

Chatfield Watershed Authority

Rulemaking Hearing (Reg. 31; Regs. 32-38; Reg. 85)

Colorado Water Quality Control Commission

April 10, 2023

Chatfield Watershed Authority (CWA)

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Summary of CWA's Position

- CWA supports the WQCD's consolidated proposal, which proposes not to add a TN standard to Chatfield Reservoir in this proceeding.
- Chatfield Reservoir is one of four reservoirs in the state subject to a control regulation (Regulation 73, 5 C.R.S. § 1002-73).
 - Chatfield Reservoir already has site-specific standards for chlorophyll a and phosphorus.
- Chatfield Reservoir does not fit neatly into the WQCD's categorization of the state's lakes and reservoirs as either cold-water or warm-water.
- CWA supports nutrient standards that protect water quality, but does not support application of the table value TN standard for cold water reservoirs to Chatfield Reservoir.
- If a TN standard is necessary to protect water quality, CWA supports the development of a site-specific TN standard for Chatfield Reservoir.
- Chatfield Reservoir has a history of regulatory compliance and has never tested positive for algal toxins.



From WQCD's Consolidated Proposal:

a. Control Regulations

The commission may also consider ~~revised~~-site-specific nutrients standards for the following lake and reservoir segments that have existing nutrient control regulations in future rulemaking hearings if information to support appropriate and protective revisions is developed:

Upper South Platte River: 6b (COSPUS06b; Chatfield Reservoir)

Cherry Creek: 2 (COSPCH02; Cherry Creek Reservoir)

The commission did not adopt total nitrogen or total phosphorus table value standards for either waterbody in this rulemaking hearing.

From WQCD's Consolidated Proposal:

The phased implementation strategy developed in 2012 (31.50(IV)(A)) and revised in 2017 (31.55) also included plans for adoption of total nitrogen and total phosphorus standards on other high priority waters, including DUWS reservoirs and lakes and reservoirs with public swim beaches (defined as waterbodies with a natural swimming area per C.R.S § 25-5-801, including having a fee-based cordoned off swim area) in this rulemaking hearing. However, the commission did not adopt total nitrogen and total phosphorus standards for these waterbodies at this time. The commission has determined it is appropriate to further delay the adoption of nutrient standards for these waterbodies to allow additional time for the division to work with stakeholders to address implementation challenges, as discussed below in 31.60(III)(D)(3).

From WQCD's Consolidated Proposal:

