



Environmental Agriculture Program

11th Annual Stakeholder Meeting
February 11, 2015



COLORADO

**Division of Environmental
Health & Sustainability**

Department of Public Health & Environment

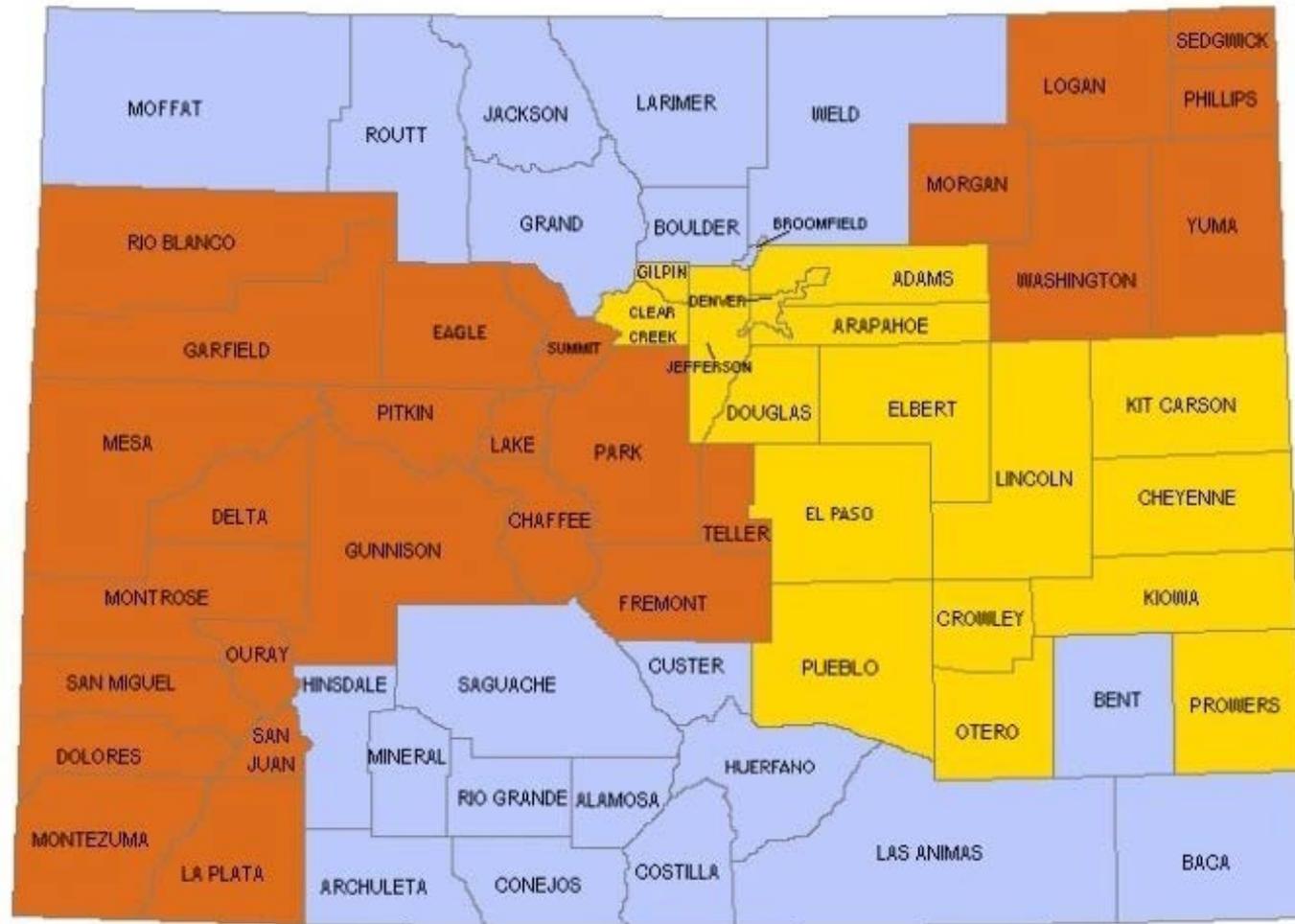
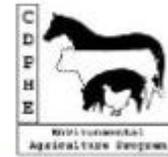
2015 Stakeholder Meeting

Brought to you by:
Your Ag Program Team...

Chad DeVolin
Thaine Kramer
Bonnie Laws
Mike Sherry
&
Sean Scott



DEHS - ENVIRONMENTAL AGRICULTURE PROGRAM TECHNICAL ASSISTANCE COUNTY MAP



Bonnie Laws: 303-692-2499



Mike Sherry: 303-692-3614



Thaine Kramer: 303-692-3523

Chad DeVolin - Workgroup Leader: 303-692-3520

Sean Scott - Deputy Director: 303-692-3422

2015 Stakeholder Meeting

2014 – The Year in Review

- ▶ Ag Program highlights
- ▶ Statistical look at accomplishments



What we will cover today...

2015 Stakeholder Meeting

2015 Goals & Priorities

- ▶ Joint Ag Committee Briefing
- ▶ E-Reporting Rule
- ▶ Budget/Fee Bill sunset
- ▶ Compliance assistance



What we will cover today...

2015 Stakeholder Meeting

Water Quality and Nutrients

- ▶ Nutrients Management Control Regulation #85
- ▶ Karl Mauch – Ground Water Monitoring Specialist, Colorado Department of Agriculture



What we will cover today...

2015 Stakeholder Meeting

Ag Program Perspective

- ▶ Tips, Suggestions & Reminders
- ▶ Last Chance Feedback



What we will cover today...

2014 – THE YEAR IN REVIEW



2014 Ag Program Highlights



Nat Farbman—Time & Life Pictures/Getty Images



2014 Ag Program Highlights

- ▶ CAFO/HCSFO Permit Renewals
- ▶ Technical Standards
- ▶ ELP Recognition
- ▶ Quarterly Newsletter
- ▶ Inspection Improvements



Colorado Technical Standards

- ▶ Colorado's Technical Standards were approved in October 2014.
- ▶ Ag Program developed a stand-alone document with the help of CSU and USDA-NRCS.
- ▶ Technical Standards are a “how to” guide for finding information related to nutrient management in Colorado.
- ▶ Ag Program has been working on Colorado's technical standards since 2009.
- ▶ Colorado is one of the first 20 states to have EPA approved technical standards.



Environmental Leadership Program

- ▶ Rocky Mountain National Park Early Warning System
 - Colorado Association of Wheat Growers–Bronze
 - Colorado Corn Growers Association–Bronze
 - Colorado Livestock Association–Bronze
- ▶ Mountain Prairie, LLC– Bronze



Environmental Leadership Program

▶ How to apply?

- <https://www.colorado.gov/cdphe/environmental-leadership-program>

▶ Questions:

- Lynette Myers– Coordinator ELP
- Phone: 303–692–3477
- Email: lynette.myers@state.co.us



Ag Program **JEOPARDY!**

If applying for Gold Leader in the Environmental Leadership Program how many years without serious violations does a facility need to have.

Answer: What is 3 years?



Quarterly Newsletter

- ▶ News & Events
- ▶ Compliance Deadlines
- ▶ Regulatory Updates
- ▶ Guidance Documents
- ▶ Contact Information
- ▶ Feedback and Suggestions



Quarterly Newsletter

- ▶ Archive of each newsletter will be available on the Ag Program website as a *.pdf document

Samples and Email Sign-up Sheet in Back!





"The Great Escape"

Watercolor by Stephen Arnold - CDPHE Air Pollution Division

Environmental Agriculture Program

Newsletter Issue No. 5 - Winter 2014



Useful Links

- [Regulations](#)
- [Forms](#)
- [Contacts](#)
- [Guidance and Policies](#)

[Click here to find your local health agency](#)

Important Dates

January 27 - 29, 2015
Annual Colorado Farm Show - Greeley

February 11, 2015
Ag Program Annual Stakeholder Meeting

March 31, 2015
Annual Reports Due

Welcome!

Welcome to the Environmental Agriculture Program's quarterly newsletter where we offer news, updates, insights and trainings. Our hope is to foster understanding and cooperation between the Ag Program and the community we serve.

News and Events

10th Annual Ag Program Stakeholder Meeting

The 10th annual Ag Program stakeholder meeting is fast approaching. The stakeholder meeting is scheduled to be held from 9:00 am - 12:00 pm on Wednesday, February 11, 2014 at the CDPHE laboratory services building:

8100 Lowry Boulevard
Denver, CO 80230
(303) 692-3090

The meeting will be held in the Main Training room. Topics of this year's annual meeting will include: regulation updates, enforcement issues, program goals and priorities, inspections, budgets and more. The meeting agenda and information on connecting via video / conference call will be emailed prior to the event.

Inspection Improvements

- ▶ New post–inspection summary
- ▶ New inspection report format
- ▶ Turnaround time of inspection reports



Inspection Improvement Post Inspection Summary

- ✓ Summary of inspection findings
- ✓ Decrease days out of compliance
- ✓ Not the official report

 **COLORADO**
Department of Public Health & Environment
Dedicated to protecting and improving the health and environment of the people of Colorado

Environmental Agriculture Program - Post Inspection Summary Report

Facility Name: _____ Inspection Date: _____
Inspector: _____ Ag Program Contact: _____

Facility Documentation:

- Registration _____
- Liner Certifications _____
- Inspection Logs _____
- SOP _____
- O&M Procedures _____
- NWP/FWP _____
- Other _____

Production Area:

- Impoundments _____
- Depth Markers _____
- Conveyances _____
- Diversions _____
- Ponding _____
- Manure Storage _____
- Mortality Mgmt. _____
- Other _____

Land Application:

- Rate Determination _____
- 3rd Party Transfers _____
- Equipment Inspections _____
- Sampling/Nutrient Analysis _____
- Setbacks _____
- Application Records _____
- Other _____

Please note - This is **not** a compliance document. Items noted may not represent all of the compliance issues documented at your facility today. This form is informational only and is designed to expedite the facility's resolution of any potential corrective actions. Please refer to the final inspection report for a complete list of expected corrective actions that require your attention. The final report will be issued within 30 days of the inspection.





Environmental Agriculture Program - Post Inspection Summary Report

Facility Name: _____ Inspection Date: _____

Inspector: _____ Ag Program Contact: _____

Summary by Category



Facility Documentation:

- Registration _____
- Liner Certifications _____
- Inspection Logs _____
- SOP _____
- O&M Procedures _____
- NMP / FMP _____
- Other _____



Production Area:

- Impoundments _____
- Depth Markers _____
- Conveyances **Clear vegetation in conveyance to South Pond**
- Diversions _____
- Ponding _____
- Manure Storage _____
- Mortality Mgmt. _____
- Other _____

Site Specific Notes



Land Application:

- Rate Determination _____
- 3rd Party Transfers _____
- Equipment Inspections _____
- Sampling / Nutrient Analysis _____
- Setbacks _____
- Application Records _____
- Other _____

Please note - **This is not a compliance document.** Items noted may not represent all of the compliance issues documented at your facility today. This form is informational only and is designed to expedite the facility's resolution of any potential corrective actions. Please refer to the final inspection report for a complete list of expected corrective actions that require your attention. The final report will be issued within 30 days of the inspection.

Triplicate Form

- Operator
- Consultant
- Inspector

Program Contacts

Website

Mailing Address



COLORADO

Department of Public
Health & Environment

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

Environmental Agriculture Program

Program Contacts:

Chad DeVolin
Program Lead
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chad.devolin@state.co.us

Thaine Kramer
Environmental Protection Specialist
Tel: 303-692-3523
thaine.kramer@state.co.us

Bonnie Laws
Environmental Protection Specialist
Tel: 303-692-2499
bonnie.laws@state.co.us

Michael Sherry
Environmental Protection Specialist
Tel: 303-692-3614
michael.sherry@state.co.us

Guidance - Forms - Regulations:

www.colorado.gov/cdphe/cafos

Mailing Address:

Colorado Department of Public Health and Environment
Environmental Agriculture Program - DEHS A-2
4300 Cherry Creek Drive South
Denver, CO 80246-1530



Inspection Improvement Report Format

- ✓ ECA Summary on front page
- ✓ Standardized ECA Citations
- ✓ Previous ECA Notation



Colorado Department
of Public Health and
Environment

COLORADO DEPT. OF PUBLIC HEALTH & ENVIRONMENT ENVIRONMENTAL AGRICULTURE PROGRAM

4300 Cherry Creek Drive South — Denver, CO 80246-1530
303-692-3520 - <http://colorado.gov/cdphe/cafos>

NON-PERMITTED CAFO SITE INSPECTION —Ground & Surface Water Protection—

This report documents the findings of an inspection conducted by the Colorado Department of Public Health and Environment's (CDPHE) Environmental Agriculture Program (Ag Program).

Facility Name: _____

Date of Inspection: _____

The following Expected Corrective Actions (ECAs) and Recommendations resulted from the inspection and are discussed in more detail in the attached report.

