



COLORADO

Department of Public
Health & Environment

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

TO: The Honorable Jerry Sonnenberg, Chair
Senate Agriculture, Natural Resources, and Energy Committee

The Honorable Ed Vigil, Chair
House Agriculture, Livestock, and Natural Resources Committee

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

DATE: March 23, 2015

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 provides technical assistance;
- Responds to complaints; and,
- Assures compliance through enforcement actions when necessary.



A summary of the Environmental Agriculture Program’s performance 2014 metrics, staffing and budget is provided in Table 1 below.

TABLE 1 -Environmental Agriculture Program Budget & Activities

Budget		
Funding		
Revenues from fees (water)	\$434,124 (water)	\$58,117 (air)
CAFO General Fund	\$99,538	
Total Funding	\$591,779	
Expenses		
Contracted Services (LPHA’s & contractors) ¹	\$99,538	
4.2 FTE, operating, contracts, etc. ²	\$450,202 (water)	\$68,050 (air)
Total Expenses	\$617,790	
Regulated Community		
Unpermitted (Registered) CAFOs	119	
Permitted CAFOs	76	
Permitted HCSFOS	10 water	70 air
Known AFOs	209	
Permit Processing		
New CAFO Permits Issued	3	
CAFO Permit Renewals	17	
CAFO Permit Amendments	5	
CAFO Permit Modifications (no fee)	2	
New HCSFO Permits Issued	0	
HCSFO Permit Renewals	10	
HCSFO Permit Amendments	1	
HCSFO Permit Modifications (no fee)	3 water	27 air
Inspections		
CAFOs	47	
HCSFOs (water/odor)	353	
Enforcement		
Compliance Advisories	65	
Complaints		
AFO	8	
CAFO	12	
HCSFO (odor)	0	

¹ Contracted services provide rapid complaint follow-up and compliance inspections.

² Includes approximately 26% indirect program costs.



Other Significant Program Activities

Colorado Nutrient Management Technical Standards - Colorado's Nutrient Management Technical Standards were approved by the Environmental Protection Agency (EPA) in October 2014. The Environmental Agriculture Program began developing the technical standards in 2009, which serve as a nutrient management guide for Colorado's Ag producers. The technical standards are a requirement of the CAFO Rule promulgated by EPA in 2008 and Colorado is now one of 20 states to achieve EPA approval.

Rulemakings - The program completed one rulemaking (written-comment only) in 2014. The August rulemaking addressed a discrepancy between the federal CAFO rule and the HCSFO requirements in Water Quality Control Commission Regulation No. 61. During a review by the Colorado Attorney General's office, it was noted that Regulation No. 61 did not explicitly require that terms of the site-specific nutrient management plan be incorporated as terms of the discharge permit. Although HCSFO permits included this provision, the adopted regulation did not explicitly state this requirement. The written-comment only rulemaking remedied this discrepancy and aligned State requirements with the federal CAFO Rule.

Permit Issuance and Renewals - The program concluded the renewal of 73 CAFOs under the state's CAFO general permit. In addition, three certifications were issued to CAFOs not previously permitted. Throughout the permit renewal process, the Program applied Lean Six Sigma techniques to optimize efficiencies, reducing the amount of time required to correct permit application deficiencies by 28%. Lessons learned were immediately applied to the HCSFO permit renewal process. 10 HCSFO permits were renewed in 2014 with an average processing time of 108 days (40% faster than required by regulation).

Environmental Leadership Program - The program assisted four Colorado agriculture producers in their achievement of Bronze Status under the Colorado Environmental Leadership Program (ELP). The ELP is a voluntary program that encourages and rewards Colorado businesses that demonstrate superior environmental stewardship. 2014 marked the first time in the ELP's history that agricultural businesses and producers had been recognized for their significant achievements to improving the environment of Colorado.

Nitrogen Concerns in Rocky Mountain National Park (RMNP) - During 2014, the program continued participation in the RMNP Agricultural Subcommittee's activities to address increasing levels of nitrogen in the park. The subcommittee is coordinated by the Division's Sustainability Program and works to promote voluntary implementation of science-based best management practices (BMPs) to help reduce ammonia emissions from livestock and crop production activities. One such BMP is the RMNP Early Warning System which was pilot tested from October 1, 2013 through September 30, 2014. The Early Warning System is a volunteer, web-based program that alerts participants when meteorological conditions may cause increased nitrogen deposition in the Park. Participating agricultural producers can then make informed operational decisions to reduce nitrogen that may enter the atmosphere from their facilities. 47 agricultural producers participated in the pilot project and 10 meteorological warnings were issued during the pilot. Analysis of data is ongoing but preliminary results indicate the pilot project was largely successful.



Outreach, Training and Technical Assistance - The continued focus of the program's outreach, training, and technical assistance efforts are 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. Due to the program's efforts, there has been sustained compliance improvement over the last five years for each regulated sector. Through the routine inspection program compliance at permitted CAFOs improved from 76% in 2010 to 91% in 2014, registered CAFOs improved from a 56% compliance rate in 2010 to 80% in 2014 and HCSFOs had greater than 99% compliance with regulatory requirements in 2014.

Program Staffing - Staffing for the Environmental Agriculture Program remained consistent through 2014. Staff continues to improve work processes and production efficiencies that provide timely and exceptional customer service to the regulated community and to the citizens of Colorado.

For additional information or questions:

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