



Colorado Nutrient Coalition

Representing
Wastewater * Stormwater * Water Conservation * Agriculture * Home Builders

August 16, 2011

Mr. Steven Gunderson
Executive Director
Water Quality Control Division
4300 Cherry Creek Dr. South
Denver, CO 802476-1530

Re: Comments on July 2011 Regulation 31 and 85 Proposals

Dear Steve:

The Colorado Nutrient Coalition (CNC or Coalition) has reviewed the latest draft of the Regulation 31 and 85 proposals addressing nutrient issues. Attached please find our detailed comments regarding suggested changes to the proposed regulations that the CNC believes are necessary to ensure their cost-effective implementation. As noted in those comments, overall, we are very pleased with the progress that has been made in refining the Regulation 85 proposal. The off-ramps and exemption provisions should help to ensure that the significant nutrient reduction benefits are achieved statewide, while costly actions at smaller facilities are avoided until clearly documented to be necessary for use protection. Therefore, we agree that this draft rule should proceed to rulemaking, following consideration of the attached comments.

Likewise, we are very supportive of the direction taken in the draft Regulation 31 amendments. However, as highlighted by EPA's recent comments on that proposal, this rule is subject to a number of regulatory complications under the Clean Water Act. Therefore, we believe that further clarification regarding the intended future implementation of this provision and its relationship to the Division's planned narrative criteria guidance needs to be provided to the public to ensure that the draft rules, once adopted, are implemented as intended. In particular, given EPA's comments, the Coalition requests a window of opportunity to enable a joint proposal from water and wastewater interests. While the Coalition strongly supports development of a state program to ensure that high quality water supplies are fully protected, we continue to be greatly concerned that the adoption of a separate use designation subject to the full range of Clean Water Act strictures will work to the detriment of state interests. In particular, restrictions on transferring waters influenced by point sources to such "protected waters" could threaten the viability of future reuse projects. In the near future, we are planning to meet with the water supply interests that have been promoting this federal CWA designation to review the ramifications of such actions and whether a state program, akin to the Regulation 85 proposal, may be a better option for ensuring water supply protection while avoiding any federal encumbrances on water transfer/reuse.

Thank you for your consideration of these comments.

Colorado Nutrient
Coalition
c/o Nancy Keller
City of Pueblo
Wastewater Dept.
211 E. D Street
Pueblo, CO 81003

Mr. Steven Gunderson
March 7, 2011
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Sincerely,

A handwritten signature in cursive script that reads "Nancy Keller". The signature is written in black ink and is positioned below the word "Sincerely,".

Nancy Keller for the Coalition

Enclosure