

**SUMMARY OF TMDL ACTION ITEMS FOR COMPLIANCE WITH
JUNE 30, 2006 SETTLEMENT AGREEMENT COMMITMENT
July 2006**

BACKGROUND

The Colorado Environmental Coalition and Biodiversity Legal Foundation filed a complaint against EPA in 1997 alleging that EPA had failed to assure that Colorado had established a reasonable schedule for completion of TMDLs. The complaint was subsequently amended to address completion of TMDLs for those waters included on the 1998 303(d) list. The State intervened in the lawsuit and was signatory to a Settlement Agreement filed on August 23, 1999. The Settlement Agreement stipulated a revised schedule for TMDL completion, shown in Table 1 below.

Table 1. TMDL Completion Schedule for 1998 303(d) List			
<i>Biennium</i>	<i>End Date</i>	<i>Number of TMDLs</i>	
		<i>Commitment</i>	<i>Completed</i>
1 st	6/30/00	30	33
2 nd	6/30/02	50	67
3 rd	6/30/04	40	43
4 th	6/30/06	40	11
5 th	6/30/08	38	

The Settlement Agreement required completion of 30 TMDLs within the first biennium (July 1, 1998 through June 30, 2000) after development of the 1998 303(d) list. Completion of an additional 50 TMDLs is required during the second biennium (July 1, 2000 through June 30, 2002), and subsequent bienniums (with the exception of the fifth, or final, biennium, when 38 TMDLs are required). TMDLs targeted for completion within specific bienniums are identified in Exhibit D of the Settlement Agreement (Table 6).

There are several mechanisms identified within the Settlement Agreement by which a TMDL may be completed. These include submission by the State of TMDL to EPA for approval, final completion of a TMDL by EPA, and written determination by EPA or State that a TMDL is not needed.

As of June 30, 2006, the terminus of the fourth biennium, the Division has completed 154 TMDL actions; the aggregate commitment for the first three bienniums is completion of 160 actions.

FIRST BIENNIUM

The Division, in June 2000, submitted a total of 12 TMDLs to EPA. The Division also provided written determinations that 21 TMDLs are not needed consistent with the requirements of section 303(d) of the Clean Water Act and implementing regulations and guidance. These actions constituted 33 TMDL completions per the terms of the Settlement Agreement. These TMDL completions are listed in Table 2. Targeted TMDLs (see Table 6) are indicated by bold font.

Table 2. TMDL Actions Completed as of June 30, 2000		
<i>WBID</i>	<i>Name</i>	<i>Action</i>
COARLA01	Lower Arkansas mainstem	Mn delisted.
COARUA21	Cripple Creek	Fe delisted.
COARUA22	Arequa Gulch	Fe, Mn, Zn delisted
COGUSM03B	San Miguel River below Idarado	sediment TMDL approved
CORGCB12	Big Springs Creek	sediment delisted
COSJDO03	Dolores River, Horse Creek to Bear Creek	Mn delisted
COSJLP04	Box Canyon Creek	sediment TMDL approved
COSPBT05	Big Thompson, I-25 to South Platte River	f coliform delisted
COSPBT09	Little Thompson, Culver Ditch to Big Thompson	f coliform delisted.
COSPUS02B COSPUS02C	Mosquito Creek & South Mosquito Creek	TMDLs approved ¹
COSPUS15	South Platte, Burlington Ditch to Big Dry Creek	DO TMDL approved NO ₃ delisted
COSPUS16L	Mary Lake, Ladora Lake, Lower Derby Lake	aldrin, dieldrin, Hg delisted ²
COUCBL18	Straight Creek	sediment TMDL approved
COUCEA07	Cross Creek	Cd delisted
COUCUC06C	Un-named tributary to Willow Creek	NH ₃ TMDL approved.
COUCUC08	Williams Fork	Mn delisted

¹ Mosquito Creek listed for Cd, Pb & Zn, South Mosquito Creek listed for Cd, Fe, Mn, Zn

² Each lake was listed for aldrin, dieldrin & Hg

SECOND BIENNIUM

Table 3 lists TMDL completions that occurred during the second biennium (July 1, 2000 through June 30, 2002). The second biennium commitment was 50 TMDL actions. The Division completed 67 actions, including 36 TMDLs and 31 delistings, during the second biennium. Again, targeted TMDLs (see Table 6) are indicated by bold font.

