

QQ Water Quality Update

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P.O. Box 2308 970-468-0295
Silverthorne, CO 80498 970-468-1208 Fax
qqwater@nwccog.org

Water Quality Control Commission Temporary Modification Hearing (Dec. 9, 2019)

QQ participated in the Temporary Modifications Rulemaking for Tenmile Creek (Blue River Segment 14) where temporary modifications are applied to the water supply standard for molybdenum due to instream impairment and potential compliance issues at the water treatment facility operated by Climax Molybdenum Company. The “current condition” temporary modifications were adopted in 2014 and extended in 2017. As part of the 2017 extension, the Water Quality Control Commission (WQCC) required Climax to identify molybdenum sources and potential management solutions—in part because of a request for such from NWCCOG, QQ, and other stakeholders including individual QQ members.

During the 2019 Temporary Modifications Rulemaking, which culminated in a Dec. 9, 2019 hearing, the WQCC needed to determine whether to extend, modify, or allow expiration of the temporary modification. The Water Quality Control Division (WQCD) and Climax Mining Company (Climax) jointly proposed that the molybdenum temporary modifications for Tenmile Creek be extended by three years to allow additional time to develop a revised statewide water supply standard. The need for the extension was due to a delay in the release of an update from the Agency of Toxic Substances and Disease Registry’s (ATSDR) draft toxicological profile for molybdenum, which will inform the revised standard. During this 2019 rulemaking, the WQCD and Climax stated that Climax made adequate progress to investigate molybdenum sources at the Climax Mine; an additional requirement for an extension to the temporary modification.

QQ partnered with local stakeholders¹ in the rulemaking hearing. The stakeholders did not oppose the extension to the temporary modification, but offered our joint concerns to the WQCC and recommended they be addressed through additional action and commitments by Climax. In summary, the concerns were:

¹ The stakeholders included Clinton Ditch and Reservoir Company, Copper Mountain Consolidated Metropolitan District, Town of Frisco, NWCCOG-QQ, Eagle Park Reservoir Company, Eagle River Water and Sanitation District, and Upper Eagle Regional Water Authority.

- 1) the investigation of molybdenum sources was adequate, but Climax had not committed to additional actions based on the findings in the report, and
- 2) the method to assess the status quo in Tenmile Creek failed to account for seasonal loading.

The WQCC found that the status quo had been maintained in both the effluent from the water treatment facility and in Tenmile Creek and sufficient progress was made to identify molybdenum sources. WQCC granted a three-year extension to the temporary modification.

The statement of basis and purpose includes language that directs WQCD staff to evaluate loading in Tenmile Creek and may include permit limits or conditions based on loading to assure the status quo is maintained and existing uses are protected. The statement of basis and purpose also directs Climax to continue studying molybdenum source management and treatment options. The findings may be used to develop permit limitations or other conditions. Climax was also directed to provide information and data to interested parties on a regular basis throughout the term of the temporary modification.

The temporary modification will be reviewed during the temporary modification rulemaking in December 2021. The permit for the Climax Mine Water Treatment Facility remains on administrative extension. WQCD has not scheduled the permit renewal. QQ staff plan to review the draft permit.

The WQCC directed WQCD staff to develop a policy for “current condition” temporary modifications. The policy will be developed in 2020. QQ will monitor this process. The policy will affect local permits and is relevant to several members.