

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

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Dear Stakeholder:

The Water Quality Control Division (Division) staff has reviewed the stakeholder responses to the Division's Preliminary Proposal for Arsenic Standards (June 15, 2012). Based upon the responses, the Division has decided not to proceed with the Preliminary Proposal for Arsenic Standards. A common theme in the stakeholder responses was a desire for additional time to consider the issues involved with revising the arsenic human-health based water quality standards, and to further investigate the technologically feasible level of arsenic treatment. At this time, the Division intends to postpone exploration of table value revisions until the 2016 Basic Standards (Regulation No. 31) Rulemaking stakeholder process.

More immediate options for water body segments with the Water+Fish arsenic standard will be a topic for discussion at the September 20, 2012 Arsenic Workgroup Meeting. The Division's current thinking is to propose temporary modifications for all segments with the Water+Fish use to the Water Quality Control Commission (Commission) for consideration the April 8, 2013 rulemaking hearing. No changes would be proposed for water body segments subject to Water Supply or Fish Ingestion standards. The proposed temporary modification would be set at "current condition", which means the current levels of arsenic in each water body segment would be maintained. The Division is considering an expiration date for the proposed temporary modifications of December 31, 2017, which would allow resolution of the temporary modifications at the December 2016 Annual Temporary Modification Review hearing.

At the September 20, 2012 Workgroup Meeting, the Division will be prepared to discuss this option, other options that stakeholders bring forward, and the ramifications of these options with existing discharge permit compliance schedules for arsenic, new permitted effluent limitations for arsenic between now and 2017, and implications to the 2014 303(d) Listing Methodology. An agenda for the September 20th meeting will be circulated about a week before the meeting.

The Commission process for proposing a temporary modification or site-specific standard is unchanged. The April 8, 2013 Commission rulemaking hearing is still available for proposals for ambient-based arsenic standards

(based on natural or irreversible sources), site-specific use-based standards, or alternate temporary modifications for individual stream segments. Proposals for the April 8, 2013 hearing will need to be submitted to the Commission office by about November 15, 2012.

If you have any further questions about the September 20, 2012 workgroup meeting or the Division's current direction with respect to arsenic water quality standards, please contact Andrew Ross (andrew.ross@state.co.us, 303-692-3396) or Sarah Johnson (sarah.johnson@state.co.us, 303-692-3609).

Respectfully Yours,

A handwritten signature in cursive script that reads "Andrew M. Ross".

Andrew M. Ross
Water Quality Control Division