

**COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
ENVIRONMENTAL AGRICULTURE PROGRAM**

**Annual Report to the Joint
Senate Agriculture, Natural Resources, and Energy & the House Agriculture, Livestock,
and Natural Resources Committees per HB 09-1330**

March 9, 2011

Reporting Requirement

Colorado Revised Statute, 25-8-502 (1)(h), requires the Department of Public Health and Environment to report on or before March 31 of each year to a joint session of the senate and house agricultural committees on the activities of the Environmental Agriculture Program. At a minimum, the report must include information on 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.

Program Duties

The Environmental Agriculture Program administers Colorado's state-only air (odor) and federally-delegated water quality regulatory programs specific to animal feeding operations (AFOs), concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations (HCSFOs)ⁱ. Program activities include writing discharge and odor emissions permits; conducting site inspections; developing and implementing policies and regulations; providing technical assistance; responding to complaints and when necessary, addressing compliance issues through enforcement actions.

Program Activities

Table 1 provides a summary of the Environmental Agriculture Program's budget and metrics completed, or currently pending for fiscal years 2010 and 2011.

TABLE 1 –Environmental Agriculture Program Budget & Regulatory Activities

	FY10 July 1, 2009 – June 30, 2010	FY11 June 1, 2010 – June 30, 2011
Ag Program Budget		
Water (3.3 FTE)	\$466,624	\$486,076
Air (.5 FTE)	\$59,378	\$58,726
Permits		
CAFOs (36% permitted)	63	68 (to date)
HCSFOs (100% permitted)	11 water, 70 air/odor	11 water, 70 air/odor
Registration		
CAFOs (estimate 100% registered)	121	120
Permit Processing		
New CAFO Permits Issued	4	2 (to date)
CAFO permits pending	3 (2 of 3 completed in FY11)	2 (new applications to date)
CAFO Permit Amendments	3	2 (pending)
CAFO Permit Modifications (no fee)		7 (to date)
HCSFO Amendments	6 water, 28 air	1 (air to date)
Permit Renewals (HCSFOs)	0	9 water (estimated)
Inspections		
CAFOs (compliance & follow up)	60	60 (estimated)
HCSFOs	186 water, 306 air/odor	186 water, 290 odor (estimated)
Enforcement		
Compliance Advisories	2	36
Notice of Violations	6	2 water, 1 odor (to date)
Complaints		
AFO	5	3 (to date)
CAFO	8	6 (to date)
HCSFO (odor)	15	6 (to date)

Other 2010 Program Initiatives & Activities

Single Point of Contact – The program serves as a single point of contact for questions or concerns the agricultural industry and the public may have related to environmental issues or requirements specific to the agricultural sector.

Program Staffing – During a consecutive three month period in 2010, July, August and September, the program experienced three staff vacancies. By October 1, 2010, all three positions were filled, minimizing disruption to the program's constituents.

Rulemaking - The program completed a rulemaking in July 2010 that sets forth financial assurance requirements for house commercial swine operations, as required by statute. The program is currently engaged with stakeholders to revise the state's CAFO Discharge Permit System Regulations, Colorado Water Quality Control Commission Regulation No. 61, due to changes in the federal CAFO rule, and to address existing regulatory language that is considered unduly burdensome or unclear.

Nitrogen Concerns in Rocky Mountain National Park – Since 2006, the program has coordinated a diverse group of agricultural stakeholders to actively engage in discussions about increasing levels of nitrogen on the east side of the park. The program is working with Colorado livestock and crop producers to promote research-based best management practices to help reduce ammonia through voluntary efforts.

Agricultural Air Quality Technical Workgroup – In addition to the aforementioned subcommittee, the program facilitates periodic discussions with the agricultural sector on air quality and other environmental issues that are facing agriculture. The Technical Workgroup also serves to inform the USDA, Natural Resource Conservation Service's State Technical Committee on NRCS incentive programs and priorities in Colorado.

Nutrient Criteria Standards – The program participates in the department's Water Quality Control Division stakeholder discussions regarding the development of nutrient criteria standards for point and nonpoint sources.

Agricultural Waste-to-Energy Technologies – The program assists other environmental divisions within the department with regulatory interpretation associated with technologies proposed for co-location at animal feeding operations.

Outreach – The focus of the program's outreach is program accessibility and communication. The program interacts with partners such as the regulated community, local health departments, other state agencies, agricultural trade groups and the public in order to address concerns through the development of collaborative relationships that result in greater efficiencies, effectiveness and environmental results.

For additional information or questions:

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¹AFOs: a facility where animals are stabled/confined & maintained for 45 days or more in any 12-month period, & crops, vegetation or forage growth are not sustained in the normal growing season over any portion of the lot or facility.
CAFOs : an AFO w/ 700 or more mature dairy cows, or 1,000 cattle, or 500 horses, or 2,000 mature sows, etc.
HCSFOs: a facility capable of housing 800,000 pounds or more of live animal weight.