

BEFORE THE COLORADO WATER QUALITY CONTROL COMMISSION
Department of Public Health and Environment, State of Colorado

**UNOPPOSED MOTION TO FILE SUPPLEMENTAL DATA BY THE BEAR CREEK
WATERSHED ASSOCIATION**

**IN THE MATTER OF THE RULEMAKING HEARING FOR CONSIDERATION OF THE
ADOPTION OF REVISED WATER QUALITY CLASSIFICATIONS, STANDARDS AND DESIGNATIONS
FOR MULTIPLE SEGMENTS IN THE CLASSIFICATIONS AND NUMERIC STANDARDS FOR SOUTH
PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, SMOKY HILL RIVER
BASIN, REGULATION #38 (5 CCR 1002-38).**

The Bear Creek Watershed Association (hereinafter “Association”) submits this Motion to allow it to submit limited supplemental data supporting a position from the Association Rebuttal Statement in the above captioned matter. The currently identified party with an interest in this matter is the Water Quality Control Division (Division).

Discussions with the Division staff indicate that there is no objection to the submittal of this Motion to submit supplemental data to support the Association recommendation of adding a qualifier to the Regulation 38 table for the wetlands (Fen complex) for the new chlorophyll and phosphorus standards for Segment 7.

On May 15, 2015, the Association discussed with Division staff about the data collected by the Association in the 2009-2014 monitoring program showing several natural Fen ponds in Segment 7 that had no notable anthropogenic influences but had total phosphorus concentrations ranging from 45-660 ug/l. These Fen ponds consistently exhibited high algal productivity. The Division requested the Association submit into the data record for the hearing the results from the special survey, which demonstrated elevated background total phosphorus in natural Fen ponds.

The Association maintains four sampling stations at Summit Lake and upper Bear Creek, Mt Evans Wilderness, Clear Creek County Colorado. Since 2009, the Association has been investigating a pollution plume associated with recreational activities and previously leaking wastewater holding vaults near Summit Lake. The pollution plume is moving through the wetland Fen complex into Bear Creek. The Association has collected total nitrogen and total phosphorus pairs to predict the movement of the plume and estimate the loading impact to Bear Creek. The Association has monitored this plume problem over a 5-year period in several Fen ponds prior to discharge into Bear Creek. In 2014, the median total phosphorus in the Fen pond adjacent to Bear Creek was 210 ug/l. These total phosphorus concentrations are declining over the initial measurements (*BCWA TM 2014.02 Summit Plume*).

In 2014, the Association conducted a special survey of three Fen ponds to establish background or expected conditions on “non-polluted” Fen Ponds. The Association selected three Fen pond sizes to establish backgrounds: a small Fen (25 square feet, about 1 foot deep), medium Fen (85 square feet, about 2 feet deep), and a larger Fen (125 square feet, about 4 feet deep). There were no indications of any anthropogenic influences on these Fen ponds. The Fen ponds were sampled on September 17, 2014, with an expectation that this would show the season low nutrient conditions. The results for total nitrogen and total phosphorus were much higher than suspected. The median total phosphorus for this limited special survey was 165 ug/l. The preliminary data strongly suggests the chemistry and nutrient dynamics in the Fen complex is more complicated than predicted. As such, the Association is planning to continue special studies to establish the

background or expected conditions for the Fen complex. The data results for these natural Fen Ponds as follows:

Site	Temperature, °C	pH	Specific Conductance, uS	Dissolved Oxygen, mg/l	Total Nitrogen, ug/l	Total Phosphorus, ug/l
74 Fen #1, small	4.4	7.12	0.0393	1.32	529	165
75 Fen #2, medium	4.5	7.19	0.0355	1.91	225	45
76 Fen #3, larger	4.6	7.43	0.0240	6.83	3,754	660
Median	4.5	7.19	0.0355	1.91	529	165

The Association requests the Hearing Chair to accept this supplemental data for the wetland Fen complex nutrients in Segment 7. Wherefore, the Association moves that the Commission allow it to submit the above supplemental data as part of the Association rebuttal statement.

Respectfully submitted this 18th day of May 2015,

Russell N Clayshulte

Manager, Bear Creek Watershed Association