Table 3. TMDL Actions Completed as of June 30, 2002

<i>WBID</i>	<i>Segment</i>	<i>Action</i>
COARUA11	Sayres Gulch, & South Fork Lake Creek, Sayres Gulch to Lake Creek	Al, Fe delisted ¹
COARUA21	Cripple Creek	Mn delisted
COARUA22	Arequa Gulch	pH, Al, CN ⁻ delisted
COGULG09	Fruitgrowers Reservoir	f coliform, NH ₃ delisted
COGUSM03b	San Miguel River, Marshall Creek to South Fork San Miguel River	Cd, Mn delisted
COGUUG08	Slate River, Coal Creek to East River	Fe, Mn delisted
COGUUN04	Uncompahgre River, Highway 90 to Gunnison River	f coliform delisted
CORGAL08	Terrace Reservoir	pH, Mn, Zn delisted
COSJAF02	Animas River & tributaries, Denver Lake. To Maggie Gulch	Al, Cd, Cu, Fe, Pb TMDLs approved
COSJAF03B	Animas River, Cement Creek to Mineral Creek	Al, Cd, Cu, Fe, Pb TMDLs approved
COSJAF04A	Animas River, Mineral Creek to Elk Creek	pH, Cu, Fe, Zn TMDLs approved
COSJAF04B	Animas River, Elk Creek to Junction Creek	Zn TMDL approved
COSJAF07	Cement Creek, source to Animas River	Al, Cd, Cu, Fe, Pb TMDLs approved
COSJAF08	Mineral Creek, source to South Mineral Creek	Al, Cd, Cu, Fe, Pb TMDLs approved
COSJAF09	Mineral Creek, South Mineral Creek to Animas River	pH, Cu, Fe, Zn TMDLs approved
COSJDO05	Silver Creek above Rico water supply diversion	Mn delisted
COSJDO09	Silver Creek, Rico water supply diversion to Dolores River	Cd delisted
COSPBT05	Big Thompson River, I-25 to South Platte River	Mn delisted
COSPBT09	Little Thompson River, Culver Ditch to Big Thompson River	Mn delisted
COSPCL11	Clear Creek, Argo Tunnel to Farmers Highline Canal	Fe, Mn delisted
COSPCL14	Clear Creek, Farmers Highline Canal to Youngfield Street in Golden	Cd, Mn delisted
COSPCL15	Clear Creek, Youngfield Street to South Platte River	Mn delisted
COSPCP07	North Fork Cache la Poudre River, Hall Reservoir to Cache la Poudre River	sediment TMDL approved
COSPSV04	Little James Creek	pH, Cd, Fe, Mn, Zn TMDLs approved
COSPUS01A	South Platte River, source to North Fork South Platte River	sediment TMDL approved
COSPUS04	North Fork South Platte River & tributaries, source to South Platte River	Al, Cd, Fe, Pb delisted
COSPUS14	South Platte River, Bowles Avenue to Burlington Ditch	Mn delisted
COSPUS15	South Platte River, Burlington Ditch to Big Dry Creek	Cu delisted

¹ copper was also delisted in 2002, but subsequently relisted in 2004

Although 32 targeted TMDLs were completed in the second biennium, several additional

targeted TMDLs were not completed. These included ammonia TMDLs for Boulder Creek segments 9 and 10, Saint Vrain River segment 3, and a mercury TMDL for McPhee Reservoir. These were subsequently completed during the third biennium.

THIRD BIENNIUM

The third biennium (July 1, 2002 through June 30, 2004) commitment was 40 TMDL actions. The Division completed 43 actions, including 8 TMDLs and 35 delistings, during the third biennium. These actions are summarized below, in Table 4.

