

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S. Laboratory Services Division
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Colorado Department
of Public Health
and Environment

March 6, 2014

The Honorable Randy Fischer, Chair
House Agriculture, Livestock, & Natural Resources Committee
The Honorable Gail Schwartz, Chair
Senate Agriculture, Natural Resources, and Energy Committee
Colorado State Capitol
200 East Colfax
Denver, CO 80203

**Subject: Environmental Agriculture Program Annual Report
To the Senate Agriculture, Natural Resources, and Energy Committee and
House Agriculture, Livestock, and Natural Resources Committee**

Dear Rep. Fischer and Sen. Schwartz:

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 the Senate Agriculture, Natural Resources, and Energy Committee and the House of Representatives Agriculture, Livestock and Natural Resources Committee on 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.

Attached please find the Department's Environmental Agriculture Program annual report for 2013.

Sincerely,

Jeff Lawrence, Director
Division of Environmental Health and Sustainability

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**TO: The Honorable Gail Schwartz, Chair
 Senate Agriculture, Natural Resources, and Energy Committee
 The Honorable Randy Fischer, Chair
 House Agriculture, Livestock, and Natural Resources Committee**

**FROM: Colorado Department of Public Health and Environment
 Environmental Agriculture Program**

DATE: March 6, 2014

SUBJECT: Environmental Agriculture Program Annual Report

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 Environmental Agriculture Program administers state and federal air and water quality requirements specific to animal feeding operations in Colorado. Included under the umbrella of animal feeding operations are large concentrated animal feeding operations ("CAFOs"), housed commercial swine feeding operations ("HCSFOs"), and smaller animal feeding operations, ("AFOs").

The Program assures compliance with:

- State-only odor and water quality discharge requirements specific to HCSFOs;
- Federally-delegated water quality requirements applicable to large CAFOs; and,
- State-only best management practices for small AFOs.

In addition, the Program:

- Writes discharge and odor emissions permits;
- Conducts compliance inspections;
- Develops and implements regulations and policies, and provide technical assistance;
- Responds to complaints; and,
- Assures compliance through enforcement actions when necessary.

A summary of the Environmental Agriculture Program's performance 2013 metrics, staffing and budget is provided in Table 1 below.

TABLE 1 –Environmental Agriculture Program Budget & Activities

Budget		
Funding		
Revenues from fees (water)	\$430,434 (water)	\$58,126 (air)
CAFO General Fund	\$99,538	
Total Funding	\$588,098	
Expenses		
Contracted Services (LPHA's & contractors)	\$99,538	
4.2 FTE, operating, contracts, etc.	\$401,974 (water)	\$70,233 (air)
Total Expenses	\$571,745	
Regulated Community		
Unpermitted (Registered) CAFOs	119	
Permitted CAFOs	74	
Permitted HCSFOS	12 water	71 air
Known AFOs	209	
Permit Processing		
New CAFO Permits Issued	64	
CAFO Permit Amendments	2	
CAFO Permit Modifications (no fee)	1	
HCSFO Permits Issued or Amended	0	
HCSFO Permit Modifications (no fee)	2 water	7 air
HCSFO Permit Renewals	10 in process	
CAFO Permit Renewals	10 in process	
Inspections		
CAFOs	55	
HCSFOs (water/odor)	351	
Enforcement		
Compliance Advisories	66	
Complaints		
AFO	13	
CAFO	2	
HCSFO (odor)	2	

Other Significant Program Activities

Program Staffing – In April 2013 the former Ag Program manager, Phyllis Woodford, retired. In August 2013 the Ag Program hired two environmental protection specialists with strong technical backgrounds in water quality and soil science. Staff member Chad DeVolin was promoted to Workgroup Leader, and former Ag Program Workgroup Leader Sean Scott now provides oversight of the Program as the Deputy Division Director.

Rulemakings - The program completed two rulemakings in 2013. A May rulemaking revised the state's HCSFO odor emission regulation (Air Quality Control Commission, Regulation No. 2, Part B) to remove obsolete sections and to reduce a reporting burden. An October rulemaking to the state's animal feeding operation control regulation (Water Quality Control Commission, Regulation No. 81) was completed as part of the triennial regulation review process to clarify and simplify the requirements in order to facilitate implementation.

Permit Renewals – The program completed the renewal of 74 CAFOs under the state's CAFO general permit. As part of the permit renewals, the Program tracked permit processing data and applied Lean-Six Sigma techniques to optimize efficiencies. As a result the amount of time required to correct permit application deficiencies was reduced by 28%, and the total amount of time required to process a permit application was to 142 days. Lessons learned were immediately applied to the HCSFO permit renewal process that is currently underway.

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 in 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.

September 2013 Flood Response – Ag Program staffed worked proactively with producers in 14 counties throughout the flooding event. Staff used geospatial data from the Program's comprehensive database and department GIS resources to track potentially affected facilities in real time. Staff maintained contact with 42 facilities in harm's way, often as the first point of contact between the department and these flood victims. Two permitted CAFOs received catastrophic rainfall amounts that caused overtopping of their wastewater impoundments, but neither resulted in a discharge to surface water. There were no discharges of pollutants to surface waters by animal feeding operations registered or permitted by the Ag Program.

For additional information or questions:

Sean Scott, Deputy Division Director
DEHS - Environmental Agriculture Program
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