



ACTION ITEM MEMORANDUM

To: CCBWQA Board of Directors
From: Jane Clary, Technical Manager
Date: October 18, 2023

Subject: Site-specific Standards Letter for Regulation 38 Issues Scoping Hearing

Request: That the CCBWQA Board of Directors direct the Executive Committee to submit a letter to the Water Quality Control Commission notifying them that CCBWQA may propose site-specific total phosphorus and total nitrogen standards for Cherry Creek Reservoir (COSPCH02) at the June 2025 Regulation 38 Rulemaking Hearing. The letter (attached) will be substantively similar to the draft discussed at the Board meeting.

Issue: CCBWQA has been working with Hydros Consulting to develop site-specific nutrient standards for Cherry Creek Reservoir to be submitted to the Colorado Water Quality Control Commission. Hydros previously presented the methodology to both the CCBWQA Board and TAC, prior to meeting with the Water Quality Control Division staff on October 11, 2023 to discuss progress and approach. Representatives of the Division's Standards Unit, EPA, and Colorado Parks and Wildlife attended the meeting along with Christine Hawley (Hydros), Jane Clary (Technical Manager), and Erin Stewart (LRE Water). As result of positive input from the Division staff, CCBWQA staff recommend moving forward with the first step of the Regulation 38 triennial review process, which is submittal of a letter by October 25, 2023 notifying the Commission that CCBWQA may submit a proposal for the 2025 rulemaking hearing, as described in the attached letter. The purpose of this letter is an early "heads up" to the Commission and Division regarding issues that may be "ripe" for inclusion in the rulemaking hearing. There will be additional opportunities to develop and refine CCBWQA's proposal (or to decide not to submit a proposal, if directed by the Board).

Budget: Preparation of the letter is within the Technical Manager's existing budget.

Motion: I move to authorize the Executive Committee to submit a letter to the Water Quality Control Commission notifying them that CCBWQA may propose site-specific total phosphorus and total nitrogen standards for Cherry Creek Reservoir (COSPCH02) at the June 2025 Regulation 38 Rulemaking Hearing. The letter will be substantively similar to the draft discussed at the Board meeting.

Attachment: Draft Letter to Commission