

# STATE OF COLORADO

John W. Hickenlooper, Governor  
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Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

May 31, 2011

The Honorable Brandon Shaffer  
President  
Colorado Senate  
Colorado State Capitol  
200 East Colfax  
Denver, CO 80203

The Honorable Frank McNulty  
Speaker  
Colorado House  
Colorado State Capitol  
200 East Colfax  
Denver, CO 80203

Re: Passage of House Joint Resolution on Cost-effective Nutrient Regulations (HJR-1025)

Dear Senator Shaffer and Representative McNulty:

During the last week of the session, the General Assembly passed HJR11-1025, which concerns promulgation of nutrient water quality regulations that are being developed by the Colorado Department of Public Health and Environment (CDPHE) for consideration at a rulemaking scheduled before the Colorado Water Quality Control Commission in March 2012. CDPHE worked with Representative Looper and other interested constituents in crafting this resolution.

The Colorado Water Congress sent you a letter requesting support for moving this resolution forward. The letter included the following: *"The reason we are asking for the resolution is to encourage the Water Quality Control Division to actively involve stakeholders in the process of developing the regulations. (At present, this is not occurring at the level it needs to.)"*

We appreciate the concerns of the Colorado Water Congress and would like to make clear the history of our commitment to the stakeholder process to ensure there is no misunderstanding. The development of numeric nutrient criteria has been a 10-year effort and has included the most extensive public process in the history of Colorado water quality regulations development. The Department has established a nutrient criteria stakeholder work group that has met over 35 times and has an email distribution list of

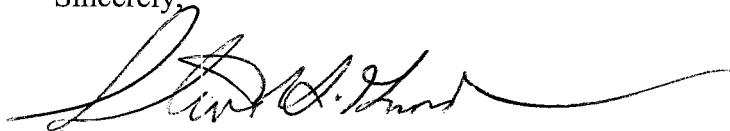
approximately 350 individuals. For the past couple of years, this group has usually been meeting on a monthly basis, with a typical work group meeting having roughly 100 participants. Smaller meetings with various stakeholders to discuss specific issues related to a draft nutrients proposal have also occurred in between the monthly meetings of the entire stakeholder group.

CDPHE recognizes that nutrients management is an issue of widespread interest and concern in Colorado. Therefore, the Department is striving to consider and address all stakeholders' views, and is working to ensure that no one is caught surprised with a final proposal that will be provided to the Water Quality Control Commission for its consideration in advance of the March 2012 rulemaking. We will continue our extensive efforts to assure an open and inclusive stakeholder process and welcome any specific recommendations to further improve this process.

We also welcome the opportunity to address a joint meeting of the Senate Agriculture, Natural Resources, and Energy Committee and the House Agriculture, Livestock, and Natural Resources Committee in January to address not only the extensive stakeholder process implemented by the Department for nutrient standards but also the results of a cost/benefit study, how other states are addressing nutrient standards, and how Colorado is tailoring its regulations to be as cost effective and basin-specific as possible.

We would be happy to meet with you to discuss this matter further if you wish.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven H. Gunderson", with a long, sweeping horizontal line extending to the right.

Steven H. Gunderson  
Director, Water Quality Control Division

cc: Christopher Urbina, MD, MPH, CDPHE  
Christine Scanlan, Governor's Office  
Doug Kemper, Colorado Water Congress  
Colorado Nutrients Coalition  
The Honorable Marsha Looper  
The Honorable Keith King