

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

**Annual Report to the Joint Senate Agriculture, Natural Resources, and Energy &
House Agriculture, Livestock, and Natural Resources Committees**

February 22, 2012

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 water quality protection 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 department's Environmental Agriculture Program administers Colorado's water and air quality protection requirements applicable to animal feeding operations (AFOs), including state-only odor and water quality discharge requirements specific to housed commercial swine feeding operations (HCSFOs), and federally-delegated water quality requirements applicable to large concentrated animal feeding operations (CAFOs). Program duties 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. A summary of the Environmental Agriculture Program's budget and metrics completed, or currently pending for fiscal years 2010, 2011 and 2012 is provided in Table 1 below.

TABLE 1 –Environmental Agriculture Program Budget & Activities

	FY10 7/1/09 – 6/30/10	FY11 7/1/10 – 6/30/11	FY12 7/1/11 – 6/30/12
Ag Program Budget			
Water (3.8 FTE, operating, contracts, etc.)	\$466,624	\$486,076	\$475,058
Air (.5 FTE, operating, etc.)	\$59,378	\$58,726	\$59,002
Registrations			
Unpermitted CAFOs	121	120	117
Permits			
CAFOs	63	68	71
HCSFOS	11 water, 70 air/odor	11 water, 70 air/odor	12 water, 70 air/odor
Permit Processing			
New CAFO Permits Issued	4	2	3
CAFO Permits pending	1	2	0
CAFO Permit Amendments	6	3	1
CAFO Permit Modifications (no fee)	7	1	1
HCSFO Amendments	6 water, 28 air	2 water, 13 air	1 water, 1 air
HCSFO Permit Modifications (no fee)	4	2	0
HCSFO Permit Renewals	0	9	1
CAFO Permit Renewals	0	0	20 in process
Inspections			
CAFOs	63*	50*	69*
HCSFOs	184 water, 306 odor	184 water, 290 odor	187 water, 291 odor
Enforcement			
Compliance Advisories	5	6	129
Notice of Violations	7	5	3

Complaints			
AFO	8	5	21
CAFO	30	8	14
HCSFO (odor)	19	15	12
Policy/Guidance Documents			
New Guidance Documents	2	6	3

*Number of compliance assistance and follow up inspections included in totals by fiscal year: FY10 = 23, FY11 = 20, FY12 = 29 (to date)

Other Significant Program Activities

Program Staffing – In 2011, technical program staff was reorganized by geographic areas. The reorganization provides livestock producers, the public and other stakeholders with a single point of contact in the program, resulting in improved communication, a greater understanding of issues at the local level, and a closer working relationship with livestock producers.

Rulemakings - The program completed two rulemakings in 2011. An August rulemaking revised the state’s CAFO discharge permit regulation (Water Quality Control Commission, Regulation No. 61) to be consistent with federal requirements, and a subsequent December written-comment-only rulemaking revised material incorporated by reference into the revised regulation to meet statutory requirements.

Permit Renewals – The program renewed nine HCSFO permits in 2011 and will renew one HCSFO permit in 2012. As a result of the changes made to Regulation No. 61, all 71 CAFO permits will be renewed under a new CAFO general permit using a three-phased renewal schedule beginning April 2012 and continuing through June 2013. The phased approach will allow the program to effectively work with a manageable number of producers versus all 71 at once. Currently, the program is providing outreach and training to permitted CAFOs on new nutrient management plan requirements in advance of the renewal process.

Nitrogen Concerns in Rocky Mountain National Park – Since 2006, the program has helped to coordinate a diverse group of agricultural stakeholders (aka, the RMNP Agricultural Subcommittee) in discussions about increasing levels of nitrogen on the east side of the park. The subcommittee works to promote science-based best management practices (BMPs) and voluntary implementation of selected BMPs to help reduce ammonia emissions from livestock and crop production activities. The subcommittee is also reaching out to producers and the agricultural community with outreach events such as the two RMNP air quality symposia held in Fort Morgan and Lamar on February 16 & 17, 2012.

Compliance Assistance Initiatives – The program interacts with the regulated community, local health departments, other state agencies, agricultural trade groups and the public in order to address concerns in effective and collaborative ways. For example, in 2011, the program verified compliance with a new regulatory requirement using a self-certification/compliance assistance approach that focused on compliance assistance and deadline extensions versus assessing a cash penalty for noncompliance. Currently, 76 percent (89 out of 116) of CAFOs are in full compliance with a May 2011 compliance deadline, and the remaining CAFOs (a total of 27) have requested deadline extensions. To date, no formal enforcement actions have been taken.

For additional information or questions:

Phyllis Woodford, Manager
Environmental Agriculture Program
303-692-2978, phyllis.woodford@state.co.us