



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 Jeni James Arndt, Chair
House Agriculture, Livestock, and Natural Resources Committee

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

DATE: March 30, 2017

SUBJECT: Environmental Agriculture Program Annual Report

Reporting Requirement

Colorado Revised Statute, §25-8-502(1.7)(a), 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 (“Program”). 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 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 as necessary.



A summary of the Program’s 2016 budget and performance metrics is provided below.

Budget		
Funding		
Revenues from fees	\$446,903 (water)	\$59,216 (air)
CAFO General Fund	\$99,538	
Total Funding	\$605,657	
Expenses		
Contracted Services ¹	\$74,880	
4.2 FTE, operating, contracts, etc. ²	\$470,693 (water)	\$57,983 (air)
Total Expenses	\$603,556	
Regulated Community		
Unpermitted (Registered) CAFOs	116	
Permitted CAFOs	86	
Permitted HCSFOS	10 water	70 air
Known AFOs	209	
Permit Processing		
New CAFO Permits Issued	8	
CAFO Permit Renewals	0	
CAFO Permit Amendments	6	
CAFO Permit Modifications (no fee)	5	
New HCSFO Permits Issued	0	
HCSFO Permit Renewals	0	
HCSFO Permit Amendments	4	
HCSFO Permit Modifications (no fee)	2 water	23 air
Inspections		
CAFOs/AFOs ³	61	
HCSFOs (water/odor)	198	
Enforcement		
Compliance Advisories	30	
Formal Enforcement Actions	0	
Complaints		
AFO	14	
CAFO	6	
HCSFO (odor)	2	

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

² Includes approximately 24% indirect program costs.

³ Includes compliance assurance and compliance assistance site visits.



Other Significant Program Activities

New CAFO General Permit - The program developed a new CAFO general permit that was noticed to the public in November 2016, and became effective on January 11, 2017. The current CAFO general permit expires on April 17, 2017. The program worked to get the new general permit out in a timely manner in order for permitted facilities to have adequate time to submit renewal applications prior to the expiration of the current permit. This strategy should prevent the need to administratively extend the existing permit for any significant amount of time.

Outreach, Training and Technical Assistance - The continued focus of the program's outreach, training, and technical assistance efforts are accessibility and communication. In 2016, the program visited multiple registered CAFOs and medium-sized AFOs to provide them with a Colorado CAFO compliance binder. The CAFO compliance binder contains materials developed for facilities that are new to Colorado or for facilities who are subject to different regulatory oversight due to expansion or consolidation. The CAFO binder is 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 for each regulated sector. Compliance rates at permitted CAFOs improved from 76% in 2010 to 95% in 2016. Registered CAFOs improved from a compliance rate of 56% in 2010 to 89% in 2016, and HCSFOs had greater than 99% compliance with regulatory requirements in 2016.

Environment Leadership Program - The program assisted one Colorado agriculture producer in their achievement of Silver Status under the Colorado Environmental Leadership Program (ELP). The agricultural sector is now represented by two producers that have attained Silver Status recognition for their significant contributions to improving the environment of Colorado. The ELP is a voluntary program that encourages and rewards Colorado businesses that demonstrate superior environmental stewardship.

Nitrogen Concerns in Rocky Mountain National Park (RMNP) - During 2016, 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 third pilot year in 2016. The agricultural sector is currently compiling a summary of the pilot project and the best ways to evaluate and derive benefits from the system. The Early Warning System continues to actively alert participants until this evaluation is complete and a future plan is determined. In addition, agriculture producers remain committed to identifying and increasing best management practices most likely to have a beneficial impact on nitrogen deposition at RMNP.



Program Staffing - Staffing for the Environmental Agriculture Program remained consistent through 2016. 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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