



COLORADO

Water Quality Control Division

Department of Public Health & Environment

# DRAFT

## Water Quality Criteria Roadmap

January 4, 2017

### Introduction

This document is for discussion purposes only.

At the November 21, 2016 Phase 2 subgroup meeting, there was great discussion of the various interests in nutrients and some potential options for Phase 2. Participants in the group asked if the division could provide a timeline for the various options. The division provided this roadmap to facilitate discussions at the December 13, 2016 subcommittee meeting of the Regulation 85 stakeholder group.

This draft roadmap suggests a deviation from the division's and commission's rulemaking practices over the past decade. The division would like to discuss a new potential approach where rulemakings for new or revised water quality criteria would be scheduled separate from the basic standards (Regulation 31) triennial reviews, which can then be focused on housekeeping items.

A key consideration in this draft roadmap is the division's understanding from stakeholders about the complexity of treatment if the commission adopts revised ammonia criteria, revised selenium criteria, and revised nutrient criteria. Thus, the division is proposing to hold a rulemaking for ammonia, selenium and nutrients in 2027, allowing time for in-depth discussions to occur amongst stakeholders and the regulatory agencies concerning the criteria and its eventual implementation.

The following draft roadmap is based on Water Quality Control Commission rulemakings or actions. The extensive stakeholder processes needed to accomplish these rulemakings has not been included.

# Draft Roadmap\*

\*The draft roadmap is based on Water Quality Control Commission rulemakings or actions. It is not intended to fully describe stakeholder involvement or processes.

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## 2017 Regulation 85 Rulemaking

- Cleanup and corrections
  - Define “Headwaters”
  - Cooling towers - potentially remove from regulation
  - Monitoring requirements - what is needed to refine statewide nutrient model and/or develop revised nutrient criteria?
  - Modify definition of “Disadvantaged Communities” to be consistent with other programs and regulations
  - Address Regulation 31 Interim Nutrient Values delayed effective dates (2017 & 2022) in commission policy
  - SIC 20 (food processing) considerations
  - Reduce TIN effluent limitation to 10 mg/L
  - Add more facilities to the regulation
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## 2020 Nutrients Triennial Review & Rulemaking

- Commission to decide if nutrient controls are needed for nonpoint sources, specifically agricultural sources of nutrient pollution (current provision in Regulation 85)
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## 2021 Regulation 31 Rulemaking

- Cleanup and corrections
  - Revise water supply arsenic water quality standard
    - Could occur earlier if EPA publishes revised criteria
    - May require a Technical Advisory Committee
  - Revise aquatic life cadmium water quality standard
    - May require a Technical Advisory Committee
    - EPA criteria was published in 2016
  - Delay consideration of revised ammonia and selenium criteria to 2027
  - No Regulation 31 workgroup envisioned
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## 2021 or 2022 Temperature Criteria Rulemaking

- Provide “Draft Criteria” approximately 12 months before rulemaking
- Hold rulemaking as part of the 2021 Regulating 31 hearing, or delay to a separate rulemaking in 2021 or 2022
- Include lessons learned from basin hearings and water quality standards variance efforts (DSVs)

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## **2022 Lakes and Reservoirs Nutrient Criteria and Adopt Chlorophyll ‘a’ Criteria Statewide**

- Provide “Draft Criteria” to stakeholders in 2021 (approximately 12-18 months before rulemaking)
- Hold rulemaking to revise/update Regulation 31 Interim Nutrient Values for lakes and reservoirs in Regulation 31
- Adopt revised nutrient criteria for lakes and reservoirs into Regulations 32-38 (all regulations/basins adopted in 2022)
- Add chlorophyll ‘a’ downstream of dischargers to Regulations 32-38 (all regulations/basins adopted in 2022)

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## **2026 Regulation 31 Rulemaking**

- Cleanup and corrections only
- No Regulation 31 workgroup envisioned

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## **2027 Ammonia, Selenium and Nutrient Criteria Rulemaking**

- Provide “Draft Criteria” to stakeholders in 2025 (approximately 18-24 months before rulemaking)
- Intent is to address the competing or confounding treatment challenges of ammonia, selenium, and nutrients
- Potentially work with other Region 8 states and/or utilities on treatment challenges (begin in 2017)
- Potentially revise temperature implementation to incorporate lessons learned
- Intent would be for rulemaking package to include sector based variances, and review of existing site-specific standards
- Adopt criteria for nutrients, selenium, and ammonia into Regulations 32-28 (all regulations/basins adopted in 2027)

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## **2028 Regulation 85 Rulemaking**

- Determine future of Regulation 85

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## **Unscheduled**

- Review and potentially adopt EPA Cyanobacteria Criteria for Recreational Use