



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 25, 2016

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 2015 metrics, staffing and budget is provided in Table 1 below.

TABLE 1 -Environmental Agriculture Program Budget & Activities

Budget		
Funding		
Revenues from fees	\$441,781 (water)	\$56,282 (air)
CAFO General Fund	\$99,538	
Total Funding	\$597,301	
Expenses		
Contracted Services ¹	\$74,880	
4.2 FTE, operating, contracts, etc. ²	\$468,993 (water)	\$55,246 (air)
Total Expenses	\$599,119	
Regulated Community		
Unpermitted (Registered) CAFOs	114	
Permitted CAFOs	79	
Permitted HCSFOS	10 water	70 air
Known AFOs	209	
Permit Processing		
New CAFO Permits Issued	5	
CAFO Permit Renewals	0	
CAFO Permit Amendments	6	
CAFO Permit Modifications (no fee)	1	
New HCSFO Permits Issued	0	
HCSFO Permit Renewals	0	
HCSFO Permit Amendments	3	
HCSFO Permit Modifications (no fee)	1 water	4 air
Inspections		
CAFOs/AFOs ³	68	
HCSFOs (water/odor)	337	
Enforcement		
Compliance Advisories	23	
Formal Enforcement Actions	3	
Complaints		
AFO	20	
CAFO	9	
HCSFO (odor)	0	

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

² Includes approximately 27.5% indirect program costs.

³ Includes compliance assurance and compliance assistance site visits.



Other Significant Program Activities

Spring Rain Events - The Spring of 2015 brought an unprecedented amount of precipitation to portions of Colorado. Precipitation totals for some areas exceeded 19 inches, with most coming in a 24 to 48-hour period. Although precipitation was widespread, counties such as Morgan, Logan, Larimer and Weld were some of the most impacted. The Ag Program received notification of discharges from 28 regulated facilities and conducted site visits at approximately 32 facilities during the precipitation event and in the weeks following. After conducting site visits and reviewing required records, the Ag Program determined 25 of the reported discharges to be in compliance with regulatory requirements. Three discharges were determined to be non-compliant due to the fact wastewater reached Waters of the United States without having a discharge permit in place. Utilizing enforcement discretion, the Ag Program worked with these CAFOs to secure permit coverage without the issuance of a formal enforcement action or assessment of penalties.

Permit Issuance- In 2015, the program issued the first individual discharge permit to a CAFO that is not defined as a HCSFO. The facility has an isolated waste stream from a trough overflow system, which excludes them from coverage under the CAFO general discharge permit. The program utilized provisions in the Alternative Treatment Technology portion of the CAFO rule to develop an individual discharge permit that addresses the waste stream without being overly burdensome to the facility and maintains a high level of environmental and human health protection. The individual permit establishes effluent limitations of the trough overflow discharge and requires treatment via filtration and UV purification, which ultimately improves the water quality in the effluent receiving stream. In addition, the facility is required to conduct monthly sampling and complete quarterly reporting to the Ag Program. The program certified four new facilities under the CAFO general permit in 2015.

Outreach, Training and Technical Assistance - The continued focus of the program's outreach, training, and technical assistance efforts are accessibility and communication. For example, in 2015 the program developed compliance assistance materials for CAFOs new to Colorado and for facilities who are subject to different regulatory oversight due to expansion or consolidation. These materials are used in conjunction with personal site visits to provide an overview of the Ag Program, Colorado's regulations, and many useful forms for record keeping and reporting. The program continues to interact with the regulated community, local health departments, other state agencies, agricultural trade groups and the public in order to address concerns through collaboration 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. Compliance rates at permitted CAFOs improved from 76% in 2010 to 95% in 2015. Registered CAFOs improved from a 56% compliance rate in 2010 to 86% in 2015, and HCSFOs had greater than 99% compliance with regulatory requirements in 2015.

Program Funding - During the 2015 legislative session, HB15-1249 extended the fee structure currently paid by CAFOs and HCSFOs in Colorado. The original fees set in 2005, when the Ag Program was established, were amended and raised in 2009 through HB09-1330. In order to maintain program accountability, the 2009 fee increase was set to be reviewed by, or sunset on, June 30, 2012. In 2012, HB12-1083 extended the fee sunset to 2015 with stakeholder support. In 2015, the fee sunset was again extended, to 2018, with strong stakeholder support during the legislative process.



Nitrogen Concerns in Rocky Mountain National Park (RMNP) - During 2015, 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 entered its second pilot year in 2015. The Early Warning System is a voluntary, 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 change practices to reduce ammonia emissions that may enter the atmosphere from their facilities. Fifty-three agricultural producers participated in the second year of the pilot project and thirteen meteorological warnings were issued during 2015. Preliminary evaluation of all the data gathered indicates the project has been largely successful and inclusion of additional participants could be an effective way to reduce nitrogen transport to the park during upslope weather events. Ag Program staff was also involved in coauthoring a communication plan for the subcommittee. The communication plan will further promote outreach and emission mitigation to targeted agricultural sectors in Colorado.

Environmental Leadership Program - The program assisted one Colorado agriculture producer in their achievement of Silver 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. 2015 marked the first time in the ELP's history that an agricultural business had been recognized at the Silver level for their significant achievements to improving the environment of Colorado.

Program Staffing - Staffing for the Environmental Agriculture Program remained consistent through 2015. 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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