Expected Corrective Actions:

The department's Environmental Agriculture Program expects that the corrective action(s) listed below be completed within 120 days of the date that you receive this inspection report. After completion of all corrective action(s), please submit documentation, including labeled photographs as applicable, that demonstrate the corrective actions have been completed. These Expected Corrective Actions constitute a Compliance Advisory.

Submit all documentation to:

Colorado Department of Public Health and Environment

Attn: Chad DeVolin, DEHS A-2

4300 Cherry Creek Drive South

Denver, CO 80246-1530

****1.** Wastewater from the entire production area must be controlled (through impoundments, conveyances, etc.).
[81.6(1)]

- **Facility specific information goes here.**

Example: Remove vegetation from western conveyance to allow for wastewater to flow to South Pond.

2. The facility must register with the division. Registration must be updated if facility conditions change.
[81.5(2)]

****Please Note:** This ECA has been documented on previous inspection report(s) for this facility. Per the Ag Program Enforcement Response Guide, this ECA may be referred for formal enforcement if it is not corrected in a timely manner. **FORMAL ENFORCEMENT MAY INCLUDE A NOTICE OF VIOLATION/CEASE AND DESIST ORDER AND ASSESSMENT OF PENALTIES.**

Recommendations:



First Page
of
Inspection Report



Colorado Department
of Public Health and
Environment

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ENVIRONMENTAL AGRICULTURE PROGRAM

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Attn: Chad DeVolin, DEHS A-2
4300 Cherry Creek Drive South
Denver, CO 80246-1530*

Standardized Language



****1.** Wastewater from the entire production area must be controlled (through impoundments, conveyances, etc.).
[81.6(1)]

Site Specific Info



- **Facility specific information goes here.**

Example: Remove vegetation from western conveyance to allow for wastewater to flow to South Pond.

2. The facility must register with the division. Registration must be updated if facility conditions change.
[81.5(2)]

Enforcement Notation



****Please Note** This ECA has been documented on previous inspection report(s) for this facility. Per the Ag Program Enforcement Response Guide, this ECA may be referred for formal enforcement if it is not corrected in a timely manner. FORMAL ENFORCEMENT MAY INCLUDE A NOTICE OF VIOLATION/CEASE AND DESIST ORDER AND ASSESSMENT OF PENALTIES.

Recommendations:



- Which of the following is correct in terms of the number of days each facility has to address issues that are noted in an inspection?
- a) All facilities have 120 days
 - b) HCSFOs–45 days; All others–120 days
 - c) AFOs –180 days; CAFOs –120 days; HSCFOs–45 days
 - d) There is no time limit

Answer: What is b)?



Statistical Look At 2014 Accomplishments



Statistical Look At 2014 Accomplishments

- ▶ Permitting/Registration
- ▶ Complaints
- ▶ Inspections
- ▶ Enforcement



Permitting/Registration



CAFO Registrations



CAFO Permits



HCSFO Permits (93 facilities)