Table 4. TMDL Actions Completed as of June 30, 2004		
WBID	Segment	Action
COARLA01	Arkansas River, Fountain Creek to stateline	Fe, SO ₄ delisted
COARUA01b	E. Fork Arkansas River above Birdseye Gulch	Pb, Zn TMDLs completed, Mn delisted
COARUA09	Iowa Gulch, Paddock Ditch to Arkansas River	Zn delisted
COARUA11	Sayres Gulch, & S. Fork Lake Creek, Sayres Gulch to Lake Creek	pH delisted
CORGAL03a	Alamosa River, Alum Creek to Wightman Fork	pH, Fe, Mn delisted
CORGAL03b	Alamosa River, Wightman Fork to Fern Creek	Fe delisted
CORGAL05	Wightman Fork, source to S30, T37W, R4E	Fe, Zn delisted
CORGAL09	Alamosa River, Terrace Reservoir to Highway 15	pH, Fe, Mn, Zn delisted
CORGAL10	Alamosa River, below Highway 15	Cu, Fe, Mn delisted
CORGCB09a	Kerber Creek above Brewery Creek and tributaries except segment 8	Cu, Mn, Zn delisted
COSJDO04	McPhee Reservoir	Hg TMDL (Phase 1) completed
COSJLP08	Narraquinnapp Reservoir	Hg TMDL (Phase 1) completed
COSPBO09	Boulder Creek, South Boulder Creek to Coal Creek	NH₃ TMDL completed, AL delisted
COSPBO10	Boulder Creek, Coal Creek to St. Vrain Creek	NH₃ TMDL completed, AL delisted
COSPRE03	North Fork Republican River	AL delisted
COSPSV03	St. Vrain Creek, Hygiene Road to South Platte River	NH₃ TMDL completed, AL delisted
COSPUS14	South Platte River, Bowles Avenue to Burlington Ditch	NO₃ TMDL completed
COUCBL06	Snake River and tributaries, source to Dillon Reservoir	Mn delisted
COUCBL07	Peru Creek, source to Snake River	Mn delisted
COUCBL11	French Gulch, 1.5 miles below Lincoln to Blue River	pH, Cd, Zn delisted
COUCEA05	Eagle River, Belden to Gore Creek	Cd, Mn delisted
COUCEA07	Cross Creek	Mn delisted
COUCEA09	Eagle River, Gore Creek to Colorado River	Mn delisted
COUCRF09	Coal Creek, source to Crystal River	Fe delisted

FOURTH BIENNIUM

The fourth biennium (July 1, 2004 through June 30, 2006) commitment was 40 TMDL actions. The Division completed 11 actions, including 8 TMDLs and 3 delistings, during the fourth biennium. These actions are summarized below, in Table 5. Although the Division did not complete 40 TMDL actions within the fourth biennium, because the goals for the previous three biennia were exceeded, the aggregate total of 154 actions falls short of the target of 160 TMDLs by six.

WBID	Segment	Action
CORGAL03a	Alamosa River, Alum Creek to Wightman Fork	Al, Cu TMDLs submitted
CORGAL03b	Alamosa River, Wightman Fork to Fern Creek	pH, Al, Cu TMDLs submitted
CORGAL08	Terrace Reservoir	Cu TMDL submitted
CORGAL09	Alamosa River, Terrace Reservoir to Highway 15	Cu TMDL submitted
COSPCL13	North Fork Clear Creek	Cu delisted
COSPUS15	South Platte River, Burlington Ditch to Big Dry Creek	Cd TMDL completed
COUCBL02	Blue River below French Gulch	Cd, Zn delisted

Among the targeted segments, cadmium and zinc TMDLs for segment COSJDO05, Silver Creek above the Town of Rico water supply intake, and a sediment TMDL for Trout Creek, segment COSPUS03, were scheduled for completion during the third biennium. These TMDLs are in progress and completion is expected in 2006. A sediment TMDL for the Lower Rio Blanco sediment was targeted for completion by June 30, 2006. Water quality improvements resulting from Non-Point Source funded stream restoration activities may obviate the need for a TMDL.

REMAINING ACTIONS

There are 44 TMDL actions that remain to be completed if the Division is to fulfill its obligations per the 1999 Settlement Agreement. These actions are identified below, in Table 6.

WBID	Segment	Remaining Listed Parameter(s)
COUA02b	Arkansas River above Lake Fork	Cd, Zn
COARUA02c	Arkansas River, Lake Fork to Lake Creek	Zn
COARUA11	Sayres Gulch, & South Fork Lake Creek, Sayres Gulch to Lake Creek	Al, Cu
COARUA12a	Chalk Creek	Zn
COARUA14b	Teller Reservoir	Hg
COGULG02	Gunnison River	Se

