PURPOSE

The Commission recently adopted the Lead and Copper Rule Revisions as required to retain Colorado's primacy under the Safe Drinking Water Act. Those revisions incorporate by reference a number of federal regulations. Pursuant to 24-4-103(12.5), CRS, incorporations by reference must identify the version of regulations adopted by

including a date. This rulemaking amends the incorporation by reference date in Regulation 11.2(6) from April 8, 2018 to November 13, 2023 in order to include recent changes to the federal regulations relevant to the Lead and Copper Rule Revisions.