Water Permits



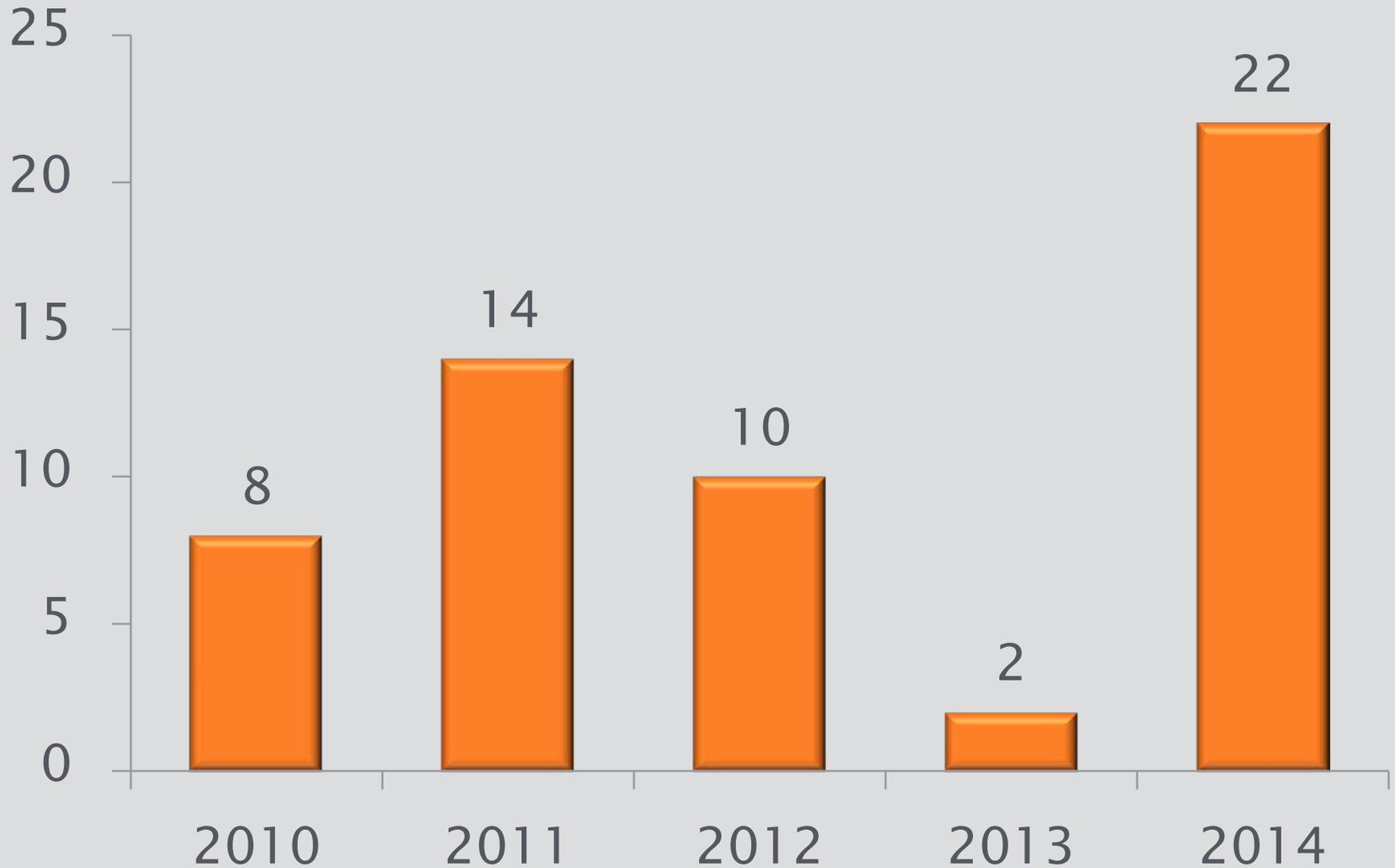
Air Permits



Complaints



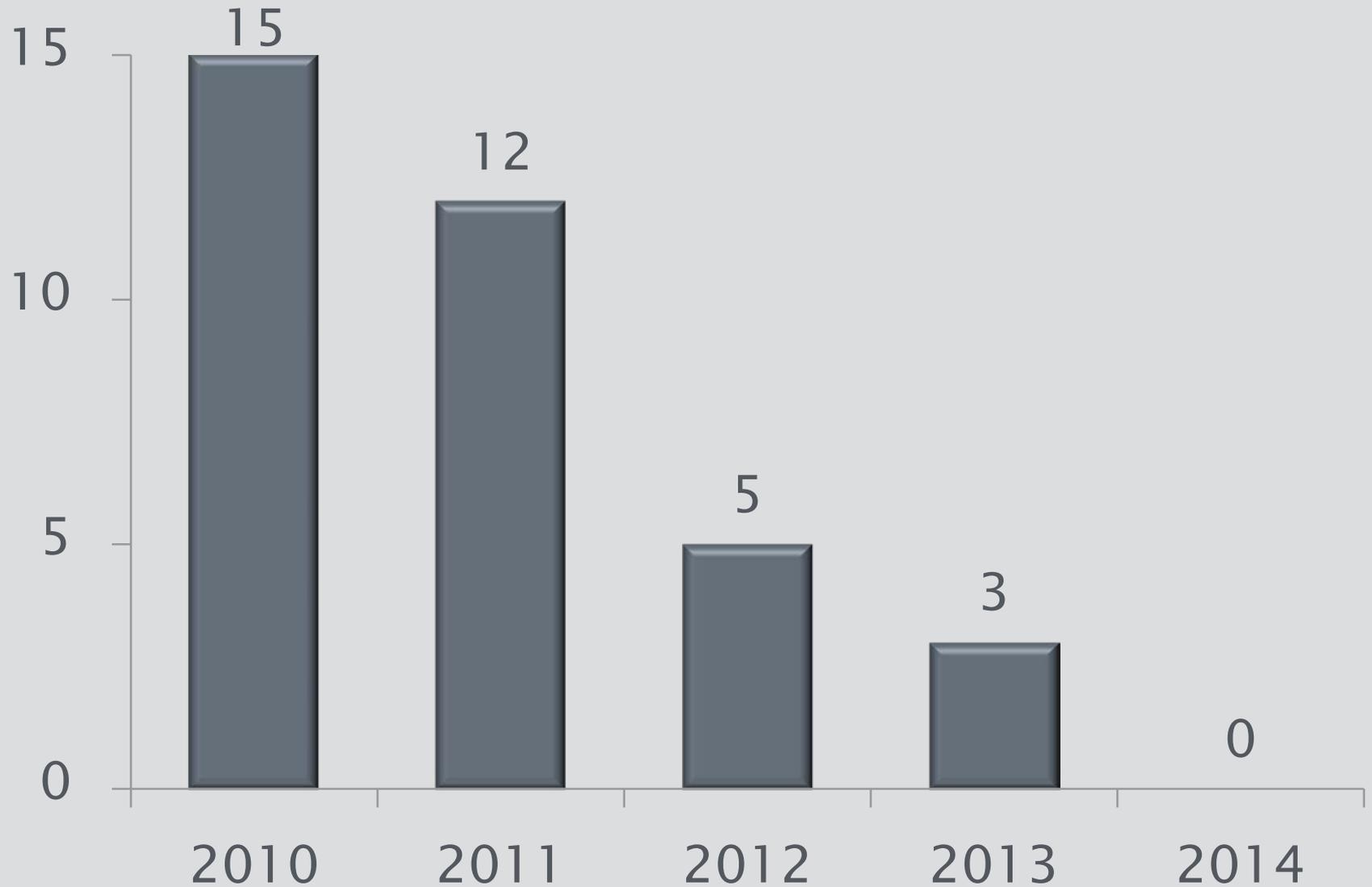
CAFO Complaints



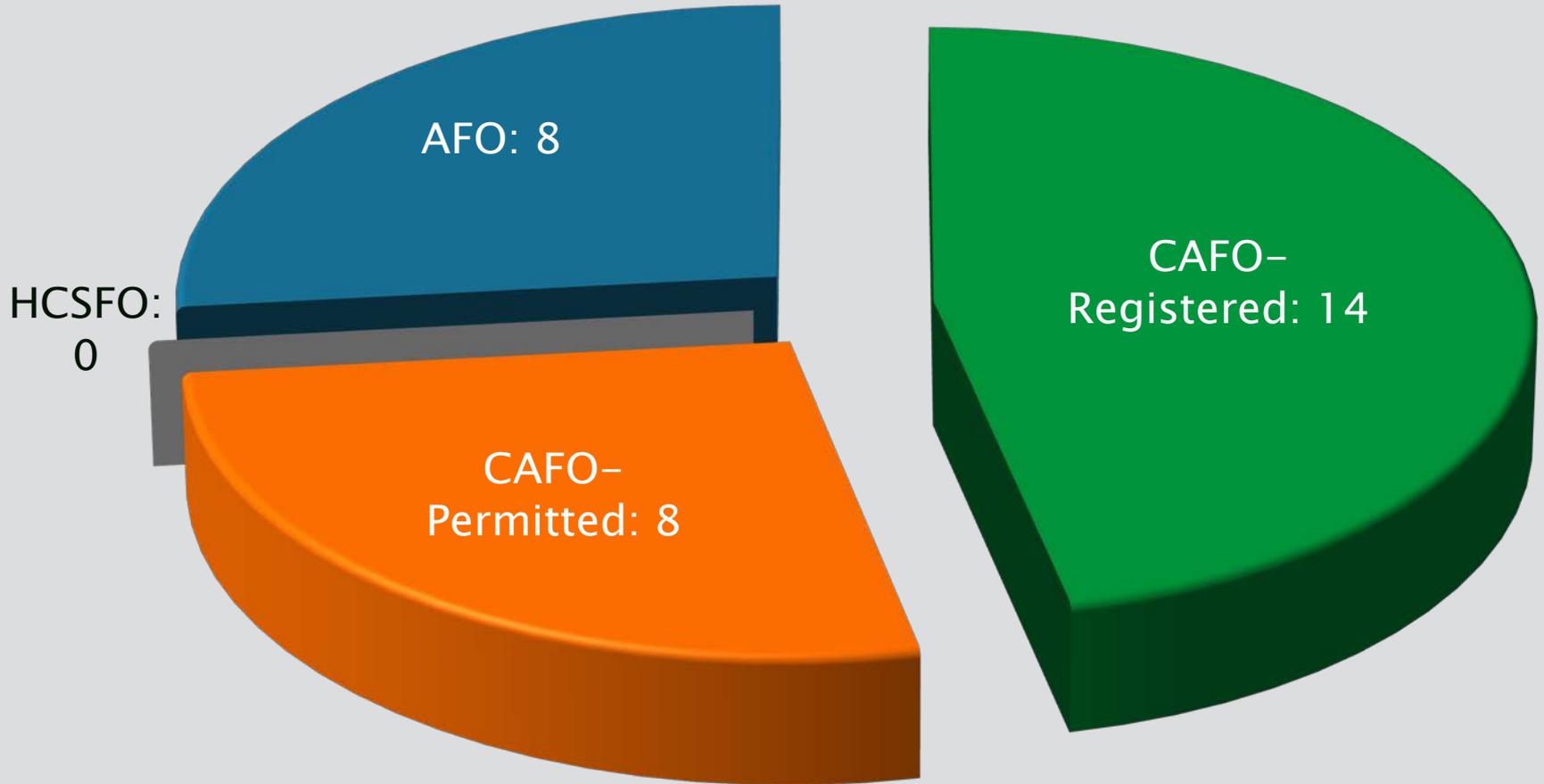
AFO Complaints



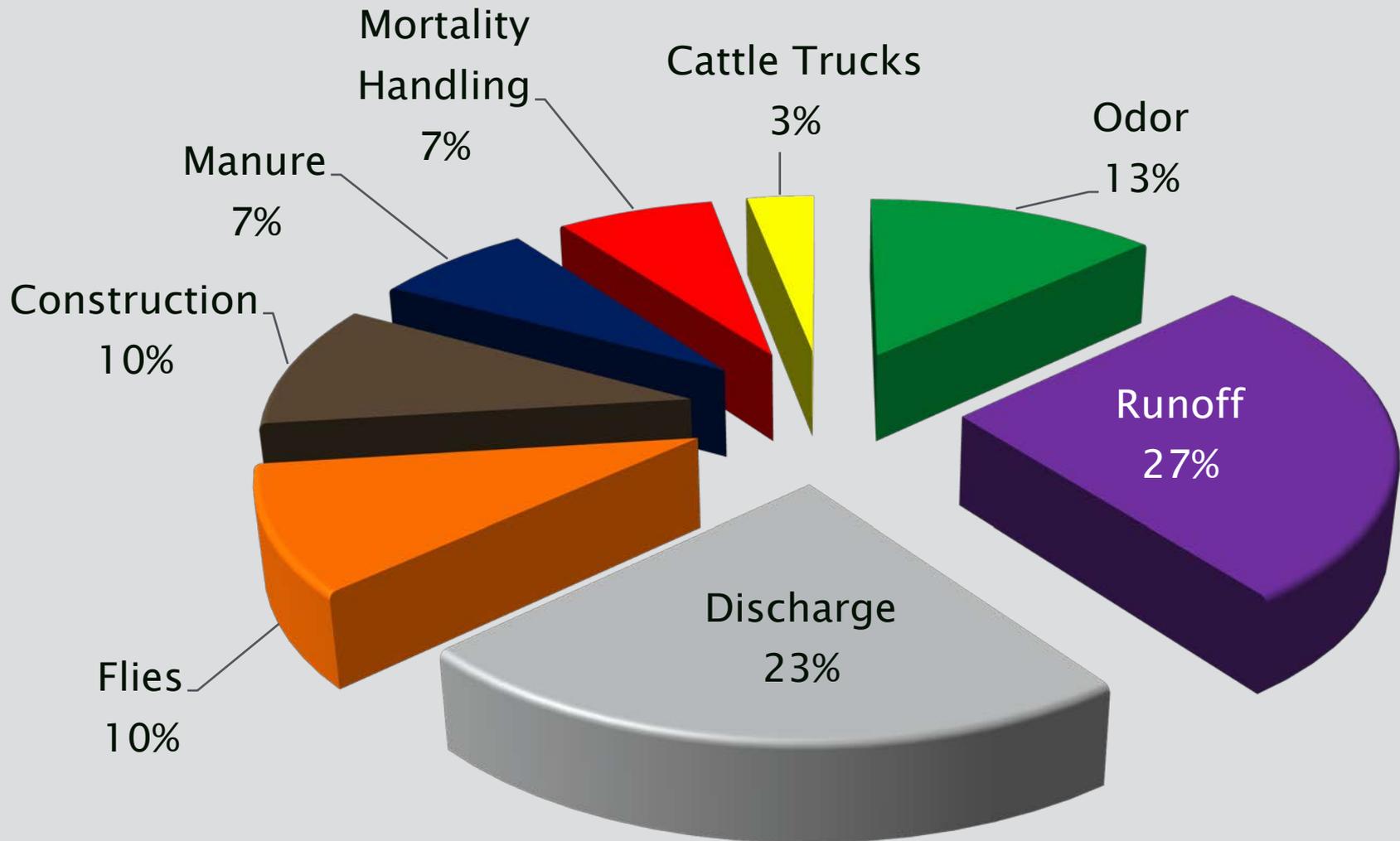
HCSFO Complaints



2014 Complaint Breakdown



Complaint Type



Inspections



Ag Program

J E O P A R D Y !

How frequently are CAFOs inspected?

Answer: What is every 3 to 5 years?



Ag Program

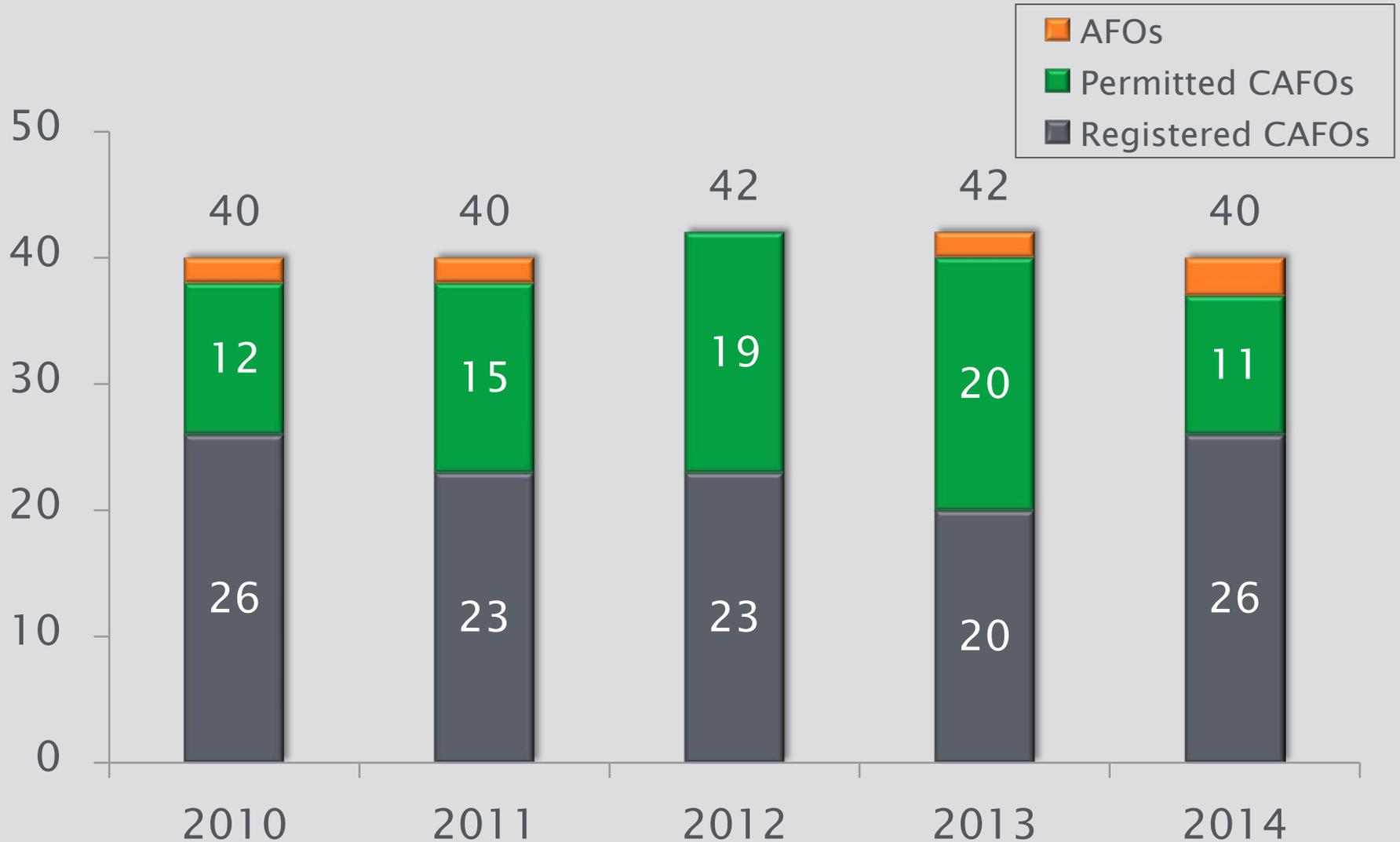
JEEPARDY!

How frequently are HCSFOs inspected (for water compliance)?

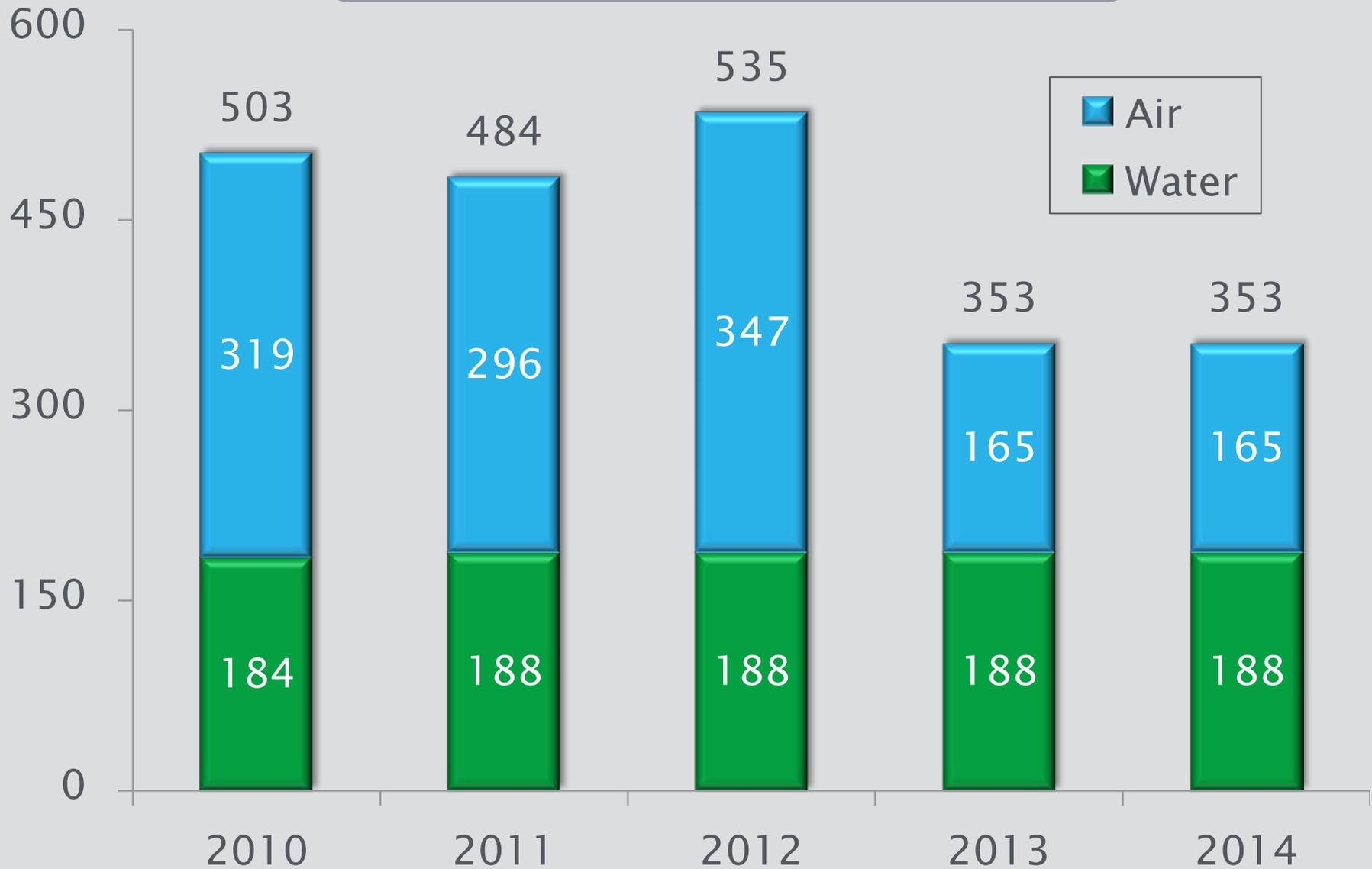
Answer: What is twice annually?