Table 6. TMDLs Remaining from 1998 303(d) List

<i>WBID</i>	<i>Segment</i>	<i>Remaining Listed Parameter(s)</i>
COGUNF05	North Fork Gunnison tributaries	Se
COGUSM03a	San Miguel River below Idarado	Zn
COGUSM03b	San Miguel River, Marshall Creek to South Fork San Miguel River	Zn
COGUSM06b	Marshall Creek	Zn
COGUUN04	Uncompahgre River, Highway 550 to Gunnison River	Se
COGUUN14	Sweitzer Lake	Se
CORGCB09a	Kerber Creek, above Brewery Creek	Cd, Ag
CORGCB09b	Kerber Creek, Brewery Creek to San Luis Creek	Cd, Cu, Zn
CORGRG04	Willow Creek	Cd, Zn
CORGRG30	Sanchez Reservoir	Hg
COSJDO05	Silver Creek	Cd, Zn
COSJSJ03	Lower Rio Blanco River	sediment
COSPCL02	Clear Creek, Silver Plume to Argo Tunnel	Cu, Zn
COSPCL11	Clear Creek, Argo Tunnel to Farmers Highline Canal	Zn
COSPCL13	North Fork Clear Creek	Cd, Mn, Zn, Aq life
COSPUS03	Trout Creek & tributaries on NF land	sediment
COSPUS04	Hall Valley to Geneva Creek	Cu
COSPUS05b	Geneva Creek, Scott Gomer Creek to North Fork South Platte River	Zn
COSPUS14	South Platte River, Bowles Avenue to Burlington Ditch	E coli
COUCBL06	Snake River, source to Dillon Reservoir	Cd, Cu, Pb, Zn
COUCBL07	Peru Creek	Cd, Cu
COUCEA05	Eagle River, Belden to Gore Creek	Zn
COUCEA07	Cross Creek, source to Eagle River	Zn

TARGETED TMDLs

Table 7. Settlement Agreement Targeted TMDLs

<i>WBID</i>	<i>Name</i>	<i>Parameters</i>	<i>Biennium</i>
CORGCB12	Saguache Creek & Tribs above Fork Creek, (Big Springs Creek)	Sediment	3
COSJLP04	Mancos River & Tribs above Hwy 160, (Box Canyon Creek)	Sediment	2
COSJSJ03	L Navajo R & Navajo R & Tribs below San Juan- Chama, (Lower Rio Blanco River)	Sediment	4
COSPUS01A	S Platte R, source to N Fork, (11 Mile Res to Cheeseman Res)	Sediment	2
COSPUS03	Tribs to S Platte River, Tarryall Creek to N Fork, (Trout Creek)	Sediment	3

Table 7. Settlement Agreement Targeted TMDLs			
<i>WBID</i>	<i>Name</i>	<i>Parameters</i>	<i>Biennium</i>
COUCBL18	Tribs to Blue River, Dillon Res to Green Mountain Reservoir (Straight Creek)	Sediment	1
COSPBO09	Boulder Creek, South Boulder Creek to Coal Creek	NH ₃ , AL	2,3
COSPBO10	Boulder Creek, Coal Creek to St Vrain Creek	NH ₃ , AL	2,3
COSPSV03	St Vrain Creek, Hygiene Road to S Platte River	NH ₃ , AL	2,3
COSPRE03	North Fork Republican River, source to stateline	AL	4
COSJAF02	Animas River & Tribs, Denver Lake to Maggie Gulch	Al, Cd, Cu, Fe, Pb	2
COSJAF03B	Animas River & Tribs, Cement Creek to Mineral Creek	Al, Cd, Cu, Fe, Pb	2
COSJAF04A	Animas River & Tribs, Mineral Creek to Elk Creek	pH, Cu, Fe, Zn	2
COSJAF04B	Animas River & Tribs, Elk Creek to Junction Creek	Zn	2
COSJAF07C	Cement Creek, source to Animas River	Al, Cd, Cu, Fe, Pb	2
COSJAF08	Mineral Creek, source to S Mineral Creek	Al, Cd, Cu, Fe, Pb	2
COSJAF09B	Mineral Creek, S Mineral Creek to Animas River	PH, Cu, Fe, Zn	2
COSJDO03	Dolores River, Horse Creek to Bear Creek	Mn	4
COSJDO04L	McPhee Reservoir	Hg	2
COSJDO05	Tribs to Dolores River, above West Dolores River (Silver Creek above Rico diversion)	Cd, Mn, Zn	3
COSJDO09	Silver Creek below Rico div to Dolores River	Cd	3

MONITORING AND EVALUATION LIST

The Water Quality Control Commission adopts a Monitoring and Evaluation List following the same biennial schedule as with the 303(d) List. The Monitoring and Evaluation List is comprised of those waterbody/pollutant combinations for which there is an indication that the assigned uses may not be supported or assigned standards exceeded, but existing documentation is insufficient to satisfy listing criteria.

