

STATE OF COLORADO

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

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Colorado Department
of Public Health
and Environment

MEMORANDUM OF UNDERSTANDING **COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT** ***ENVIRONMENTAL AGRICULTURE PROGRAM***

TO: COLORADO HOUSED COMMERCIAL SWINE FEEDING OPERATIONS

CC: HCSFO AGRICULTURAL CONSULTANTS

FROM: SEAN SCOTT, DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY

DATE: NOVEMBER 12, 2013

SUBJECT: APPROVAL OF HCSFO WASTEWATER FOR WILDFIRE SUPPRESSION

The Colorado Department of Public Health and Environment's Environmental Agriculture Program (Ag Program) has been contacted by permitted Housed Commercial Swine Feeding Operations (HCSFOs) regarding the use of wastewater from these facilities for suppression of wildfires that are immediately affecting a facility owned and operated by the permittee.

Wildfire events are unpredictable emergencies that at times, require an accelerated response. As such, the Ag Program is approving the application of swine wastewater effluent from HCSFO impoundments covered under a permit to acreage owned by the permittee or to the area around a structure used by the permittee for firefighting activity, provided 1) applications of swine wastewater effluent occur only in true emergency situations and in the absence of alternatives, 2) any discharge be limited and controlled to the extent practicable, and 3) any wastewater runoff that occurs is cleaned up. If wildfire affects immediately adjacent acreage not owned by the permittee, and firefighting responders determine that the use of the permittee's swine effluent for firefighting is necessary, the Ag Program would also consider this an appropriate action.

In the event of wastewater application as described above, the following documentation must be provided to the Ag Program within 24 hours of application:

- 1) The impoundment name, volume of wastewater removed during the firefighting activity and the method by which wastewater was applied, e.g. center pivot, tanker truck, et. al.

- 2) A detailed map showing the location(s) of where wastewater was applied during firefighting activity. Please include the location of any water wells that are on said acreage.
- 3) A description of any actual wastewater runoff that occurred during the firefighting activity, including identification of any ditch, drainage, stream, or other State waters where swine effluent was applied or drained to, and how surface water was impacted during the firefighting activity. The above description should also include information related to any significant spillage of swine effluent during the firefighting activity.
- 4) Measures that are being or have been taken to limit, contain, and/or clean up the discharge.
- 5) Any other information that the permittee or a local fire district deems appropriate for submittal with regards to the firefighting response.

Please note, the Ag Program may request additional information related to a particular firefighting response and may request sampling and/or remediation, as deemed necessary, to evaluate or address concerns with over-application of nutrients resulting from the use of swine effluent during the firefighting activity. The Ag Program's review of information submitted by the permittee will be completed on a case-by-case basis, and the Ag Program will notify the permittee in writing of any additional clean-up or remediation activities that will be required.

The approval granted by this memorandum remains in effect unless, and until, terminated by written notice from the Ag Program.

The Ag Program encourages the permittee to review the layout of their facilities and sites prior to utilizing swine effluent during a firefighting activity so that potential for runoff concerns can be identified and properly addressed. If you have questions regarding the permitted use of swine wastewater effluent as a result of your permit coverage or this fire suppression memorandum, please contact the Environmental Agriculture Program at 303-692-3520 or via email at chad.devolin@state.co.us.