



COLORADO

Department of Public
Health & Environment

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

TO: The Honorable Dylan Roberts, Chair
Agriculture & Natural Resources Committee

The Honorable Karen McCormick, Chair
Agriculture, Water & Natural Resources Committee

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

DATE: March 31, 2023

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
- Obtains compliance through enforcement proceedings as necessary.



A summary of the Program's Fiscal Year 2023 budget and 2022 performance metrics are provided below.

Budget		
Funding		
Revenues from fees	\$476,557(water)	\$55,516 (air)
CAFO General Fund	\$104,404	
Total Funding	\$636,477	
Expenses		
4.2 FTE, operating, indirect, etc.	\$624,563 (water)	\$55,087 (air)
Total Expenses	\$679,650	
Regulated Community		
Unpermitted (Registered) CAFOs	110	
Permitted CAFOs	100	
Permitted HCSFOs	9 water	70 air
Permit Processing		
New CAFO Permits Issued	4	
CAFO Permit Renewals	71	
CAFO Permit Amendments	2	
New HCSFO Permits Issued	0	
HCSFO Permit Renewals	0	
HCSFO Permit Amendments	1	
Inspections		
CAFOs/AFOs	42	
HCSFOs (water/odor)	93	
Enforcement		
Compliance Advisories	3	
New Formal Enforcement Actions	0	
Complaints		
AFO	13	
CAFO	5	
HCSFO (odor)	0	



Other Significant Program Activities

Colorado Discharge Permit System CAFO General Permit Appeal:

CAFO General Permit COA934000 became effective on January 11, 2022 and was appealed based on the perceived lack of monitoring requirements that would prevent a discharge to surface water via hydrologically connected groundwater. To clarify that such discharges were not allowed under the general permit, the program issued a modification to the general permit that became effective on July 7, 2022. The modified permit incorporated groundwater protection requirements in Regulation No. 81 - Animal Feeding Operations Control Regulation (5 CCR 1002-81) that are applicable to all CAFOs in Colorado regardless if they are certified under the general permit. CAFO General Permit COA934000 - Modification 1 was appealed on the same arguments that it lacked sufficient monitoring to protect surface water from discharges via hydrologically connected groundwater. The case is pending in the Colorado Office of Administrative Courts.

Outreach, Training and Technical Assistance - Due to COVID related in-person gathering restrictions that continued in early 2022, the program issued its Environmental Agriculture Program Annual Report in lieu of the traditional in-person annual meeting with stakeholders held each February. The annual report includes metrics, statistics, and analysis related to compliance, inspections, enforcement, and complaints typically discussed during the annual meeting as well as information related to the current fiscal year budget, program accomplishments and areas of programmatic emphasis going forward. The annual report will be used this year in conjunction with an in-person meeting that is planned for Spring 2023.

Nitrogen Concerns in Rocky Mountain National Park (RMNP) -Leadership of the RMNP Agriculture Subcommittee was transitioned from CDPHE to the Colorado Department of Agriculture (CDA) in 2022. The subcommittee is a voluntary initiative and CDA is in a better position to engage agriculture producers without potential for conflict of interest. The program continued participation in the subcommittee's quarterly meetings to address elevated levels of nitrogen in the park. Work continued in the core strategic areas of research, monitoring, and outreach to promote voluntary ammonia emissions reductions in the Front Range agricultural community.

Program Staffing - In 2022 the program had an Environmental Protection Specialist (EPS) II leave for an opportunity outside of state government and hired an EPS III as the program's workgroup lead. The EPS III is a hydrogeologist with numerous years of experience in wastewater management and reclamation. We are leveraging this experience and perspective to improve work processes 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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