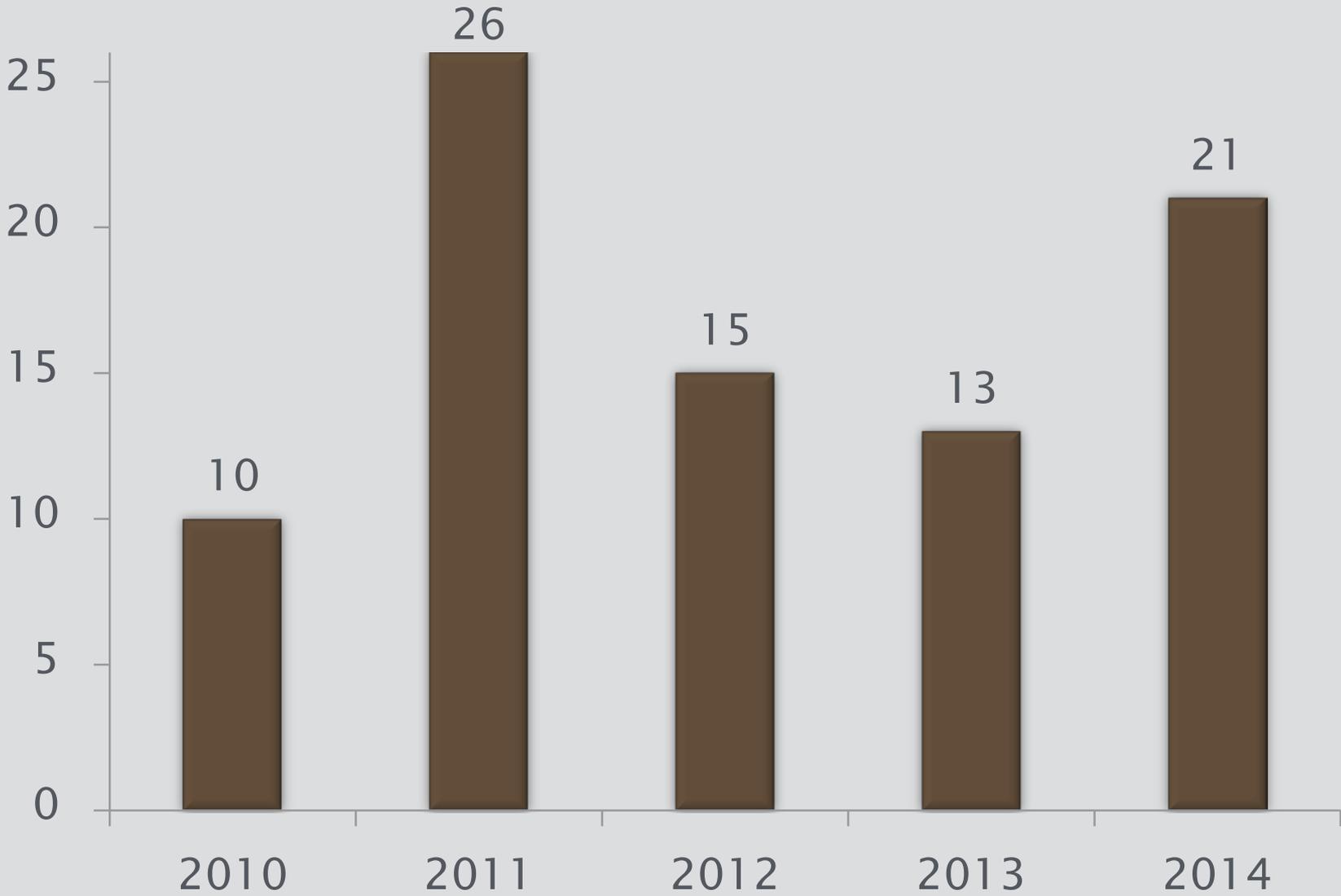
CAFO/AFO Compliance Inspections



HCSFO Compliance Inspections



CAFO/AFO – Other Inspections



Other CAFO/AFO inspections

- ▶ Compliance assistance
- ▶ Complaint response
- ▶ Wet weather inspections



Wet Weather Inspections



- ▶ Focus on areas prone to discharges or issues specific to precipitation
- ▶ Facilities identified from routine inspections and/or complaints
- ▶ 24-hour notification prior to inspection
 - Does not require producer to be present
- ▶ Will not result in corrective actions unless an active discharge to surface water is discovered



Inspection Analysis– Behind the Beans

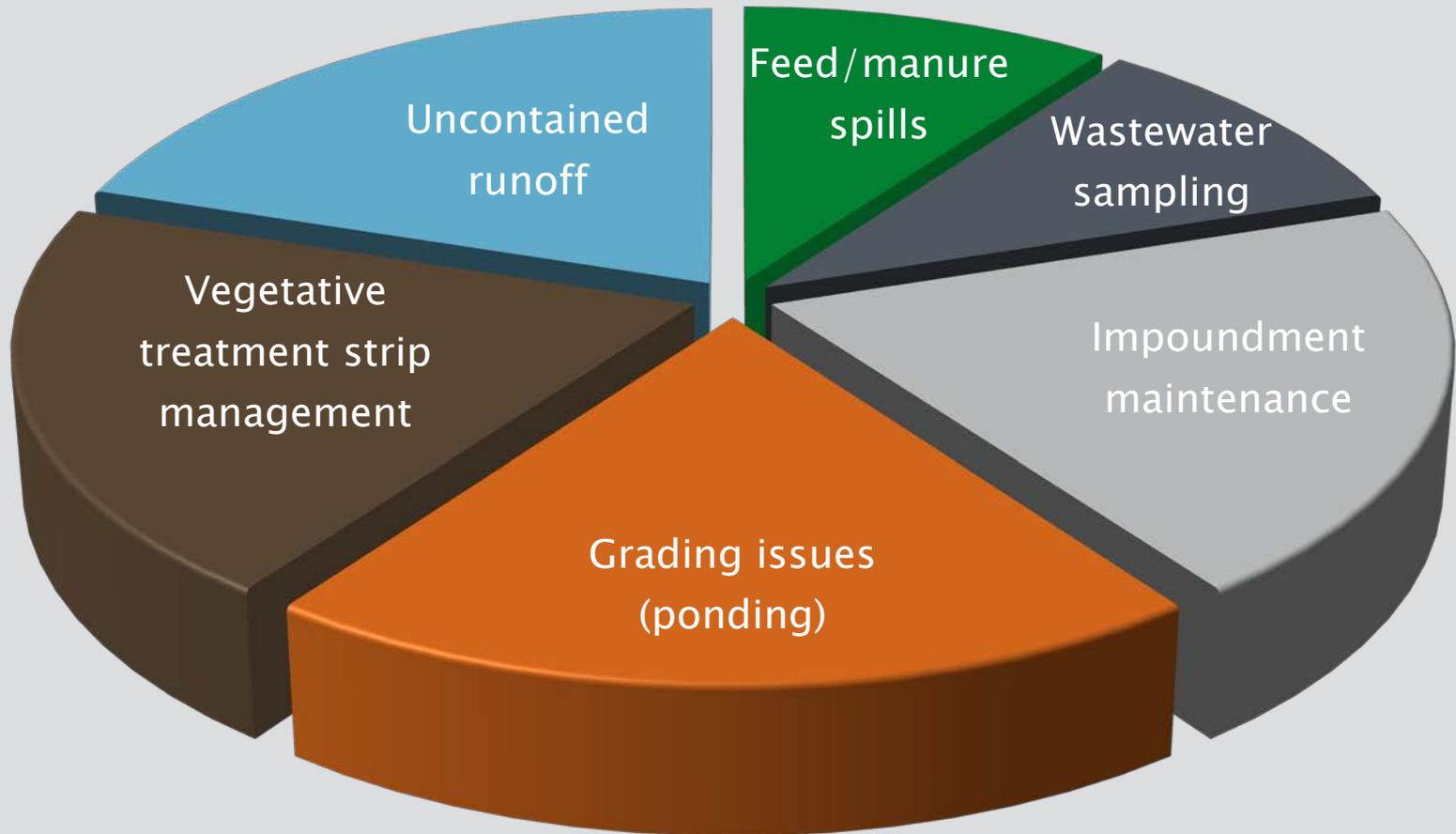


AFO Inspection Results – 2014

- ▶ 3 compliance inspections
- ▶ 11 Expected Corrective Actions (ECAs) identified
- ▶ All facilities have returned to compliance



AFO Corrective Actions

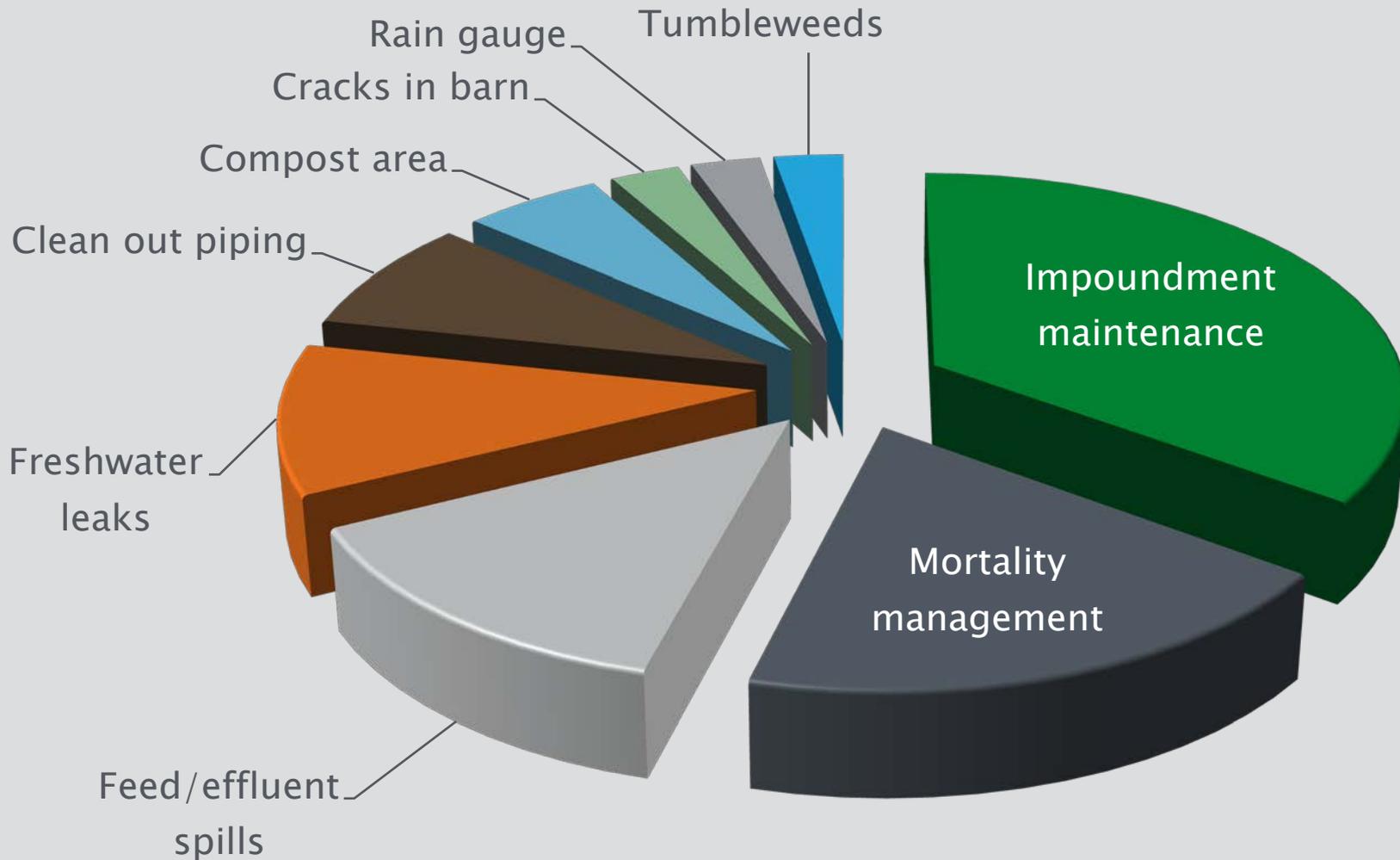


HCSFO Inspection Results – 2014

- ▶ 353 inspections (air & water)
- ▶ 40 ECAs identified
- ▶ 1 compliance advisory issued
- ▶ 1 facility working on extended compliance deadline
- ▶ No formal enforcement to date



