

## **External Proposals for Annual Rulemaking Hearing to Review Temporary Modifications**

In December of each year, the Water Quality Control Commission (Commission) holds a rulemaking hearing to review current “temporary modifications” of water quality standards that are scheduled to expire within approximately the next two years. The purpose of this hearing is to assure that there is a regular review of whether there is a continuing need for specific temporary modifications. At the hearing, the Commission will consider whether each temporary modification should be modified, eliminated or extended. In some instances, an alternative underlying standard will be considered to replace both the temporary modification and the current underlying standard.

The Water Quality Control Division (Division), as staff to the Commission, will prepare its proposal for each year’s temporary modifications rulemaking. This proposal is finalized before the end of July, and reviewed by the Commission at its August meeting. A hearing notice and the Division’s proposals are then filed with the Secretary of State and posted on the Commission’s web site. The Division submits a Proponent’s Prehearing Statement by early October. Other interested parties may submit a Responsive Prehearing Statement in late October. Rebuttal Statements generally are due in late November. Specific deadlines are set in the hearing notice.

If any external party interested in a specific temporary modification wishes to advance its own proposal (e.g., that a temporary modification be extended, modified or replaced by a site-specific standard) the Commission encourages such proposals to be submitted in time to be included with the hearing notice, along with the Division’s proposals. The advantage of this option is that a party may submit its own Proponent’s Prehearing Statement in support of its proposal, and also have an opportunity to submit a Rebuttal Statement, to respond to Responsive Prehearing Statements submitted by the Division or other parties. If an external party chooses only to respond to the Division’s proposal by submitting a Responsive Prehearing Statement, it will not have an opportunity to provide a written response to any issues or concerns set forth by the Division or others regarding the external proposal.

Any external party wishing to advance a separate proposal for inclusion with the annual temporary modifications rulemaking hearing notice is encouraged to notify the Commission Office as early as possible, but at least by June 1. As with any external proposal regarding water quality standards revisions, advocates are encouraged to discuss the details of their proposal with the Division. A specific proposal regarding the temporary modification(s) in question will need to be submitted to the Commission Office by July 15, along with proposed Statement of Basis and Purpose language.

Questions about specific temporary modifications of water quality standards should be forwarded to Sarah Johnson with the Water Quality Control Division: [sarah.johnson@state.co.us](mailto:sarah.johnson@state.co.us); 303-692-3609.

Questions about the Commission’s rulemaking process should be forwarded to Commission Administrator, Trisha Oeth, [trisha.oeth@state.co.us](mailto:trisha.oeth@state.co.us), 303-692-3468 or Program Assistant, Nancy Horan, [nancy.horan@state.co.us](mailto:nancy.horan@state.co.us); 303-692-3463.