



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 adoption of revisions to the following:

- Discharger-specific variances for the City of La Junta, City of Las Animas, and City of Pueblo, Arkansas River Basin, Regulation #32 (5 CCR 1002-32);
- Site-specific standards for Rio Grande Silver (Segments CORGRG04a and CORGRG07), Classifications and Numeric Standards for Rio Grande Basin, Regulation #36 (5 CCR 1002-36);
- Temporary modifications for arsenic, Regulations #32-38 (5 CCR 1002-32 through 5 CCR1002-38)

Proposed revisions and proposed Statement of Basis, Specific Statutory Authority and Purpose, have been submitted by the following:

- Exhibit 1 - Water Quality Control Division
- Exhibit 2 - City of La Junta
- Exhibit 3 - City of Las Animas
- Exhibit 4 - City of Pueblo
- Exhibit 5 - Rio Grande Silver, Inc.

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

Proponent's prehearing statement due	8/30/2023	Additional information below.
Party Status requests due	9/6/2023	Additional information below.
Responsive prehearing statements due	9/20/2023	Additional information below.
Rulemaking Hearing	10/10/2023 9:00 am	Sabin Cleere Conference Room Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Or Remote Via Zoom





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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 or otherwise conveyed to the commission office to be received no later than the specified date.

PARTY STATUS:

Party status requests must be in writing and must provide:

- the organization's name,
- one contact person,
- a mailing address,
- a phone number, and
- email addresses of all individuals associated with the party who wish to be notified when new submittals are available on the commission's website for review.

In accordance with section 25-8-104(2)(d), C.R.S., any person who believes that the actions proposed in this notice have the potential to cause material injury to his or her water rights is requested to so indicate, along with an explanation of the alleged harm, in their party status request.

PREHEARING STATEMENTS:

Each party must submit a prehearing statement: parties that have proposed revisions attached as exhibits to the notice must submit a proponent's prehearing statement. All other parties must submit a responsive prehearing statement. Proponents may also submit responsive prehearing statements when there are multiple proposals attached to the notice.

Each prehearing statement must be provided as a separate PDF document from any accompanying written testimony or exhibits.

Following the responsive prehearing statement due date, no other written materials will be accepted from parties except for good cause shown.

Oral testimony at the hearing should primarily summarize written material previously submitted. The hearing will emphasize commission questioning of parties and other interested persons about their written prehearing submittals. Introduction of written material at the hearing by those with party status will not be permitted unless authorized by the commission.

PUBLIC PARTICIPATION ENCOURAGED:



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The commission encourages input from non-parties, either orally at the hearing or in writing prior to the hearing. Written submissions should be emailed to cdphe.wqcc@state.co.us by October 6, 2023.

SPECIFIC STATUTORY AUTHORITY:

The provisions of sections 25-8-202(1)(a), (b), and (2); 25-8-203; 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 9th day of July 2023 at Denver, Colorado.

WATER QUALITY CONTROL COMMISSION

Jojo La, Administrator

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Please Note:

All exhibits to this Notice are available for review with the filing for Regulation #32 - Classifications and Numeric Standards for Arkansas River Basin (5 CCR 1002-32), Tracking Number 2023-00373, included in this issue of the Colorado Register.

