



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, 2018

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 2017 budget and performance metrics is provided below.

Budget		
Funding		
Revenues from fees	\$459,845 (water)	\$56,282 (air)
CAFO General Fund	\$99,538	
Total Funding	\$615,665	
Expenses		
Contracted Services ¹	\$74,880	
4.2 FTE, operating, contracts, etc. ²	\$490,244 (water)	\$56,108 (air)
Total Expenses	\$621,232	
Regulated Community		
Unpermitted (Registered) CAFOs	112	
Permitted CAFOs	88	
Permitted HCSFOS	10 water	70 air
Known AFOs	209	
Permit Processing		
New CAFO Permits Issued	2	
CAFO Permit Renewals	74	
CAFO Permit Amendments	1	
CAFO Permit Modifications (no fee)	7	
New HCSFO Permits Issued	0	
HCSFO Permit Renewals	0	
HCSFO Permit Amendments	1	
HCSFO Permit Modifications (no fee)	1 water	0 air
Inspections		
CAFOs/AFOs ³	55	
HCSFOs (water/odor)	251	
Enforcement		
Compliance Advisories	11	
New Formal Enforcement Actions	0	
Complaints		
AFO	9	
CAFO	9	
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 became effective on January 11, 2017. The previous CAFO general permit expired on April 17, 2017 and has been administratively extended for one year to help facilitate the renewal process. To date, the program has successfully renewed the discharge permits for approximately 86% of facilities certified under the previous permit. Program staff is working closely with the remaining producers to ensure appropriate permit coverage is secured in a timely fashion.

Outreach, Training and Technical Assistance - 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 94% in 2017. Registered CAFOs improved from a compliance rate of 56% in 2010 to 87% in 2017, and HCSFOs had greater than 98% compliance with regulatory requirements in 2017. In addition, the number of days a facility remained out of compliance once a violation was discovered (i.e. days out of compliance) decreased significantly over the last several years. The days out of compliance for permitted CAFOs decreased 53%, registered CAFOs decreased 26% and HCSFOs decreased 21% respectively.

Environment Leadership Program - The program was extremely pleased to have two Colorado agriculture producers achieve Gold Leader in 2017 under the Colorado Environmental Leadership Program (ELP). Gold Leader is the highest level of state recognition and indicates a company has continual environmental improvement goals that go beyond regulated compliance, has a minimum of two environmental achievements and has maintained a clean compliance record for at least three years. With two Colorado agricultural companies achieving this honor, the program is working with other producers to increase the agricultural sectors visibility as environmental leaders. 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 2017, the program continued participation in the RMNP Agricultural Subcommittee's activities to address elevated levels of nitrogen in the park. The subcommittee is coordinated by the division's Sustainability Program and is proactively working to: assess current research regarding nitrogen deposition and agricultural emission mitigation; provide recommendations on scientifically relevant, cost-effective and practical ammonia reduction strategies for Colorado's agricultural producers; monitor emission trends; communicate with the Memorandum of Understanding (MOU) agencies; and provide guidance, outreach, and education to stakeholders within and connected to agriculture.

One of the main focuses of the subcommittee has been the development and implementation of the RMNP Early Warning System, which entered its fourth and final pilot year in 2017. 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.

In addition to the implementation of the Early Warning System, the subcommittee has been instrumental in coordinating funding for the installation and operation of ammonia monitors in the northern Front Range. The data collected from these monitors should help characterize the ammonia contributions from agriculture and other Front Range urban sources.

Program Staffing - Staffing for the Environmental Agriculture Program remained consistent through 2017. 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:

Chad DeVolin, Unit Manager
DEHS - Environmental Agriculture Program
303-692-3520, chad.devolin@state.co.us