HCSFO Corrective Actions

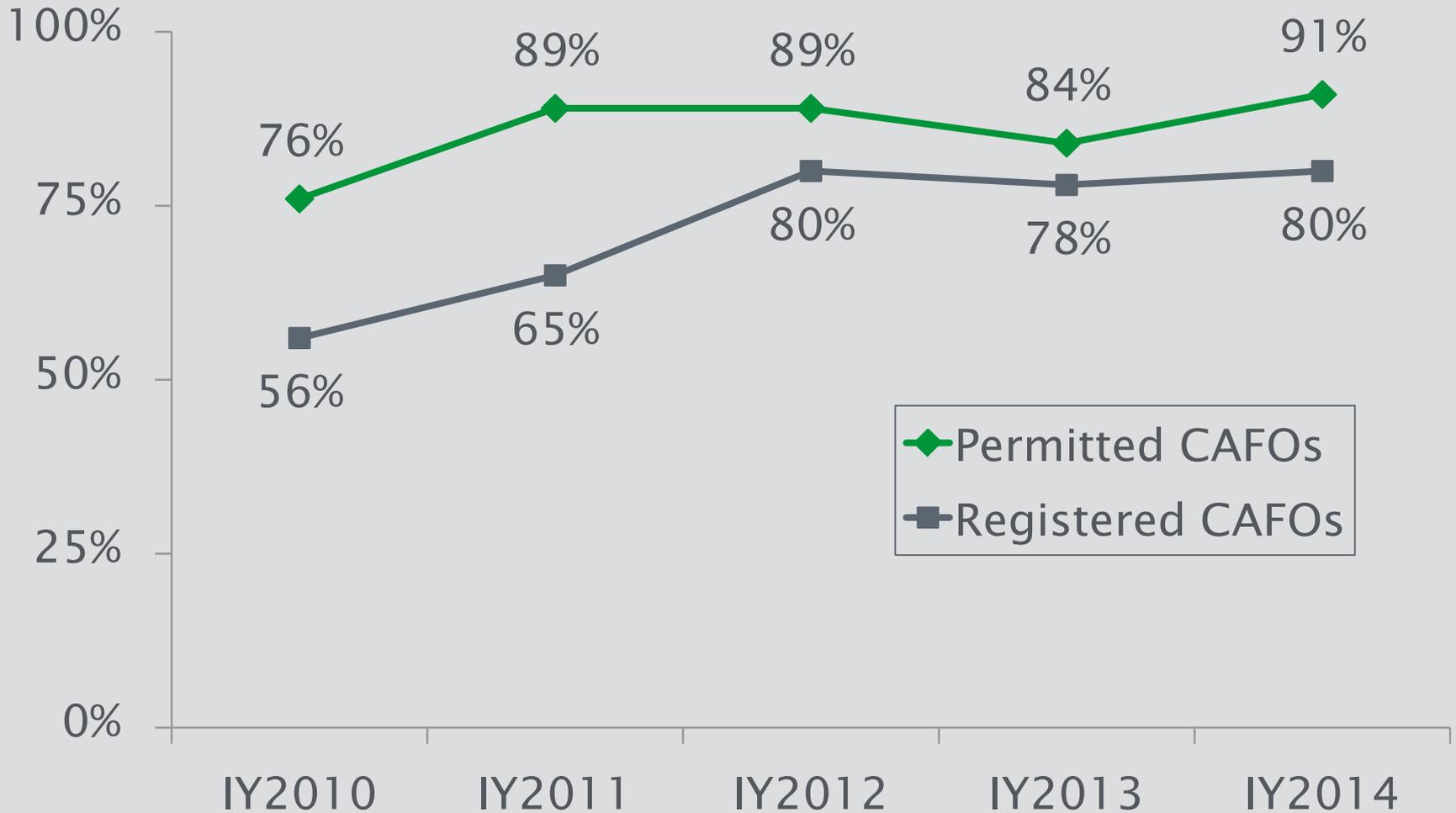


CAFO Inspection Results – 2014

- ▶ 44 inspections (37 compliance, 7 follow-up)
- ▶ 260 ECAs identified
- ▶ 40 facilities returned to compliance
- ▶ 4 compliance advisories issued
- ▶ No formal enforcement to date



Overall Compliance (CAFOs)



Ag Program **JEOPARDY!**

► Which of the following facilities are required to submit liner certifications for their impoundments?

- a) Permitted CAFOs
- b) Registered CAFOs
- c) Medium AFOs
- d) HCSFOs
- e) a, b, and c

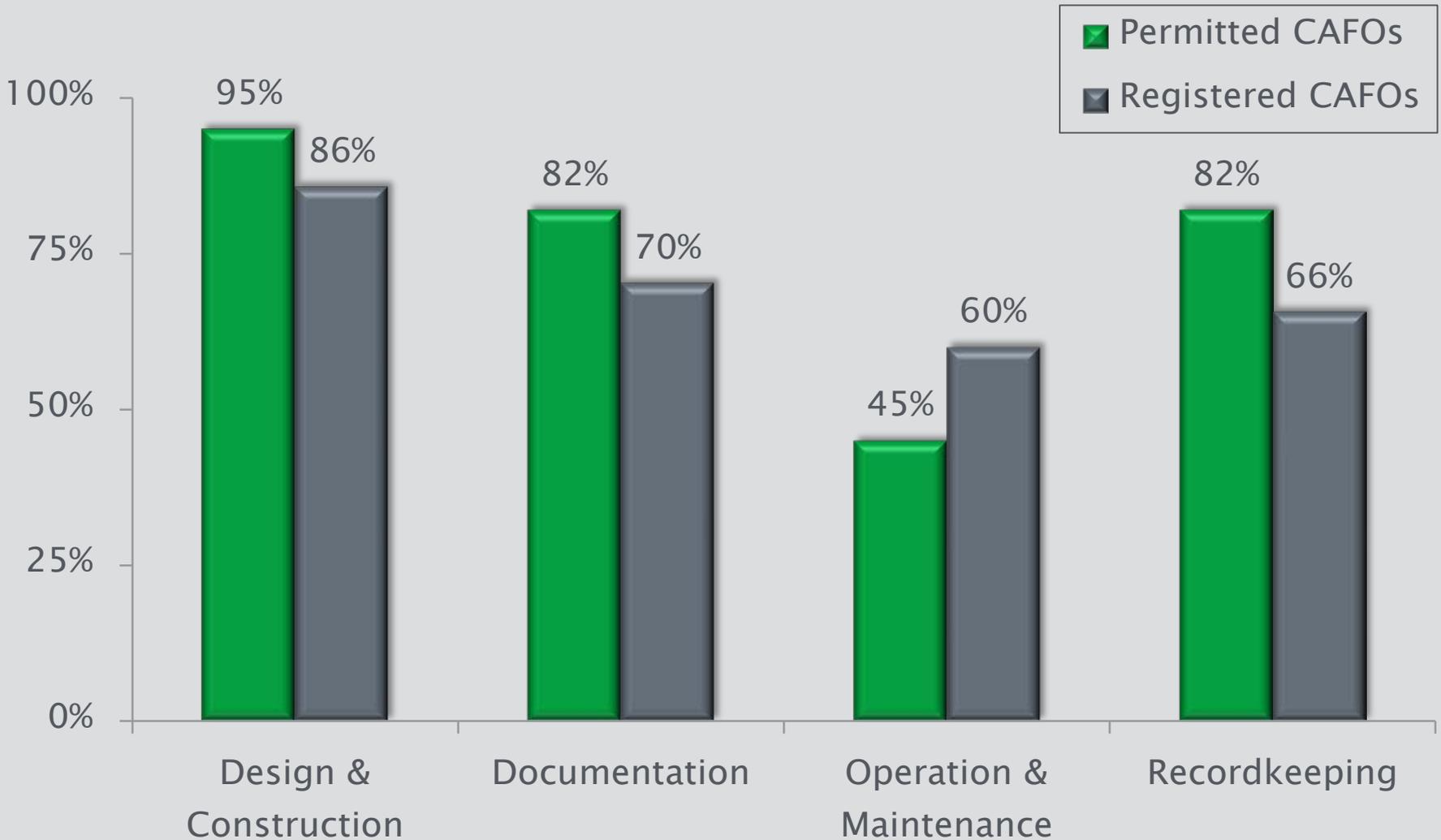
Answer: What is e)?

All have to meet seepage rate.

HCSFOs are required to do quarterly seepage monitoring.



Inspection Compliance – CAFO Groundwater Requirements



Groundwater Requirement Issues Permitted and Registered CAFOs

- ▶ Operation & Maintenance:
 - Ponding in conveyances
 - Impoundment maintenance (weeds, erosion, etc)
- ▶ Recordkeeping:
 - Inspections not conducted or missing information
 - Manure removal from impoundments not certified
 - Not maintained for a minimum of 5 years



Ag Program

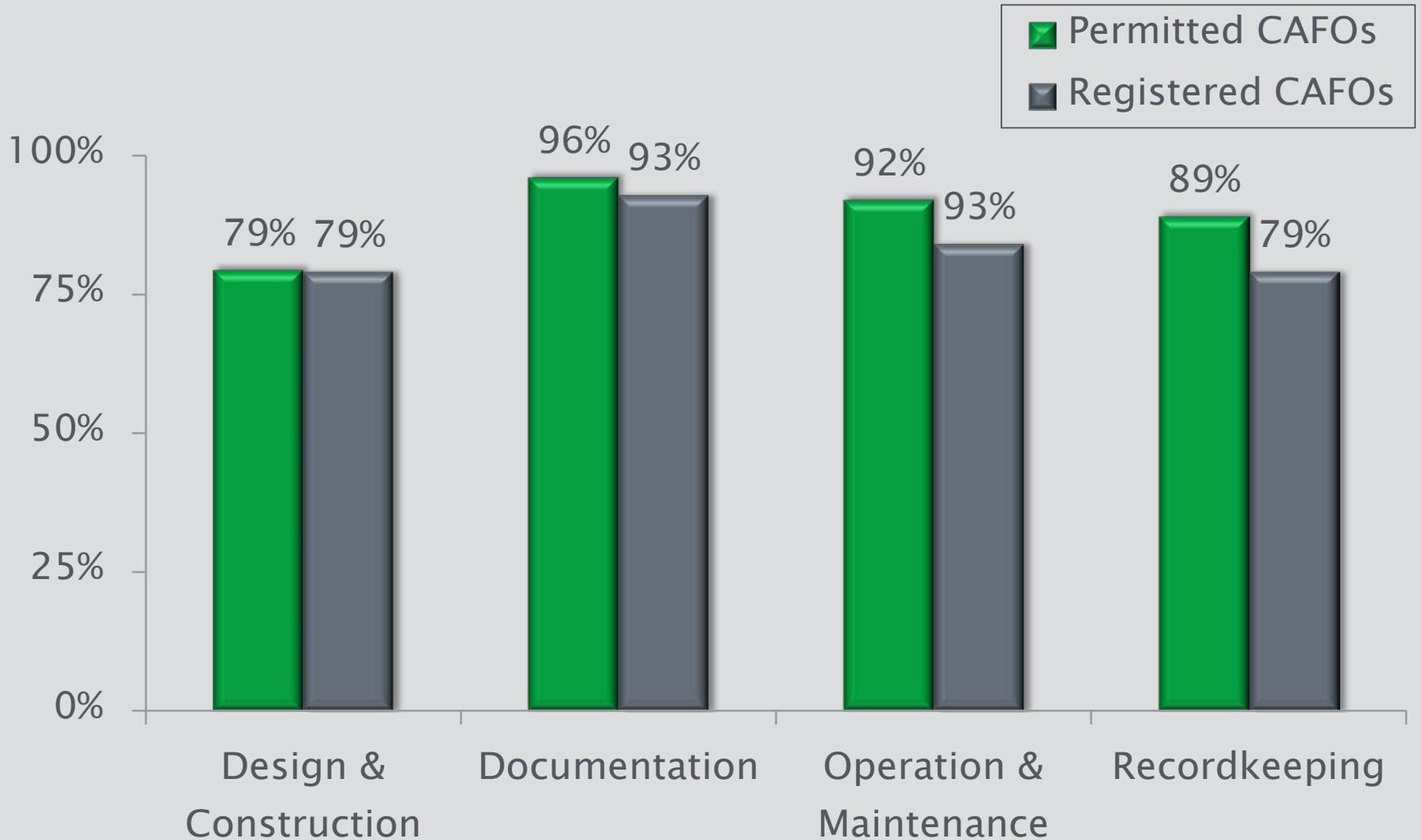
JEEPARDY!

When using a best management practice (BMP) for mortality burial, what is the recommended setback (in feet) from groundwater?

Answer: What is 5 feet?



Inspection Compliance – CAFO Production Area Requirements



Ag Program

J E O P A R D Y !

Inspection and land application records must be maintained for how long (at all CAFOs/HCSFOs)?

Answer: What is at least 5 years?

