



Pesticides Stakeholder Group

Steve Carpenter

Representative for: City of Lakewood (Individual)

Phone: 720-963-5244

Email: stecar@lakewood.org

Each number (from 1-5) next to a question denotes that person's level of agreement with that question. One denoted that they strongly disagreed and choosing five denoted they strongly agreed with the question. If there was no number, the person did not answer that question.

FEE CONCEPTS

Did you attend the pesticides workgroup meetings?: Yes

WORK GROUP RECOMMENDATIONS

Each workgroup created a list of recommendations to share with the full stakeholder group.

The program should continue to exist and the current level of one FTE is appropriate.: 3

Don't bill the for-hire applicator.: 4

Any fee assessed should be effective no earlier than January 2016 and aligned with annual reporting timelines: 5

Only assess a fee on decision makers who are reporting entities.: 2

Come back to the table in three years or after the EPA issues their new permit, whichever comes first. In the meantime, the division can implement a fee of \$275 for reporting entities which is reflective of approximately 13% of the total program cost.: 3

No action, keep general fund and program status quo.: 3

Recommendation Comments:

It is a little troublesome that decision makers are bearing the brunt of the fee structure. The assumption would be that is due to volume, or potential volume, of applications. An applicator that does not meet the thresholds for a decision maker can potentially do more damage by improper application than a decision maker that knows what they are doing and is using licensed applicators to perform the work. I am not sure how that inequity gets addressed, or even if it can, but the approach seems to be one of simplicity. Decision makers are easier to track down and identify.

This was brought up during the meeting with the department of agriculture and the pesticide licensing requirements, with the point being this is a little redundant. Understood that it is required by EPA but I would hope that at the state level someone would work to consolidate the information, reporting requirements, and fees into one area.

POLICY CONSIDERATIONS FOR OVERALL SUCCESS

Statute v. Commission

There are a number of considerations when assessing the roles of the Water Quality Control Commission and statutory authority. A different solution may be appropriate for each sector.

Fees established by the Water Quality Control Commission.: 3

Fees established in statute with a statutory cap and periodic adjustment made as necessary by the Water Quality Control Commission.: 1

Fees in statute with an inflation clause.: 1

Fees in statute without an adjustment for inflation, (current model).: 1

Other Comments:

The commission should have the most flexibility in determining fees over time where by statute it would likely be much more rigid. I am not convinced the WQCC is positioned well enough to accurately assess a fee structure, but am sure

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however it would be done would be an improvement over anything that was legislated.

General Fund

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Everyone gets some general fund but it should largely go to governmental entities.: 2

Everyone gets equal distribution based on a percentage. 3

Everyone gets equal distribution based on another to be determined factor. 4

No one gets general fund as it should be a completely cash funded program. 1

Only small public and private entities get general fund. 1

Allocate general fund to program areas or permit activities with small numbers of permittees to keep fees reasonable.: 2

General Fund Comments:

General Fund allocation should be somehow equitably distributed to the program.

Lastly, we would like you to rate your experience for the overall process - small workgroups, large group meetings, etc. 6 on a scale of 1 to 10 where 1 = extremely negative and 10 = extremely positive.

Final Comments:

Could not be avoided I am sure by the nature of the topic and the diverse entities participating, but too much time was spent at the meetings I attended backtracking to bring people up to date on previously discussed or covered material. My time is as important as anyone else's and this topic was important enough to my organization that I arranged my schedule to attend. Would have been nice if other participants viewed it the same way.

The pesticide group is the only one I had any involvement with. As an aside and observation, I would hope someone looked at the impacts of chemicals placed on roads by CDOT, counties, and municipalities in metropolitan areas. Although nothing used is considered a "pesticide", although winter snow can be a bit of a pest, I find it hard to believe that the quantities of chemicals added to waters of the state or U.S. by snow removal operations are not having a significant adverse effect on water quality all over the state. When you compare miles of highways and streets with miles of shore or ditches, my guess would be the latter is a much smaller number. That would lead one to believe that the state should be at least as concerned with snow removal operations and its impacts on water quality as they are with what I think is generally already a somewhat regulated operation.

Hats off to John Nieland who I thought did a great job helping facilitate meetings, exhibiting patience, and trying to work toward a program that was effective and workable for the groups participating.

Jonathan Rife

Representative for: Douglas County Public Works Operations - Noxious Weed Control (Individual)

Phone: 303-660-7480
Email: jrife@douglas.co.us

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Come back to the table in three years or after the EPA issues their new permit, whichever comes first. In the meantime, the division can implement a fee of \$275 for reporting entities which is reflective of approximately 13% of the total program cost.: 1

No action, keep general fund and program status quo.: 5

Recommendation Comments:

While it seems that we all have a part in this, it is completely unfair to say that those that are reporting agencies have to cough up a fee while the rest of the industry does not.

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Other Comments:

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Lastly, we would like you to rate your experience for the overall process - small workgroups, large group meetings, etc. 7 on a scale of 1 to 10 where 1 = extremely negative and 10 = extremely positive.

FinalComments:

Jessica Freeman

Representative for: Colorado Agricultural Aviation Association, Inc.
(Group)

Phone: 970-217-5293
Email: coagav@gmail.com

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No action, keep general fund and program status quo.: 3

Recommendation Comments:

Number 4 is somewhat vague. Please clarify what the reporting entity is. For hire applicators are required to report on NPDES permits. We would like to make sure the reporting entity definition clarifies that we are not billing the for hire applicator.