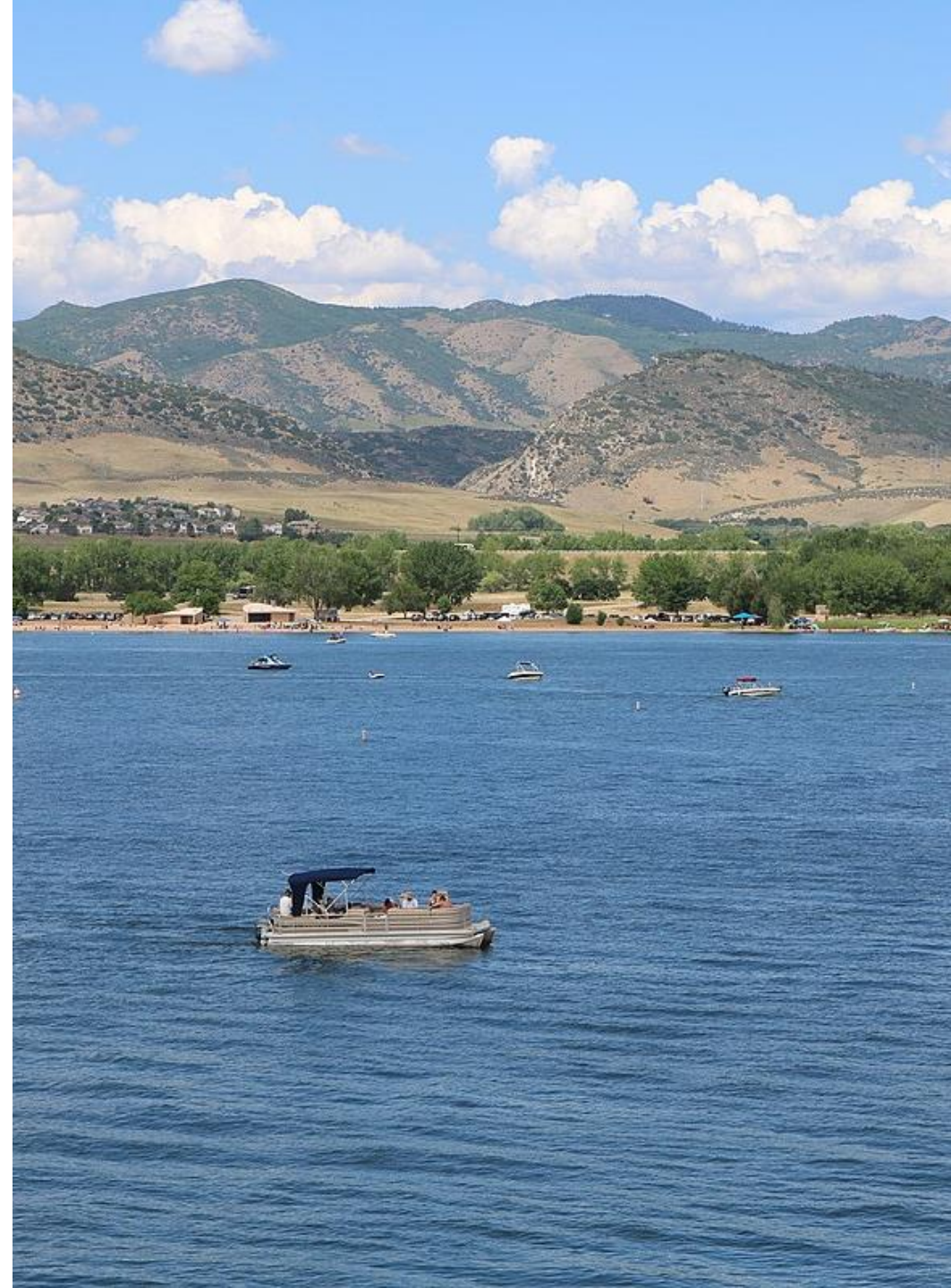
3. Site-specific Standards for Nutrients

In this rulemaking hearing, multiple parties (e.g., Parker Water and Sanitation District, City of Fort Collins, City of Westminster, Cherry Creek Basin Water Quality Authority, Chatfield Watershed Authority) objected to the adoption of table value standards for chlorophyll *a*, total nitrogen, and/or total phosphorus on certain waterbodies, and expressed the need for the commission's consideration of site-specific standards in future rulemaking hearings. The commission continues to support a phased implementation approach to adoption of nutrient criteria and declined to consider any site-specific standards during this rulemaking. However, evidence on the record attests that consideration of site-specific standards on some segments may be warranted in future commission reviews of water quality standards and classifications when and where data and information to support such a proposal are available.

Proposals for site-specific standards or changes to use classifications will need to be scientifically-defensible and protective of uses and meet all requirements of Regulation No. 31 (31.7(1)(b)(ii) and (iii)). In addition, the supporting information for any potential future site-specific standards proposals will need to describe why a departure from specific elements of the table value standards are appropriate; this includes the commission's dual control (total nitrogen and total phosphorus) approach to nutrient control, and its adoption of independently applicable criteria for chlorophyll *a*, total nitrogen, and total phosphorus (31.50).

Thank you!

- CWA appreciates the WQCD's willingness to revise its proposal pursuant to feedback from the stakeholders.
- CWA appreciates the professionalism displayed by all the parties to this rulemaking proceeding.
- CWA looks forward to working with the WQCD over next four years outside of a formal rulemaking proceeding to evaluate the need for a TN standard for Chatfield Reservoir and, if necessary, to develop an appropriate site-specific standard.



Conclusion

- CWA supports the WQCD's consolidated proposal to not add a TN standard to Chatfield Reservoir in this proceeding.
- If the WQCC does not adopt the WQCD's proposal, CWA requests the WQCC refrain from adding a TN standard to Chatfield Reservoir in this proceeding.