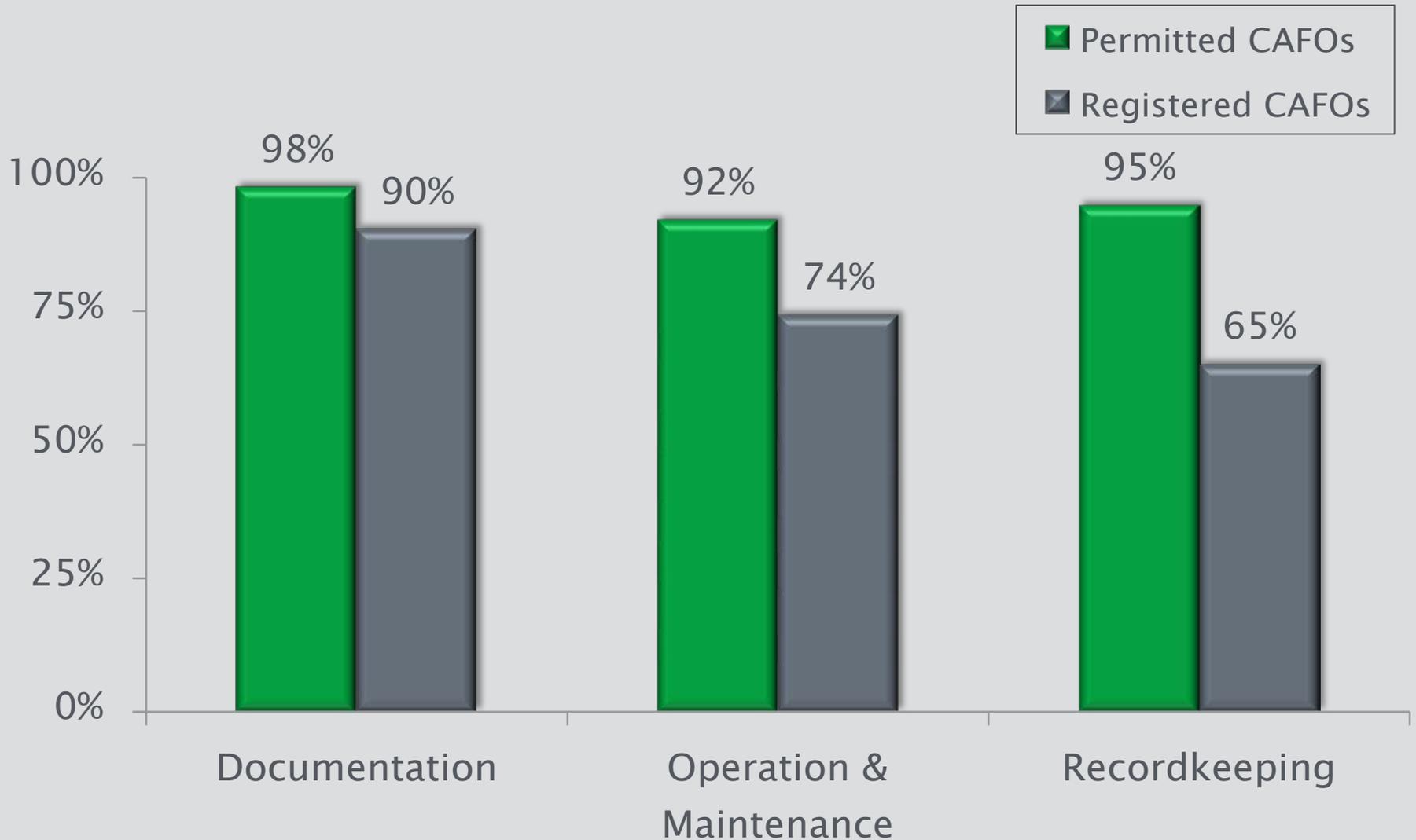


Production Area Issues Permitted and Registered CAFOs

- ▶ Construction & Design:
 - Uncontained areas (runoff is not captured in an impoundment)
- ▶ Recordkeeping:
 - Inspections not conducted
 - Inspections missing required information
 - Not maintained for a minimum of 5 years



Inspection Compliance – CAFO Land Application Requirements



Land Application Requirement Issues Registered CAFOs

- ▶ O&M and Recordkeeping:
 - Phosphorus risk assessments
 - Not conducted at the right intervals
 - Nutrient application rates
 - Not calculated/recorded
 - Contradictory to FMP methodology
 - Manure/wastewater applied according to FMP protocol
 - Not documented
 - Protocol not followed



Ag Program **JEEPARDY!**

- ▶ Which of the following is required for a precipitation discharge from the production area to be permitted?
 - a) Receiving at least 4.1 inches of precipitation when the design storm event is 4.0 inches
 - b) Obtaining a discharge permit from the Ag Program prior to the event
 - c) Conducting weekly inspections and repairing deficiencies
 - d) Maintaining inspection and repair records for at least 5 years

e) b, c, d

Answer: What is e)?



Why are inspections and recordkeeping important?

- ▶ Required by regulation at all CAFOs
- ▶ Necessary component in determining if a discharge of CAFO waste to water is allowed
 - Production area
 - Land application sites



Permitted and Registered CAFOs

Inspections and Recordkeeping Production Area Discharges

There shall be no discharge of manure or wastewater from the production area to:

- ▶ Waters of the US – Permitted CAFOs

OR

- ▶ Surface waters of the state – Registered CAFOs



Permitted and Registered CAFOs

Inspections and Recordkeeping Production Area Discharges

- ▶ Except whenever precipitation causes a discharge; and
- ▶ The production area is designed, constructed, operated, and maintained to contain all manure and wastewater, including the runoff and direct precipitation from a 25-year, 24-hour storm or Chronic Storm, whichever is greater.



Permitted and Registered CAFOs

Inspections and Recordkeeping Production Area Discharges

- ▶ Required inspections are evidence that the production area is properly designed, constructed, operated and maintained
- ▶ Must be kept for at least 5 years



Permitted and Registered CAFOs

Inspections and Recordkeeping Production Area Discharges

Required inspections include:

- Impoundment liners
- Depth markers
- Wastewater volume in impoundment
- Run-on diversions
- Conveyances
- Water lines
- Documentation of required repairs



Permitted and Registered CAFOs

Inspections and Recordkeeping Production Area Discharges

Recordkeeping is one of the requirements of the **effluent limitation guideline (ELG)** for discharges from a CAFO production area:

- 1) Production area must be properly designed, constructed, operated, and maintained;
- 2) Required inspections must be conducted; and
- 3) Records documenting the inspections must be maintained.



Permitted CAFOs

Inspections and Recordkeeping Land Application Site Discharges

A precipitation-related discharge of manure or wastewater from a land application site to waters of the US is considered an 'agricultural stormwater discharge' (which is exempt from permit requirements) if:

- ▶ The manure/wastewater was applied in accordance with an adequate:
 - Facility management plan (FMP) – Registered CAFOs
- OR
- Nutrient management plan (NMP) – Permitted CAFOs



Permitted and Registered CAFOs

Inspections and Recordkeeping Land Application Site Discharges

- ▶ The required land application records are evidence that the NMP or FMP has been properly implemented and that waste has not been over applied
- ▶ Records must be maintained for 5 years



Permitted and Registered CAFOs

Inspections and Recordkeeping Land Application Site Discharges

Land application records include:

- Calculated nutrient application rates
- Field specific phosphorus assessments
- Crop specific information (expected yields, etc)
- Actual application records (date, form, amount)
- Lab analysis (manure, litter, wastewater, soils, etc)
- Equipment inspection

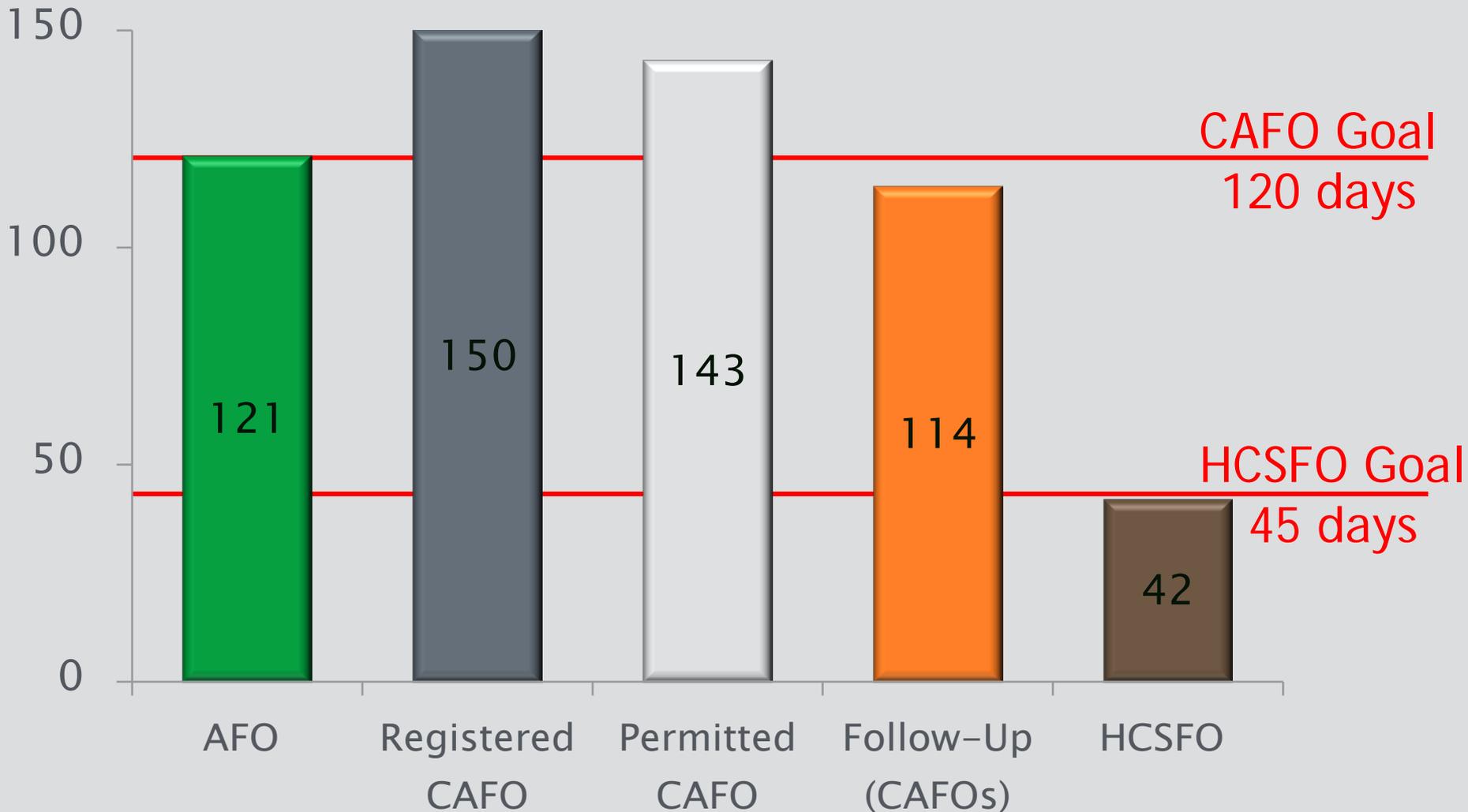


Permitted and Registered CAFOs

Inspection Year 2014 Expected Corrective Action (ECA) Summary

Type of Facility	Total No. of Inspections	Inspections w/ECAs	Average No. of ECAs per Inspection	Min No. of ECAs	Max No. of ECAs
AFO	3	3	3	2	6
Registered CAFO	26	25	6	0	14
Permitted CAFO	11	11	7	1	17
Follow-Up (both CAFOs)	7	6	3	0	6
HCSFO	353	16	3	0	6