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FinalComments:

Carl Larson

Representative for: CAAA; Aurora Water; Waste Management (Group)

Phone: 970-302-4315

Email: clarson@ccrcolorado.com

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General Fund Comments:

Funding for the Clean Water Program should be split as evenly as practical between Cash Funds and General Funds excluding the Federal Funds portion. The fees should be fixed for a 3 year period with a review and adjustments if necessary.

Carl Larson

Representative for: CAAA; Aurora Water; Waste Management (Group)

Phone: 970-302-4315

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FinalComments:

Kenneth Curtis

Representative for: DWCD (Individual)

Phone: 970-882-2164 x5

Email: kcurtis@frontier.net

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Recommendation Comments:

I attended some meetings by phone, not 100% attendance and difficult to follow from across the state.

I agree with the group conclusions to focus on decision makers and be proactive in some permit fees for minimal FTE & service. I also agree that program & permits are too new to clearly make long term decisions and re-visiting down the road will be important.

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Other Comments:

Legislature has to stay involved, but can give some discretion to WQCC.

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General Fund Comments:

This is a difficult question for those new to the program, like Pesticides. Small entities may not have as much experience with these issues. I agree with principles of fairness and even distributions.

Lastly, we would like you to rate your experience for the overall process - small workgroups, large group meetings, etc. 6 on a scale of 1 to 10 where 1 = extremely negative and 10 = extremely positive.

Final Comments:

Was not very convenient for those outside of Denver. I'm not sure how far the outreach made to all affected parties.

I thought the sub groups worked well as opposed to all full groups.

The graphic back up information was helpful, but entering process recently (Pesticide) some more detail would have been welcome. Chasing old minutes & recordings not easy for small entities.

Meetings on West Slope would have been welcome.

William Hammerich

Representative for: Colorado Livestock Association (Group)

Phone: 970 378 0500

Email:

bhammerich@coloradolivestock.org

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Recommendation Comments:

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General Fund Comments:

I think all programs that are operated, to some degree, for the public good should receive general fund support.

William Hammerich

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FinalComments:

Specifically related to the Pesticides Work GroupI thought it was a very good process. Will organized and conducive to candid and open discussion.

Sandra McDonald

Representative for: Rocky Mountain Agribusiness Association (Group)
Employed by: Mountain West Pesticide Education & Safety Training

Phone: 970-266-9573
Email: sandra@mountainwestpest.com

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FinalComments:

Sean Lieske

Representative for: City of Aurora (Individual)

Phone: 720-859-4411

Email: slieske@auroragov.org

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Recommendation Comments:

The City of Aurora Water Department supports the work of the Water Quality Control Division (WQCD) and your efforts to work with stakeholders to identify sustainable and equitable measures to fund Division activities. Our comments will primarily focus on the current level FTE and funding.

The August 4, 2014 WQCD Water Fee Structure hand out, under current process information lists the average projected hours/activity. Assuming that there are 100 decision makers and that each of those decision makers will be submitting an annual report the following hours have been calculated. 200 hours for general permit drafting, 40 hours for program review, 0.5 hours for certificate issuance assuming 100 certificates= 50 hours, 122 hours for audits, annual report review 1.6 hours at 100 permittees = 160 hours and 26 hours for a grand total of 598 hours. If one FTE equals 2080 hours, this leaves a remainder of 1482 hours for compliance assistance which isn't well defined within the current proposal. Therefore, the current level of one FTE would be more than adequate to implement the existing program.

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Other Comments:

The fee structure should remain in State Statute in an effort to maintain transparency for both public/private entities.

Sean Lieske

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Shelley Stanley

Representative for: City of Northglenn (Individual)

Phone: 3034504067

Email: sstanley@northglenn.org

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Recommendation Comments:

The City of Northglenn is neutral on several of the recommendations as the goals are not clearly defined. The only outcome from implementing this program appears to be an expansion of the data universe of agencies applying pesticides to or in Waters of the State. While this is a step towards understanding the who is applying, where chemicals are being applied, as well as the type and aerial extent of pesticides applied. no concrete protections to water quality are identified. Northglenn would prefer that a program be developed that has clear goals with an accompanying timeline with milestones. Other than the potential to educate applicators on BMP's that are protective of water quality, no other services or actions protective of water quality have been identified. Rather than create another layer of bureaucracy, would it be possible to incorporate the proposed program into the existing certification program administered under the Department of Agriculture?

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Other Comments:

Northglenn agrees that allowing adjustment for inflation is necessary if the program is to remain sustainable however, adjustments should not be based on a standard percentage rate. Of the options outlined above, option #3 is the most palatable to Northglenn. The proposed Bill language should incorporate a rational or process to determine the need for and amount of the adjustment.

Shelley Stanley

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No one gets general fund as it should be a completely cash funded program. 1

Only small public and private entities get general fund. 1

Allocate general fund to program areas or permit activities with small numbers of permits to keep fees reasonable.: 1

General Fund Comments:

Which ever distribution method is ultimately chosen must ensure that general fund monies can continue to be allocated to the Clean Water Act Programs.

Lastly, we would like you to rate your experience for the overall process - small workgroups, large group meetings, etc. on a scale of 1 to 10 where 1 = extremely negative and 10 = extremely positive.

FinalComments: