

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water Quality Control Commission

REGULATION NO. 23 - REGULATION FOR STATE OF COLORADO CONTINUING PLANNING PROCESS

5 CCR 1002-23

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

23.1 AUTHORITY

This regulation is promulgated pursuant to section 25-8-101, et seq., and in particular, 25-8-202(2), 207(1) (c); and 703, C.R.S.

23.2 PURPOSE

The State Continuing Planning Process presents a complete framework for water quality management within the State of Colorado. It sets forth the legal and regulatory objectives and requirements of the program, organizational structure, intergovernmental decision-making process, and time relationships required to accomplish the objectives and requirements.

23.3 GENERAL REQUIREMENTS

Any plan resulting from the Continuing Planning Process shall comply with the requirements of section 303(e) of the Clean Water Act (CWA) of 1977, 33 USC § 1313(e) and section 25-8-703 of C.R.S., however, no plan shall require any planning or implementing agency to exceed its authority and/or capability. Such plans or revisions to such plans shall be submitted periodically to the Water Quality Control Division for review and for recommended action by the Water Quality Control Commission.

23.4 Reserved

23.5 Reserved

23.6 Reserved

23.7 Reserved

23.8 STATEMENT OF BASIS AND PURPOSE

A written statement of basis and purpose for this regulation has been prepared and adopted by the Commission. This written statement is hereby incorporated in the regulation by reference in accord with C.R.S. 1973, 24-4-103, as amended.

The attached document entitled "Continuing Planning Process for Water Quality Management in Colorado" is approved as Commission Policy and shall be followed in developing and revising water quality management plans. Copies may be obtained from the Water Quality Control Division, Colorado Department of Health, 4210 E. 11th Avenue, Denver, 80220.

Attachments February 23, 1979

STATEMENT OF BASIS AND PURPOSE FOR REGULATION FOR THE STATE OF COLORADO CONTINUING PLANNING PROCESS

The subject regulation is to indicate the Water Quality Control Commission's intent to implement the requirements of C.R.S. 25-8-101, et seq., as amended, and more specifically, Sections 25-8-202(2), 25-8-207(1) (c); and 25-8-703.

Sections 208 and 303(e) of the Clean Water Act (CWA) of 1977, 33 USC § 1313(e) provide for areawide water quality management plans and for each state to have a continuing planning process. The Water Quality Control Commission is required by the State Act to hold hearings on proposals submitted by the Water Quality Control Division. The Attorney General has interpreted the State Act as requiring the Commission to approve 208 and 303(e) plans after holding a public hearing. It is the intent of the Commission for all water quality management plans to meet the requirements of the referenced Federal and State Acts and for the "Continuing Planning Process" to keep these plans current and timely.

There are no scientific or technological issues involved in this regulations.

23.9 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JULY, 1997 RULEMAKING

The provisions of sections 25-8-202 and 25-8-401, C.R.S., provide the specific statutory authority for adoption of the attached regulatory amendments. The Commission also adopted, in compliance with section 24-4-103(4) C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

The Commission has adopted a revised numbering system for this regulation, as a part of an overall renumbering of all Water Quality Control Commission rules and regulations. The goals of the renumbering are: (1) to achieve a more logical organization and numbering of the regulations, with a system that provides flexibility for future modifications, and (2) to make the Commission's internal numbering system and that of the Colorado Code of Regulations (CCR) consistent. The CCR references for the regulations will also be revised as a result of this hearing.

Editor's Notes

History