

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

ENVIRONMENTAL AGRICULTURE PROGRAM

Report to the Senate Agriculture and Natural Resources Committee and the House of Representatives
Agriculture, Livestock and Natural Resources Committee per HB 09-1330

February 17, 2010

25-8-502 (1)(h), C.R.S.

Commencing with the first regular session of the sixty-eighth General Assembly, the Department of Public Health and Environment shall report annually to the Senate Agriculture and Natural Resources Committee and the House of Representatives Agriculture, Livestock and Natural Resources Committee, or their successor committees, on the Environmental Agriculture Program. The report shall include, but is not limited to, the number of permits processed, the number of inspections conducted, the number of enforcement actions taken, and the costs associated with all program activities during the preceding year. Such report shall be made on or before March 31 of each year.

Ag Program Budget – FY10

<u>Water</u>	<u>Air</u>
3.3 FTE	.5 FTE
\$466,624	\$62,576

Permits

<u>CAFOs</u>	<u>HCSFOs</u>
183 Permitted and Non-Permitted	92 Farms
63 Permitted Facilities	11 Water Permits
120 registered facilities	70 Air (Odor) Permits

CAFOs

- 19 CAFO Permits Issued in 2009
- 3 Permit Amendments Issued in 2009
- 3 Permit Applications Pending (requested additional information from the facility)

HCSFOs

Water

- 4 permit minor modifications completed (including 2 permit transfers)
- 2 permit amendment applications in process

Air

- 28 permit modifications completed, in addition to review/approval of Odor Management Plans

Inspections

CAFOs - IY: Oct. 1, 2008 - Sept. 30, 2009

- 40 State Inspections (contracted services)
- 20 State Follow up Inspections (contracted services)
- 5 Federal Inspections (EPA-only, Ag Program oversight on 1)

HCSFOs – IY: Oct. 1, 2008 – Sept. 30, 2009

Water

- Each facility inspected twice by local health department inspectors per contract
- Issues with liner integrity and cracks in concrete pit(s)

Air

- 152 Odor Inspections conducted by Ag Program
- 154 Odor Inspections conducted by local health inspectors per contract

Enforcement

CAFOs

Compliance Advisories

- 1 clean-up order issued, sent letters notifying that as of May 30, 2011 action would be considered a discharge to waters of the state and a violation of Regulation No. 81

Expedited Settlement Agreement (ESA)

- 1 ESA issued for non-certified impoundment liner

HCSFOs

Water

- 2 Compliance Advisories issued (liner, non-certified impoundments)

- 3 Compliance Orders on Consent (COCs) issued (various issues)
- 1 Notice of Violation (agronomic rate exceedence)

Air

- 3 COCs issued for various scentometry protocol/testing, Odor Management Plan revisions, holes/tears in synthetic covers, etc.
- 2 ESAs issued for aerobic conditions not met, total volatile solids reduction not met prior to land application
- 3 Summary of Alleged Violations issued
- No Notice of Violations
- One (1) No Further Action Letter issued

Complaints

AFOs (2008 – 9 complaints (5 Horse)

- 8 complaints in 2009
 - 3 Horse, 1 Dairy

Issues focused on:

- Manure piles
- Odor/dust
- Discharge

CAFOs (2008 – 18 complaints (10 facilities), all non-permitted (15 Dairy, 3 Beef)

- 28 complaints investigated in 2009 (13 facilities, 11 complaints one dairy)
 - 25 Non-Permitted, 3 Permitted
 - 4 Dairy, 6 Beef, 1 Sheep, 2 Unidentified
- 17 complaint cases closed
- 10 open complaints (3 facilities)

Issues focused on:

- 9 discharge complaints in 2009 (1 complaint led to compliance advisory for discharge)
- Manure management/composting/over application to fields
- Ponding

HCSFOs (2008 – 21 complaints)

- 7 odor complaints in 2009 (none resulted in a follow-up visit to a facility)
- No water complaints

AFOs – Animal Feeding Operations

A lot or facility where the following conditions are met:

1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
2. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

CAFOs – Concentrated Animal Feeding Operations

An animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- 700 mature dairy cows
- 1,000 cattle
- 2,500 swine each weighing 55 pounds or more
- 10,000 swine each weighing less than 55 pounds
- 500 horses
- 10,000 sheep or lambs
- 55,000 turkeys
- 30,000 laying hens or broilers, liquid manure handling system
- 125,000 chickens, dry manure handling system

HCSFOs – Housed Commercial Swine Feeding Operations

Capable of housing 800,000 pounds or more of live animal weight of swine at any one time.

- 11,500 weaned swine (70 pounds or less); or
- 3,020 feeder swine (more than 70 pounds, up to finishing weight); or
- 2,000 breeding sows and/or boars.