The 1999 Settlement Agreement includes a provision addressing the status of waters included on the 1998 Monitoring and Evaluation List. The Settlement Agreement required the completion of any monitoring and assessment necessary to determine the attainment status of all segments included on the 1998 Monitoring and Evaluation List by June 30, 2006. The 1998 Monitoring and Evaluation List included a total of 114 waterbodies that were listed for 142 parameters. To date the Division has completed assessments for 99 of the 1998 Monitoring and Evaluation segment-specific parameter listings. The remaining 43 listings that are outstanding are tabulated below:

Table 8. Remaining 1998 M&E Segments/Parameters

<i>WBID</i>	<i>Segment</i>	<i>Remaining Listed Parameter(s)</i>
COARFO03	Bear Creek on USFS Land	sediment
COARFO03	Cheyenne Creek, on USFS Land	sediment
COARFO03	Fourmile Creek on USFS Land	sediment
COARLA07	Purgatoire River, I-25 to Arkansas River	sediment
COARUA13	E. Beaver Creek on USFS Land, below Penrose-Rosemont Reservoir, Middle Beaver Creek	sediment
COGULG02	Gunnison River, Uncompahgre River to Colorado River	sediment
COGULG11	Lunch Creek	sediment
COGUSM06a	Ingram Creek	Cd, Mn
COGUUG09	Redwell Basin	Cd, Cu, Pb, Zn**
COGUUN03	Uncompahgre River, Red Mountain Creek to Montrose	Zn
COGUUN04*	Uncompahgre River, HWY 90 to Gunnison River	sediment
COGUUN15	Dry Creek Watershed	sediment
COLCLC01	Colorado River, Roaring Fork River to Parachute Creek	sediment
COLCLC02	Colorado River, Parachute Creek to Gunnison River	sediment
COLCLY02	Yampa River, Lay Creek to Green River	sediment
COLCLY16	Little Snake River, Powder Wash to Yampa	sediment
COLCWH22	Soldier Creek	sediment
CORGRG13	Rio Grande River, Conejos County Road G to Colorado/New Mexico border	sediment
COSPRE03	N. Fork Republican River source to CO/NE border, and Chief Creek	sediment
COSPBTO9	Little Thompson River, Culver Ditch to Big Thompson River	Aquatic Life Use
COSPCP10	Cache la Poudre River, below North Fork	Aquatic Life Use
COSPRE03	North Fork Republican River	Aquatic Life Use
COSPUS02a	Salt Creek d/s of N. Fork, on USFS Land	sediment, temperature
COSPUS03	Sugar Creek, on USFS Land	sediment
COSPUS03	Trail Creek, on USFS Land	sediment, temperature
COSPUS03	Wigwam Creek, Flying G Ranch to S. Platte River	sediment
COSPUS03	Spring Creek and tributaries, on USFS Land	sediment
COSPUS03	Horse Creek, on USFS Land	sediment, temperature
COSPUS03	Pine Creek, on USFS Land	sediment
COSPUS04	Buffalo Ck, Indian Ck to S Platte R	sediment
COSPUS04	N Fk S Platte R, Buffalo Cr to S Platte R	sediment
COSPUS05a	Geneva Creek above Scott Gomer Creek	Zn
COSPUS06a	S Platte R, N Fk S Platte to Strontia Spg. Res	sediment
COSPUS11b	Spring Creek, Bear Creek	Aquatic Life Use
COUCNP04	Grizzly Creek, Little Grizzly Creek	Aquatic Life Use
COUCNP04	Snyder Creek, Parkview Creek Watershed	sediment

Table 8. Remaining 1998 M&E Segments/Parameters

<i>WBID</i>	<i>Segment</i>	<i>Remaining Listed Parameter(s)</i>
COUCYA03	First Creek in Elkhead Watershed	sediment
COUCYA03	Bushy Creek, Morrison Creek Watershed	sediment
COUCYA19	Oliver Creek	sediment

* segment COGUUN04 was subdivided into segments 04a, 04b and 04c subsequent to listing in 1998

** listed in 1998 for "metals", this is counted as a single listing