2014 Inspections – Days to Return to Compliance



Enforcement

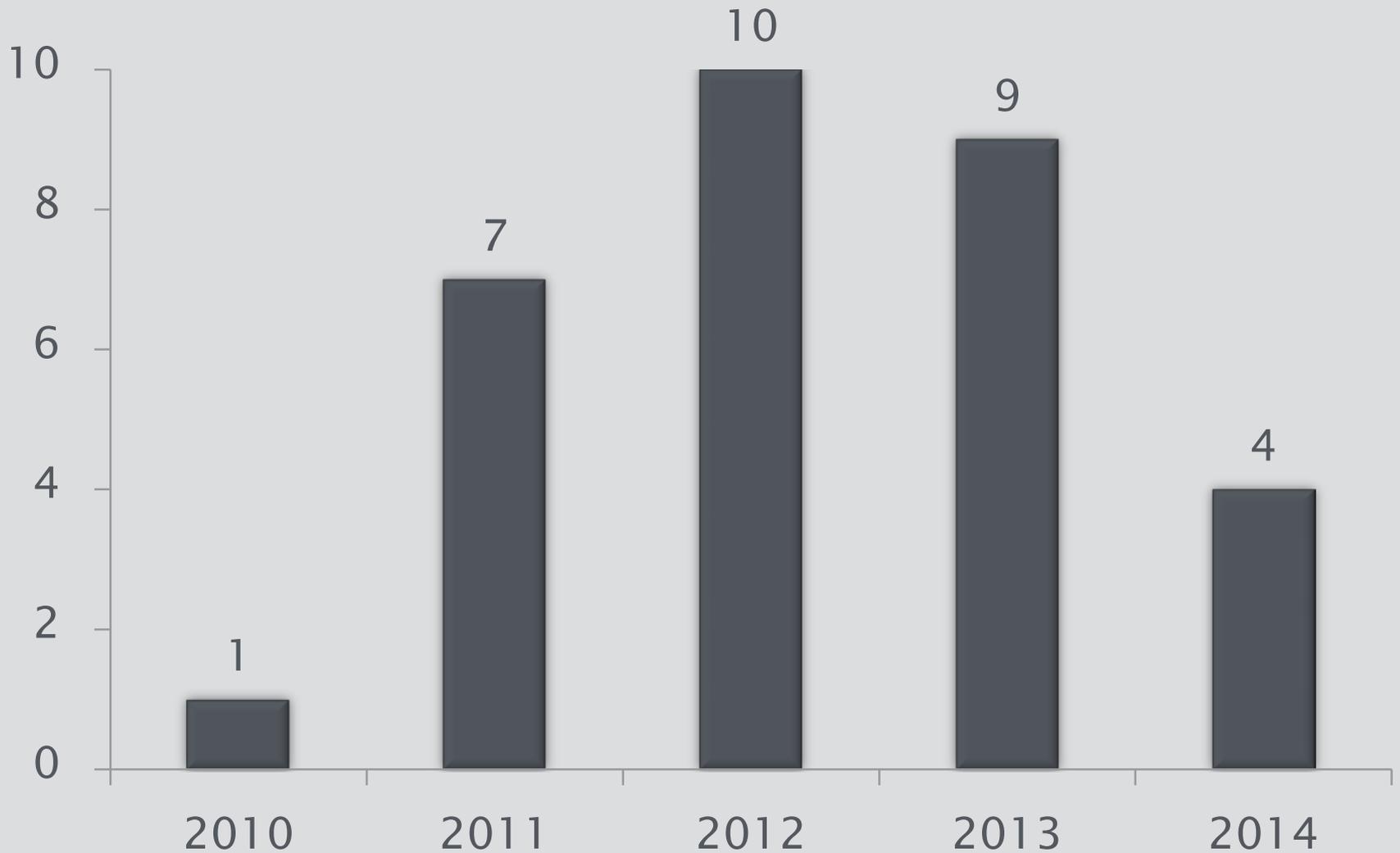


CAFO Compliance Advisories Issued

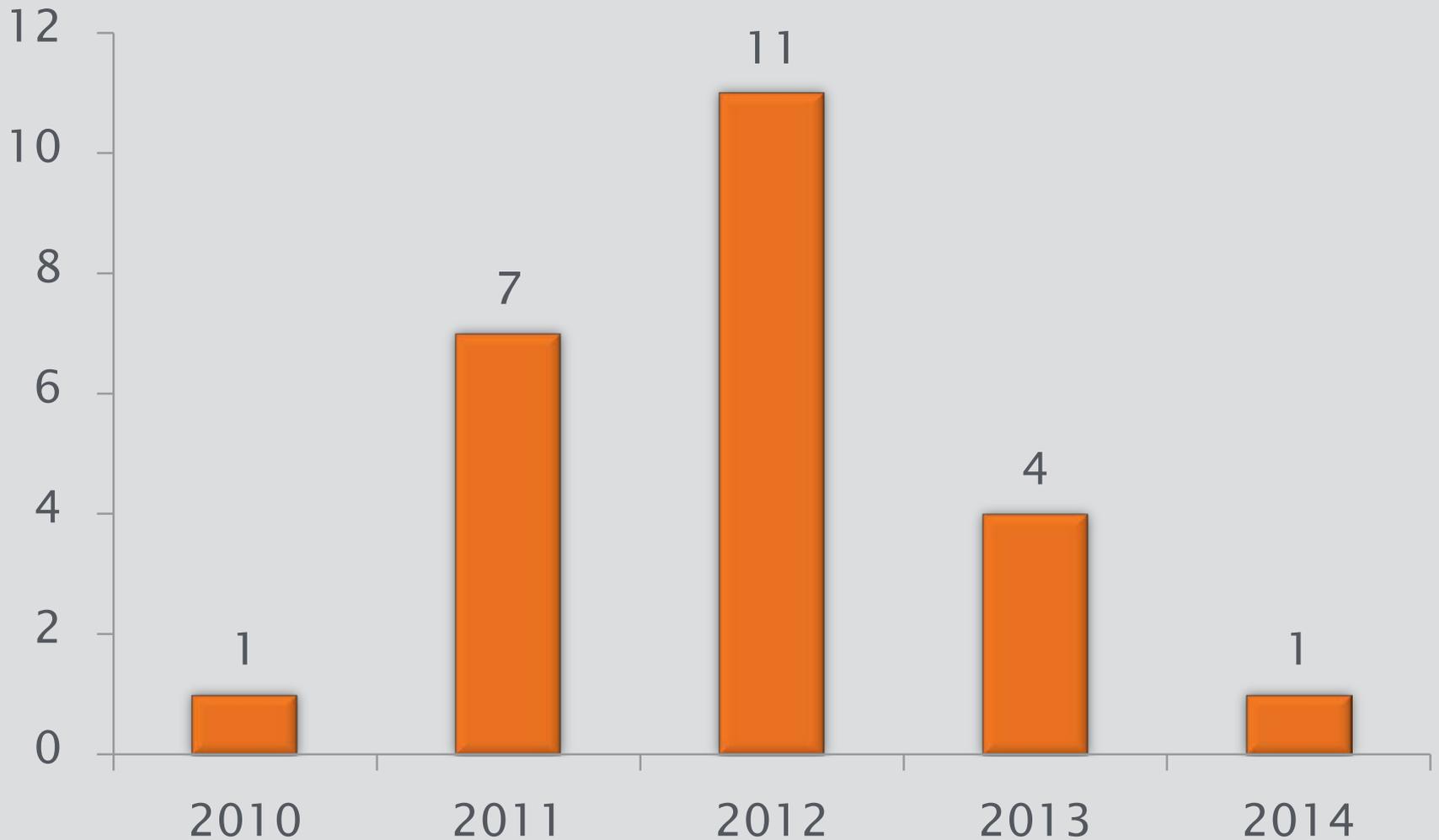


* Includes inspection reports as compliance advisories

HCSFO Water Compliance Advisories Issued



HCSFO Air Compliance Advisories Issued



Facility Management Plans Compliance

- ▶ 119 Registered CAFOs
- ▶ 118 in full compliance with FMP requirements (~99%)
- ▶ 1 formal enforcement case to date



Formal Enforcement

▶ HCSFO Air

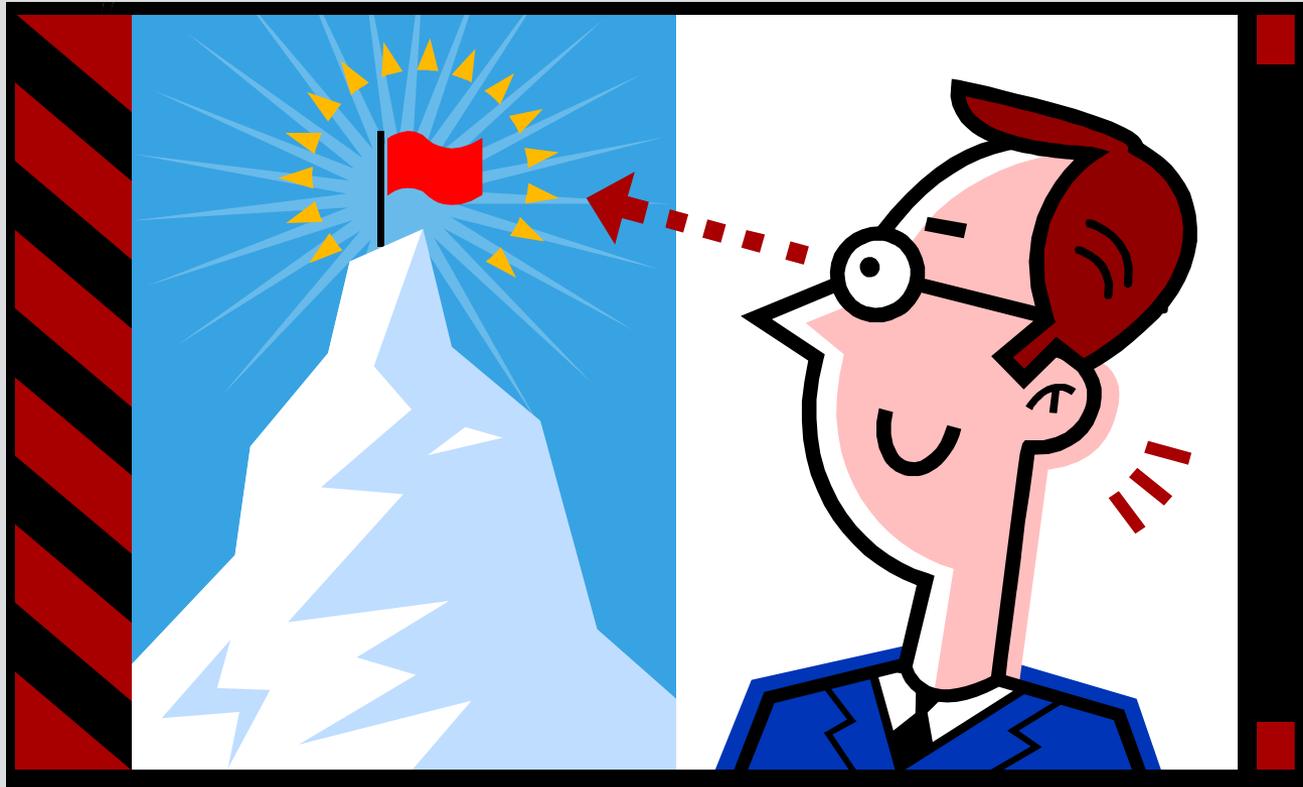
- One settled through expedited settlement agreement (ESA) process

▶ CAFO Water

- Four active referrals
 - One tabled by Water Quality Control Division (WQCD) Enforcement group



2015 PROGRAM GOALS & PRIORITIES



2015 Goals & Priorities

- ▶ Joint Ag Committee Briefing
- ▶ eReporting Rule
- ▶ Budget/Fee Bill sunset
- ▶ Compliance assistance



NPDES eReporting Rule

- ▶ Purpose of the rule is to modernize the submittal and reporting requirements of the Clean Water Act
- ▶ Facilities will be required to submit Notice of Intent (NOI) for permit coverage and annual reports electronically to the Ag Program



NPDES eReporting Rule

- ▶ Collected data will be electronically submitted to the EPA database ICIS
 - Currently manually entered by Ag Program Staff
 - Proposed to not increase the number of data elements being reported
- ▶ Intended to save State programs considerable resources by streamlining the application and reporting process
- ▶ Increase transparency with the public



NPDES eReporting Rule

- ▶ Proposed implementation deadline:
 - Two years after effective date of the final rule, CAFOs will be required to electronically submit annual reports and NOIs
 - Temporary waivers may be granted for facilities in a county or zip code where there is limited broadband access – reviewed annually
 - Currently there are no CAFO facilities in CO that meet this requirement



NPDES eReporting Rule

- ▶ Public comment period for the eReporting Rule closed on January 30, 2015
- ▶ Ag Program staff participated in several national conference calls with EPA officials and other state representatives
- ▶ Ag Program comments regarding the rule were incorporated with comments submitted to EPA by the WQCD as well as by the Association of Clean Water Administrators (ACWA)
- ▶ For additional information, please contact the Ag Program



Ag Program Budget & Resource Utilization



Staffing

<i>Current Program</i>	Actual FTE	Ag Program Funding	Actual FTE Funded
Chad DeVolin	1	100%	1
Thaine Kramer	1	100%	1
Michael Sherry	1	100%	1
Bonnie Laws	1	100%	1
Sean Scott	0.1	100%	0.1
Admin Support	0.1	100%	0.1
Totals	4.2		4.2

Budget

	FY15
CAFO (inc. HCSFO water) Beginning Fund Balance	\$281,224
EXPENDITURES	
Contracts	\$26,013
Contract Inspections (GF)	\$99,538
Personal Services	\$361,890
Indirect	\$90,015
Operating	\$12,038
	\$489,956
REVENUES	
CAFO (inc. HCSFO water) License Fees	\$436,701
Fund Balances	\$227,969
16.5% target balance	\$82,296
SPENDING AUTHORITY	
CAFO General Fund	\$99,538
CAFO Appropriation (from Long Bill)	\$312,905
Long Bill Total	\$412,443

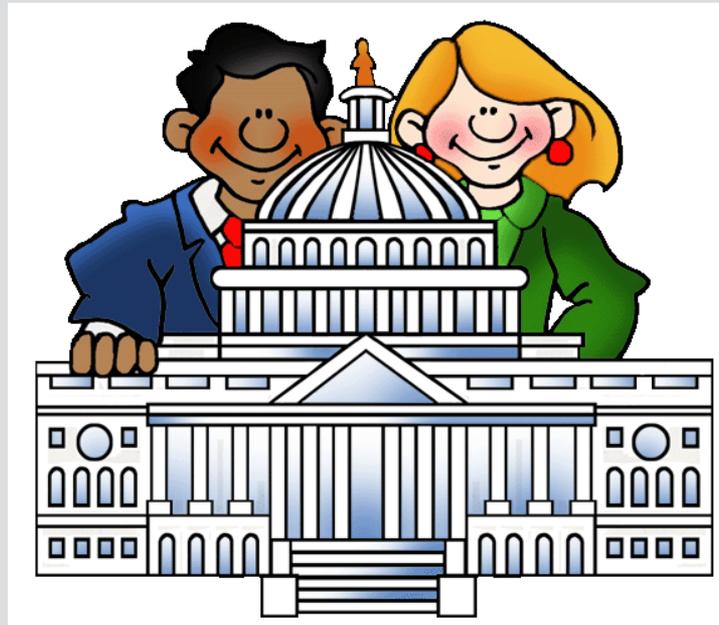
	FY15
HCSFO (Air) Beginning Fund Balance	\$49,077
EXPENDITURES	
Contracts	\$14,879
Personal Services	\$43,287
Indirect	\$12,550
Operating	\$2,000
	\$72,716
REVENUES	
HCSFO (Air) License Fees	\$58,126
Fund Balances	\$34,487
16.5% target balance	\$11,998
SPENDING AUTHORITY	
HCSFO Appropriation (from Long Bill)	\$57,845
Long Bill Total	\$57,845

Budget

	FY15	FY16	FY17	FY18
CAFO (inc. HCSFO water) Beginning Fund Balance	\$ 281,224	\$ 227,969	\$ 151,927	\$ 66,710
EXPENDITURES				
Contract Inspections	\$ 26,013	\$ 26,013	\$ 26,013	\$ 26,013
Contract Inspections (GF)	\$ 99,538	\$ 99,538	\$ 99,538	\$ 99,538
Personal Services	\$ 361,890	\$ 354,000	\$ 361,100	\$ 368,319
Indirect	\$ 90,015	\$ 120,729	\$ 122,804	\$ 124,337
Operating	\$ 12,038	\$ 12,000	\$ 12,000	\$ 12,000
	\$ 489,956	\$ 512,742	\$ 521,917	\$ 530,669
REVENUES				
CAFO (inc. HCSFO water) License Fees	\$ 436,701	\$ 436,700	\$ 436,700	\$ 436,700
Fund Balances				
	\$ 227,969	\$ 151,927	\$ 66,710	\$ -27,259
16.5% target balance	\$ 82,296	\$ 83,827	\$ 85,369	\$ 86,937
SPENDING AUTHORITY				
CAFO General Fund	\$ 99,538	\$ 99,538	\$ 99,538	\$ 99,538
CAFO Appropriation (from Long Bill)	\$ 312,905	\$ 312,905	\$ 312,905	\$ 312,905
Long Bill Total	\$ 412,443	\$ 412,443	\$ 412,443	\$ 412,443

Ag Program Fee Bill Sunset

► Fiscal Year 2016 Legislative Session



Water Quality and Nutrients



Nutrients Management Control Regulation #85



Background Information:

- ▶ Water Quality Control Commission (WQCC) adopted Regulation #85 Nutrients Management Control Regulation in September 2012.
- ▶ Regulation# 85 established new numerical effluent limitations for many domestic wastewater treatment plants and industrial wastewater dischargers.



Nutrients Management Control Regulation #85



Regulation #85 & Agriculture:

- ▶ Nonpoint source discharges from agriculture operations that apply supplemental nutrients as part of crop production activities are encouraged to develop and implement nutrient best management practices.
- ▶ If voluntary nonpoint source practices are not effective in managing nutrients by May 31, 2022, the WQCC may consider adoption of measure to further limit nutrient concentrations.

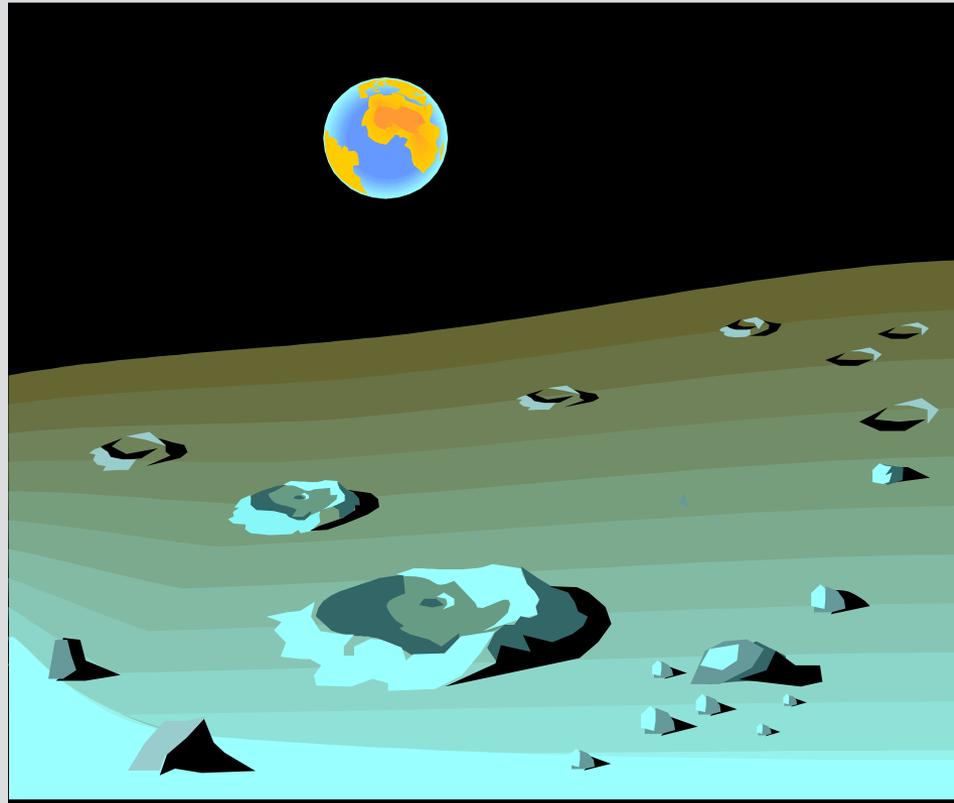


Karl Mauch

- ▶ Groundwater Monitoring Specialist
- ▶ Colorado Department of Agriculture



AG PROGRAM PERSPECTIVE



Ag Program Perspective

- ▶ Tips, Suggestions & Reminders
 - When to address ECAs
 - What to submit to the Ag Program
 - Deadline extension requests
 - Importance of nutrient management plans (NMPs)
 - Final 2015 reminders
 - New Annual Report format
- ▶ Last Chance Feedback



When to Address ECAs

- ✓ Use the Post-Inspection Summary to get a head start
- ✓ Start with the easy stuff: inspections, recordkeeping, etc.

 **COLORADO**
Department of Public Health & Environment
Dedicated to protecting and improving the health and environment of the people of Colorado

Environmental Agriculture Program - Post Inspection Summary Report

Facility Name: _____ Inspection Date: _____
Inspector: _____ Ag Program Contact: _____

Facility Documentation:

- Registration _____
- Liner Certifications _____
- Inspection Logs _____
- SOP _____
- O&M Procedures _____
- NWP/FWP _____
- Other _____

Production Area:

- Impoundments _____
- Depth Markers _____
- Conveyances _____
- Diversions _____
- Ponding _____
- Manure Storage _____
- Mortality Mgmt. _____
- Other _____

Land Application:

- Rate Determination _____
- 3rd Party Transfers _____
- Equipment Inspections _____
- Sampling/Nutrient Analysis _____
- Setbacks _____
- Application Records _____
- Other _____

Please note - This is not a compliance document. Items noted may not represent all of the compliance issues documented at your facility today. This form is informational only and is designed to expedite the facility's resolution of any potential corrective actions. Please refer to the final inspection report for a complete list of expected corrective actions that require your attention. The final report will be issued within 30 days of the inspection.



When to Address ECAs

Inspection records are a requirement of the ELGs!

- ▶ Typically a relatively easy item to start working on (not like building a new pond)
- ▶ We like to see copies of inspection records included with ECA responses



What to submit to the Ag Program



What to submit to the Ag Program

- ▶ Submit corrective action responses within 120 days of an inspection (CAFOs) or 45 days (HCSFOs)
- ▶ Use the Post-Inspection Summary to get started



What to submit to the Ag Program

Should include:

- ✓ Supporting documentation (copies of SOPs, liner certifications, etc)
- ✓ Completed inspection log copies
- ✓ Photos



What to submit to the Ag Program

- ▶ An inadequate response:
 - Explains what will be done
 - Does not include documentation showing that violations have been corrected
- ▶ A wrong address, or mailing to the Water Quality Control Division can delay submittals
 - **The Ag Program's address has changed!**



Ag Program's New Address

Environmental Agriculture Program

DEHS - A2

4300 Cherry Creek Drive South

Denver, CO 80246



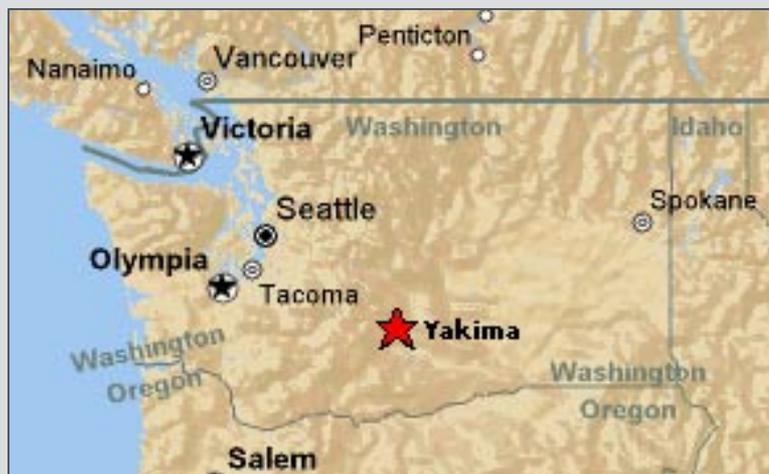
Deadlines and Extension Requests

- ▶ The Ag Program grants reasonable deadline extensions whenever possible
- ▶ Plan Ahead!
 - Be realistic, thorough, and proactive
 - Its cold in the winter...snow falls...ponds freeze...
 - Don't wait until the due date to request an extension



Following your Nutrient Management Plan

- ▶ Community Association for the Restoration of the Environment, Inc. (CARE) vs. Cow Palace, LLC



What can happen if you don't!

CARE vs Cow Palace, LLC

- ▶ Ruling issued January 14, 2015
- ▶ 11,000 head dairy in Washington
- ▶ Elevated nitrates in groundwater
- ▶ Alleged that the farm's manure storage and management practices constituted the disposal of solid wastes and created an "imminent and substantial endangerment"



CARE vs Cow Palace, LLC

Findings

- ▶ Farm did not adequately follow their NMP:
 - Insufficient manure and soil sampling
 - Lab analysis not used in determining application rates
 - Failed to included nutrient credits from prior applications
 - Failed to consider actual crop yields



CARE vs Cow Palace, LLC

Findings

- ▶ Manure/wastewater storage facilities were not designed according to NRCS standards
- ▶ Seepage from impoundments resulted in excessive nitrate accumulation in soil



CARE vs Cow Palace, LLC

Findings

- ▶ Ruling found that manure and/or wastewater that is leaked or applied in excessive amounts is considered:
 - “Discarded material”; and,
 - Is subject to the Resource Conservation and Recovery Act (RCRA) solid waste requirements



CARE vs Cow Palace, LLC

Findings

- ▶ Cow Palace manure management violated the open dumping provision of the RCRA
- ▶ RCRA requires violators to stop polluting and remediate contamination
- ▶ Four additional dairies are facing suits from environmental groups for similar violations



CARE vs Cow Palace, LLC

Take home message...

**FOLLOW YOUR NUTRIENT
MANAGEMENT PLAN and KEEP
GOOD RECORDS!**

IMPORTANT NOTICE



New CAFO Annual Report Format

- ▶ Increased functionality
- ▶ Easier to use
- ▶ Whole farm summary for land app
- ▶ Based on cropping year
- ▶ Available on Ag Program website



Final 2015 Reminders

- ▶ HCSFO QMRs: April 30, 2015
- ▶ FY16 Billing: July 2015
- ▶ HCSFO Annual Air Reports: February 15, 2015
- ▶ CAFO Annual Reports: March 31, 2015



Ag Program

JEEPARDY!

What instrument did Karl Mauch play with the Colorado State University Marching Band?

Answer: What is a sousaphone?



Stakeholder Feedback...

